

Reform Rights Changes Accountability
 Responsibility **LAW** **INITIATIVE** **FREEDOM**
INVESTIGATION **OPENNESS** **RIGHTS**
 Solidarity **RIGHT TO LIFE** Integrity
BENEFICIARY **FAIRNESS** Transparency
 Initiative **ADVOCACY** **CAMPAIGN**
ACCOUNTABILITY **REACTION** **PREVENTION** **REFORM** Prevention
 Constitution **EQUALITY** STATE **BENEFICIARY** **OPENNESS**
RIGHTS **TRANSPARENCY** **SOLIDARITY** **FAIRNESS** **PREVENTION** **RIGHTS** Rule of law
 Investigation **LAW** **BENEFICIARY** **PROTECTION**
JUSTICE **LITIGATION** **CHANGES** **Court**
PROTECTION **AUTHORITIES** **INDEPENDENCE**
CHANGES **TRANSPARENCY** Beneficiary
CITIZEN **Society** **RESPONSIBILITY**
PREVENTION **Law** **ACCOUNTABILITY**
COURT **CONSTITUTION**
 Right to life **PREVENTION**
EQUALITY **Advocacy**
MONITORING **PRESUMPTION**
 Presumption **LAW**



2017
 ANNUAL REPORT

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Design: Teona Kereselidze

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TRANSPARENCY

REFORM

Prevention

STATE

RIGHTS

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Rule of law

Investigation

Court

CHANGES

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RESPONSIBILITY

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Law

ACCOUNTABILITY

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Right to life

PREVENTION

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Advocacy

JUSTICE

CONSTITUTION



2017

ANNUAL REPORT

PRESUMPTION

RIGHTS



Kingdom of the Netherlands

EAST • WEST
MANAGEMENT
INSTITUTE

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საქართველოში (PROLoG)

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EUROPEAN HUMAN RIGHTS ADVOCACY CENTRE

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The European Union for Georgia



British Embassy
Tbilisi



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SWEDEN



EQUAL RIGHTS TRUST

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Dear GYLA team, friends and supporters:

It is my honor to address you in my capacity as GYLA Chairperson for the third time.

These past three years have been especially interesting, difficult and rewarding both in terms of challenges as well as novelties and accomplishments.

With regards to protecting human rights and the rule of law, a number of challenges were evident and continue to persist in the country despite the positive strides made in some areas. Of note are the constitutional majority in Parliament, the weak practice and tradition of executive control and lack of respect for human rights in state institutions or among general public.

Throughout this time, whenever human rights and the rule of law were jeopardized, the

GYLA team including myself tried to be in the epicenter of developments and to protect, help, change, stop the regress and promote progress. Sometimes we succeeded, other times we did not, however, every attempt required significant effort, responsibility, professionalism, endurance and courage on our end and I am proud that regardless of difficulties, we were able to stay true to these principles.

The most notable of the efforts that we made in the past three years are fighting against challenges that exist in the area of judicial independence and our work for establishing accountability in the law enforcement, fighting to maintain critical and pluralist media environment, leading two election monitoring missions for national elections, numerous steps taken by the organization to protect women

and vulnerable groups of the society and initiatives benefitting these groups, as well as accelerating the process of reforming the Code of Administrative Offences.

Speaking before the ICC Assembly of State Parties to request launch of the investigation into the August War, delivering a written statement before the U.S. Congress about the state of Georgian civil society and Russia's influence, speaking before the NATO Parliamentary Assembly about challenges in the field of justice in Georgia, delivering remarks at conferences organized by the European Parliament about implementation of Georgia's commitments under the Association Agreement (AA), serving as a member of the State Constitution Commission, serving as a member of the Commission for Selection of Candidates for the Position of the Judge of the European Court of Human Rights to be selected from Georgia, serving as a chair of the Coalition for Transparent and Independent Judiciary for two consecutive years, serving as a chair of the Coalition for Equality – this is an incomplete list of all important forums where I had the honor to represent Georgia, the Georgian Young Lawyers' Association or Georgian civil society in general, in addition to more than 1200 working or high-level meetings, relationship with high-level government officials, partner organizations, in-person meetings with ordinary citizens, delivering presentations at over 50 public events organized by GYLA or others, more than 5700 interviews and comments for media, working to attract new donors and partners and maintain existing relationships, etc.

The accomplishments are the result of our teamwork and I thank each and every one of you,

highly professional and committed members of GYLA, for this.

In the past three years, we walked a challenging road numerous times and I am delighted that the organization has maintained and reinforced its leading position, public trust and affection, and respect at the national as well as international level. For instance, according to the most recent study of the UN, GYLA's legal aid is the most widely recognized and highly demanded legal aid in Georgia.

However, in addition to accomplishments and strengths GYLA is also facing important challenges. Organizational evaluation performed by two different teams of experts identified the need of changes. During the reporting period, we performed works with participation of experts and laid ground for these changes. I hope that our work in this area will become more intensive next year, the desire of renewal will be reflected in important decisions and the process of introducing changes in practice will commence.

Among other changes that the organization carried out this year as part of the new public relations approach, it is my pleasure to present to you our new annual report that has undergone substantial conceptual and visual changes. Although the new report covers plethora of information, just like its predecessors, it still barely encompasses the tremendous work that the organization has conducted throughout last year and reflects the challenges that we faced. I believe that readers will find it interesting to familiarize with detailed account of our activities and outcomes in yet another successful year.

In addition to the past performance, the report also showcases the tremendous potential that the organization already has. It is my firm belief that the potential will be translated into more outcomes with internal reforms and institutional empowerment of the organization. GYLA is currently facing an important task: it needs to critically understand its own experience and the role that it plays in the Georgian state setting, to not be afraid of novelties and reforms and to continue working in the area of human rights and the rule of law as the organization renews itself.

It was a tremendous experience and honor for me to serve as a leader of one of the most authoritative organization in Georgia, distinguished by its high level of professionalism. I would like to wish you greater and more important accomplishments for the prosperity of our nation.

Sincerely,

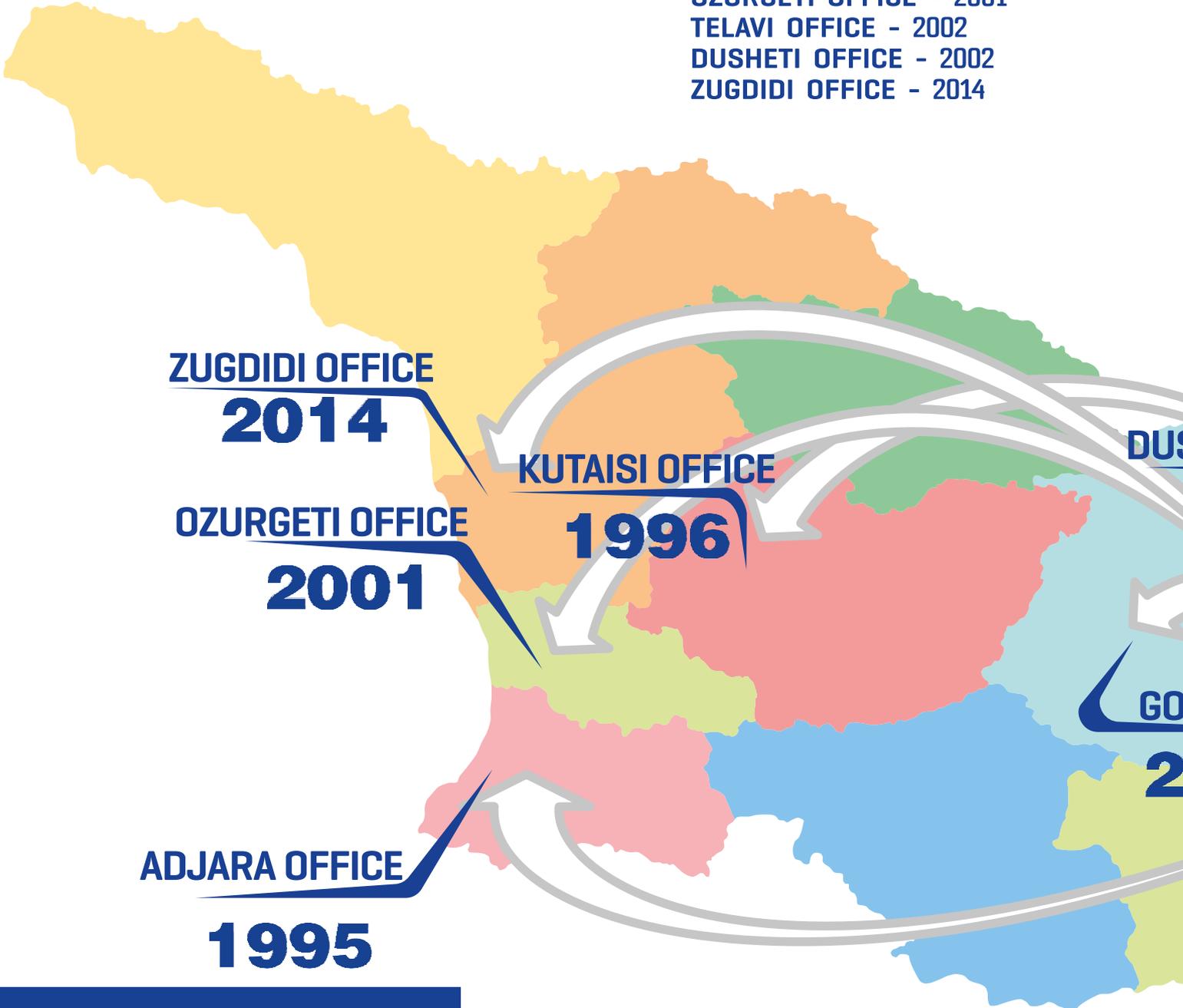
Ana Natsvlishvili

Chairperson of the Georgian Young Lawyers Association



OFFICES OF GYLA

- TBILISI OFFICE - 1994
- ADJARA OFFICE - 1995
- RUSTAVI OFFICE - 1995
- KUTAISI OFFICE - 1996
- GORI OFFICE - 2000
- OZURGETI OFFICE - 2001
- TELAVI OFFICE - 2002
- DUSHETI OFFICE - 2002
- ZUGDIDI OFFICE - 2014



ADJARA OFFICE
1995

ZUGDIDI OFFICE
2014

OZURGETI OFFICE
2001

KUTAISI OFFICE
1996

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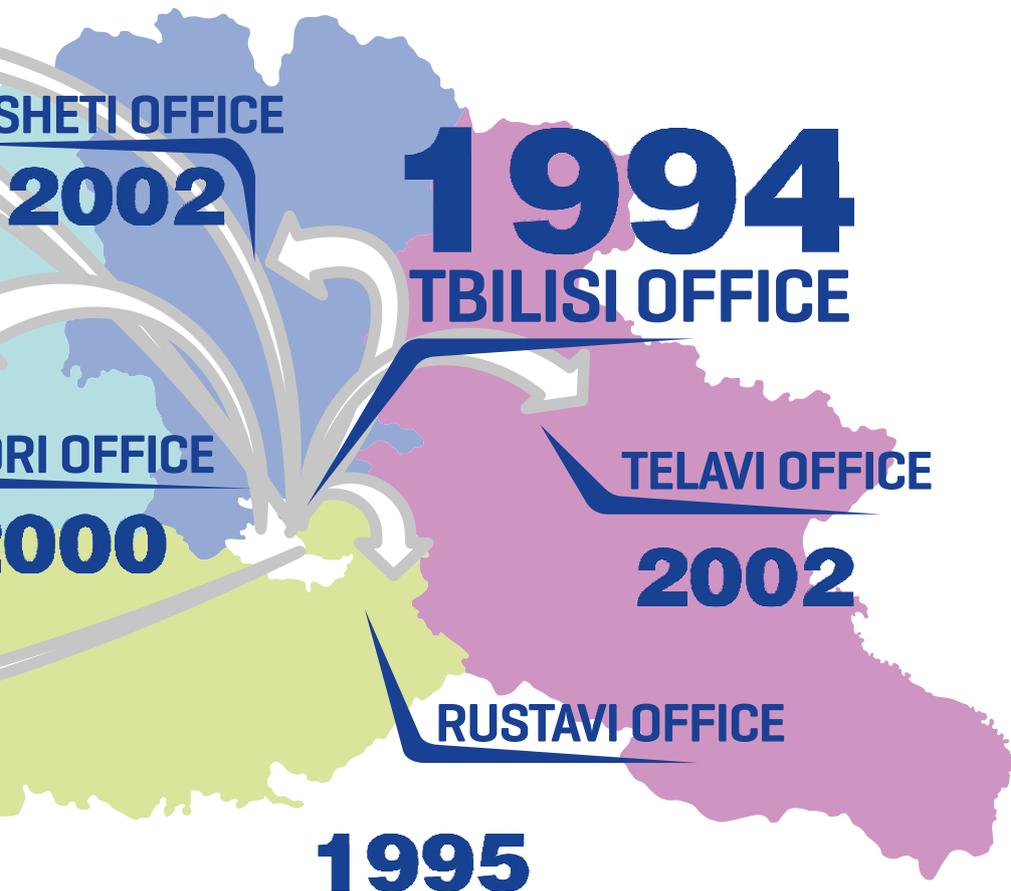
MISSION STATEMENT OF THE GEORGIAN YOUNG LAWYERS' ASSOCIATION

On 30 November 2014, the General Assembly of the Georgian Young Lawyers' Association adopted the Strategy and Action Plan 2015-2019. According to the document the organization will continue working to accomplish its founding goals and strategic objectives.

Based on the Charter and the long-standing tradition, we present to you the Annual Report 2017 of activities implemented by GYLA offices in Tbilisi and in 8 regions of Georgia (the report covers the period of 1 November 2016 - 1 November 2017).

OUR MOTTO:

RULE OF LAW FOR JUSTICE



ABOUT US



We have worked in partnership with GYLA for more than ten years, taking cases together to the European Court of Human Rights. Their lawyers are courageous, feisty and creative. A model of professionalism, GYLA continues to play a vital role in providing access to justice and upholding fundamental rights.

Philip Leach - Haed of EHRAC

The first time I learned about the work of the Georgian Young Lawyers' Association was during Zugdidi University open house. Participants of the event included students who aspired to get an internship at GYLA. That day completely changed my life. Luckily I was among the nineteen people who were given an opportunity to become members of 'GYLA family'.

After finishing my internship, I participated in local and national tournaments of a debate-club organized by GYLA's Foundation for the Support of Legal Education. I was a voluntary lecturer at the Sunday school and an active participant of other activities of GYLA Zugdidi Office.

I have been working at GYLA for three years already. When I joined GYLA I didn't have a working experience or adequate communication skills. Not only did GYLA gave me an opportunity to grow professionally but it also taught me how to communicate with people, how to be an individual or a team worker, it gave me analytical thinking skills, skills of using human and material resources in an adequate manner, effective time management and project management skills, how to organize/hold an event, trainings and public meetings, etc.

GYLA is not only a job but also a home where people who I am close with are waiting for me every day. #ILoveGYLA

Mariam Gorozia - GYLA Office in Zugdidi

When the Local Democracy Agency - Georgia was formed in 2006, support of strong, credible and authoritative civil society organizations was very important. Georgian Young Lawyers' Association was among our early supporters and we still continue to be partners. We have successfully implemented a number of joint projects that brought about positive results in national as well as municipal policies.

Support of organizations like GYLA whose values are always within the confines of the rule of law and democratic principles is very important for civil society, especially in the regions. Partnership with GYLA is a bright light for credibility, effective relationship with donors and organizational capacity building.

Growing number of NGOs and development of leaders is a positive trend, but at the same time it is important to cooperate with an experienced organization that enjoys a high level of public trust and has a positive impact on development of civil society in the regions.

Nino Khukhua - Local Democracy Agency

Georgia's civil society is vibrant, with a good number of professional, influential and idealistic actors. These three words can be easily applied to GYLA. One of the first civil society actors in Georgia, for years GYLA has been tailoring its work to the developments of the country, being both pro-active and re-active in their response to democratic, human rights and governance challenges. I am impressed by how GYLA has managed to maintain its neutral reputation regardless the fact that their founders, former members or management can be found in the broadest spectrum of Georgian political parties and state institutions.

Our direct cooperation with GYLA is as diverse as their own portfolio: in 2016 only, we have supported their activities in public procurement, in monitoring of Parliamentary elections and in elimination of domestic and gender-based violence. Next to being excellent implementing partners, I am also grateful to GYLA for continuously bringing us up to date on actualities and their political implications.

I congratulate GYLA with a productive year, and wish them many more successes. Not forgetting to take good care of themselves, too.

Jos Douma – Ambassador of Netherlands
in Tbilisi, Georgia

My relationship with GYLA started in 2007. When I was in school, as I was getting ready for tournaments in a debate-club I learned that there was an organization that provided free legal consultation. That was the first time I opened the door of GYLA's office and a few years later I still continue to do it, as I haven't stopped going to GYLA office ever since.

I was a sophomore student when I participated in GYLA's monitoring mission for the 2012 parliamentary elections. Following the elections, I was hired as an intern after I went through a selection process. In 2013-2014, I served as an election campaign monitor while also leading the debate-club of GYLA Rustavi Office and the Sunday school. I have been serving as a lawyer and election project analyst at GYLA Rustavi Office since 2016. Being a member of GYLA team is exciting and it also comes with very important responsibilities. Working at GYLA gave me self-confidence, allowed me to help numerous beneficiaries, protect rights of voters and make my own contribution, however small it may be, to the democratic development of my country. Today GYLA is an organization that holds the biggest place in my life.

Gvantsa Sakanelashvili - GYLA Rustavi Office

Georgia Young Lawyers Association (GYLA) is a long-standing partner of National Democratic Institute. Throughout our years of cooperation we have valued immensely the crucial role the organization plays in strengthening the state of democracy in Georgia. Their insightful analyses and recommendations on ongoing reforms and political processes have fostered transparency and accountability of state institutions, as well as citizens' active participation in decision making processes. Over the past years GYLA has made invaluable contributions to the protection of human rights, improving the lives of marginalized groups and addressing inequalities. It has contributed significantly to ensuring electoral integrity and promoting public confidence in elections through nonpartisan monitoring efforts. Our own observation missions have relied on and reflected the findings of GYLA. We very much look forward to continuing our cooperation as we believe that GYLA's work represents a cornerstone for country's steady democratic development and sustainable progress.

Laura L. Thornton - Global Associate/Senior Director

The National Democratic Institute (NDI)



Civil movement 'Guerrilla Gardening in Tbilisi' was founded in 2013. Since then, GYLA has been standing on our side as our defender and mentor. Representatives of GYLA served as our attorneys during numerous trials, protecting from unfair actions taken against us. Every active guerrilla gardener knows that s/he can call a representative of GYLA any day or night and receive assistance and advice that s/he needs. This is true not only for guerrilla gardeners but also for our fellow-activists in different areas.

I can say without exaggeration that had it not been for GYLA, development and empowerment of the fledgling and feeble civil activism would have been impossible.

Nata Peridze- Civil Movement
"Guerrilla Gardening in Tbilisi"

After I was admitted to a school of law, I became an active student. I kept hearing about cases litigated by the Georgian Young Lawyers' Association and I wanted to become a member of their large family. In 2016, I began an eight-month internship program at GYLA, which greatly contributed to my professional development. At GYLA I found a group of professionals who were collegial and friendly. After finishing the internship program, I participated in GYLA's monitoring mission for the 2016 parliamentary elections. My next step at GYLA is related to the period that I cherish the most – the Sunday school program. Within the program I delivered legal trainings for students. This was an especially important experience and the biggest motivation that I received from the energy of students.

Currently I serve as a long-term observer of GYLA. I learn new information and acquire further practical or theoretical knowledge each day that I spent at the organization. GYLA has become an integral part of myself that helps me with my professional growth and development.

Lasha Khutsishvili - GYLA Rustavi Office



CONSTITUTIONAL REFORM

In December 2016 the government launched the Constitutional reform with a declared goal of ***bringing the Constitution in full compliance with fundamental principles of the constitutional law and creating a constitutional system that serves the interests of a long-term democratic development of the country.***



The State Constitutional Commission (SCC) was composed of: Chair of the Parliament of Georgia (the SCC Chair), members of parliamentary majority, parliamentary and non-parliamentary opposition, representatives of constitutional bodies, expert communities and non-governmental organizations, including GYLA Chairperson Ana Natsvlishvili. After the president was denied co-chairmanship, his representatives refused to participate in the work of the Commission.

The Commission mostly operated in the format of working groups (a total of four). GYLA served as a member of the following two: the working group on basic human rights and freedoms, the judiciary, and the Preamble and general as well as transitional provisions of the Constitution of Georgia; and the working group on issues related to the Parliament of Georgia, finances and control, and revision of the Constitution of Georgia.

The process of working on the Constitution was flawed in a number of ways, more specifically:

Limited timeframe: the SCC was provided with a period of four months to prepare the constitutional amendments, which was considered as insufficient for adequate revision of the Constitution. Consideration of the draft took place in a forcible manner within the parliamentary format; NGOs raised strong criticism about it.

Composition: the SCC was mainly composed of representatives of the legal field, which greatly undermined depth of discussions within the SCC in the process of revision of the Constitution in a number of fields.

Consideration of issues and making of decisions: the Statute of the SCC did not provide any regulations about consideration of issues and decision-making within working groups, which also remained ambiguous in practice.

Openness and transparency: the work of the SCC seemed open and accessible both for SCC members as well as public at large. Any

interested individual could present his/her views about the existing text of the Constitution but the practice of further consideration of these views was a problem. The Commission did not honor its obligation to publish working group minutes neither during nor after the period of its operation. Meetings of the SCC and the working groups were closed for media.

Several crucial issues raised within the constitutional reform proved to be highly controversial, including the electoral system, the presidential election, definition of marriage in the Constitution as a union between a woman and a man, regulations concerning land ownership.

The representatives of the opposition parties protested by refusing to participate in the final stages of the SCC operation, saying that their involvement in the Commission had no impact on contents of the document and especially the electoral system.

Despite negative aspects of the Draft Revised Constitution, GYLA as a member of the SCC continued to participate in discussions about constitutional amendments through the end.

During the final session of the SCC, on 22 April 2017, the final document was put to vote both partially (different chapters and/or articles) and as an entire document. The entire document was approved by 43 votes, 8 members of the SCC voted against it. The Draft

Revised Constitution was not supported by the Ombudsman, representatives of NGOs and expert communities including Chairperson of GYLA Ana Natsvlishvili.

GYLA continued to advocate issues overlooked by the SCC within the committee-hearing format, the manner of which was rather forced but recommendations of the organization were disregarded once again. GYLA representatives also participated in public discussions about the Draft Revised Constitution in regions. The process made it clear that unfortunately, the poor practice of holding public discussions purely as a formality and without the aim of hearing public opinion, established over the past few years, also continued in 2017.

One of the most important actors in the process of working on the constitutional reform was the Venice Commission that supplied the authorities with recommendations. GYLA cooperated intensively with the Commission and provided it with numerous opinions about a range of crucial issues. Further, GYLA Chairperson met with the Commission representatives a number of times. Initially the government made a promise to take into account all recommendations of the Commission but unfortunately, it did not happen. Due to the lack of consensus, irregularities in the process including the manner in which the government dealt with the Commission, the Chairman of the Venice Commission publicly announced about his disappointment.

Unfortunately, a broad public consensus could not be achieved about the new Constitution and the political consensus and the entire process took place amid stark confrontation and growing political polarization. After Parliament adopted the new Constitution with third reading, the President exercised his power of

veto and sent the draft back to Parliament along with his motivated objections but the legislature overrode the veto.

Soon after adoption of the new Constitution, the government initiated a draft of several new amendments to the Constitution, yet another proof that the process of revision of the Constitution was problematic and hasty.

The Draft Revised Constitution supported by the SCC and Parliament following deliberations reflected some of the opinions presented by GYLA, the most notable of which are:

- *Defining Euro-Atlantic integration as Georgia's foreign policy priority;*
- *Providing non-exhaustive definition of prohibited discrimination grounds in corresponding Article;*
- *Moving from formal equality to the model of substantive equality;*
- *Determining that the Prosecutor's Office is independent from the executive branch;*
- *Defining the criteria for selection of judges in the Constitution;*
- *Defining that the primary function of the High Council of Justice (HCoJ) is to ensure independence of the judiciary;*
- *Abolishing the existing mixed electoral system and moving to proportional electoral system in 2024.*

However, despite numerous efforts made by the organization, ***the SCC approved the final Draft Revised Constitution without considering a number of initiatives put forward by GYLA***, including recommendations about:

- *creating an mechanism for effective protection of labor rights;*
- *creating an independent investigative mechanism;*
- *not introducing the definition of marriage in the Constitution;*
- *establishing guarantees for realization of economic and social rights;*
- *abolishing the three-year probationary term for judges;*
- *keeping direct election of the president, and more.*

FREE AND FAIR ELECTIONS: CHALLENGES IN THE LEGISLATIVE FRAMEWORK AND PRACTICE

The Government of Georgia maintained the mixed electoral system in 2017 for the parliamentary elections.

The most problematic issue in the system is the disproportion between votes and mandates received by a party. There is also a risk of lost votes. For these reasons, the electoral system has been criticized on numerous occasions by international as well as local non-governmental organizations.

Changes made in the legislative framework throughout the year not only failed to address the existing flaws but it also left the idea of free and fair elections facing new challenges. Despite numerous calls for investigation, the authorities failed to launch a comprehensive and effective probe into incidents that took place on the Election Day and during the pre-election period in 2016, including acts of violence.

During the reporting period, GYLA continued to actively advocate improvement of the electoral legislation as well as to monitor election processes and identify problems. The organization used a combination of legal methods and awareness raising campaigns to overcome these challenges.



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THE ELECTORAL SYSTEM REFORM HAS BEEN POSTPONED ONCE AGAIN

Shortly after the 2016 parliamentary elections, the government started working on the constitutional reform. The Georgian Dream pledged to change the electoral system by 2020 and improve its fairness.

GYLA was directly involved in the work of the State Constitutional Commission. The electoral system reform was a critical issue for the civil society as well as for all political parties. Even before the launch of the constitutional reform, political parties and NGOs had reached an unprecedentedly broad consensus about the electoral system and particularly about abolishing the majoritarian electoral system and moving to a proportional one, which had also been supported by international organizations for many years.

Following a four-month long operation of the SCC, the ruling party unveiled a new model of the electoral system. The draft offered abolishment of the mixed electoral system and introduction of a proportional system for election of parliament, which certainly was a commendable decision. However, the issue of distribution of mandates became controversial. The Draft Revised Constitution offered to introduce an unlimited bonus for a party that garnered most votes in the election. This would have allowed a single party to claim all undistributed mandates. This particular aspect of the electoral system was unfair and greatly undermined the positive impact of abolishment of the majoritarian system. Additionally, proposed abolishment of electoral blocs and keeping of 5% threshold meant that number of undistributed mandates would be high, and the “winner takes all” approach to these mandates undermined political pluralism and promoted concentration of power into the hands of a

single political force for a long period of time. It also proposed ***abolishment of direct election for the president and replacing it by a system of indirect election through Parliament.***

Eventually, the final draft adopted by the SCC during its last session was subjected to further modifications. The bonus system was abolished but against all expectations, recommendations of the Venice Commission and calls of civil society, and contrary to the initial version of the draft, the ruling party postponed moving to a proportional electoral system to 2024, citing lack of agreement within the team. As a result, the majoritarian electoral system continues to exist. Electoral blocs and the 3% threshold will be maintained for the parliamentary elections in 2020 - a transition period. Corresponding provision was included in the Constitution. The model of indirect election of the president will come into effect in 2023.

During the reporting period GYLA performed following activities to promote the electoral reform:

- Having the status of the SCC member, GYLA Chairperson and employees were actively involved in the process of constitutional reform within the SCC format; they also participated in public discussions and debates about the reform. GYLA spared no effort to promote constructive, all-encompassing and consensus-based process of the reform and outcome.
- GYLA submitted numerous recommendations to the SCC, including recommendations about the electoral system and election of the president. A number of times GYLA provided written opinions about the reform process and substance, both individually as well as with partner organizations.
- GYLA representatives participated in public discussions about the Draft Revised Constitution throughout the country.



- The organization was actively advocating before the Venice Commission. The Commission prepared its own findings and recommendations about the draft, during different stages of the revision process. GYLA Chairperson participated in Berlin Conference organized by the German Development Agency with participation of the authorities, opposition, civil society, Venice Commission and international experts for a two-day discussion of the Draft Revised Constitution.
- During the last session of the SCC, on April 22, GYLA Chairperson urged once more the ruling party and the SCC members not to approve the Constitution that was not based on a broad public and political consensus and failed to make any substantial improvements in the electoral system.
- During the last session of the SCC, in partnership with other NGOs and experts GYLA put forward alternative proposals that unlike the Draft Revised Constitution provided for a fair distribution of mandates including by

ensuring governmental stability, which was a primary argument used by the ruling party to justify their proposal. Unfortunately, the SCC did not support the alternative proposals.

ACTIVITIES OF GYLA FOR IMPROVING THE ELECTORAL LEGISLATION

A bill registered in Parliament on 5 June 2017 proposed new regulations for composition of electoral commissions along with other changes, with the aim of improving performance of the electoral administration as a stable institution; however, the new regulations were rather problematic both in terms of maintaining credibility of the electoral administration as well as providing equal electoral environment for political forces because it clearly served to reinforce positions of the ruling party in the electoral administration. The bill prepared by the ruling party MPs was set to be enacted after publishing of the local self-government election results.

Because the bill increased risks of politicization of the electoral administration, GYLA urged the Parliament of Georgia to vote down the proposed regulations.

GYLA submitted its opinion about the bill to the legislature and participated in committee deliberations about the draft law. Parliament approved the bill but the President of Georgia refused to sign it and sent it back to the legislature along with his motivated objections. The Parliament of Georgia was able to override the presidential veto.

The regulations about composition of electoral commissions need to be comprehensively revised. GYLA agrees that higher-level commissions should be staffed by professional members that are independent. This will increase trust towards the electoral administration. The normative base that regulates competition for selection of electoral commission members should be greatly improved in the transition period.

ACTIVITIES OF GYLA TO IMPROVE THE LEGISLATIVE FRAMEWORK FOR POLITICAL PARTY FINANCING

The 2016 parliamentary elections illustrated problems that exist in financing of political parties, mainly related to provision of state funding for parties. These problems should be addressed. More specifically, some components of the formula used to calculate state funding are ambiguous and flawed. Further, existing regulations provide wrong incentives for creating electoral blocs with the main purpose of getting hands on additional state funding and other undeserved benefits, which the Georgian Dream representatives argued was the primary reason for abolishing electoral blocs within the SCC. The principle of granting state funding for forming a faction is faulty because forming a parliamentary faction is an additional achievement for a party.

In light of the above, GYLA believes that the CEC provided wrong interpretation of the existing regulations due to their obscure nature, allowing a political party Industry Will Save Georgia to receive GEL 300,000 from the state budget even though it failed to pass the electoral threshold of 3% and was able to secure only a single majoritarian seat in Parliament. Therefore, throughout 2017 GYLA partnered with other NGOs that specialize in elections and prepared recommendations for eliminating major flaws that exist in political party financing.

The recommendations propose the following: maintaining electoral coalitions (party blocs); providing equal benefits to individual parties and electoral blocs that participate in elections; removing component H from the party financing formula in para.4 of Article 30 of the Law of Georgia on Political Association of Citizens” and making any other subsequent changes. According to these recommendations, an electoral subject should receive state funding in view of the most recent local and/or parliamentary election results. The so-called mixing of components will only be allowed if an electoral subject cleared the 3% threshold.

GYLA introduced the recommendations to political parties and on 13 January 2017, it officially submitted them to the Inter-Agency Coordination Council for Combating Corruption, along with other proposals about issues that should be reflected in the Anti-Corruption Strategy and Action Plan 2017-2018. Following numerous working meetings and thorough discussions, GYLA’s proposals about revision/improvement of regulations related to state funding for parties and bribing of voters were incorporated in the National Anti-Corruption Strategy and Action Plan 2017-2018.

GOING AGAINST SELF-GOVERNMENT IN THE NAME OF SELF-GOVERNMENT

One of the important conditions for democratic development of the country is effective governance. After Georgia declared its independence, similar to many other Post-Soviet countries the legal framework for local self-government was modified and improved. New regulations were introduced in the legislation about citizen participation and independence of self-governments in dealing with issues of local importance.

On 26 October 2004, the Parliament of Georgia ratified the European Charter of Local Self-Government adopted as an international agreement on 15 September 1985. By doing so, the state committed itself to the principles and responsibilities established by the Charter.

The new government that came into power following the 2012 parliamentary elections pledged to focus on reforming the local self-government as a priority, in order to develop decentralization and self-governance. The Government of Georgia designed the Basic Principles of the Strategy for Decentralization and Development of Self-Government for 2013-2014. The Strategy divided the reform process into several stages.

First stage of the reform was implementation of a range of legal, technical and organizational measures in 2013-2014, in order to fulfill objectives of the important phase of forming the new system in decentralization area before the 2014 local elections. The second stage that began following the elections focused on

planning of further development of the newly established system from institutional, financial/economic, efficient governance and democracy perspective.

During the first stage of the reform number of self-governing cities were increased and direct election of mayors/Gamgebelis was introduced. These changes were unequivocally commended by the Council of Europe and other international organizations. As a result, Georgia's standing improved in the Freedom House's annual report of 2015.

In light of this, there was a legitimate expectation that the government would implement activities envisaged by the second stage of the reform pursuant to the Self-Government



Strategy, including territorial optimization of municipalities, in a consistent manner. There was a hope that further institutional consolidation of self-government would be ensured at the constitutional level, as a result of the ongoing constitutional reform. Instead, the Government of Georgia stripped 7 cities of their self-governing status, which clearly ran contrary to the declared principles of the reform. In particular, on 18-22 May 2017, Telavi, Gori, Zugdidi and Ozurgeti municipalities rushed to hold extraordinary hearings of Sakrebulo for approval of proposals and opinions sent to them by the Ministry of Regional Development and Infrastructure (MRDI) for consultation, concerning abolishment of 14 municipalities (including 7 self-governing cities) and merging of self-governing communities.

The above processes were conducted without examining public opinion and hearing their positions. Although the MRDI materials were enclosed with documents about meetings held in each region, representatives of local communities, expert communities and media did not participate in these discussions. Instead, the meetings were attended exclusively by civil servants, in violation of the requirements of the law. Further, justification of proposed changes sent to self-governments, which the Governmental Commission was citing, lacked merit. In particular, according to the document:

- **citizen participation, quality of and access to services have not improved.** The document does not provide opinion of local population on whether services and their participation in self-government has improved or deteriorated. Further, the document does not provide concrete criteria or benchmarks for judging quality of deterioration or improvement of provision of services.

- **following division of municipalities, their own revenues have not increased.** Own revenues of Telavi, Ozurgeti and Gori self-governing cities and communities have greatly increased, as also evidenced by comparative analysis of self-government budgets over the last three years.
- **Further, the MRDI did not provide any credible information and arguments to substantiate the claims about doubling of administrative expenses, deterioration of cost effectiveness and other issues.**

Of note is the fact that self-governments rushed to conduct extraordinary meetings of bureaus and Sakrebulos. Sakrebulo members had not been informed about the proposal prior to these meetings; instead, they familiarized themselves with the initiative as the meetings progressed (for instance, one of the factions in Ozurgeti did not even have time to meet to discuss the initiative amongst themselves and come up with their position). Although these meetings were open to public, there was a lot of commotion, and in a number of cases GYLA and local community representatives did not have an opportunity to ask questions. This violated regulations for calling and conducting an extraordinary meeting of Sakrebulo. According to these regulations, Sakrebulo Chairperson must promote free expression of opinion and comprehensive and thorough discussions about an issue during Sakrebulo meetings.

The issues outlined above raised suspicions that these processes did not aim to promote empowerment of local self-government and decentralization – an overarching concept of the local self-government launched in 2014.

Development of self-governing cities is the primary trend of social and economic development of the contemporary world.

Supporting development of self-governing cities is an important precondition for Georgia's urban, social and economic progress as well as an instrument required for moving to the European model of governance. Abolition of self-governing cities to merge them again with community municipalities will hinder urban as well as rural development. Further, a city without elected officials accountable before local constituents, without own revenues, property and budget, has no future prospects for development.

It is unfortunate that the government drafted the bill without participation of civil society or experts, even though on 29 March 2017 GYLA and nearly 130 non-governmental, community and media organizations applied to the Government and the Parliament of Georgia expressing readiness to engage in broad discussions about the issue alongside the MRDI. Regrettably, the government did not respond to our appeal in any way.

The government's initiative was criticized not only by civil society but also by an important part of the local communities concerned, as clearly evidenced by remarks made by local constituents during discussion of the Constitution in the regions.

On 15 June 2015, only a few months ahead of the local self-government elections the Parliament of Georgia adopted a resolution no.987-II abolishing self-governing status of 7 cities and creating new municipalities of Gori, Ambrolauri, Mtskheta, Ozurgeti, Telavi, Akhaltsikhe and Zugdidi. The resolution came into force on the day the local self-government elections 2017 were called.

The resolution adopted in violation of the requirement of the Local Self-Government Code about holding of public consultations was challenged by GYLA in court on June 30. GYLA is seeking invalidation of the 15 June 2017 resolution N987-II of the Parliament of Georgia on creating municipalities of Gori, Ambrolauri, Mtskheta, Ozurgeti, Telavi, Akhaltsikhe and Zugdidi. Court hearings have not yet been held.



Shortly before the parliamentary resolution about creating new municipalities came into force, the Parliament of Georgia considered amendments to the Local Self-Government Code of Georgia for reducing number of self-governing cities and bringing back together the municipalities that were split within the 2014 reform. Changes were also made in the Election Code with the motive of strengthening representation of cities that were stripped of the self-government status in Sakrebulo – in particular, number of majoritarian members of Sakrebulo that represent these cities was increased to 2-5, depending on population size.

In partnership with another organization, GYLA addressed the President of Georgia and requested vetoing of the bill.

The president took the position of NGOs into account, exercised his veto power and used constitutional and democratic mechanisms to send the bill back to Parliament with motivated objections. Parliament overrode the presidential veto on July 26 and eventually the government was able to strip 7 cities of self-governing status. The decision was criticized by local communities, civil society, the leader of the country and political parties. The process was viewed as a step back on the road to development of local self-governments and decentralization.

GYLA believes that the decision of the Government of Georgia will:

- **put cities at a disadvantage** since maximum 5 out of dozens of majoritarian members of Municipality Sakrebulo will be representing a city.
- **weaken public consensus and international support**, because the government made the decision about the issue without consulting with citizens, CSOs and international organizations. This will have a negative impact on Georgia’s standing in international rankings.
- **call democracy and fairness of the 2017 local self-government elections into question**, because political parties and initiative groups had already started presenting Gamagebeli or mayoral candidates and nominating monitoring organizations for registration in electoral districts set up by the CEC in municipalities that were to be abolished. Under such circumstances, electoral administrations and courts had to make unsubstantiated decisions, which created the risk of limiting passive suffrage and undermined competitive electoral environment.
- **create governance problems:** after the parliamentary resolution of June 15 commenced in late August, 14 self-governing entities (legal entities of public law) stopped existing and 7 amalgamated municipalities were created, meaning that bodies of municipalities that were abolished – Sakrebulo, Mayors and Gamagebelis and their own administrations – were existing without a legal basis.
- **create budget problems.** As of late August, the law of the 2017 budget still provided for equalization transfers for each of the 14 municipalities, while legal entities of public law – municipalities – authorized to receive and administer these transfers no longer existed.
- **deteriorate the quality of local democracy** by limiting possibilities for solving local issues at the local level, as well as by making it difficult for citizens to participate in self-governance;
- **hinder urban and rural development in the future** by leaving municipalities without independent budgets, which is a sound instrument for setting local priorities and addressing local problems;

2017 LOCAL SELF-GOVERNMENT ELECTIONS

EVALUATION OF THE PRE-ELECTION ENVIRONMENT

Georgian Young Lawyers' Association monitored the pre-election environment ahead of the 2017 local self-government elections through its head office in Tbilisi and regional offices in eight regions of Georgia. The pre-election monitoring conducted by nearly 20 observers of GYLA covered the capital and the following nine regions of Georgia: Ajara, Guria, Imereti, Shida-Kartli, KvemoKartli, Kakheti, Mtskheta-Mtianeti, Samtskhe-Javakheti and Samegrelo, and lasted from June 1 through October 20. GYLA published two pre-election monitoring reports before the elections.

The pre-election processes took place in a mostly peaceful and competitive environment. Electoral subjects were able to present their platforms and campaign promises to voters during meetings and large-scale campaign events and rallies. However, lack of focus on platforms of specific parties or candidates was still evident (Tbilisi was the only exception).

Problems were mostly detected in KvemoKartli, Samtskhe-Javakheti and Samegrelo regions, where we found instances of internal party disputes and intensely competitive environment.



Throughout the campaign period the ruling party was clearly at an advantage, as demonstrated by a significant imbalance in party donations and campaign expenditures.

In some cases investigation was instituted into alleged acts of intimidation but results of the investigation remain unknown. Further, many important reports about possible violations needed to be examined or investigated but they were left without a response.

Media environment was diverse during the pre-election period. We didn't find any instances of assault or intimidation against reporters. Although strong polarization and politicization of broadcasters remained a problem, most TV broadcasters actively covered the local self-government elections and all national TV channels hosted debates.

Staffing of electoral commissions with election workers that had been previously subjected to disciplinary actions continued to be a problem.

During the reporting period we found more than 10 cases of possible intimidation/harassment, 7 cases of physical confrontation, 9 cases of use of administrative resources, 5 cases of illegal participation in campaigning and 1 case of dismissal on alleged political basis.

Women's political participation was still a problem in the 2017 local self-government elections.

The election monitoring identified polling stations that were not adapted to needs of persons with disabilities.

Another problematic trend was selection of candidates affiliated with the ruling party as professional members of electoral commissions.

Violations detected during the pre-election period showcased the need of legislative reform in a number of areas; identified lack of accurate and consistent interpretation and implementation of legislation; and exposed once more the lack of political culture and democracy within political parties in the Georgian political space.

THE POLLING DAY

Georgian Young Lawyers' Association monitored the Election Day of the 21 October 2017 local self-government elections in Tbilisi and the following nine regions of Georgia: Kakheti, Mtskheta-Mtianeti, KvemoKartli, ShidaKartli, Samtskhe-Javakheti, Samegrelo-ZemoSvane-



ti, Guria, Imereti and Ajara. GYLA monitored problematic polling stations and processes outside these polling stations in 46 electoral districts, through more than 300 polling station observers and 150 mobile groups. Based on its previous experience, GYLA focused on problematic districts identified during the previous elections. It also monitored districts densely settled by national minorities and internally displaced persons. This year, GYLA monitored accessibility of polling stations by persons with disabilities for the first time. It also studied participation of women candidates in the local self-government elections.



GYLA held four briefings on the Polling Day and a briefing on the following day to sum up the entire Election Day.

The polling process took place mostly in a peaceful environment. Although no incidents of violence were found, several violations were detected outside the scope of procedural problems (e.g. harassing observers and creating uncomfortable work environment for them). Irregularities were found during counting in many electoral precincts. In several cases, district-level commissions failed to ensure access of observers to summary protocols

received from precincts-level commissions. In some cases the process of receiving and sorting of election documentation was chaotic. These irregularities were corrected after the Central Electoral Commission (CEC) intervened on the Election Day.

Throughout the Polling Day, GYLA observers filed 147 complaints (including - 66 complaints with district-level commission) and 162 notices.



CONTROL OVER EXPRESSION OF VOTERS' FREE WILL

The ruling party collected information about voters and mobilized them for going to the polls in a well-organized large-scale process, especially in Tbilisi. Throughout the Election Day representatives of the Georgian Dream, the Right-Wing Alliance or a monitoring organization New Word were standing next to registering officers, in the back, or near officers who controlled the flow of voters, and recorded information about voters that arrived at polls.

During the day it became clear that instead of general voter turnout these political subjects were interested in finding out identities of voters that arrived at polls and ones that didn't. Many observers of GYLA found that after representatives of the electoral subject recorded information about voters that arrived at polls, party coordinators outside the polling station started mentioning names of individuals that had not yet cast their votes and mobilized them for voting.

The process was assessed as control over expression of voters' free will. Despite many calls of the organization, the CEC not only failed to react to such incidents but it also issued a public statement that justified and encouraged them.

PROBLEMS RELATED TO SPATIAL ARRANGEMENT OF DISTRICT-LEVEL COMMISSIONS

In its assessment of the 2017 elections, GYLA also focused on the problem of spatial arrangement of district-level commissions that has existed for many years and despite corresponding recommendation issued by the CEC in August, the problem has not been corrected.

GYLA believes that placement and spatial arrangement of district-level electoral commissions did not provide adequate conditions for comprehensive monitoring of the processes. In some cases several commission members met separately during the day for discussion of certain issues, but these discussions took place behind closed doors, at the same time as the general process that was taking place in the district. These discussions were not open or accessible for observers. These facts undermined transparency of electoral processes in district-level commissions.

FIGHTING FOR THE JUDICIAL INDEPENDENCE: REFORM WITH NO POLITICAL WILL

During the reporting period it became more apparent that the ruling power failed to demonstrate political will for creating strong legislative guarantees for judicial independence, in order to start an irreversible movement towards a meaningful independence of the judiciary branch. State's approach towards judiciary reforms continued to be fragmented and ineffective. As a result, the third wave of the judiciary reform did nothing to strengthen independence of the judicial branch. Numerous high-profile trials monitored and studied by GYLA confirm that the problem of selective justice still exists and court decisions can still be subjected to political influences. Effective judiciary control on investigative and law-enforcement bodies remains a problem.

Monitoring of the judiciary and promotion of its independence continues to be a special area of focus for GYLA. During the reporting period the organization carried out numerous activities in this field.

- GYLA and partner organizations prepared a comprehensive research that provides an in-depth analysis of reforms that have been implemented and the state of the judiciary. It offers recommendations about critical measures that should be implemented in the following areas to ensure independence of the judiciary: independence of the High School of Justice (HSoJ), selection/appointment of judges and court chairpersons, evaluation of judges appointed for a probationary period, periodic evaluation of performance

of judges, disciplinary proceedings against judges, administration of courts and other important areas. The research also provides analysis of a survey about judges' views on gender issues. The research was prepared under the auspices of the Coalition for an Independent and Transparent Judiciary. The Coalition is actively using the document as an important tool for advocating judicial reforms both locally and internationally.





- GYLA continued to monitor the HCoJ performance and published the fifth monitoring report in partnership with the Transparency International – Georgia. The report summarizes results of the monitoring performed in 2016. Within the monitoring, serious gaps in practice and legislative framework for appointment and dismissal of court chairs were detected and evaluated for the first time. The monitoring suggests that despite certain reforms that have been implemented, important flaws in judicial selections/appointments, judicial transfers, the faulty practice of disciplinary proceedings, lack of transparency of the HCoJ performance, important gaps in the legislation, all of which have been highlighted by monitoring organizations since 2011, still persist.
- GYLA published a separate report based on results of the analysis of practice and the legislative framework for appointment of judges for a probationary period. The analy-



sis has found that the HCoJ evaluated judges appointed for a probationary period for the sake of formality only and their lifetime appointment lacks justification. The report analyzes legislative gaps that jeopardize independence of judges during probationary period.

- In early 2017, GYLA issued public statements in reaction to adoption of the bill of the third wave of the judicial reform and once again underlined flaws that exist. It also urged the Parliament of Georgia to take into account recommendations of the Venice Commission and motivated objections of the President. During the reporting period GYLA also



issued statements about the faulty practice of judicial selections/appointments, appointment and dismissal of court chairs and the need to regulate these issues at the legislative level.

- GYLA submitted to Parliament a written opinion about pending amendments to the Organic Law on Common Courts, concerning declaration of appointment of an acting judge or a former judge with at least three years of judicial experience as a judge for a three-year probationary period unconstitutional by the Constitutional Court. In addition to substantive issues, the opinion also highlighted that discussing the changes in

GYLA and Transparency International – Georgia expressed their protest by refusing to have a public presentation of the fifth report of monitoring the High Council of Justice and urged the Parliament and the Government of Georgia to immediately start working on a meaningful judicial reform.

a forcible regime was a problem. Unfortunately, Parliament did not take GYLA’s opinion into account.

- GYLA submitted to Parliament a legislative proposal about amendments to the Rules of Procedure of the Parliament of Georgia,

which ensured transparency and meaningful competitiveness of the process of selection of members of the HCoJ and the Judicial Disciplinary Board, but Parliament did not take the proposed amendments into consideration.

- During the reporting period GYLA monitored the process of selection of judge and non-judge members of the HCoJ, attended and evaluated testimony of the HCoJ membership candidates before the parliamentary committee on legal affairs, and exercised its right to ask questions during the testimony of the HCoJ membership candidates before the parliamentary minority. GYLA issued public statements in reaction to selection of the HCoJ members. It also monitored selection of judge members of the HCoJ at the Conference of Judges.
- As a member of the State Constitutional Commission, GYLA actively participated in the work of the SCC. GYLA submitted to the SCC proposals for increasing constitutional guarantees for judicial independence. These proposals were partially taken into account.
- GYLA was actively providing to the Venice Commission its opinions and information about a range of issues, while the Commission was working on its opinion about the Draft Revised Constitution. In a lengthy letter to the Venice Commission, GYLA provided a detailed account of challenges that exist in the judicial system of Georgia and reforms implemented by the state and their effectiveness, and underlined the need to implement a systemic judicial reform. In its opinion on the Draft Revised Constitution, the Venice Commission recommended that Georgia should reform the HCoJ and ensure independence of its members.
- GYLA continued to participate in the work of the Committee for the Strategy and Action Plan of the Judiciary and its working groups. The Judicial Reform Strategy for 2017-2021 and the Action Plan for 2017-2018 developed by them were approved by the HCoJ. The strategy for the judicial system is the first comprehensive document that provides a set of measures that should be implemented for judicial independence and effectiveness and employees a systemic approach. GYLA continues to promote effective implementation of the strategy and the action plan.
- GYLA's comments and proposals about the issue of corruption in the judiciary were reflected in the National Anti-Corruption Action Plan for 2017-2018. The Action Plan has been adopted by the Secretariat of the Anti-Corruption Council.
- GYLA's comments and recommendations have also been reflected in the fourth report of evaluation of the Council of Europe's Group of States Against Corruption (GRECO) published in early 2017. The report provides a number of recommendations for the state of Georgia for prevention of corruption in the judicial system, including recommendations about objective criteria, merit system principles and selection/appointment of judges in a transparent process.
- GYLA and the Coalition for an Independent and Transparent Judiciary won a dispute in the Constitutional Court about competencies of the Constitutional Court and particularly, the legislative amendments adopted last year complicating the procedure for deeming a norm unconstitutional by the Constitutional Court.

CRIMINAL JUSTICE

Even though criminal justice reform has been ongoing in Georgia for a number of years, important challenges still persist. Ambiguous and flawed legislation creates problems for judges and law enforcement bodies in their attempts to administer effective justice based on human rights. However, even when the applicable legislation has no flaws, instances of inadequate interpretation and use of the law are evident, which hinders establishment of good practice in the criminal justice field.

Criminal process entails a number of provisions that run contrary to the adversarial model in criminal proceedings and/or the principle of human rights protection. Further, the elements of certain criminally punishable actions are ambiguous, which gives the prosecution a broad discretion in the process of criminal prosecution and runs against the requirements of foreseeability of the law.

The requirements of the adversarial system in criminal justice are often violated in practice. In high-profile cases presumption of innocence is often violated and overlooked in criminal proceedings. In many cases of high public interest, representatives of the government have announced preliminary conclusions before the investigation was finished and have attempted to influence public opinion. Often relevant authorities fail to give a proper qualification to a case, which makes investigation of the crime

ineffective, and if qualification of the crime is incorrect, the nature of perpetrated crimes is misrepresented and the victim's suffering is not adequately recognized and evaluated.

The fact that victims essentially have no rights is an important problem. They are unable to protect their rights and interests in the process of investigation and before court in an effective manner. Further, often they are not given the official status of a victim by investigator, which strips them of the minimum opportunity that they have access to the case file.

Violation of the principle of openness of trials is a problem - often trials are closed without providing adequate justification, especially when it involves cases of immensely high public interest or interest of international organizations.

Despite numerous reports and recommendations, the following remains a problem: court's effective control of legitimacy of an individual's detention; lack of substantiation of the preventive measure used; failure of the prosecution to consider the defendant's financial standing when bail is demanded; frequency of searches and seizures performed in exigent circumstances and court's ineffective control over them, etc. As a result of these, the defense becomes even more powerless when confronting the prosecution in court.

GYLA'S ACTIVITIES IN THE FIELD OF CRIMINAL JUSTICE

- During the reporting period, hundreds of individuals received legal consultation about criminal issues at GYLA's Legal Aid Center, and a number of beneficiaries received services of an attorney. As a result of efforts made by lawyers of GYLA, verdict of not guilty was delivered/upheld in favor of our clients.
- GYLA published statements about human rights violations, ineffective investigation and violations of the right to a fair trial detected in a number of criminal cases and trials.
- During the reporting period GYLA continued to monitor criminal justice processes. It produced two reports, including a special report produced for the first time about monitoring criminal trials involving domestic violence and violence against women. The criminal trial monitoring reports of GYLA have been cited by many international organizations in their reports, as a credible source of information in Georgia about the situation in the field of criminal justice.
- ***During the reporting period GYLA prepared a research - Adversarial Proceedings in Practice and Legislation in the Field of Criminal Justice in Georgia***, which provides an in-depth analysis of obstacles to realization of the adversarial principle in criminal proceedings and puts forward recommendations for addressing existing problems.
- GYLA submitted to the Parliament of Georgia a legislative proposal for broadening the scope of victim's rights. The legislative proposal offered to establish an effective mechanism for appealing decisions of the prosecution, which would have reinforced court's control over investigative bodies. The Parliament of Georgia did not take the proposal into account. GYLA continues to advocate protection of victim's rights and effective judicial control on the prosecution.
- Based on findings of the monitoring of criminal trials, GYLA submitted to the Parliament of Georgia a legislative proposal to eliminate the gaps in the normative framework for court's control over legitimacy of detentions.



RIGHTS OF PRISONERS

Although the scope of the problem of torture and ill-treatment of prisoners has been reduced since 2012, certain issues related to prison conditions and treatment of prisoners still persisted during the reporting period.

Further, despite verdicts of guilty delivered against certain individuals, acts of torture perpetrated in prisons in 2005-2012 have not been investigated and prosecuted. Prisoners continue to report to GYLA possible violations perpetrated against them prior to 2012 and request assistance. Letters received from inmates concern problems like possible illegal conviction, unsubstantiated sentence, disproportionate punishment, etc. These letters and their number suggest that the state must create an effective mechanism for studying these reports and restoring rights that have been violated. As proven by practice and statistical information, the special department of the prosecutor's office created for this particular purpose fails to respond to these needs.

During the reporting period, GYLA's offices received a total of 845 applications/letters from penitentiary institutions on different topics, including 5 about possible ill-treatment of prisoners. In their letters, prisoners described unbearable pain and health problems that they

were going through because of inadequate treatment.

During the reporting period, GYLA implemented the following activities to protect and advocate prisoners' rights.

- GYLA provided legal consultation and legal aid to hundreds of prisoners, about possible ill-treatment and other legal issues;
- In February 2017, GYLA submitted to the Parliament of Georgia and the Ministry of Corrections (MOC) its opinion about pending amendments to the Code of Imprisonment. GYLA issued a public statement on these amendments and urged relevant authorities to take the legal opinion into account. The initiator of the legislative amendments – the MOC, as well as the Parliament of Georgia took most of GYLA's comments into consideration.
- In February 2017, as a member of the penitentiary reform group GYLA presented its opinion and recommendations about the draft revised Strategy and Action Plan of the Penitentiary Reform for 2017-2021.
- The MOC is planning to build a penitentiary

facility for juvenile defendants and convicts and for convicts between the ages of 18-21. As a member of the working group on juvenile justice system reform and the penitentiary system reform, in February 2017 GYLA provided its opinion and recommendations about compliance of the prison design with international standards.

- As a member of the Interagency Coordination Council for Carrying out Measures against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, GYLA prepared and provided to the Council its comments about the draft Action Plan on Fight Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment for 2017-2018.
- During the reporting period, GYLA attended meetings of the MOC Advisory Council on a regular basis and participated in discussions about ongoing reforms and problematic issues.
- During the reporting period, GYLA representative testified as a witness in court about the amicus curiae brief submitted by the organization. The case concerned charges of false reporting based on a report of ill-treatment by a prisoner. Last year GYLA strongly criticized the case (of Giorgi Okropiridze) and announced that such precedent can undermine effectiveness of fight against torture. GYLA also submitted a written opinion about the issue to the Office of the Prosecutor of Georgia.

CASES LITIGATED BY GYLA

- *Nana Parchukashvili v the Ministry of Corrections*

The constitutional lawsuit involved the completely naked examination practiced in women's prisons for years, in which the prisoner stands totally naked while being searched (the search includes penetration from behind) for safety purposes.

- *Prisoner's right to higher education*

GYLA represented A.Kh., an inmate of prison no.15 of the penitentiary department. In 2015, he participated in the national examination and was admitted by the law school at Ilia State University. He was also awarded a government scholarship that covered 50% of his tuition fees. On 22 September 2015, he signed an agreement with Ilia State University and paid part of the tuition but when the dispute began, he was not allowed to take mid-term or final exams. In 2015, the Division of Escort of the Ministry of Corrections ensured participation of the prisoner in national exams but after gaining the right to study at a higher education institution, he was not allowed to exercise this right.

After A.Kh. instituted legal procedures with GYLA's assistance, while the dispute was still in progress the MOC put in place mechanisms to allow inmates of low-risk prisons to take mid-term and final exams. Later the Code of Imprisonment was amended to ensure access of inmates of a low-risk prison to education. A.Kh. has been released, he continues to study at the university.

This was the case that built a foundation for amending the legislation, in order to guarantee right of prisoners to education.



- *GYLA's beneficiary was awarded moral compensation due to her brother's death*

The Supreme Court upheld Tbilisi Appellate Court's decision to award plaintiff moral compensation due to her brother's death.

The court established violation of a convicted person's right to life by the Ministry of Corrections. On the basis of evidence available in the case, the court found that failure to provide medical service to a convicted person on time amounted to a violation of the Ministry's positive obligations. It has been established that when the convicted person was taken into custody, he did not have the problem (kidney failure) that eventually led to his death in 2012. The disease was formed and developed during serving of punishment. The prisoner complained about his health for some time but the medical personnel of the correctional facility did not provide an opportunity for diagnosis. In addition, identification of the health problem and intensive treatment would have increased chances of saving the patient.

The court explained that during the period of imprisonment, an individual should have access to a doctor, any time, irrespective of the cause of arrest. Health services should be organized in a manner that allows a prisoner to apply to a doctor for consultation without any further delay.

Based on the case in question, GYLA contributed to establishment of an important standard by the court about positive obligation of the state.

During the reporting period GYLA won two additional cases, plaintiffs who were victims of wrongful conviction were awarded material and/or moral compensation.

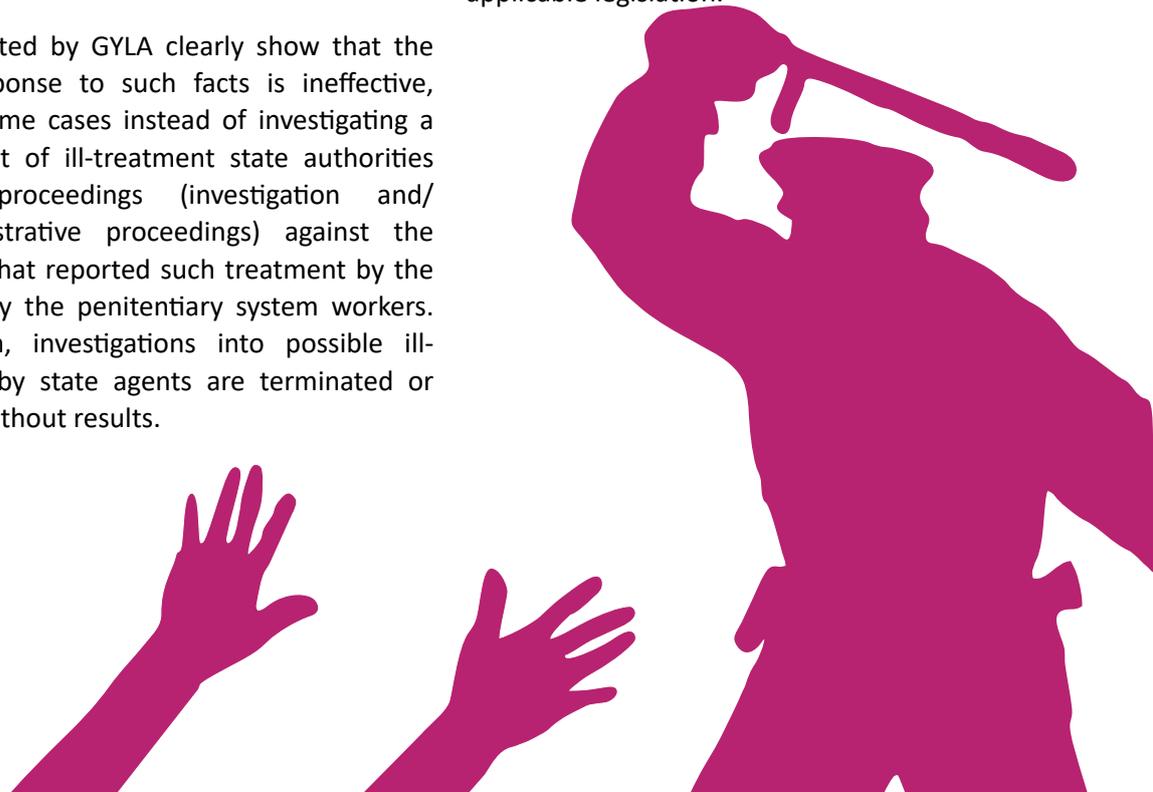
THE PROBLEM OF INEFFECTIVE INVESTIGATION AND THE NEED FOR INDEPENDENT INVESTIGATIVE MECHANISM

Although the scope of the problem of torture and ill-treatment has been reduced since 2012, ineffective investigation of such crimes and resulting lack of prosecution of one of the most serious violations of human rights remains an important challenge.

The fact that torture and ill-treatment still exist is evidenced by numerous sources, including by frequent letters sent by individual citizens to GYLA requesting legal assistance, as well as trial monitoring by GYLA. The organization has documented a number of instances where parties to the proceedings (defendants and witnesses) talked about grave acts of possible torture and ill-treatment, including crimes perpetrated by a group of police officers. It should be noted that the problem of ill-treatment in police custody is more serious than in prison.

Cases litigated by GYLA clearly show that the state's response to such facts is ineffective, while in some cases instead of investigating a possible act of ill-treatment state authorities institute proceedings (investigation and/or administrative proceedings) against the individual that reported such treatment by the police or by the penitentiary system workers. In addition, investigations into possible ill-treatment by state agents are terminated or continue without results.

This is because of lack of effective mechanism, practice or tradition of control of legitimacy of activities of law enforcement agencies and security authorities in Georgia and their democratic accountability. Despite the reform implemented in recent years, which led to creation of an independent body – Prosecutorial Council and introduction of the framework for election of the General Prosecutor, creating an independent apolitical prosecutorial system remains a crucial challenge. Further, parliamentary as well as judicial control over investigative bodies and law enforcement authorities remains rather weak. In a number of cases, such control is exercised for the sake of formality. To a certain extent, this is caused by the fact that court's power to act on incidents of torture and ill-treatment is rather limited by applicable legislation.





In reaction to ineffective and delayed investigations, which promotes climate of impunity in law enforcement authorities, civil society, the Public Defender and a number of authoritative international organizations have been actively advocating for an independent investigative mechanism. Civil society sees the latter as an agency completely independent from the executive authority, whose leader is elected by Parliament and he or she is accountable before the legislature (but not about individual cases).

Although the idea of creating such mechanism has been discussed for a long time and the government has committed itself to such discussion under the National Human Rights Action Plan as well as the Association agenda, it continues to be in a stubborn denial about importance of

the problem of ineffective and delayed investigation. It is ambiguous whether the government is willing to create such mechanism.

GYLA'S ADVOCACY EFFORTS FOR AN INDEPENDENT INVESTIGATIVE MECHANISM

- During the reporting period, GYLA was actively advocating an independent investigative mechanism. To raise awareness about the problem of ineffective investigation and the importance of the independent mechanism, GYLA representatives had numerous meetings with different groups of the society, including in the regions of Georgia, and participated in public discussions and working meetings. GYLA Chairperson discussed the problem of ineffective investigation at

the following international forums: regional conference at the European Parliament in Brussels in March 2017 and at NATO Parliamentary Assembly in Tbilisi in May 2017.

- GYLA raised the question of necessity of the independent investigative mechanisms within the SCC and other forums (e.g. Berlin Conference where some members of the SCC met with members of the Venice Commission and international experts in a working format). Unfortunately, the recommendation was overlooked.
- The SCC took GYLA's proposal into account and as a result, the office of the prosecutor no longer represents an agency operating within the system of the Justice Ministry in the Draft Revised Constitution of Georgia; instead, it represents an independent institution.
- GYLA examined numerous cases and released a public statement about irregularities in concrete cases. Relying on these examples, GYLA focused on the systemic nature of the problem and the need to resolve it (by created an independent mechanism).
- For demonstrating the importance of the independent mechanism and in their community advocacy efforts, during the reporting period GYLA and its partner organizations actively drew on the research prepared by GYLA in 2016 about the crimes possibly perpetrated by the law enforcement. The research analyzes concrete cases to demonstrate ineffectiveness of investigation of alleged acts of ill treatment.
- With GYLA's participation, the Coalition for an Independent and Transparent Judiciary sent an official communication to the CoE Committee of Ministers about evaluation of the state of fulfillment of Georgia's obligation to adopt general measures in con-

nection to the so-called Garibashvili Group cases (in these cases the European Court found investigation into violations of Article 2 (right to life) and Article 3 (prohibition of torture) to be ineffective). The Coalition believes that ineffectiveness of enforcement of the Court's judgment is related to the lack of an independent investigative mechanism.

- In September 2017, GYLA representative participated in the meeting with members of the CoE Committee of Ministers in Strasbourg. At the meeting GYLA's representative talked about challenges that exist today with regards to impartiality of investigative bodies and highlighted the dire need for an independent investigative mechanism - as means for solving the problem of institutional independence and ineffective, delayed investigation.
- In July 2017, with GYLA's participation the Coalition released a public statement in reaction to the bill drafted by the Ministry of Justice about an independent investigative mechanism. The Coalition criticized the draft because it created an additional link in the Office of the General Prosecutor of Georgia as opposed to an independent agency.

LITIGATION TO COMBAT POSSIBLE CRIMES BY THE LAW ENFORCEMENT

During the reporting period GYLA litigated numerous cases concerning crimes perpetrated by the law enforcement and ineffective investigation of these crimes. Below are some examples of such cases:

- *The case involving possible torture by the police*

GYLA Office in Tbilisi represents I.Kh., who was stopped by two strangers on his way back home on 16 February 2017. One of them was

wearing a police uniform. They were looking for some Giorgi and without verifying I.Kh.'s identity they put him in a car and took him to the fifth division of Vake-Saburtalo Police against his will. At the police station I.Kh. was subjected to physical violence while in handcuffs. According to him, after police officers hit him with their hands, he passed out. He was forced to confess to a crime that he didn't commit. After he was taken out of the room where he was beaten, the police realized that they had arrested the wrong person, so they started applying ice and cold water to subside the swelling from injuries on his body, then he was released.

GYLA demanded launching of a probe for torture but in the process of investigation the primary witness changed his statement. GYLA had a strong reaction to this fact; it demanded investigation of possible harassment of the witness. GYLA's demand was overlooked, while the investigation into the possible torture was terminated. GYLA appealed the decision in court. The court upheld GYLA's position and ordered the investigative authorities to renew the probe.

- *Liability for false reporting instead of effective investigation*

GYLA is litigating O.B.'s case. He was placed under administrative arrest by officers of Senaki Police for a verbal dispute. According to O.B. he was subjected to physical violence by the law enforcement officers; after he became sick they had to call an ambulance and take him to a hospital. Police officers prepared a protocol of administrative offence for disorderly conduct and resisting police against O.B., who was later found guilty by Senaki District Court for resisting police. O.B. filed an application with the Office of Samegrelo-ZemoSvaneti District Prosecutor in connection to the acts of violence perpetrated by the law enforcement officers against him. The investigation found that he had a bloody scab

on his face, pain in his shoulder and reddened face. The investigation also found that GYLA's beneficiary did not have any injuries before he was confronted by the police, however they failed to establish where the injury was sustained. A few months after launch of the criminal proceedings, Office of Samegrelo-ZemoSvaneti Prosecutor charged O.B. for a crime envisaged by para.3"a" of Article 373 of the Criminal Code of Georgia (false reporting about a serious crime for a personal motive). The court of first instance as well as the court of second instance found him guilty and he was sentenced to five years of imprisonment as a type and measure of punishment. The case has been appealed in the Supreme Court.

The above case is a demonstration of the dangerous and improper practice that GYLA warned against as early as in 2015, when a prisoner who reported possible ill treatment in prison was charged with false reporting. GYLA will continue to work actively on the problem.



THE CODE OF ADMINISTRATIVE OFFENCES - EXISTING CHALLENGES

The Code of Administrative Offences (CAO) currently practiced by Georgia is a remaining code of the Soviet era and it falls short of the requirements of a fair trial. The existing CAO prescribes harsh punishments for individual violations, including administrative imprisonment, while procedural guarantees for those accused of administrative violations are much less than for those accused of criminal violations; it does not provide the presumption of innocence; neither does it require a judge to apply a standard of proof beyond a reasonable doubt, etc. The abbreviated nature of the procedure for consideration of cases and sentencing provides little opportunity for meaningful representation. In this way, application of the existing Code of Administrative Offences of Georgia results in violation of fundamental human rights and Georgia's international commitments.

Attempts were made to amend the CAO in order to bring it in compliance with applicable international standards but these attempts have been unsuccessful because fragmented reforms of the Code proved to be inadequate for complete elimination of problems that exist in the legislation and for shielding it against unconstitutional usage. Instead, the CAO requires a comprehensive reform.

GYLA was a member of the State Commission created by the Government of Georgia under the Decree no.1981 of 3 November 2014 for reforming the system of violations. Although the Commission completed its work and submitted to the Inter-Agency Coordination Council for Reforming the Criminal Justice System a draft Code of Administrative Offences in 2016, the reform has not yet been implemented and

the Parliament of Georgia has not yet started consideration of the matter.

During the reporting period GYLA continued advocating for reforming the legislation on administrative violations. The organization implemented the following activities:

- It prepared a research - ***A protest deemed to be a violation*** - analyzing legislative gaps and the negative trends of improper use/abuse of the Code in practice based on concrete court decisions. The research indicates that in hands of police officers the Code of Administrative Offences often serves as a tool for curtailing fundamental human rights (freedom of expression and assembly), while there is virtually no effective control of court over such incidents.

Protests Considered to be an Offence



Georgian Young
Lawyers' Association
Tbilisi, 2017

- GYLA filed three lawsuits in the Constitutional Court demanding that a number of provisions of the Code of Administrative Offences be deemed unconstitutional. These are the following provisions:

1. Article 173 of the CAO, prohibiting disobedience to a lawful demand of the law enforcement. GYLA is disputing the normative substance of the provision according to which a judge is not obligated to examine lawfulness of the order of a police officer. Without examining the issue, a judge is authorized to order an individual to pay a fine of GEL 250 or sentence an individual to an administrative imprisonment of up to 15 days. The norm runs against Article 42(1) of the Constitution of Georgia that guarantees the right to a fair trial.
2. Article 273 of the CAO provides that decisions of the first instance court can be appealed ten days after the resolution of such decision has been announced. The norm creates an opportunity for passing the motivation of the decision to the party after the 10-day period, when the party is no longer able to appeal it. The right to an appeal cannot be exercised without the motivation part of the decision because it provides the reasons for the decision that has been made. The disputed norm is in conflict with Article 42(1) of the Constitution of Georgia (the right to appeal).
3. Article 150 of the Code of Administrative Offences of Georgia prohibits installment of banners in places that are not designated for this particular purpose. An individual has five days for getting the self-government's approval about the banner design. Installment



of a banner without the approval is subject to an administrative liability, even if it is installed on a temporary basis. Article 150 rules out possibility of a spontaneous protest. After the five-day period, it could be too late to stage a protest. Because of the limitations placed on a spontaneous protest, Article 150 of the Code of Administrative Offences of Georgia runs against requirements of Article 24 of the Constitution (freedom of expression).

- GYLA launched a campaign **#expired** with the aim of raising awareness of different groups of the society about gaps and flaws of the Code of Administrative Offences, adopted in 1984, and advocating for the need of a comprehensive reform of the CAO.

LITIGATION

During the reporting period GYLA litigated a number of administrative cases. Legal proceedings were terminated in several of these cases as a result of GYLA's involvement due to the lack of proof that an offence was committed. In other cases, GYLA succeeded in having general courts deliver important interpretations.

Important interpretation: during a frisk a police officer should be acting on the basis of an objectively discernible circumstances.

On 5 November 2016, police patrol officers stopped a vegan-activist, Irakli Kikilashvili for a frisk. Against Mr. Kikilashvili's repeated requests they refused provide the basis for the frisk. Mr. Kikilashvili was eventually detained and taken to a pre-trial detention isolator for disobeying lawful orders of a police officer.

On 11 November 2016, Tbilisi City Court considered Irakli Kikilashvili's case and terminated the proceedings due to absence of the offence.

Mr. Kikilashvili's case litigated by GYLA laid a foundation for an important interpretation delivered by a general court. The court agreed with arguments of GYLA's lawyer and explained: "there must be a pre-condition, a legitimate goal for interfering with human rights guaranteed by the constitutional norms, while interference with the realm protected by human rights should be permissible, appropriate and proportional [...]. A pre-condition for a frisk is "a sufficient basis

for suspecting" that an individual is carrying an object and carriage of this particular object is restricted or the object poses a threat to life and health of the individual concerned or others. In court's opinion, the above means that a police officer must be acting on the basis of **objectively discernible** instead of subjectively perceivable circumstances. The court believes that this is the only case when a demand of a police officer and a surface examination performed by him/her can be legitimate."

The court also explained: "there should be an objectively discernible circumstances that gives rise to a police officer's suspicion, supposition, and grants him the power to perform a surface examination of an individual."

In the case concerned the court found lack of evidence corroborating existence of objectively discernible circumstances that would have given rise to a reasonable suspicion of a police officer and served as grounds for justifying performance of a superficial examination and interference with the right to free movement. The court's decision has not been challenged and therefore, it has come into its legal force.

An important interpretation about cold weapons and distribution of responsibility between a school and a parent

GYLA Office in Tbilisi represented an individual accused of failure to perform parental duties by the Police Patrol Department of the Interior Ministry, on grounds that his minor son carried a cold weapon. In particular, during a class the defendant's son lent a pen that also functioned as a knife to his classmate. The police qualified possession of the knife as carriage of a cold weapon by a minor and a protocol of violation was drawn up against the parent.

Tbilisi City Court considered the case; it agreed with opinions of GYLA lawyers and explained that a disguised cold weapon, i.e. a weapon that is not exposed and ready to be used,

requires corresponding knowledge in order for an individual who is holding it to perceive it as a cold weapon. Therefore, the court found that demanding a minor to identify a disguised, atypical object as a knife has no legal merit.

The court also explained that a school is keeping children within its own autonomy regime while it acts as a giver of education and provider of information. It also contributes to upbringing of minors. During the time children are in care of a school, parents are in a somewhat passive state with a limited opportunity to control such accidents.

Eventually, the court found that the parent could not have taken any measures in advance, in order to teach his child how to detect items that do not exhibit characteristics of an appearance of an illegal object. The court found that the parent could not be held liable under such circumstances and terminated the proceedings due to absence of the administrative offence.

An important interpretation about disputed circumstances

On 8 June 2017, Tbilisi City Court considered comments of Tbilisi Appellate Court and terminated administrative proceedings due to absence of an offence.

On 19 February 2017, GYLA's beneficiary, while out in the district of Old Tbilisi with a friend, was stopped and later taken to a police station for identification within the police control. His friend complained about the delay of procedures, and because of it the authorities prepared a protocol of administrative offence against both. The protocol stated that they had committed actions included in Article 166 (disorderly conduct) and Article 177 (disobeying to a legal order or demand of a law enforcement officer) of the CAO.

The defense did not dispute the fact that the other defendant committed an administrative

offence, however a police officer that testified as a witness during the trial claimed that GYLA's beneficiary had also committed an offence. The evidence to corroborate the claim was the administrative offence protocol prepared by the police officers themselves.

Witness of the defense testified to innocence of GYLA's beneficiary. Regardless, against applicable legal regulations and practice Tbilisi City Court explained that the police statement and protocol created cumulative evidence sufficient for recognizing the individual concerned as an offender.

The city court's resolution was appealed in a higher instance. Tbilisi Appellate Court upheld GYLA's opinion and stated that a statement of a party, when the opposing party objects to it, can be considered the evidence proving existence of the disputed legal relationship if it is also established by other evidence. Therefore, Tbilisi City Court was ordered to examine the evidence available in the case in a comprehensive, complete and objective manner, abide by the principle of adversarial proceedings and refrain from giving unjustified preference to the police statement over statements of other witnesses.



PARLIAMENTARY WORK AND GYLA'S PARTICIPATION IN LEGAL DRAFTING



During the reporting period the ninth Parliament of Georgia started working. Inadequate implementation of one of the most important functions of Parliament - keeping the executive in check - remained a problem. During autumn and spring sessions, public bodies accountable before the legislature delivered their mandatory annual reports to Parliament during committee and plenary sessions. However, parliamentary committees rarely used an opportunity to invite representatives of public bodies accountable before the legislature to the committee hearing, on their own initiative. Neither did MPs invite representatives of public bodies that are accountable before Parliament to appear in front of Parliamentary committee with the aim of scrutinizing specific events or issues of high public interest. It was always the parliamentary minority that initiated formation of an investigating commission about issues of public concern but such initiatives were usually voted down by the majority.

Parliament engaged in an active legislative work during the reporting period. **Most bills initiated in Parliament were submitted by the Government of Georgia. It should also be noted that the difference between the initiatives submitted by the**

Government and amendments drafted by Parliament was substantially reduced. The number of negative legislative amendments was more than the number positive ones; they were criticized and protested by different civil society groups including GYLA and partner organizations. Some of these amendments that were especially important were vetoed by the President of Georgia but Parliament was able to override the veto.

Members of the Council of the National Bank, the Constitutional Court and the High Council of Justice were elected by the Parliament of Georgia during the reporting period. **In a number of instances, we found that the procedure was faulty and lacked transparency. Although the problem was also acknowledged by MPs, procedures have not been improved.**

During the reporting period GYLA prepared and submitted to Parliament 4 legislative proposals concerning the following issues: improving guarantees for protection of victims' rights; improving procedures for election of the HCoJ and the Disciplinary Board members; improving work time and dismissal regulations; improving the procedure for granting a pension. Legal proposals about the first three issues were based on special research prepared by GYLA. After considering all five legislative proposals, Parliament created a working group for solving issues related to awarding a pension but it did not support rest of the proposals. GYLA will continue to advocate these issues.

During the reporting period, GYLA prepared and submitted to Parliament written opinions about dozens of bills to be considered by the legislators, in connection to issues of: amendments to the Code of Imprisonment; the Istanbul Conven-

GYLA was actively participating in the advisory group Open Parliament. The group was working on the Open Parliament Georgia Action Plan 2017-2018. The Action Plan approved by Parliament on 2 May 2017 reflected two commitments offered by GYLA.

The commitments that GYLA proposed aim to improve transparency and accountability of Parliament, promote exercise parliamentary control and participation of citizens in the process of legal drafting.

GYLA was actively participating in working groups set up for developing the Code of Ethics for Members of Parliament and improving standards for providing access to public information.

tion ratification package; improvement of regulations of expropriation; bill on labor safety; amendments to the law on common courts; amendments to the Law of Georgia on Broadcasting; amendments to the Law of Georgia on the National Bank; amendments to the Election Code.

In addition, GYLA issued statements in reaction to bills that Parliament was considering. The organization also expressed its public position about important processes and discussions that were taking place in Parliament.

GYLA's positions were taken into account in some cases (e.g. about the Code of Imprisonment) but overlooked in others - for instance, Parliament refused to fulfill several important commitments and amend the national legislation correspondingly (e.g. introducing stalking as a new crime).



THE SECURITY SERVICE:

THIS AFFECTS YOU TOO – THEY ARE STILL LISTENING

A civil society campaign This Affects You Too was launched in 2012 and since then GYLA has been one of its active participants. Back then it was the aim of the campaign to help create a fair electoral environment. In 2012, the Parliament of Georgia adopted a bill drafted by This Affects You Too ordering cable operators to carry all news programs during the election period (must carry). As a result of these changes, broadcasting of TV companies that were critical of the government including Maestro, Kavkasia and Channel 9 became available throughout the country and pluralism of information was ensured during the pre-election period of the 2012 parliamentary elections. Eventually, the must carry principle contributed to Georgia's first peaceful transition of power on 1 October 2012.

Following 1 October 2012, Georgia encountered a new challenge – dozens of files of personal lives of different individuals (mostly sexual in nature) created when the UNM was in power were recovered. Some of these files were destroyed, while others were subjected to investigation. This Affects You Too members decided to revive the campaign, this time to advocate effective legislative mechanisms that would protect citizens against illegal wiretapping and surveillance. A bill that was drafted provided for important legislative guarantees – in particular, it provided an exact list of all crimes and individuals that can be subjected to wiretapping. It also provided for the obligation to notify the subject of wiretapping after it was

finished. The bill drafted by This Affects You Too offered a “two-key system” in which one key would remain in the hands of a mobile network operator and another one would be given to the judiciary.

In November 2014, the Parliament of Georgia adopted the bill prepared by This Affects You Too. Parliament considered requests of the campaign, except for one: the so-called key (technical tool installed in mobile companies that provides telephone conversations to the



law enforcement authorities) remained in the hands of the Interior Ministry (later after the State Security Service was separated from the Interior Ministry, the key was transferred to the newly-established State Security Service of Georgia – the SSG). The second key was provided to the Personal Data Protection Inspector (DPI).

GYLA and other participants of This Affects You Too campaign believed that letting the law enforcement authorities keep the technical means for wiretapping was a principal problem. Because of this very reason the President of Georgia vetoed the bill but Parliament overrode it and turned the bill into a law. Right after the law was promulgated, representatives of the campaign challenged it in the Constitutional Court.

On 14 April 2016, the Constitutional Court of Georgia ruled in favor of This Affects You Too and declared that allowing the law enforcement

authorities (the SSG) to keep the technical means (the key) for wiretapping was unconstitutional. The Constitutional Court explained that when the key is in the hands of an agency interested in conducting a successful investigation, it is highly likely that the agency will be tempted to use it for wiretapping. Although it is prohibited to start wiretapping without the DPI's consent, the latter lacked the opportunity to control the computer software created by the SSG for wiretapping. The DPI consented only to the signal that the SSG provided to him/her. The system was organized in a manner that allowed the SSG to create an alternative infrastructure for wiretapping, which the DPI would not have been able to find.

While the two-key system was for telephone tapping, similar guarantees were not established for monitoring Internet tapping. The SSG was able monitor Internet conversations using one key.





Further, the Constitutional Court prohibited the SSG from retaining metadata for more than two years. Metadata is not related to contents of communications, instead it indicates identity of the person making or receiving a call, duration of the conversation and location of interlocutors. The SSG used to record and retain for two years metadata of all individuals in Georgia who have used a cell-phone or Internet at least once. This was a comprehensive, blanket measure that did not differentiate between internet/telephone users.

The Constitutional Court established that phone tapping, monitoring of Internet conversations, recording and archiving of metadata by the agency that had a professional stake in all these (the SGG) contradicted Article 16 (right to personal development) and Article 20(1) (right to privacy) of the Constitution of Georgia. The Constitutional Court declared that the disputed norms were unconstitutional, however it postponed enforcement of its own decision until 1 April 2017, in order to provide time for the Parliament of Georgia to create a new system in place of the system of wiretapping recognized as unconstitutional.

On 10 February 2017, a special commission was set up under the legal affairs committee

of Parliament with the aim of designing a new system of wiretapping on the basis of the Constitutional Court’s decision. Members of the commission included MPs, parliamentary secretary of the Public Defender, the DPI, parliamentary secretary of the President, Chair of the Supreme Court of Georgia, representative of the government, the SSG, the Ministry of Corrections, the Ministry of Defense and the Interior Ministry. Four NGOs were also among members of the commission: GYLA, Transparency International-Georgia, EMC and Open Society – Georgia.

NGOs presented to the commission a draft law prepared by This Affects You Too campaign participants about establishing an independent agency from the executive authorities that would implement wiretapping. The agency would have been accountable before the Parliament of Georgia. It would have been controlled by the DPI while security aspects of its work would have been controlled by a special parliamentary committee composed of MPs and relevant experts.

The commission rejected the draft presented by NGOs; instead, it supported a bill prepared by the SSG, according to which a legal entity of public law - Operative Technical Agency (OTA) would be set up within the SSG system authorized to carry out secret monitoring of telephone conversations and Internet communications and retaining metadata for one year. The bill was harshly criticized by This Affects You Too but Parliament approved it regardless. On 20 March 2017, the President of Georgia vetoed the bill but Parliament was able to override the veto and the legislative package came into force on 22 March 2017.

In April 2017, This Affects You Too launched a large-scale campaign against the legislative package on secret surveillance; a lawsuit was prepared and signed by nearly 300 citizens.

These lawsuits were sent to the Constitutional Court of Georgia.

The problem of the new legislation about surveillance is the fact that the new entity – the Operative Technical Agency (OTA) remains under the effective control of the SSG, which does not ensure implementation of the 14 April 2017 decision of the Constitutional Court. The Agency is a legal entity of public law operating under the SSG. The SSG chief will select three candidates and nominate them for approval of a special commission composed of chairs of the human rights committee, security committee and legal affairs committee of Parliament, a representative of the Government, deputy chair of the Supreme Court, the Public Defender and the SSG chief himself/herself who also serves as the chair of the commission. The government has a guaranteed majority in the commission. Further, in an event the commission rejects all three candidates, new candidates will also be nominated by the SSG chief. In this way, an individual who is unacceptable for the SSG chief will never be appointed as a head of the agency. Dismissal of the OTA head is also done at the proposal of the SSG chief and by the Prime Minister of Georgia, including when s/he fails to adequately perform the official responsibilities. In this way, the SSG chief has an effective mechanism at his/her disposal for appointing or dismissing the head of the Agency.

The SSG chief determines basic structure of the Operative Technical Agency, as well as powers of its structural divisions and territorial bodies. Pursuant to Article 11 of the Law of Georgia on Legal Entities of Public Law, the SSG chief is authorized to suspend, annul or amend individual acts adopted by the agency on grounds that they are wrongful. In this way, not only does the SSG chief have a control over the OTA's personnel decisions but s/he can also exercise significant influence on overall activities of the Agency, which means that the Constitutional Court's

ruling that the key should not be kept by an agency with a professional stake in investigation or in wiretapping is not implemented. The disputed norm is a superior one. This Affects You Too campaign is demanding that the norm be deemed unconstitutional without main hearing, during a preliminary hearing.



The disputed norms significantly weaken the mechanisms of DPI's oversight. The Agency begins wiretapping after the DPI confirms court warrant or a resolution about special circumstances. Unlike the two-key model, wiretapping a user begins after the OTA and not the DPI presses the button. The warrant may authorize wiretapping of one user but the OTA may begin wiretapping another user. The DPI intervenes only after wiretapping begins and activates the target whose name is not provided in the court warrant. The two-key model ruled out any such scenario because the DPI activated the target whose name was in the court warrant or prosecutor's resolution. In this way, the new regulation weakens previously existing mechanisms of control.

In June-July 2017, several preliminary hearings were held about lawsuits filed by This Affects You Too but final decision has not yet been made.



MEDIA ENVIRONMENT AND RIGHTS OF JOURNALISTS

Media environment in Georgia is pluralistic but rather polarized. In late 2016, merging of several major media outlets was assessed as consolidation of resources and power to create a media product loyal to the authorities.

The court dispute that began in 2015 about Rustavi 2 TV Company was decided at the national level in favor of the plaintiff. However, in late March 2017, the European Court of Human Rights suspended enforcement of the decision until further notice, as a result of which the TV Company ownership has remained unchanged.

The Georgian Public Broadcaster (GPB) was affected by processes and challenges that took place in the field of media during the reporting period. Not only that, the GPB was one of the important links in the chain of events that

occurred and it became the focus of public attention on numerous occasions.

In late 2016-early 2017, the GPB management was replaced under suspicious circumstances. The new management availed plans for the GPB reform, which raised a number of questions and suspicions about the real intentions behind the reform. As a result of the reform, all programs except for Moambe News Program would be shut down. Such changes were in direct conflict with the Law on Broadcasting as well as the GPB's programmatic priorities. Eventually, as a result of active civil society involvement the issue of suspending all but the news program was removed from the agenda. However, two popular social/political programs were still shut down, which was assessed by the civil society as an action directed against alternative opinion.

Soon after election of the General Director, draft amendments to the Law of Georgia on Broadcasting were unveiled, prepared by a task force set up by the legal affairs committee of Parliament. The draft law reinforced suspicions that developments that were taking place around the GPB were somehow connected to the authorities and their intentions.

During the reporting period, GYLA conducted activities to promote pluralistic media environment in Georgia.

- In March 2017, GYLA and more than 20 NGOs addressed the European Court about the case of Rustavi 2. The organizations explained that since court proceedings at the national level were accompanied by a number of circumstances that called court's impartiality into question and also indicated that the government had a stake in the outcome of the case, the European Court of Human Rights should have considered

the complaint of Rustavi 2 TV Company and applied an interim measure for the duration of the proceedings before the Court. Representatives of Rustavi 2 TV Company also filed similar request with the Court. For the first time in the history of similar cases, the European Court applied an interim measure.

- In April 2017, the decision of the Supreme Court's Grand Chamber in Rustavi 2 case was published fully. GYLA analyzed the decision and published a legal opinion that explained in detail why the decision made by the court was problematic in view of the existing legislation and existing practice.
- During the reporting period, as a member of the Coalition for Media Advocacy GYLA issued several statements about processes relevant to media, including shutting down of programs hosted by Salome Asatiani and GogiGvakharia, as well as the plan to shut





down Real Space (eventually, the program was kept but it has not yet been aired).

- GYLA criticized the ***draft Law of Georgia on Broadcasting*** initiated in Parliament of Georgia, developed by the task force set up by the parliamentary legal affairs committee. In GYLA's view the legal draft is a combination of many initiatives that run against the status and function of the Public Broadcaster guaranteed by applicable legislation, greatly undermine currently existing standard of accountability and transparency of the GPB, increase the risk of corrupt deals and reduce powers of the Board of Trustees – the body that oversees the broadcaster - without adequate justification.

During the reporting period GYLA provided a range of legal consultations about rights of journalist and in the field of media law. In addition, the first instance court ruled in favor of the plaintiff in Eka Mishveladze's case. The case concerned the plaintiff's dismissal from work and shutting down of a social/political program PirveliStudia (Studio One) by the GPB management. The court invalidated the official decision on termination of Ms. Mishveladze's employment contract and ordered the GPB to pay GEL 30,000 in the plaintiff's favor. The plaintiff' complaint about discrimination has been rejected (both parties have challenged the decision in the appellate court).

ANTI-CORRUPTION ACTIVITIES

Prevention of corruption and the accompanying processes remain to be an important challenge for the Georgian authorities. The government recognizes that the anti-corruption policy should focus on preventive measures, while the national anti-corruption strategy should be directed at effective solution of challenges identified in fight against corruption and reduction of risks of corruption.

Although during a meeting of the Inter-Agency Coordination Council for Combating Corruption held in April 2017, the National Anti-Corruption Strategy of Georgia 2017-2018 was approved, the Government of Georgia did not adopt the strategy and the action plan until September 2017. Clearly, prevention of corruption and creating accountable, transparent state agencies remains a crucial issue for Georgia on the road to European integration.

After signing and ratification of the Association Agreement between Georgia and the EU, Georgia committed itself to continuing the public governance reform and create an accountable, effective, efficient, transparent and professional civil service; continuing to fight corruption effectively, especially for strengthening international cooperation in this area; and ensuring implementation of adequate legal documents, such as **the UN Convention Against Corruption** (UNCAC).

Anti-corruption activities remain one of GYLA's priorities. The organization has been actively participating in the process of drafting of the National Anti-Corruption Strategy of Georgia 2017-2018 and will continue to work in this area.

- During the reporting period GYLA was involved in activities of the Inter-Agency Coordination Council for Combating Corruption. It

participated in working meetings and a range of other events.

- In early 2017, GYLA submitted its written opinion to the Council secretariat about issues that needed to be reflected in the National Anti-Corruption Strategy and Action Plan 2017-2018.

GYLA's proposals concerned major areas of the Strategy, including prevention of corruption in civil service, public procurement, political parties, judiciary authorities, private sector and prevention of the crime of corruption:

- **Prevention of corruption in civil service** - development of recommendations for establishing the system of professional development in public service;

- **Public procurement** - 1) improving the electronic procedure for secret public procurement; b) integrating the module of information about secret procurement contracts in the Contracts Management Report (CMR) module; c) establishing regulations about providing access to information on secret procurement; d) improving procedures for simplified state procurement.

- **Political parties** - a) revising regulations for providing state funding to political parties; b) revising vote-buying regulations; c) regulating issues concerning financing of election campaign of initiative groups (independent candidates); d) revising the issue of financing of political parties and election campaigns.

- **Prevention of corruption in the system of justice** - a) selection and appointment of judges based on objective criteria, merit and transparent procedure; b) improving substantiation of the HCoJ decisions, improving the regulations that apply to substantiation of decisions; c) im-

proving transparency of the mechanism of disciplinary proceedings against judges in the HCoJ; d) revising competencies of the HCoJ;



- **Private sector** - a) defining fields and criteria for establishing a state enterprise; b) regulating HR policy of a state enterprise; b) developing and adopting code of ethics/conduct for employees of a state enterprise; e) raising awareness of employees of a state enterprise about anti-corruption issues;

- **Prevention of the crime of corruption** - increasing access to information about the crime of corruption.

Despite attempts made by GYLA to ensure that the above issues were reflected in the National Anti-Corruption Strategy and Action Plan of Georgia 2017-2018, in April 2017 it became known that only the recommendations on political parties and about improving the regulations that apply to substantiation of the HCoJ decisions would be considered. **Unfortunately, we have not received a clear or substantiated response about rest of GYLA's recommendations, as to why they were overlooked.** In GYLA's view, implementation of the above proposals would have significantly improved effectiveness of the fight against corruption and increased opportunities for prevention of corruption. GYLA's anti-corruption activities were not just limited to sending recommendations to the inter-agency council. In 2017, GYLA submitted to the OECD its interim report about implementation of the recommendations.

DELAYED REFORM OF FOI LEGISLATION

Reforming the freedom of information legislation remained a problem in 2017. It has been assessed by many that adoption of the existing legal draft would have contributed to improvement of freedom of information in Georgia. **However, the government lacked the political will to turn the bill into a law.**

In May 2017, GYLA provided its written opinion to the secretariat of the Inter-Agency Coordination Council for Combating Corruption about issues that needed to be included in the draft in order to make it more effective. GYLA's proposals and recommendations entailed the following bullet-points:

- **Definition of professional secret;**
- **List of documents intended for internal use;**
- **Contents of annual reports about public information and procedure for further examination of these reports;**
- **Timeframe for providing access to public information;**
- **Improving the unreasonable provision that regulates public information;**
- **Basis for classifying and de-classifying public information;**
- **The procedure for election of freedom of information commissioner;**
- **Processing of personal data;**
- **Timeframe for imposing and enforcing administrative punishment;**
- **Sanctions prescribed for administrative violations and other issues.**
- **In addition, GYLA commended the progressive nature of FOI bill, which incorporated the following important initiatives:**
- **Broadening the circle of public institutions;**

- **Introducing public interest and damage test;**
- **Establishing an unequivocal obligation to provide access to a large volume of public information;**
- **Introducing the obligation to create a single open data portal;**
- **Establishing the institute of FOI inspector delegated with effective powers;**
- **Defining administrative offences in the field of freedom of information, and more.**

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During the reporting period, on the International Right to Know Day celebrated on September 28, GYLA published a research on accessibility of public information in Georgia, providing statistics and main trends identified during monitoring implemented over the period of 8 months. The research proved existence of many problems in accessibility to public information and demonstrated once more the need to adopt a new code.



ICHANGE - PORTAL OF E-PETITIONS

An important part of GYLA's work and efforts throughout 2017 was directed at launching of iChange - a portal of electronic petitions. In May 2017, the Parliament of Georgia approved a resolution that defines terms and conditions for creating and using a portal of e-petitions. However, the portal is not fully operational just yet. Even when it is fully launched, it is highly likely that most e-petitions initiated by interested individuals will not be able to receive the right amount of support - 10,000 signatures - in order to be considered and responded formally.

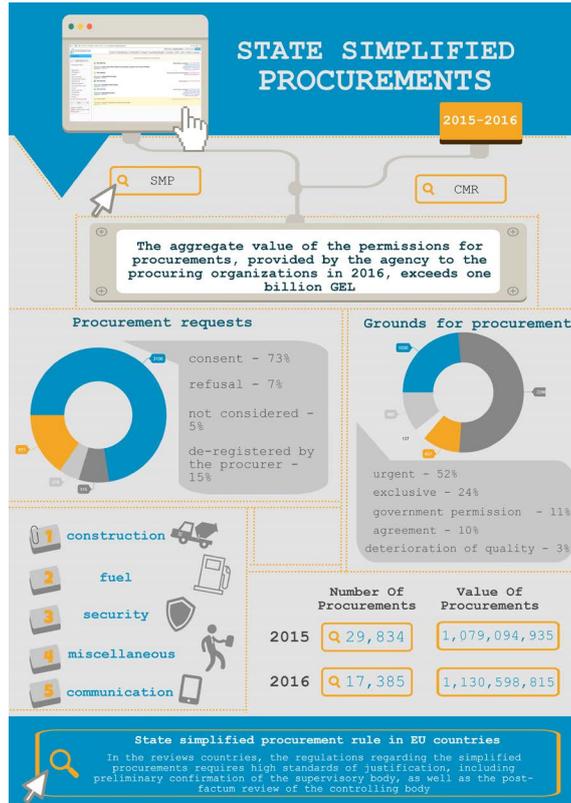
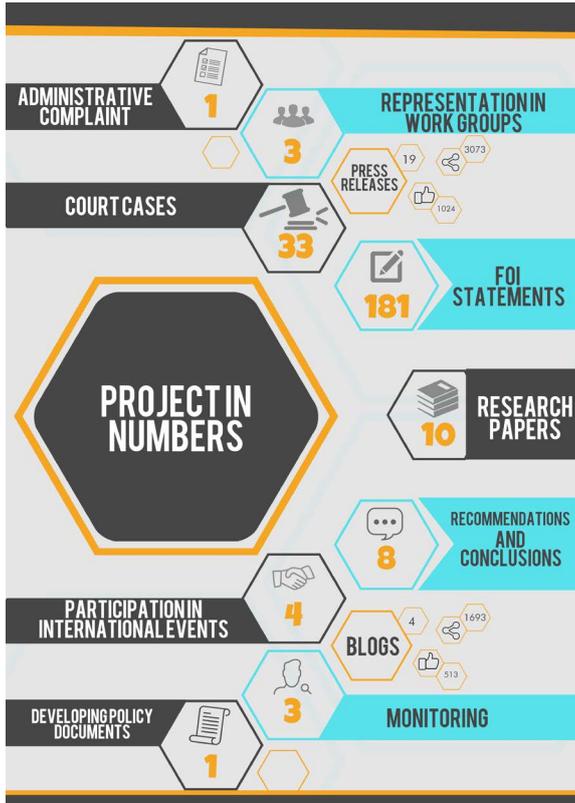
Nevertheless, after close consultations with the donor and the Government of Georgia, GYLA prepared a project - "Raising Public Awareness and Education about iChange Web-Portal in Georgia" with the aim of raising public awareness among citizens of Georgia about the web-portal of electronic petitions - iChange.gov.ge, about functioning of the portal, rules and procedure for submitting e-petitions to the Government of Georgia, how they are admitted and considered, and about all the principles and conditions that the process of using e-petition should be based on. The project also aims to promote the portal. To this end, within the project GYLA will hold public discussions and meetings across Georgia (at regional offices of GYLA) and distribute corresponding materials. The project was launched in October 2017 and it will play an important role in improving citizen participation in decision-making process, as well as in bringing the government closer to its constituents.

FIGHTING CORRUPTION TO IMPROVE TRANSPARENCY AND ACCOUNTABILITY OF PUBLIC PROCUREMENT

In 2017, GYLA finished a successful project - "Fighting corruption to improve transparency and accountability of public procurement". The project that lasted 18 months was implemented by GYLA's anti-corruption team and entailed a range of activities.

Of special note are studies prepared within the project, showcasing lack of regulatory framework for secret public procurement and subsequent high risks of corruption. The first study prepared by GYLA in 2016 about secret public procurement resulted in adoption of corresponding regulatory norms by the Government of Georgia. In 2017, GYLA presented another study about secret public procurement that provides a detailed account of the main shortcomings in the existing regulatory framework adopted by the Government of Georgia about secret procurement.





CIVIL SERVICE REFORM

IMPORTANT STAGES AND CHALLENGES

Civil service reform is an important part of the internal reform that Georgia has committed itself to within the Association Agreement between Georgia and the EU.

Civil service reform was launched in 2014 under the initiative of the Government of Georgia and the Civil Service Bureau (CSB). Stage 1 of the reform was focused on development of concept of the reform with active participation of academic communities and civil society. Based on the concept, a draft law of Georgia on Civil Service was prepared and adopted by the Parliament of Georgia on 27 October 2015; however, the law was set to officially come into force on 1 January 2017.



Unfortunately, in December 2017 the Parliament of Georgia pushed back the date of commencement to 1 July 2017, because the Government of Georgia failed to ensure timely adoption of the CSB bylaws even though drafts of these bylaws were open for public discussion in August 2016; it also failed to submit to Parliament draft law of Georgia on “Legal Entities of Public Law” and on “Remuneration in Civil Service”.

Later, one month before the scheduled commencement of the Law of Georgia on Civil Service, the Government of Georgia submitted to Parliament a draft of amendments to the law, which entailed a number of new regulations, including: a) exempting individuals with graduate degree and/or individuals that passed the unified national examinations from the obligation to provide a certificate; b) abolishing the requirement of having relevant specialist present during evaluation process; c) abolishing the requirement to provide an employee terminated as a result of reorganization, liquidation or merging with compensation at an amount equal to what the employee would have earned as salary by working another month.

The draft law defined a transitional period for commencement of the Law of Georgia on Civil Service – the transition period begins on 1 July 2017 and ends on 1 January 2018, meaning that during this time the following new regulations introduced by the Law of Georgia on Civil Service will not commence: a) the system of remuneration for civil servants; b) application of the law to legal entities of public law; c) the obligation to provide a certificate; d) the

obligation to hold a closed competition; e) activation of the system of employee incentives and evaluation.

In this way, the Law of Georgia on Civil Service will fully commence on 1 January 2017, which further delays a comprehensive reform.

After entry into force of the Law of Georgia on Civil Service on 6 July 2017, the CSB and the Ministry of Finance of Georgia (MOF) presented a draft law of Georgia on Remuneration in Public Institutions, which contains a number of problematic provisions.

As an important novelty, the civil service reform introduces the system of monitoring of asset declarations of public officials, which will be come operational on 1 January 2017.

Clearly, the process of reforming civil service launched in 2014 with much enthusiasm has somewhat dwindled down due to the GoG's lack of adequate and consistent political will and the fact that the issue is not a priority.

GYLA will closely monitor the progress of the reform and will continue monitoring of enforcement of the law.

GYLA'S PARTICIPATION AND STANCE IN THE PROCESS OF IMPLEMENTATION OF THE REFORM

The Georgian Young Lawyers' Association was actively involved in development of the concept of the reform as well as in parliamentary discussions about the draft law and further processes.

- During consideration of the draft law in 2015, based on comments prepared by GYLA: a) the limitations placed on a civil servant's right to

participate in assemblies and manifestations were removed; b) the circle of individuals employed on the basis of an administrative contract was narrowed down; c) the length of probationary term was reduced. During the very same period, GYLA highlighted the following problematic issues: a) reducing the minimum age of employment in public service to 18 years of age; b) participation of current employees (with an active labor contract) in internal recruitment competition; c) the rules of decision-making by a competition commission; d) increase of financial sanctions in disciplinary proceedings; e) guarantees for reinstating illegally terminated civil servants.

- In December 2016, GYLA criticized postponement of entry into force of the Law on Civil Service and the GoG's failure to prepare decrees as well as draft laws;

- In August 2016, the organization actively participated in public discussions about the GoG decrees. It submitted to the CSB recommendations about competition, evaluation, incentives, ranking and classification regulations.

- During the reporting period, GYLA prepared a research about the mechanisms of evaluation and disciplinary proceedings in EU-member states and presented recommendations based on the research. GYLA's opinions were related to: a) setting up a competition commission for appointment of LEPL heads and deputy-heads, instead of using a simplified competition for appointment; b) establishing minimum standards for a single methodology for evaluation; c) defining transparent and clear criteria for provision of incentives.

- As a result of GYLA's active advocacy, despite the GoG's initiative, civil servants terminated as a result of reorganization retained the right to

receive compensation at an amount equal to that they would have earned as salary by working another month.

- In June 2017, GYLA criticized the limitations placed on the scope of application of the Law on Civil Service. According to these limitations, the law no longer applied to a) employees (civil servants) of the office of a national regulatory body; b) employees (civil servants) of the system of the Ministry of Corrections; c) employees of the State Audit Office (SAO). In GYLA's view, broadening of the scope of exceptions undermines the process of establishment of a unified civil service.
- After studying the draft law on Remuneration in Public Institutions, GYLA found that the draft law failed to create a system of single and equal remuneration provided in the concept of the civ-

il service reform. It also failed to eliminate the existing unequal practices. GYLA highlighted the following concerns: different schemes and rates of remuneration for employees of central and local government; different pay for civil servants in local self-government bodies, depending on population size; different pay for state/political officials of the central and autonomous governments.

- GYLA submitted to the CSB recommendations about the draft law. Most notable of these recommendations are: a) extending the scope of application of the law to all state and civil servants employed by budget institutions; b) using identical rates for compensating employees (civil servants) of the central and autonomous governments; c) abolishing the difference between compensation rates for local self-government employees (civil servants) by population size.



Allowing all municipalities to use the remuneration table created for bodies of local self-government on equal basis and within their own limits, and not to establish any additional financial barriers; d) increase percentage rate of supplementary pays for different classes (categories) of civil servants (at least 5% for class 1) to increase motivation of civil servants; e) set the maximum rate of one-time supplementary pay and pecuniary award at 10%-30% of monthly wage; e) the right to receive a supplementary pay or a pecuniary award should not be extended to employees hired on the basis of administrative contracts; f) any exception to remuneration regulations for employees hired on the basis of administrative or labor contracts should be abolished; g) equalize pay rates for identical state/political officials of the central and autonomous governments; h) the right to receive a supplementary pay and a pecuniary award should not extend to state/political and political officials; i) provide a detailed regulation of competition with private sector and areas in which the Government of Georgia has the right to define the list of positions; j) the system of remuneration for state/political and political officials should become operational with commencement of the law, and should not be deferred until 1 January 2021 as an exception; k) the new system of remuneration should not cause reductions in the existing remuneration of civil servants.

- GYLA evaluated functioning of the system for monitoring asset declarations of government officials, analyzed the process of selection of officials to be verified and found out that the obligation to monitor asset declarations was inadequately fulfilled in 2017. In particular, a commission composed of representatives of NGOs and academic circles was not set up in the CSB for

selecting half of declarations to be verified, no more than 5% of officials. The commission could not be established because by the time the GoG approved the “Instructions for Monitoring Asset Declarations of Officials”, the deadline for setting up the independent commission on the basis of the Instruction had already expired.

MONITORING OF OPTIMIZATION OF RESOURCES IN PUBLIC INSTITUTIONS

In parallel with the civil service reform, under the initiative of the Prime Minister of Georgia, the process of cutting budget resources by 10% in public institutions began on 9 December 2016, which led to optimization of personnel and termination of civil servants.

Based on information requested from Ministries and self-governing cities, GYLA evaluated the process of cutting of budget resources and reorganization. We studied the following issues within the monitoring:

- How much of financial expenses were saved and in which areas;
- Administration, duration and requirements of the reorganization process;
- How many civil servants were terminated as a result of reorganization and what was the criteria used for choosing them;
- Amount of compensation paid to civil servants terminated as a result of reorganization.

The analysis of budget cutting and reorganization process revealed the following:

- a) Lack of a single consistent approach

among Ministries and self-governing cities to budget cuts and priorities because the government does not have a single vision;

- b) Ministerial decrees on reorganization were standard pro-forma documents. Most of these decrees did not contain information about length, terms and regulations of reorganization, the necessity to conduct a personnel audit and prepare recommendations about the need of reduction of personnel;
- c) Public institutions lacked clearly specified criteria for selecting civil servants that were to be terminated in the process of reorganization. Further, majority of ministries did not provide justification as to why a particular civil servant was chosen for termination.

GYLA also criticized the fact that during reorganization process public institutions did not turn to the CSB for recommendations. The CSB was implementing a functional analysis of public institutions within the civil service reform. Such approach of public institutions can have a negative effect on implementation of the civil service reform. Further, GYLA urged the Parliament of Georgia on numerous occasions to demand that the Government submit a report about the reorganization process but the legislators failed to exercise effective oversight in this particular area.



FROM OVERCOMING DOMESTIC VIOLENCE TO EQUAL POLITICAL PARTICIPATION OF WOMEN

VIOLENCE AGAINST WOMEN

Although in 2006, a special law was introduced in Georgia with the aim of combating domestic violence, violence against women and domestic violence is a widely spread problem in Georgia.

Despite efforts made by the state and civil society over the period of many years, in most cases domestic violence continues to be perceived as a personal issue and not a crime. Incidents of domestic violence are often concealed and instead of resorting to mechanisms established by the law people try to solve the problem beyond the law. Unfortunately, in a number of cases such attempts are unsuccessful and sometimes they even bring about fatal results.

The state policy and practice in combating violence continues to be ineffective. Ratification of Istanbul Convention in 2017 and making of subsequent legal changes are commendable. However, despite certain steps made by the state, women who are victims of gender crimes continue to face a number of barriers that limit their access to justice. Attempts of the law enforcement authorities and the judiciary to avoid escalation of violence, provide adequate evaluation of violent incidents, identify gender motive in crimes and apply adequate sanctions against perpetrators have been ineffective.

Women that represent certain groups are especially vulnerable. For instance, remedies provided by the Istanbul Convention and the



Georgian legislation in an event of domestic violence are virtually inaccessible for women sex-workers and women who use drugs. They are reluctant to apply to court or investigative authorities, because they are facing heightened risk of violence and criminal/administrative prosecution by the law enforcement authorities due to the existing legal framework (use of drugs amounts to an administrative or a criminal offence and prostitution amounts to an administrative offence). Administrative remedies for protection of violence do not extend to LGBT women who are victims of violence by partners, while there are no special standards for responding to violence against women with disabilities (women with psychological and

social needs). Additional guarantees need to be established in legislation and practice in order to improve access to justice for these categories of women.

One of the primary problems is the fact that contrary to applicable international standards, the legislation and practice in Georgia does not view violence against women as a form of discrimination against women. There are no principles of criminal policy tailored to gender crimes in the country.

Effective fight against violence is complicated not only by the inadequate policy of the state for preventing and responding to violence but also the patriarchal culture that exists in the country and the structural reasons of inequality like unequal distribution of power and resources between women and men, the problem of economic independence of women, all of which promotes violence and turns victims especially vulnerable, often forcing them to tolerate violence instead of escaping it.

GYLA'S ACTIVITIES FOR COMBATING VIOLENCE

For many years GYLA has been working on issues of domestic violence. It conducts a range of activities every year, with the aim of preventing the crime on the one hand and restoring rights of victims and imposing adequate responsibility on perpetrators of violence. Every year GYLA provides legal assistance to hundreds of women who are victims of violence; it also conducts strategic litigation.

During the reporting period:

- in the process of drafting of the new Constitution, GYLA was actively advocating for women's rights and the idea of equality between women and men. In addition to other issues, GYLA put forward an initiative about introducing a separate provision in the Constitution about equality

Recently the organization has become especially active in protecting and promoting women's rights. During the reporting period, in addition to offering legal assistance GYLA's vision and strategy became more focused on psychosocial rehabilitation and economic empowerment of women who are victims of domestic violence. During the reporting period the organization was actively advocating a gender-sensitive legislation and policy to ensure full participation of women in public life, including by introducing gender quotas in the election system.

of women and men. The initiative was supported by the Constitutional Commission and later by Parliament. The following new provision was introduced in the Constitution: "the State shall ensure equal rights and opportunities for men and women. The state shall take special measures to ensure substantive equality between men and women and to eliminate inequality." This was a landmark change that marked moving of the Constitution of Georgia from the model of formal equality to a substantive one.

- In 2016, GYLA organized many public events to mark the 16-day campaign to end violence against women. During the reporting period, events for the 2017 campaign were planned.

- During the reporting period, GYLA was working to raise awareness about violence. It launched an information campaign #SpeakUp (do not conceal violence) and had numerous field trips in the regions, roundtable discussions, moot courts for students, etc.



Public discussion at the Heinrich Böll Foundation: New Frameworks of Justice: Intersection of Gender and the Law.

#საია

ქალთა მიმართ ძალადობის წინააღმდეგ მიმართული 16 დღიანი კამპანია



5 დღეებში

მრგვალი მაგიდა „ქალთა მიმართ ძალადობისა და ოჯახში ძალადობის პრევენციისა და აღკვეთის შესახებ“ ვებინარის საბაზო კონვენციის (სტამბოლის კონვენცია) საქართველოში რატიფიცირების შესახებ.

მრგვალი მაგიდა იმართება კოალიციის თანხმობისთვის ორგანიზებით.

10:30 საათი, რუს კონვულ თბილისი



7 დღეებში

დისკუსია თემაზე: ქალთა ჩართულობა პოლიტიკურ პროცესებში. „საქართველოში 2016–2018 საარჩევნო ციკლის პერიოდში პოლიტიკურ-საარჩევნო პროცესებში ქალთა ჩართულობის ხელშეწყობი გარემოს შესწავლა“ / „2016 წლის საპარლამენტო არჩევნები, მიზნები და გამოწვევები.“

ახალგაზრდა იურისტთა ასოციაცია



8 დღეებში

სენსიბლ სემინარის საშემთხვეველი მონიტორინგის ანგარიში №9 – ოჯახში ძალადობის, ოჯახური დანაშაულებისა და ქალთა მიმართ ძალადობის საქმეებზე:

1. უმთავრეს სასამართლო გამოკვეთა: გამომწვევები განაჩინი, მართვითი პრინციპების სასაქონლო აღსაბამობა;
2. მთავრად, მსამართლები დაუსაბამობად ღონისძიებების უზრუნველყოფის იმპლემენტაცია; 3. პროკურატურა სამთ საქმეებზე არ მდებარე დისკრიმინაციული მოტივების გამოკვეთა, სადაც დაძვინი იმის შესაძლებლობა იქნება.

11:00 საათი, სანქციონარო მინორი გარემო და ვებინარის შესახებ.



9 დღეებში

პრევენციის ვრცელდება: „ოჯახში ძალადობისა და გენდერული ძალადობის მსხვერპლთა დაცვის მექანიზმებზე ხელმისაწვდომობის უზრუნველყოფა“.

პრევენციის მიზანია: ოჯახში ძალადობისა და გენდერული ძალადობის მსხვერპლთა დაცვის მექანიზმებზე ხელმისაწვდომობის უზრუნველყოფა და ცნობიერების ამაღლება.

16:00 საათი, „ვერა ლუფტი“, თბილისი, სორბონის ქ. 3.

- During the reporting period, GYLA litigated a number of strategic cases about violence against women. It also provided free legal assistance to 1285 victims of domestic violence and violence against women, prepared nearly 150 legal documents for these victims, and provided legal representation for nearly 25 beneficiaries in criminal, civil and administrative disputes. As a result of their litigation at the national level, GYLA's lawyers helped establish important precedents for women's rights.

- In 2017, GYLA submitted the very first communication to the Committee on the Elimination of Discrimination against Women (CEDAW). B.Dz.'s case concerns killing of a woman on account of her gender. This case, if successful, will be the first time that the CEDAW examines a claim against Georgia. With the help of GYLA and its sub-grantees, many victims of violence received emergency medical care. 156 beneficiaries went through psycho-social rehabilitation (253 victims, 3 perpetrators of violence), 123 victims attended vocational training courses and obtained skills for continuing their life independently;

- GYLA created inter-disciplinary working formats to work alongside state agencies and other NGOs on the form for evaluation of the risk of violence against women and/or domestic violence by authorized police officers, as well as on creating and establishing correctional programs for offenders;

- During the reporting period GYLA prepared and published a number of studies about women's rights situation in Georgia, gaps in legislation and practice: "Report of Monitoring Criminal Trials about Cases of Domestic Violence", "Women in Politics in Georgia", "Gender-Based Violence against Sex Workers and Barriers to Accessing Justice - International Standards and Georgian Experience". Each of these publica-

tions provides analysis of the problem as well as recommendations for improving both legislation and practice. This is the first time GYLA heavily focused on these issues.

- GYLA submitted to Parliament its opinion about a legislative package that aimed to bring the national legislation in compliance with the Istanbul Convention. Overall the package was positively assessed by GYLA; however, it also openly stated about issues that needed to be included in the national legislation pursuant to the Istanbul Convention. Unfortunately, GYLA's opinion was overlooked at that time.

- The organization voiced its opinions during discussions about a legislative proposal about femicide at the parliamentary legal affairs committee. The opinions were based on GYLA's research and aimed to support definition of femicide as a new crime. Unfortunately, the committee did not support GYLA's opinions or the legislative proposal.

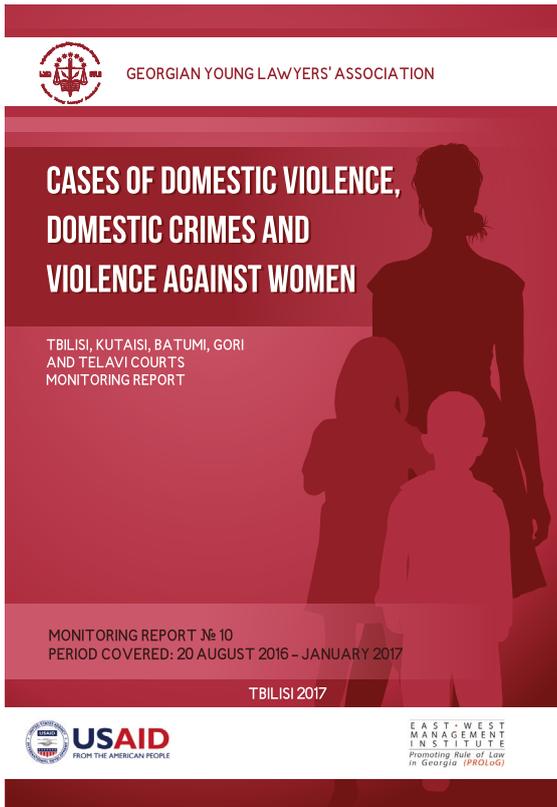
GYLA will continue to work actively to improve the legal framework and to contribute to effectiveness of fight to end violence against women.

WHAT DOES THE PROCESS OF MONITORING OF TRIALS BY GYLA INDICATE?

During the reporting period, GYLA prepared a special report on the basis of trial monitorings (the monitoring began on 20 August 2017 and lasted through January 2017) that allowed us to see attitudes/approaches of courts, prosecutor's office and attorneys of perpetrators of violence towards women.

The research found that:

- **Victims of domestic violence or crime are mostly women (in 88% of cases monitored victims were women);** however, such crimes are not viewed as gender-based crimes. Among cas-



es studied during the monitoring, not a single case of violence against women was assessed as gender-based crime. Judges and prosecutors did not invoke a special provision that aggravates perpetrator’s responsibility when the crime is based on the motive of discrimination. In cases where circumstances indicating discriminatory motive existed, these circumstances were not adequately examined and therefore, none of the perpetrators were punished for subjecting a woman to violence on account of her gender.

- **Administration of effective and gender-sensitive justice in cases of violence against women is a serious challenge for courts and the prosecution.** Due to lack of a single vision, there is only individual and rather scarce positive practice, which is indicative of inconsistent and fragmented nature of their work.
- Use of unreasonably lenient restraining measures by judges is an important problem.

Judges tend to use bail (financial, material sanction) as opposed to imprisonment. In such cases perpetrators are released from courtroom, which heightens the risk of repeated violence.

- Use of lenient punishments is also a problem. Despite verdicts of guilty, systematic character and gravity of the crime, judges mostly do not find it necessary to isolate perpetrators of violence from society and do not use a custodial sentence. In 72% of cases, judges used lenient sanctions giving perpetrators more chance to go near their victims.

WHAT CHANGED (OR DIDN'T CHANGE) FOLLOWING RATIFICATION OF THE ISTANBUL CONVENTION

Georgian legislation (both material and procedural) is gender-neutral and it seemingly ensures equality. However, analysis of the issue has revealed that it still far away from gender-sensitivity and does not do much to ensure achievement of meaningful equality between women and men. Ratification of Istanbul Convention is an important step forward in this area.

In May 2017, Georgia ratified The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) and made subsequent changes in the national legislation. These changes made Georgian legislation more gender-sensitive. In particular:

- The legislation of Georgia defined that violence against women is gender-based and mechanisms and services that extended to domestic violence only (restraining and preventive orders, shelters, crisis center, etc.) are now extended to all female victims of violence;
- A restraining order becomes effective immediately after it is issued and it no longer requires court’s approval for commencement;



During a 16-day campaign to end violence against women in 2016, GYLA and Equality Coalition held a roundtable meeting with participation of executive and legislative officials to remind them once more about importance of ratification of Istanbul Convention.



- A child who witnesses violence is also viewed as a victim by the law;
 - The notion of gender-based crime was introduced in the criminal legislation and it includes stalking, female genital mutilation and sterilization without consent.
 - The legislation on sexual violence was brought in compliance with requirements of Istanbul Convention;
 - Perpetrating a crime against a family member and on gender basis, with discriminatory motives is now viewed as aggravating circumstances;
 - Minimum age of marriage was set at 18, without exceptions;
 - Based on GYLA's proposal, the model of formal equality was replaced with substantive equality in the Constitution of Georgia, which is one of the main requirements of Istanbul Convention;
- However, a number of important changes foreseen by Istanbul Convention have not been implemented in the national legislation. In particular:
- Sexual harassment is still not punishable;
 - Psychological violence perpetrated outside a family has not been included as a separate crime in the Criminal Code;
 - Legislation does not provide a definition of femicide – killing of a woman on account of her gender - in a separate Article or an aggravating factor for a willful homicide;
 - Despite changes that have been made, the legislation on sexual violence falls short of the Istanbul Convention standard;
 - The article on rape has been amended in compliance with the Convention; however, contrary to the requirement of the Convention rape is still not defined as sexual penetration **without the freely given consent** of one of the parties involved;
 - Stalking is not defined as a form of violence in the Georgian legislation and it is not subject to restraining or protective orders.

Risk assessment form

One of the issues that will be a major step forward in terms of effectiveness of the fight to end violence against women is development of risk assessment form for employees of the Interior Ministry and introducing it in practice. The method has been successfully used in a number of European countries. It allows police officers to make the right decision and assessment when responding to a fact and identify a victim. Therefore, during the reporting period GYLA partnered with the Ministry of Internal Affairs to develop the risk assessment form. To this end, a group of experts examined experience of several different countries (Spain, the Netherlands) and used the information to prepare the risk assessment form. GYLA will introduce the form in practice in partnership with the Ministry.

The correctional program for offenders

In addition to working on the risk assessment, GYLA is also working with partner organizations to develop a correctional program for offenders. In early November, a group set up under the project auspices attended a training with a Spanish expert (the expert was hosted by the UN Women) to learn about the Spanish model - PRIA. Based on the model, initial outline for the program tailored to Georgia's needs was developed on the spot. Of note is the fact that the Spanish model PRIA is already used by the Ministry of Corrections of Georgia and probationers are successfully participating in the program. A new program will be developed on the basis of the existing material and introduced in the penitentiary system of Georgia. The Ministry of Corrections is actively participating in the process. The program will be ready in late 2017 and offenders who are serving punishment for a domestic crime will join the pilot program in 2018.



CAMPAIGN FOR RAISING AWARENESS

- ***#SpeakUp***

In December 2016, GYLA launched a large-scale campaign for raising awareness - #SpeakUp - do not conceal violence! The aim of the campaign is to raise public awareness and sensitivity towards issues of domestic violence and demonstrate that involvement of each and every member of the society matters for overcoming the problem.

GYLA's campaign during

Open Air Alter/Vision music festival



- **Mock trials on domestic violence**

GYLA organized a mock trial on domestic violence with participation of students from all over Georgia - a total of 76 teams. 22 best teams competed in the final.

**EMPOWERING VICTIMS OF VIOLENCE
AND HELPING THEM TO LIVE
INDEPENDENTLY (FROM PERPETRATORS
OF VIOLENCE)**

Vocational training of victims can be viewed as one of the most successful components of the multi-faceted activities implemented by GYLA **during the reporting period for protection of women's rights**. 27 victims of violence received GYLA's financial support to attend different vocational training programs, including those of a stylist, manicure/pedicure technician, cook, foreign language specialist, marketing specialist, and a drama program. In addition, juvenile victims were trained for university admission tests. The vocational training will help them achieve economic independence and start a new life.

GYLA's beneficiary: "it was my dream to learn the profession of a stylist because I thought that this was the job that I loved. My husband didn't let me out of the house. He didn't allow me to study and to work, he subjected me to physical and psychological violence for many years. After 13 years of torture, I decided to take the risk and start an independent life. Now I am thinking about starting my own business. I want to open a small beauty parlor. My advice to all women, especially women who put up with violence, is to save themselves and never to give up on their dreams."

GYLA's beneficiary: "for years my father subjected us to psychological and physical violence. One day I called the police and they transferred us to a state shelter. Now I am in peace, getting ready for my university admission exams while attending a training program for stylists. I want to tell everyone who is a victim of violence to speak to someone, because it is the best therapy. I believe that when you set a goal, it will absolutely be realized."

To assist and empower women who are victims of violence, GYLA is partnering with the following organizations and sub-grantees under the auspices of a project supported by the EU: Tanadgoma, the National Network for Protection against Violence, Society of Democratic Women, Dea – Association of Women with Disabilities and Mothers of Children with Disabilities.





GYLA AGAINST EARLY MARRIAGE

During the reporting period, GYLA paid a particular attention to the problem of early marriage. GYLA lawyers had numerous meetings in schools across different regions of Georgia to provide detailed information to schoolchildren, parents and teachers about legal norms that prohibit early marriage and disadvantages of early marriage.

In March 2017, GYLA hosted a roundtable meeting in Kutaisi for discussing early marriage in Georgia with participation of the Prime Minister’s Adviser, representatives of the prosecutor’s office, the judiciary, the Ministry of Education, diplomatic corps and other stakeholders. In their remarks representatives of GYLA highlighted the need to improve effectiveness of actions of the state in combating the problem. They also offered to cooperate closely with the state for raising awareness about the problem.

- ***Early marriage interrupted in v.Karajala***

In February 2017, representatives of GYLA Office in Rustavi visited a school based on a report of a school teacher in v.Karajala, Gardabani District. According to the teacher, a 15-year old girl who was in the tenth grade was engaged to a man against her own will. According to the young girl, she was engaged to a much older man and her relatives were forcing her to marry him. Teachers also corroborated her story.

Employees of GYLA met and talked to the young girl’s mother. It turned out that the woman did not know that forced marriage was punishable under the Criminal Code. She promised that she would take that into account.

The young girl has not been married and she continues going to Karajala Public School.

LITIGATION

During the reporting period, Legal Aid Centers of GYLA provided legal consultation for thousands of women who are victims of violence and legal representation for nearly 25 beneficiaries across Georgia, in criminal as well as civil and administrative disputes. Of note is the fact that majority of these beneficiaries were victims of systematic violence that they chose not to disclose for years; they were reluctant to receive legal assistance and silently endured the violence instead.

An important precedent: despite limitations of the law, with the help of GYLA a victim was able to protect herself from stalking

GYLA represented a victim of stalking, who was subjected to physical and psychological violence and systematically received text messages from the perpetrator of violence who was trying to communicate with her. In addition, the offender contacted close relatives of the victim to find out where she was. As a result of these actions, the victim experienced severe mental suffering and she was forced to significantly change her life – she left her home and moved to different place.

The violence was systematic but because the victim and the offender were not a family, the legislation did not foresee the possibility of a restraining or a protective order. After significant changes were made in the legislation as a result of ratification of Istanbul Convention (from 1 June 2017), women who are victims of violence are now able to apply to relevant authorities for an order, even if the offender and the woman concerned are not a family. GYLA lawyers used this opportunity and filed in court for a protective order. Further, in view of GYLA lawyers even though stalking as such was not prohibited by the law, it should have been viewed as a form of psychological violence and adequate measures needed to be taken against the perpetrator of violence.

Court agreed to arguments of GYLA lawyers. It found that stalking entails psychological violence and it is important to protect a woman's safety. As a result, the judge issued a protective order for the period of 6 months, prohibiting the perpetrator of the violence from communicating with the victim in any way.

The protective order was challenged by the perpetrator in the appellate court but the appellate judge rejected his claim and upheld the order.

An important precedent: for the first time court found the state to be responsible for protecting life of a victim of domestic violence

During the reporting period, a final decision was made about a very important case that GYLA had been litigating since 2014. The case concerned a femicide. In particular, on 25 July 2015, in a public park in Zetaponi, a 19-year old S.S. was killed by her husband, Zetaponi police officer S.S. with his police firearm. He was charged for willful homicide (Article 108 of the Criminal Code of Georgia) and sentenced to 11 years in prison.

The relationship of S.S. and S.J. began in violence. In 2011, 17-year old S.J. was kidnapped by S.S. at gunpoint. Zestaponi Police refused to help S.J.'s parents find their daughter and S.J. became S.S.'s wife. Throughout their marriage and after their divorce, S.S. subjected S.J. to systematic violence, both physical and mental, and threatened her with a firearm. They often had conflict because of child's alimony and S.S.'s jealousy.

Before she was killed, S.J. made reports of domestic violence to Zestaponi Police, the office of the prosecutor and the MIA General Inspection, requesting protection from S.S. The authorities did not take a single legal measure response to S.J.'s repeated requests, in order to stop the violence in. Conduct of police officers and the office of the prosecutor towards S.J. was dis-

criminy on grounds of gender - police failed to evaluate seriousness of the violence perpetrated against S.J. and to provide an account of the violence in their reports; they failed to take measures to prevent further violence; instead, they responded to S.J.'s reports with derogatory, humiliating and discriminatory remarks. The police officers were S.S.'s co-workers and close friends. The office of the prosecutor violated requirements of the law by failing to institute an investigation into the acts of domestic violence and threats; they did not find the violence against a woman to be a serious crime that warranted institution of criminal proceedings. The MIA General Inspection also proved to be completely ineffective as they failed to put an end to S.S.'s violent actions while because of his status S.S. himself was responsible to protect public from violence and illegal actions.

On 24 July 2015, based on a lawsuit filed by GYLA Tbilisi City Court found that the MIA and the Office of the General Prosecutor failed to take legal measures for protecting life of S.J. and awarded compensation to S.J.'s mother for the damage. The decision was challenged by the MIA and the Office of the General Prosecutor in the appellate court. On 11 January 2017, the appellate court rejected their claims and upheld the decision of the first instance court. The appellate court's decision was challenged by the respondents in the Supreme Court of Georgia, which found the complaints inadmissible on 29 June 2017.

S.J.'s case is the first case in Georgia where court established responsibility of the state to protect life of a woman who was a victim of domestic violence.



In connection to this case GYLA is also providing representation in the European Court of Human Rights. The complaint is based on Article 2 (right to life), Article 3 (prohibition of torture) and Article 14 (prohibition of discrimination) of the European Convention on Human Rights. If we win the case, it will be the first ECHR case against Georgia for violence against women.

First CEDAW case against Georgia for femicide - case of B.Dz.

The case concerns the state's failure to act in order to avoid femicide (killing of a woman on account of her gender) and ineffective investigation of the crime.

B.Dz. had been unofficially married to O.Sh since 2004. They lived in the city of Rustavi. Because O.Sh. systematically subjected his wife to physical and psychological violence, in September 2013 B.Dz. and her children moved out from the home that she shared with her husband. Since then, O.Sh. subjected B.Dz. to repeated acts of physical and psychological violence, which culminated on 6 September 2011 in B.Dz.'s homicide.

Before she was killed, B.Dz. filed police reports on four different occasions (the last report was filed four days before the homicide), pleading for protection. The police and the prosecutor's office failed to take legal measures for protecting B.Dz.'s life. O.Sh was charged with willful homicide (Article 108 of the Criminal Code) and sentenced to a minimum penalty for willful homicide (7 years and 6 months in prison).

GYLA is litigating the case at the national level. It demands that concrete individuals who are responsible be identified and punished for their failure to take adequate actions for protecting the victim. During the reporting period we also applied to the CEDAW arguing responsibility of the state because it failed to save B.Dz.'s life,

protect her from inhuman treatment; investigate B.Dz.'s homicide as a crime motivated by gender; eliminate deeply ingrained gender stereotypes, which became the primary cause of B.Dz.'s killing. GYLA also represents B.Dz.'s mother at the national level (in administrative proceedings), arguing responsibility of officers who failed to take adequate actions in response to the victim's reports of violence.

EQUAL POLITICAL PARTICIPATION OF WOMEN - WHY ARE GENDER QUOTAS NECESSARY?

Although currently women account for more than half of the population of Georgia, in 2016 parliament they occupy only 16% of seats. Georgia ranks 120th among 193 countries in the world classification of women in national parliaments.

In the Global Gender Gap Report Georgia ranks 90th among 144 countries in terms of women's political participation in political, economic and social life, while in terms of women's political participation and the number of women in parliament in particular, Georgia ranks 114th, only two or three European states are behind us in the ranking.

Analysis of parliamentary elections held in Georgia after restoration of independence indicates that at this pace achieving minimum gender equality will take a long time in Georgia. Georgia is far behind not only of European and Western countries but also countries that are much more conservative than Georgia. Therefore, it is safe to conclude that women's political participation in Georgia is extremely low and needs a particular attention.

The Parliamentary Elections in October 2016 was a step forward for women's political participation considering that previous parliament had a

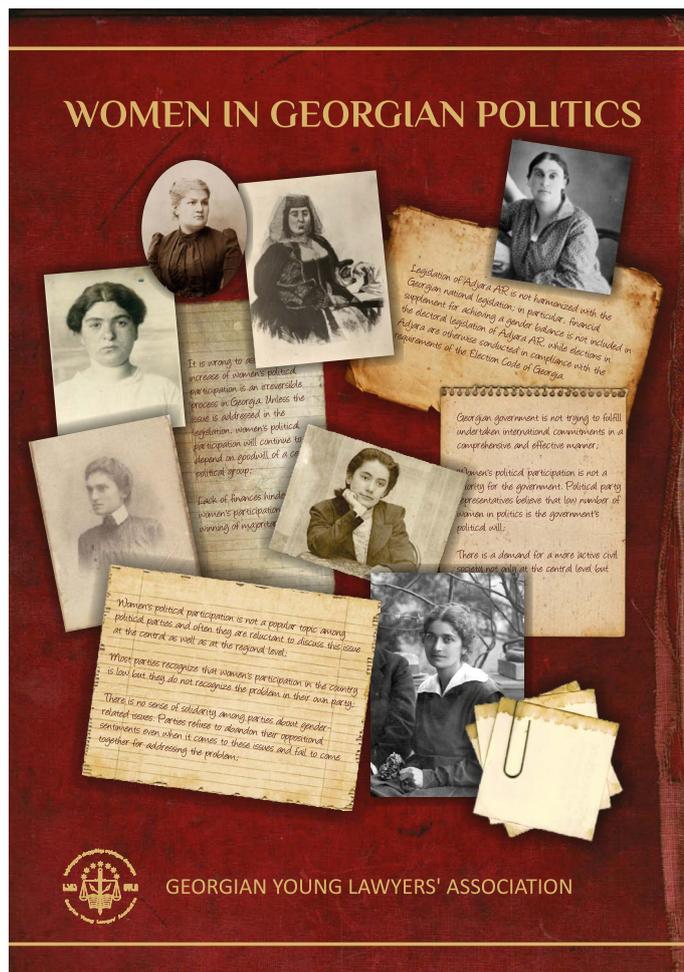
fewer number of women. In 2012-2016, there were only 18 women MPs in Georgia, accounting for as low as 12% of all 150 MPs. Following the elections in 2016, 24 women were able to gain seats, accounting for 16% of the total number of MPs (In the process of formation of the government and after some candidates turned down their parliamentary seats, the number of women MPs became 23).

Women are also underrepresented in local self-governments. Following the 2014 local self-government elections, proportion of seats held by women in representative bodies – Sakrebulo is 11,6%. In some Sakrebulo (e.g. Telavi, Mtskheta, Tsalka, Aspindza, Poti) there are no female Sakrebulo members.

Introducing gender quotas is a primary recommendation of international organizations for achieving gender equality in politics. CEDAW committee recommends gender quotas for Georgia due to the alarming underrepresentation of women that exists in the country, but it has been quite difficult for the Government of Georgia to implement legislative reform to achieve gender equality.

According to the July 18, 2014 recommendations of committee set up within the Convention on the Elimination of Discrimination against Women (Georgia submits periodical reports to the committee about the women's rights situation in the country), serious steps need to be made to achieve equality. The Committee is concerned about absence of the system of mandatory quotas in Georgia and recommends taking of measures that will improve women's participation in general and ensure further integration of vulnerable and marginal groups of women.

The Committee is also concerned by women's underrepresentation in legislative and executive bodies, especially in decision-making positions.



To remedy the problem, the Committee recommends establishing mandatory measures.

Georgia joined the Beijing Declaration and Platform for Action, one of the components of which is strengthening participation of women in political life. To this end, the Beijing Platform for Action urges countries to create concrete national mechanisms.

In addition, according to the Recommendation (2003) of the CoE Committee of Ministers about equal participation of women and men in political and public decision-making process, 40% is the recommended minimum for representation of each sex in decision-making bodies.



On 8 March 2017, the task force for political participation of women met with GYLA chairperson and the project coordinator. During the meeting they discussed the obstacle encountered by the initiative to introduce a new provision in the Constitution put forward by GYLA within the SCC. Meeting participants planned a strategy for joint advocacy.

The research published by the National Democratic Institute for International Affairs in January 2017 indicates that 74% of Georgian voters believe that women representation in the Parliament of Georgia should be at least 30%, while 35% of Georgian voters believe that there should be a 50/50 gender balance in Parliament.

GYLA FIGHTING FOR GENDER EQUALITY AND STRENGTHENING OF WOMEN'S POLITICAL PARTICIPATION

In 2017 GYLA submitted to the SCC a recommendation on introducing a new provision in the Constitution to define the obligation of

the state to adopt special measures to eliminate the inequality between women and men and promote substantive equality. Within the SCC format, GYLA was advocating recognition of the principle of substantive equality by the Constitution and implementation of adequate measures by the state to this end. GYLA's initiative was also endorsed by the task force for women's political participation.

Authors and supporters of the initiative met the chair of the parliamentary gender equality council, who promised to support advocacy efforts of the task force. The initiative was eventually included in the draft Revised Constitution and corresponding article was

approved by the SCC and later by Parliament.

GYLA and other members of the task force for women's political participation submitted a legislative initiative on gender quotas, supported by over 37,000 constituents. According to the legislative initiative, political parties will be responsible for creating a gender-balanced election lists for parliamentary and self-government elections, in which every other candidate represents a different sex. Further, if an elected member abandons his/her mandate, next successful candidate on the party list who is of the same sex should replace him/her.

In September-October 2017, the bill was considered and supported by three parliamentary committees. GYLA and other members of the task force continue to work actively to turn the bill into the law as quickly as possible.



FIGHT AGAINST DISCRIMINATION AND PROMOTION OF EQUALITY



Discrimination and inequality remains one of the biggest challenges to promotion and protection of human rights in Georgia. After Parliament adopted the Law on Elimination of All Forms of Discrimination on 2 May 2017, which was clearly an important accomplishment, no tangible progress has been evident in this area. Furthermore, the Parliament of Georgia has been delaying for a few years the process of making additional changes in the law.

Previous Parliament had one reading of the bill prepared by the Public Defender, which envisaged creating an effective mechanism for enforcement of decisions made by the Public Defender if the latter established discrimination. The bill also envisaged removal of certain barriers that make legal proceedings concerning discrimination difficult. Current parliament has not yet made any steps to resume working on the bill. Difficulties and important gaps still remain in implementation and practice of the existing legislation.

On 17 May 2017, LGBT community was able to celebrate the International Day against Ho-

mophobia and Transphobia on the territory outside the Administration of the Government of Georgia while the state authorities ensured enforcement of special safety measures.

Detection of hate crimes and lack of the state's effective response to these crimes is an important challenge. Hate crimes are not qualified according to their severity and investigation fails to study/detect underlying discriminatory motives. The state has not developed an effective strategy for combating these crimes.

GYLA'S ACTIVITIES IN THE FIELD OF COMBATING DISCRIMINATION AND PROMOTING EQUALITY

Over the recent years GYLA has further consolidated its work in the area of promoting equality and combating discrimination. During the reporting period, GYLA's work in this area entailed strategic litigation, as well as active advocacy for equality policy, initiation of legislative changes to create inclusive environment, campaigning to raise awareness, etc. In particular:

- GYLA was actively advocating equality issues within the SCC, in the process of drafting of the new Constitution. Among other initiatives GYLA proposed replacing a formal model of equality by substantive one in the Constitution and introducing a separate provision about equality between women and men.

- During the reporting period, GYLA litigated up to 15 strategic cases. The organization was actively utilizing the Public Defender’s anti-discriminatory mechanism as well as common and constitutional courts for establishing discrimination and ensuring that rights of GYLA’s beneficiaries are restored.

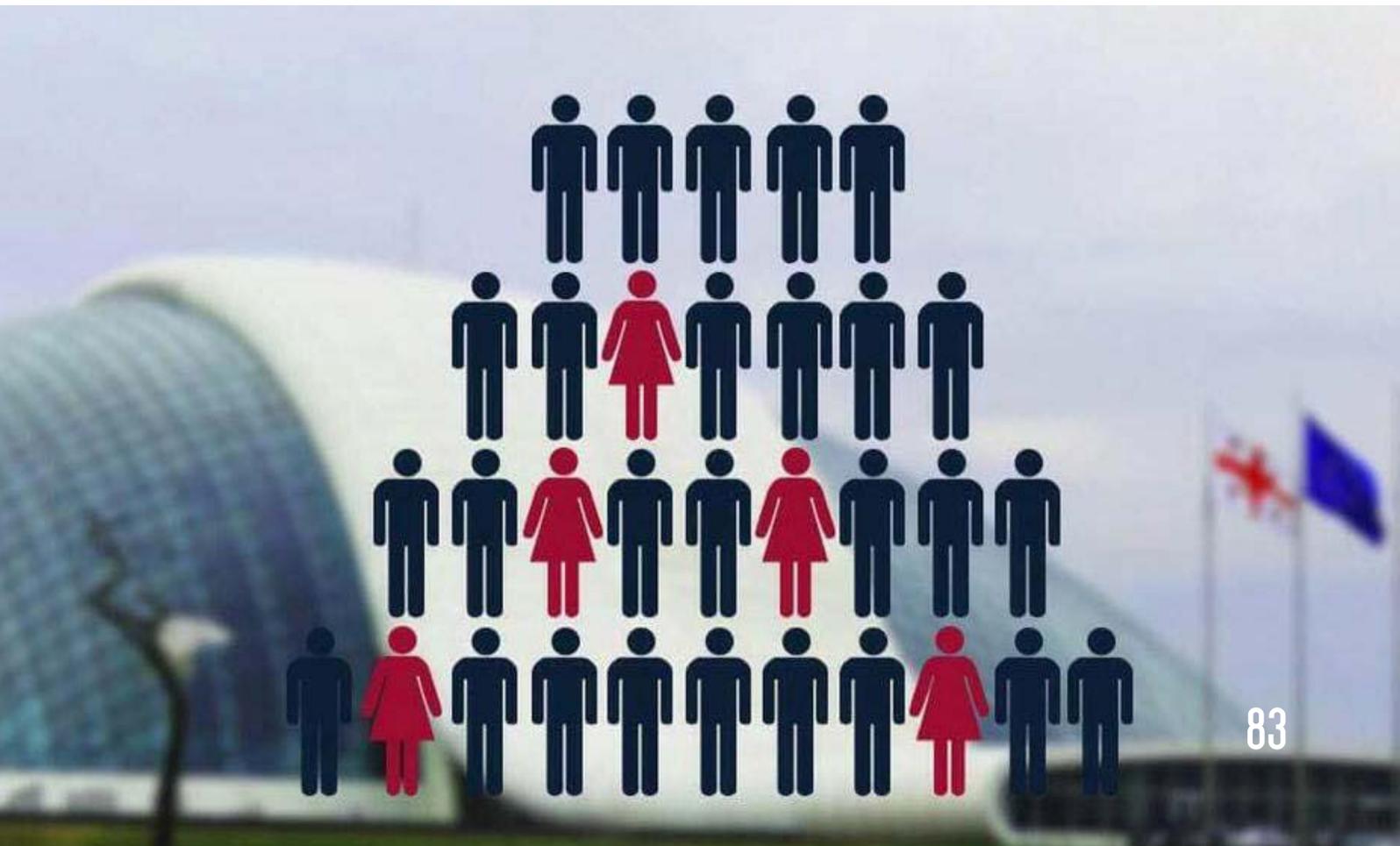
- In 2017, GYLA filed the first claim in CEDAW against Georgia about sexual discrimination.

- During the reporting period, GYLA lawyers held numerous meetings in the regions for rais-

ing public awareness, especially in areas where access to relevant information is a problem and there is a widely-spread stigma against different vulnerable groups while the patriarchal culture and intolerance remains deeply engrained in the society, which poses a serious threat to promotion and protection of human rights.

- The campaign for raising awareness entailed seminars, roundtable meetings, discussions, public meetings with interested groups, as well as partnership with regional broadcasters to prepare joint TV and radio programs.

- During the reporting period, GYLA was elected as a chair of the Coalition for Independence. GYLA has been a founding member of the Coalition since 2014. It is the aim of the coalition to conduct strategic litigation relying on anti-discrimination legislation and to advocate equality policy.



- During the reporting period, the Coalition for Equality published a report with GYLA's participation, titled "Realization of the Right to be protected from Discrimination for Different Groups in Georgia." The report concerns gender equality and women's rights situation, LGBT people and political homophobia, religious freedom, racial and ethnic discrimination, child discrimination, discrimination based on place of residence and discrimination on political grounds.

- In 2016-2017, the Coalition advocated state anti-discrimination legislation, changes in policy and practice with regards to gender equality, rights of children with autism and LGBT people. The Coalition conducted campaigns to raise public awareness about discrimination and eliminate institutional discrimination that exists at the Ministry of Internal Affairs.

- During the reporting period, GYLA and the task force for women's political participation submitted to Parliament a legislative proposal on gender quotas backed by signatures of more than 37,000 constituents. The proposal aimed to increase women's political participation in Parliament (50% quota in the proportional list) as well as in local self-government bodies.

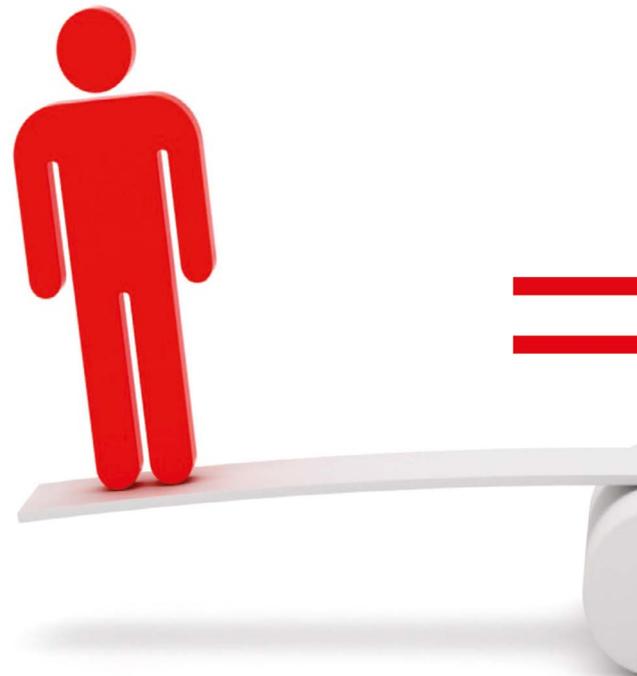
- During the reporting period, for the first time in the history of GYLA, a systemic monitoring was conducted to evaluate inclusiveness of the electoral environment for women, persons with disabilities and ethnic/national minorities.

- Further, during the 2017 elections, for the first time GYLA monitored and evaluated realization of the right to vote from perspective of participation of women, persons with disabilities and ethnic minorities.

LITIGATION

During the reporting period GYLA litigated a number of strategic cases. Success of these cases and establishment of discrimination by court/public defender will not only restore rights of concrete individuals but may also serve as grounds for important legislative changes, in order to eliminate discriminatory provisions that exist in certain laws and bylaws. Following litigation, GYLA will continue to actively advocate these issues.

During the reporting period, GYLA was litigating the case of **RoinGavashelishvili and Valerian Migineishvili v the Minister of Labor, Health and Social Affairs of Georgia**. The case concerned unconstitutionality of a norm in the governmental decree that excluded from universal healthcare individuals whose private



health insurance was terminated after 1 July 2013. The Constitutional Court fully granted the plaintiffs' claim.

During the reporting period GYLA litigated another successful case - ***Levan Berianidze and Gocha Gabodze v the Minister of Labor, Health and Social Affairs of Georgia***. The case concerned the decree of the Minister of Health prohibiting men who have at least once had sex with men (MSM) from donating their blood. On 13 July 2017, the Constitutional Court granted the claim and found that the disputed norm was unconstitutional.

In another case, based on GYLA's complaint the Public Defender of Georgia established discrimination on grounds of citizenship and issued a recommendation to the Ministry to amend acts that regulate welfare assistance.

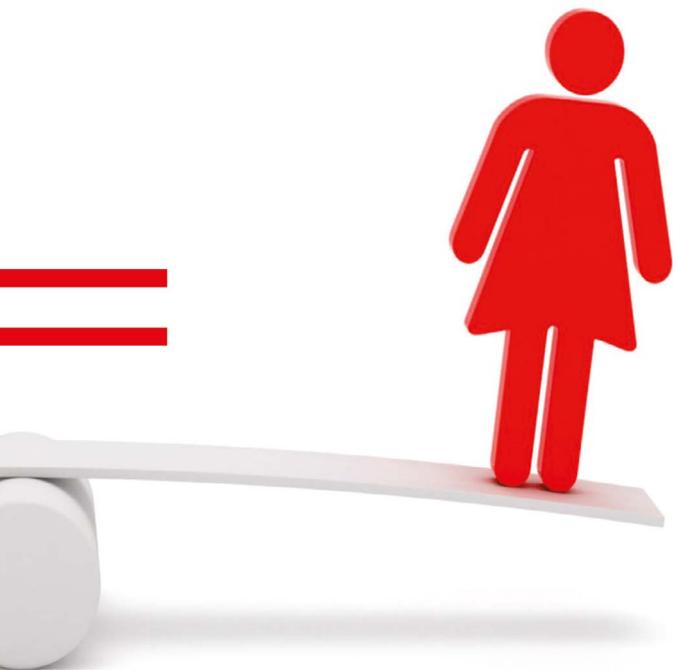
The case concerned a family of M.S. with seven members who live in deplorable conditions in Vaziani. The family includes 6 citizens of Georgia, four of which are minors and one is a citizen of a foreign country. The latter has been living in Georgia for many years but she has no residence permit.

M.S. filed numerous requests with the office of the Social Services Agency (SSA) in Gardabani for welfare assistance. He was notified by Gardabani office of the SSA that the process of evaluation of social and economic conditions of his family had been terminated. According to them, the process could only be resumed if the member of his family became a citizen of Georgia or received a residency permit.

The Public Defender highlighted the fact that M.S. and his children had been registered in the database of socially vulnerable families before a citizen of a foreign country joined their family, and they received welfare assistance, meaning that they lost the socially vulnerable status due to the fact that a member of their family was not a citizen of Georgia and had no residency permit.

The Public Defender found that the applicable social legislation was discriminatory because it did not allow a family to receive welfare assistance if a member of the family was not a citizen of Georgia or did not have a residency permit. **According to the recommendation, the Ministry of Labor, Health and Social Affairs should modify the legislation in a way that ineligibility of a family member for welfare assistance does not impact eligibility of other members of the family for such assistance.**

After the Public Defender's recommendation is implemented and the discrimination is remedied, the Social Service Agency will perform evaluation of conditions of the family and welfare assistance will be provided in view of the evaluation results.



rights ~~LIMITED ABILITIES~~ ✓ AND FIGHT FOR EQUALITY

People with disabilities are one of the most invisible and vulnerable groups in Georgia. As early as in 2009, Georgia signed the Convention on the Rights of Persons with Disabilities but the document did not become binding until April 2014. As a result, the State was required to create or empower one or more existing independent mechanisms for implementation, promotion, protection and monitoring of the Convention. In October 2014, the Public Defender of Georgia was named as a body responsible for such mechanism.

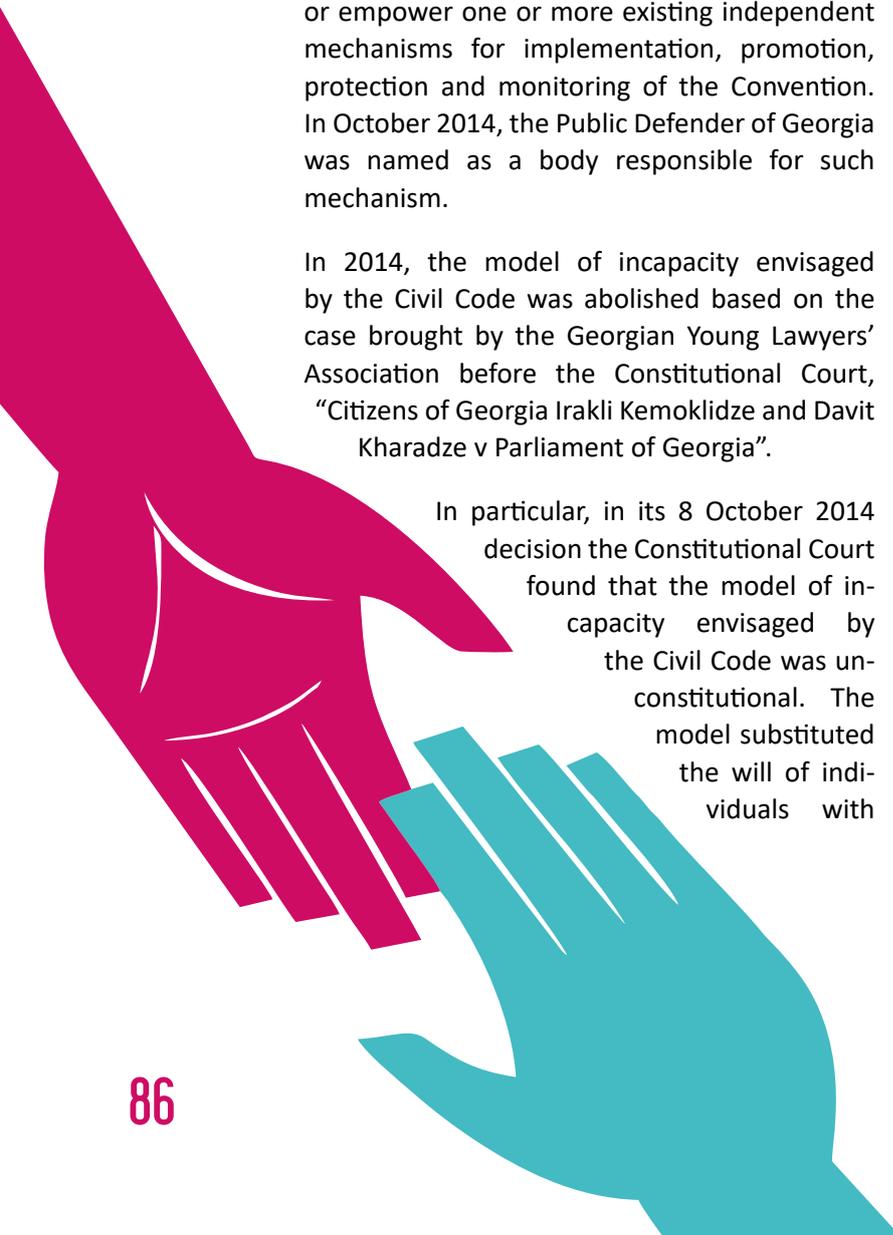
In 2014, the model of incapacity envisaged by the Civil Code was abolished based on the case brought by the Georgian Young Lawyers' Association before the Constitutional Court, "Citizens of Georgia Irakli Kemoklidze and Davit Kharadze v Parliament of Georgia".

In particular, in its 8 October 2014 decision the Constitutional Court found that the model of incapacity envisaged by the Civil Code was unconstitutional. The model substituted the will of individuals with

psychosocial needs by will of their guardians, without any differentiation. Guardianship, which meant fully depriving a person with disabilities from their legal capacity, essentially equaled to "civil death". Instead of abolishing it, the legislature recognized a person with disabilities as a legal person and introduced a system of support that provides an individual with a supporter according to the needs identified by the individual evaluation. A supporter should assist the recipient in making decisions and fully understandings terms and outcomes of a transaction when the individual is entering a transaction.

Despite this very important step made at the legislative level, no tangible progress has been observed in realization of rights of persons with disabilities since 2014. According to the Public Defender, the existing practice for recognizing an individual as a recipient of support makes it seem like the term "incapacitated" is mechanically replaced by the term "recipient of support" because rights of persons with disabilities continue to be curtailed based on the old regulations and no meaningful changes have been made for these individuals. Of note is the fact that a number of legislative acts still contain the term "invalid".

On the other hand, it should be noted that as a result of active efforts by the Ombudsman, media and civil society, rights of persons with disabilities have become an integral part of human rights discussions and activities in Georgia. Persons with disabilities are overcoming the invisibility and starting to fight for their rights.



Supporting them in this fight is one of GYLA's priorities.

During the reporting period, the Georgian Young Lawyers' Association implemented the following activities in this area:

- It helped protect and respect rights of a number of persons with disabilities through free legal aid and strategic litigation. During the reporting period GYLA litigated over 10 cases concerning violation of disability rights. To protect rights of persons with disabilities the organization was actively utilizing courts as well as the anti-discrimination mechanisms at the Public Defender's office.

- In addition to litigation, rights and needs of persons with disabilities became one of GYLA's priorities in implementation of a range of other projects, e.g. monitoring the system of justice, monitoring the electoral environment and the Election Day, etc.

- The new Constitution adopted in 2017 contained a clear and separate provision about the state's obligations concerning persons with disabilities. During discussions held within the SCC about formulation of concrete provisions, GYLA actively supported introduction of the clearest and the most concrete term possible about obligations of the state concerning persons with disabilities, which would have been compliant with the international human rights standards. Eventually, the SCC supported GYLA's opinion.

- During monitoring of criminal trials, GYLA systematically analyzes and researches issues related to access of persons with disabilities to justice. Results and subsequent recommendations are provided in studies that the organization relies on for raising sensitivity and awareness about existing problems and advocating changes.

- During the reporting period, GYLA was actively participating in the task force set up under the CEC for promotion of inclusive environment. In the task force GYLA, the electoral administration and other NGOs discuss challenges and needs to improve disability rights. For instance, in 2017 a standard of conduct of PEC members towards persons with disabilities was established within the task force, the CEC website was adapted to needs of people with visual impairments and a service was introduced for providing voters with hearing impairments and voters who are deaf with information in sign language.

- In addition, to share findings and challenges provided in the research of inclusive environment GYLA created a thematic task force for promotion of inclusive environment composed of representatives of the electoral administration, as well as the Public Defender, the PDI and other NGOs. The aim of the task force is to discuss existing challenges and plan feasible actions for creating inclusive and competitive electoral environment.

- Throughout Georgia GYLA held numerous networking meetings with electoral subjects, candidates, media and local NGO representatives. During these meetings, the organization discussed a range of issues and provided stakeholders with comprehensive information about challenges in the area of political/voting rights of persons with disabilities and activities that electoral stakeholders need to implement within the scope of their competencies;

- For the 2017 elections, for the first time in the history of GYLA's monitoring missions, the Polling Day monitoring focused on realization of the constitutional right to vote by persons with disabilities and obstacles that recipients of support have to face as subjects participating in elections.

- In partnership with the Coalition for Independent Living and other NGOs, GYLA prepared an alternative report in 2017 about the state of disability rights in Georgia. The report is meant to be submitted to the relevant UN committee. It will be sent to the addressee in the nearest future.

ACCESS TO JUSTICE FOR PERSONS WITH DISABILITIES

Access to justice for persons with disabilities entails access to court as well as respect for human dignity and protection of an individual from stigmatization during legal proceedings. Anything that indicates otherwise is an obstacle to accessing justice, irrespective of how it impacted outcome of the case. Access to justice is not an outcome-oriented concept; it also entails evaluation of individual aspects of a legal process.

Monitoring of criminal trials by GYLA indicated that:

- during legal proceedings persons with disabilities and especially individuals with psychosocial needs encounter stigmatizing attitudes that promote discrimination;

- there are no judges, prosecutors, police officers and lawyers in Georgia that specialize in disability issues, which in combination of other factors limits access of persons with disabilities to justice;

- in some instances judges, prosecutors and lawyers are acting unethically and demonstrate stigmatizing attitude that underlines characteristics of an individual and creates a humiliating environment for him/her.

The state does not maintain segregated statistics about crimes perpetrated against persons with disabilities. The law enforcement authorities lack effective mechanisms for responding to such crimes, instead they are guided by myths and stereotypes that exist about persons with disabilities, including the assumption that accounts provided by persons with disabilities



lack credibility. As a result, in most cases justice does not serve the cause of restoring justice for victims with disabilities; instead, it worsens the situation of persons with disabilities and further stigmatizes them whenever they report a crime.

Women with disabilities encounter far more obstacles to accessing justice, especially with regards to gender crimes. The intersectional discrimination on grounds of sex and disabilities, as well as social hardships and lack of access to information and resources create additional barriers to accessing justice, which disproportionately affects women with disabilities.

The existing criminal policy and state policy documents are not tailored to needs of women with disabilities. Reference documents do not contain procedure for referring women with disabilities, “physical threat” and communication barriers are not analyzed. In practice the barrier of communication means that it is impossible for law enforcement bodies to receive complete information from persons

with disabilities, which curtails their right to access justice. Existing barriers prevent cases from reaching the law enforcement authorities or courts, while a case that reaches them encounters the above barriers.

Lack of information, distrust towards the law enforcement authorities, the risk of isolation of a victim by the perpetrator (who can be his/her only caretaker), fear of embarrassment, punishment, losing children prevents women with disabilities from reporting violence and using legal remedies.

ELECTORAL ENVIRONMENT AND RIGHTS OF PERSONS WITH DISABILITIES

Following ratification of the international Convention on the Rights of Persons with Disabilities, corresponding amendments were made to the Election Code to grant the right to suffrage to recipients of support unless they are held in an in-patient psychiatric institution, pursuant to the Law of Georgia on Psychiatric Assistance. As a result, the law now defines that all recipients of support have the right to participate in elections, unless they are held in a psychiatric institution.

In this way, the Election Code established the obligation to adapt polling stations (simple adaptation or provision of corresponding devices – magnifying lens or frame for individuals with low vision) and introduce simplified electoral procedures. Further, a number of obligations were included in the Action Plan of the Government of Georgia and the CEC Strategic Plan to create equal election environment for persons with disabilities and ensure their active participation in public and political life. To fulfill these obligations, the CEC implemented a number of measures for the 2016 parliamentary elections.



However, the primary problem identified by GYLA after studying political rights of persons with disabilities is their lack of active participation in the election process. Although they receive more attention during a pre-election period, political parties are only manipulating with this subject and the activities stop as soon as the elections are over. Further, low awareness and the information void about political rights and election procedures is also a problem.

Majority of respondents surveyed within GYLA's research have poor understanding of national legislation or international acts. A few of them have heard about legal amendments on granting of the status of support recipient but they are not aware of details. There are also going through financial and social hardships. In addition, lack of readiness of the society in general and especially family members to help persons with disabilities participate fully in social life is also a problem.

"When they speak about environment adapted to persons with disabilities in Georgia they mostly mean persons in a wheelchair. Unfortunately, environment in polling stations or in the streets in general is not adapted to persons with visual and hearing impairments and persons with intellectual disabilities, who need special indicators for independent movement."

[A focus group participant]

"Realizing that you have disabilities is very difficult. You want to do different things but it feels like your hands are tied. The greatest horror is when you feel pity instead of support from people."

[A focus group participant]



LITIGATION

During the reporting period, GYLA litigated more than 10 cases concerning violation of disability rights. The organization was actively utilizing courts as well as the anti-discrimination mechanism within the Public Defender's office for protection of rights of persons with disabilities. After successful litigation of these cases, our beneficiaries were awarded compensation for material and moral damage, were able to get their properties back and were freed from administrative penalty, etc.

As to ongoing cases, if successful, not only claims of concrete beneficiaries will be granted but also, in some cases foundation will be created for positive changes in legislative acts and in practice, to ensure equal rights and environment for persons with disabilities.

For instance, GYLA believes that current regulations for filling out an asset declaration form to register in the single database for socially vulnerable families are problematic because these regulations do not take different needs of persons with disabilities into account, which may seriously harm interests of persons with disabilities who are seeking the social vulnerability status. It is also a problem that the Service Agency of the Ministry of Internal Affairs in Batumi does not have an adapted vehicle and persons with disabilities that want to take a driver's license test must provide such vehicle themselves. In both cases GYLA applied to the Public Defender's anti-discrimination mechanism on behalf of a beneficiary with disabilities.

An important precedent: although corresponding legal norm does not exist, court abolished the status of an individual recognized as legally incapacitated and found him to be legally capacitated.



Based on GYLA's complaint, Tbilisi City Court decided to restore an individual's legal capacity and abolished guardianship that he was subjected to.

The court decided that GYLA's beneficiary had legal capacity and could exercise his rights independently. Because the beneficiary's condition had improved after some time, his status of a legally incapacitated individual needed to be abolished but the law did not envisage termination of the status of a legally incapacitated individual and his recognition as legally capacitated. Eventually, the court found that GYLA's beneficiary should be recognized as legally capacitated and explained that even if the applicable law does not exist, the status of a legally incapacitated individual can be abolished and his/her legal capacity can be recognized.

As a result of the above decision, the individual will be able to exercise his rights independently.



STRATEGIC LITIGATION

CONSTITUTIONAL LITIGATION - SUCCESSFUL CASES

During the reporting period, GYLA won 7 cases in the Constitutional Court. In 6 cases the court declared the norm challenged by GYLA unconstitutional, one of these cases was filed during the reporting period. In the remaining case, even though the court has not made its decision yet, the respondent has made changes in the norm challenged by GYLA, which partially solves the problem.

1. ERASTIJAKOBIA AND KARINE SHAKHPARONIAN V PARLIAMENT OF GEORGIA

On 29 December 2016, the Constitutional Court announced its decision in the case of **Karine Shkhaparonian and Erasti Jakobia v Parliament of Georgia**. Full text of the decision was published in January 2017. In the case GYLA and other members of the Coalition for Independent and Transparent Judiciary represented the plaintiffs. The lawsuit concerned legislative amendments that Parliament adopted hastily on 3 June 2016. The new regulations decreased effectiveness of the Constitutional Court by creating an additional barrier that the Constitutional Court needed to overcome in order to suspend a legal norm and complicating the procedure for declaring a norm unconstitutional. Professional circles and part of the society perceived these new regulations as a response to the Constitutional Court's decision in the case of Rustavi 2 TV Company, when the Constitutional Court suspended a legal norm and made it impossible to change ownership of the TV company.

The Constitutional Court ruled in favor of the plaintiffs and declared the following norms unconstitutional because they were in conflict with Article 42(1) of the Constitution (right to a fair trial):

- The norm in the organic law of Georgia on the Constitutional Court that required 6 out of 9 votes for declaring a law unconstitutional, instead of simple majority (5 votes);
- The norm that automatically terminated powers of a judge upon expiration of his/her ten-year term, even when the judge's replacement had not yet been appointed and the total number of judges was below 7 (when the total number of judges is below 7, the plenum is not authorized to address the issue of constitutionality of an organic law, which paralyzes the court);
- The norm that delegates the plenum with an exclusive power to suspend a norm, even when the case concerned is handled by the collegium;
- The norm that allowed a single judge to motion transfer of a case from the collegium to the plenum and stipulated that votes of 5 judges were required for the case to stay in the board. When such motion was considered by 6 judges, four requested that the case be given back to the collegium and only 2 voted for transferring the case to the plenum, these two votes were decisive against the majority (4 votes). This rule was declared unconstitutional by the Court.

2. EDISHER GODUADZE V THE MINISTER OF INTERNAL AFFAIRS

On 9 February 2017, the Constitutional Court granted yet another claim of GYLA. On 26 January 2015, GYLA filed in the Constitutional Court on behalf of Edisher Goduadze, a citizen of Georgia, and demanded that the normative act of the Minister of Internal Affairs that allowed retaining of information about administrative

offenders for an indefinite period of time be declared unconstitutional.

The Constitutional Court found violation of Article 16 of the Constitution (freedom of personal development) and declared that information about an administrative offence should not be retained for an indefinite period of time, throughout the lifetime of the person concerned and after his/her death.

As a result of this decision, information about an offence can no longer be archived for more than a year.

3. ROIN GAVASHELISHVILI AND VALERIAN MIGINEISHVILI V THE MINISTER OF LABOR, HEALTH AND SOCIAL AFFAIRS

On 3 June 2015, GYLA filed in the Constitutional Court, demanding that the norm in the Governmental Decree that excluded individuals whose private health insurance terminated after 1 July 2013 from the basic package of universal healthcare. Such individuals could only use a minimum package, which did not cover planned surgeries.

GYLA argued that the above norm was discriminatory and contradicted Article 14 of the Constitution of Georgia.

On 25 October 2017, the Constitutional Court fully granted the claim and stated in its decision that the 1 July 2013 watershed put those who lost private insurance after 1 July 2013 and are ineligible for the basic package of universal healthcare at a disadvantage

4. KAKHA KUKAVA V PARLIAMENT OF GEORGIA

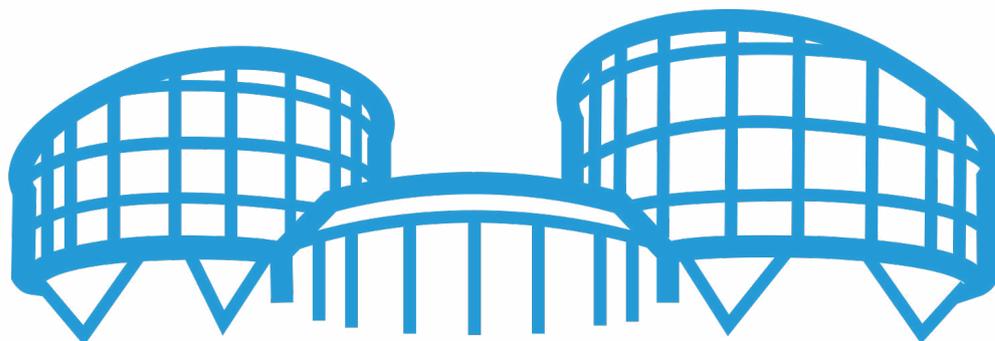
On 17 May 2017, on the basis of GYLA's claim the Constitutional Court abolished the two-year residency requirement for running in the local



self-government elections. GYLA represented Kakha Kukava and challenged the norms of the Election Code stipulating that in order to stand for election as Gamebeli, Mayor and Sakrebulo Member, an individual must be a resident of Georgia for the last two years.

The Constitutional Court established violation of Article 29 (right to hold a state position) with regards to running in election for the office of a mayor and Gamebeli, and violation of Article 28 (passive right to vote) with regards to running in election for the office of Sakrebulo Member, as a result of which the two-year residency requirement no longer exists.

The Constitutional Court found that being a resident of Georgia for the last two years did not improve awareness about problems in a



municipality, especially considering that the challenged norm required two-year residency anywhere in Georgia, as opposed to residency within the municipality where the individual was running for office. The Constitutional Court explained that there were other means, including traditional and new media, which candidates can use to educate themselves about problems of a particular municipality; according to the Court, being a resident of the municipality concerned was not necessary to achieve the legitimate goal.

5. OLEG LATSABIDZE V PARLIAMENT OF GEORGIA

On 17 October 2017, the Constitutional Court granted GYLA's claim in ***Oleg Latsabidze v Parliament of Georgia***. The Constitutional Court declared unconstitutional the norms of the Local Self-Government Code that automatically suspended powers of heads of City Hall/Gamgeoba structural units after election of a new Mayor/Gamgebeli. The Constitutional Court also declared the norm that authorized Mayor/Gamgebeli to dismiss head of a structural unit without any justification unconstitutional. The Constitutional Court established that the challenged norms ran against requirements of

para. 2 of Article 29 of the Constitution (right to be protected against termination from public office without a cause).

6. NANA PARCHUKASHVILI V THE MINISTRY OF CORRECTIONS

The case concerns the completely naked examination practiced in women's prisons for years, in which the prisoner stands totally naked while being searched (the search includes penetration from behind) for safety purposes.

The Constitutional Court has not yet made a decision about the case. However, the Ministry of Corrections agreed with GYLA's position and installed a full-body scanner in women's facility in 2017 that ensures examination of prisoners in compliance with safety regulations and without degrading an individual.

7. LEVAN BERIANIDZE AND GOCHA GABODZE V THE MINISTER OF HEALTH

On 2 February 2017, the Constitutional Court declared unconstitutional the Decree of the Minister of Health that prohibited homosexuals from donating blood. The Court found that the lifetime probation that also applied to MSMs was a violation of Article 16 (right to personal

development) and Article 14 (prohibition of discrimination) of the Constitution of Georgia. The Minister issued a new decree that prohibited men who have had sex with other men at least once (MSM) from donating their blood.

On 20 March 2017, GYLA filed in the Constitutional Court on behalf of Levan Berianidze and Gocha Gabodze, and challenged constitutionality of the new decree.

On 13 July 2017, the Constitutional Court granted the claim and declared the norm unconstitutional.

LITIGATION IN THE EUROPEAN COURT OF HUMAN RIGHTS

During the reporting period:

- 6 cases were successful.
- 16 cases were judged on merit.
- In these cases, the organization provided plaintiffs' legal submissions and we are now waiting for the ECHR judgments to come in.

Successful cases:

1. *Chokheli and Others v the Russian Federation*
2. *Dzidzava v the Russian Federation*

On 20 December 2016, the European Court of Human Rights delivered a judgment in cases litigated by the Georgian Young Lawyers' Association and the European Human Rights Advocacy Center.

These cases concerned expulsion of Georgians from the Russian Federation in 2006 and human

rights violations perpetrated against them during the expulsion.

The ECHR held that there had been: violations of Article 3 (prohibition of inhuman and degrading treatment), Article 5 (right to liberty and security), Article 4 of Protocol No 4 (prohibition of collective expulsion of foreigners) and Article 13 (right to effective remedy) by the Russian Federation against 8 individuals represented by GYLA. The court did not find any violations in respect of three clients of GYLA because it found that the material in the Court's possession was insufficient to conclude that these individuals were detained and held in detention centers for aliens. In *Dzidzava v the Russian Federation*, the Court established responsibility of Russian for T.Togonidze's death and awarded T.Togonidze's spouse the sum of EUR 40,000 as compensation for moral damage.

- *Dumbadze and Others v Georgia*

The European Court published its judgment on 7 March 2017. The application concerned dispersal of a peaceful rally outside Parliament on 26 May 2011 in Tbilisi by the law enforcement authorities with the use of disproportionate force against the rally participants.

The Government of Georgia offered friendly settlement and acknowledged violation of Articles 3 and 11 of the Convention as a result of ill-treatment of the plaintiffs and violation of their right to assembly, and proposed compensation.

- *Asatiani and Others v Georgia*

The European Court published its judgment on 4 May 2017. The application concerns dispersal of a peaceful rally held outside the memorial

of heroes that died for integrity of Georgia from 27 December 2010 to 3 January 2011 in Tbilisi. During the dispersal, law enforcement authorities used disproportionate force against participants of the rally.

On 3 May 2016, the Government of Georgia offered a friendly settlement. It also acknowledged violation of Article 3 (procedural limb) and Article 11 of the Convention as a result of ill-treatment of the plaintiffs and violation of their right to assembly, and proposed compensation.

- *Jugheli and Others v Georgia*

On 3 March 2005, the Georgian Young Lawyers' Association (GYLA) and the European Human Rights Advocacy Center (EHRAC) jointly lodged an application in the European Court - ***Jugheli and Others v Georgia***. On 13 July 2017, the European Court ruled in favor of the plaintiffs.

The European Court held that Georgia was responsible for health concerns caused by Tbilisi power plant pollution (violation of Article 8 of the Convention).

The Court held that the state (respondent) had not struck a fair balance between the interests of the community in having a power plant and the applicants' enjoyment of their right to respect for their private and home life. In its decision the Court also held that environmental regulations were virtually absent and the legal remedy available to the victims was flawed.

The applicants were awarded EUR 4,500 each in compensation.

- *Zurashvili v Georgia*

The case was litigated by GYLA and the EHRAC in the European Court of Human Rights. The application concerned ill-treatment of the plaintiff by representatives of the law

enforcement authorities on 26 May 2011 and ineffective investigation of the ill-treatment.

On 28 October 2016, the Government of Georgia submitted unilateral declaration acknowledging violation of Article 3 of the Convention and undertaking to conduct effective investigation at the national level. On 12 October 2017, the European Court approved the unilateral declaration and struck the case out of its list.

LITIGATION BEFORE THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (CEDAW)

Last year GYLA submitted a shadow report to the CEDAW committee and actively utilized this forum for advocating women's rights and needs. In addition, during the reporting period GYLA submitted first complaint to the CEDAW. The complaint concerned femicide of B.Z. This is the first complaint about femicide lodged in the CEDAW against Georgia.



LEGAL CONSULTATIONS AT OFFICES OF GYLA IN TBILISI AND IN THE REGIONS

A survey conducted with support of the European Union (EU) and the UN Development Program (UNDP) indicates that GYLA is a leader in Georgia in terms of the number of people that apply to it for free legal aid and recognition.

A survey performed for the UNDP in 2012 indicated similar trend about the Georgian Young Lawyers' Association. Respondents named GYLA several times more than any other legal aid office in Georgia.

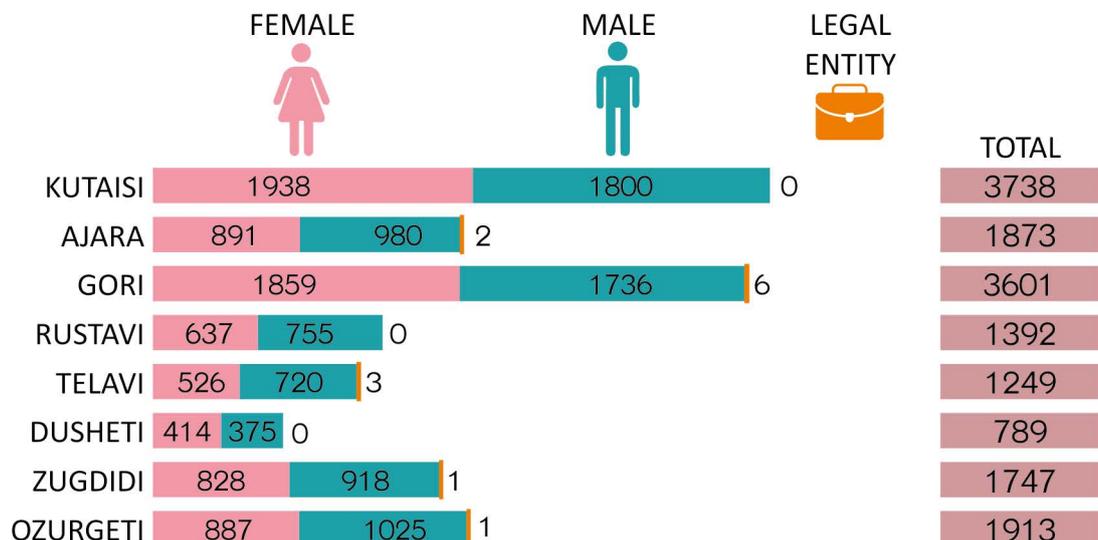
66% of respondents have heard about GYLA's free legal aid center, while 62% of respondents have applied to GYLA for help.

Today recognition rate for GYLA Legal Aid Center has grown by 18%.

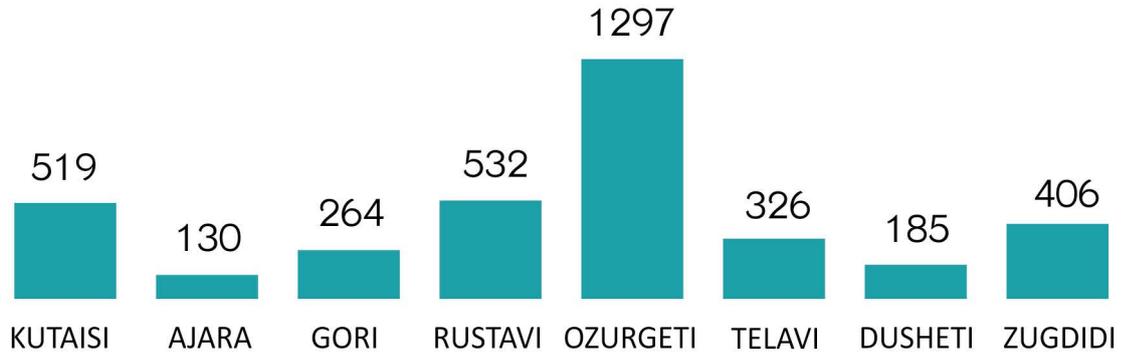
NUMBER OF BENEFICIARIES IN TBILISI OFFICE



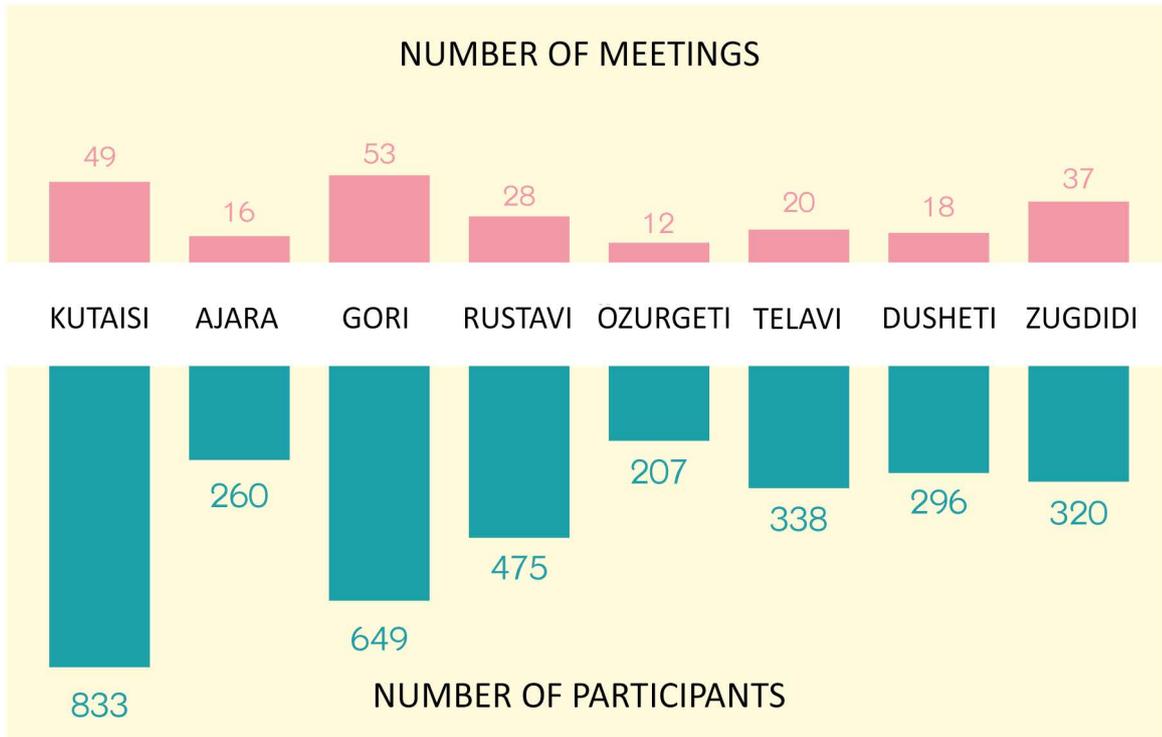
NUMBER OF BENEFICIARIES IN TBILISI OFFICE



FIELD CONSULTATIONS



**INFORMATION WORKSHOPS,
ROUNDTABLE DISCUSSIONS,
PUBLIC MEETINGS**



HUMAN RIGHTS CLOSE TO HOME

Members of GYLA believe that human rights begin in small places that are hardly visible on a map but these are exactly the places that are most important to people: homes, streets, neighborhoods, communities, where people spend most of their lives, which is why the Georgian Young Lawyers' Association is actively working not only to initiate and promote changes in the legislation, policy and institutions but also to help individuals solve their local problems, improve their everyday lives, and live in environments that are clean, safe, dignified.

During the reporting period we planned and conducted hundreds of field meetings with locals in various parts of Georgia. During these meetings our lawyers offered legal consultation, provided advice, prepared legal documents,

provided information about important issues related to human rights including domestic violence, early marriage, right to live in a safe environment, anti-discrimination legislation, minority rights, social and economic rights, etc.

During field meetings we also inquired about everyday problems affecting local population and tried to help people solve these problems, so they feel safe, protected and dignified in the place where they spend most of their lives.

During the reporting period:

- As a result of active efforts of GYLA Office in Kutaisi, v.Sakulia was connected to the gas supply system, road was paved in Svanebi Settlement, and containers for household waste were installed in v.Opshkviti. Further, based on





GYLA's appeal a letter was sent to the Ministry of Economy and Sustainable Development of Georgia for allocating a burial space for v.Opshkviti.

- As a result of active efforts of GYLA Office in Kutaisi, works to connect v.Namashevi and v.Akhalsheni to gas supply network were launched, to be followed by rehabilitation of roads in these villages, while works to connect v.Dedalauri to the gas supply network will be launched in the near future. Additionally, as a result of advocacy by GYLA lawyers, a Catholic church in v.Akhalsheni was able to legalize its ownership of a land, and Khoni Municipality approved a water supply project for all three villages, the project will be launched in the near future.

- Following advocacy by GYLA Office in Telavi, local roads and outdoor lighting were improved

in v.Vardisubani, additional garbage bins were installed.

- As a result of active involvement of GYLA Office in Zugdidi, The Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia (MRA) provided an IDP family with an apartment in Zugdidi.

- As a result of efforts of GYLA Office in Gori, local authorities started addressing problems of v.Mikeltskaro. GYLA sent a letter to Kaspı Municipality about the water problem in the village, requesting that the problem be resolved in a timely manner. Further, the Cleaning Service has started gradually removing garbage that has accumulated overtime in the landfill.

- As a result of efforts of GYLA Office in Rustavi, problems in the so-called military



settlement of Vaziani are now addressed: the settlement is provided with drinking water and apartment buildings that are currently in hazardous condition are rehabilitated. In addition, based on GYLA's appeal Gardabani Municipality began to proactively publish public information on its website, in compliance with the Law of Georgia on Local Self-Government. As a result, locals now have access to all types of public information about welfare assistance and social services.

- During the reporting period, GYLA Office in Ozurgeti was actively working to protect property rights of residents of v.Bokhvauri in connection to their land plots. In the 1990s residents of v.Bokhvauri were provided with land plots in v.Nasakirali, along with handover acts issued by the Land Reform Commission. However, in 2016 these lands were registered under the state's ownership and leased to a limited liability company for the period of 25 years. As a result, residents of v.Bokhvauri are

no longer able to use these lands. GYLA Office in Zugdidi is actively working to protect property rights of the affected families.

- During the reporting period, as a result of efforts of GYLA Office in Dusheti, several local issues were included in the agenda of the local authorities: water safety, road safety, cleaning of cemeteries and more.

GYLA is litigating numerous cases in Tbilisi and in the regions of Georgia about protection of recreational zones from illegal alienation and ongoing/planned constructions.

In addition, during the reporting period GYLA representative closely followed planning of construction of high voltage transmission lines on the territory of v.Muguda, Dusheti District, as locals were categorically against it. GYLA representatives met with local population and offered legal aid. The construction has been put on hold.

DEVELOPMENT OF MIGRATION MANAGEMENT

During the reporting period GYLA finished working on the EU-funded project- “Promoting Migration Management in Georgia through Research-based Advocacy, Awareness, Networking and Use of Technologies.”

Within the project, for the first time GYLA began activities that focused on the complex intersection of human rights, sustainable economic development and safety, and addressed the following strategic objectives:

- Systemic and comprehensive research of the issue of emigrants and diaspora;
- Raising public awareness for reducing the harm of illegal emigration;
- Consolidating actors that affect and work on migration processes;

- Providing support to the state by sharing its research and recommendations.



Meeting with emigrants in Istanbul (Turkey)

QUANTITATIVE SUMMARY OF THE MIGRATION PROJECT:

NEARLY 500 EMIGRANTS THAT PARTICIPATED IN DISCUSSIONS, INTERVIEWS AND INFORMATION MEETINGS IN 12 CITIES ACROSS 10 COUNTRIES

NEARLY 3000 RESPONDENTS OF QUALITATIVE AND QUANTITATIVE RESEARCH IN REGIONS OF GEORGIA

12 STUDIES ON ISSUES OF HUMAN RIGHTS, SAFETY AND SUSTAINABLE DEVELOPMENT.

A GUIDE FOR THOSE INTERESTED IN STARTING A SMALL BUSINESS

NEARLY 6000 PEOPLE WHO PARTICIPATED IN THE INFORMATION CAMPAIGN

9 TRAININGS THAT LASTED 15 DAYS AND HAD NEARLY 200 PARTICIPANTS

5000 BOOKS COLLECTED WITHIN THE CAMPAIGN - BOOKS FROM GEORGIA - AND OPENING OF BOOK CORNERS FOR GEORGIAN EMIGRANTS IN 8 COUNTRIES.

2 SUB-GRANTS PROVIDED TO LOCAL ORGANIZATIONS AND 2 GRANTS PROVIDED TO INTERNATIONAL ORGANIZATIONS



Meeting with emigrants in Bari (Italy)

BOOKS FROM GEORGIA CAMPAIGN

In each country visited by the project team, emigrants complained about lack of books and a gathering place, which is why after one of these visits the project team planned a campaign Books from Georgia. The campaign brought together over a thousand people throughout

Georgia, including famous public figures, writers, musicians, sportsmen, etc. One of the campaign events was joined by the National Library of Georgia and the Parliament of Georgia. With the help of Parliament's diaspora committee, MPs from different parties also joined the campaign. As a result, in less than a month GYLA was able to collect nearly 5000 books within less than a month. The books were sent to 8 countries and a special book corner was arranged in each of these countries.



*Writers Lia Likokeli and Dato Turashvili
joined the campaign*

QUALIFIED LEGAL EDUCATION AND DEVELOPMENT OF LEGAL PROFESSION

Professional training of young lawyers, development of legal profession and helping create a system of legal and civic education that complies with international standards was and continues to be one of GYLA's strategic areas of focus. During the reporting period, GYLA actively pursued educational activities at the central and regional level.

Alternative, continuing legal education for youth, promoting development of specific skillset (constructive debate, practical skills for speaking in court, legal drafting skills, the technique for preparing legal documents), organizing target trainings and public discussions, working on new materials for information and publishing purposes - these are activities implemented by GYLA's Legal Training and Information Center and the Foundation for the Support of Legal Education founded by GYLA.

GYLA conducted the following education activities during the reporting period:

- Annual six-month long training courses in public and civil law in Tbilisi;
- Organizing local and national tournaments in parliamentary debates in Batumi, Kutaisi, Zugdidi and Tbilisi;
- Organizing an Olympiad in constitutional law of Georgia - "Young Lawyers for Constitutional Rights";
- Organizing mock trials in city and supreme courts;
- Organizing workshops, trainings, accredited courses for lawyers of GYLA's Legal Aid Center as well as different interest groups;
- Enriching the legal library with the most recent literature;
- Sunday School for Civic Education for senior-year students in public schools of Tbilisi, Batumi, Kutaisi, Zugdidi, Gori, Telavi and Rustavi.



TRAINING COURSES OFFERED BY THE FOUNDATION

Despite the strides made in the educational system, it is still impossible to receive a quality legal education in Georgia, as clearly evidenced by a joint study conducted two years ago by four organizations (including the Foundation for the Promoting Legal Education), with financial support from the Eurasian Foundation and the East-West Management Institute, which indicates that 75% of students, professors/teachers, judges, prosecutors, notaries, representatives of NGOs and other stakeholders believe that quality legal education is a problem in Georgia, and a very serious one.

Therefore, through the Foundation GYLA continues to act as a watchdog for development of legal education and profession and is trying to fill in the knowledge gaps for students and young lawyers in transition period, provide them with different education, vision and approaches as they enter the professional arena.

To this end, the Foundation is focusing on six-month courses. In 2016-2017, the Foundation received 50 applications, 30 applicants were admitted. Over the period of six months, these students pursued education in the field of civil and public law.

At the end of the learning process, 19 students were found eligible for taking exams. A joint diploma of GYLA and the Foundation was awarded to 11 students, 5 received certificates while 3 could not pass the minimum score of 50%.

On the day of their graduation, some students published their thoughts online:

After studying in Prague for two years, I decide to come back to Tbilisi and continue my studies at a Georgian university. Fortunately, I found my self in a really good environment – in my university, which allowed me to meet excellent people, and also in the magic “basement”, where like Ms. Natia Tskepladze used to say, one molded into a good person first, then a good lawyer.

Over the period of one year, every day at 7 miracles happened in this “basement”. Interesting dialogues took place and our worldview and thinking changed every day. We were becoming more critical, observant and free.

I could not wait to see the day when I had the honor to be awarded a diploma of the Georgian Young Lawyers' Association and was able to boldly say that owing to these people, this team, lecturers and coursemates I am better than I was a year ago.

I am happy, proud and hopeful that this is just a beginning of great things that this “basement” and this country will lay the foundation for.

Days like these are only a few and far between in my life. I am very happy and proud to be a graduate of GYLA's Foundation for the Support of Legal Education, it was one of the best experiences of my life, and it is just the beginning:

- I received an offer from GYLA's Foundation for Promotion of Legal Education to deliver lectures for Sunday School students;
- Without participating in a selection process, I was offered a legal assistant internship position at GYLA

I am extremely happy and grateful!

I will do anything to live up to your expectations!

Successful students were awarded certificates and diplomas on July 21. The same day three best students were identified and under the initiative of the Foundation and GYLA they were offered an internship at Tbilisi Legal Aid Center in civil and administrative law. We also identified six successful alumni who will be able to deliver trainings at the Foundations' Sunday School for Civic Education. Further, GYLA will provide references for all students that were awarded a diploma, to support their employment at GYLA as well as in public or private recommendations.

Of note is the fact that this year's alumnus has

been hired for GYLA's election project for six months, while two alumni were hired in a legal firm and a legal entity of public law based on GYLA's recommendation.



CIVIC EDUCATION AS A PRIORITY AREA FOR THE FOUNDATION - SUNDAY SCHOOL

Quality education is a problem not only in institutions of higher education but also in schools due to the lack of civics teachers, while schools are the most effective way for raising public awareness by providing legal and civic education. In the best-case scenario, civic education in schools is taught by history teachers or in the worst-case scenario by teachers that specialize in different disciplines. Therefore, majority of schoolchildren view civic education as the most boring subject.

In light of this, engagement of 9-12 graders who are interested in civic and legal education and visit the Sunday School every year is very important.

During the reporting period, Sunday Schools of Civic Education operated in Tbilisi as well as in

Zugdidi, Rustavi, Kutaisi and Batumi, and a total number of students in all five cities was about 200. After finishing the school and passing exams, these students received certificates. Over the last three years the Foundation has been implementing an important initiative - at the end of the school year SundaySchool students have an opportunity to visit a range of public or private organizations, participate in rallies/campaigns, etc.

During the reporting period, Tbilisi Sunday School students visited the Central Electoral Commission (where they met the CEC Chairwoman); the Georgian National Museum; the National Bank of Georgia; the Georgian Presidential Palace; the Museum of Justice, the Environmental Information and Education Center (where the Minister himself hosted the students to talk about important challenges in the field of



Students of Batumi Sunday School visited the Constitutional Court of Georgia and Ajara TV. The initiative allows students to take a closer look at specific characteristics and activities of each institution.



environmental protection); the Office of the Personal Data Inspector (where students were hosted by the PDI for a short informational meeting and an excursion). Students of Zugdidi Sunday School had a meeting with a representative of the Public Defender in Samegrelo-ZemoSvaneti. On June 1 they also participated in a campaign to celebrate the International Children's Day.

THE ART OF DEBATES

Helping law students in Tbilisi and in regions of Georgia master the art of constructive debates remains a priority for the Foundation. During the reporting period, the Foundation organized debate courses in Tbilisi, Kutaisi, Zugdidi and Batumi. Students learned the art of constructive argumentation, culture of debates, quick thinking, searching and processing information about legal and global issues.

The foundation organized local debate tournaments and identified winning teams that participated in the national tournament. Tbilisi team was the winner of the national tournament of parliamentary debates was held on 17 June



2017. Participants and the winner were awarded certificates as well as publications produced by the CoE, the Foundation for the Support of Legal Education and GTZ.

MOCK TRIAL

Mock trial is an important activity of the Foundation. Students and their trainer prepare a court case, distribute roles among themselves, draft legal documents and practice on their skills for speaking before court. Eventually, after they finish learning, they have a mock trial before a competent jury (members of the Supreme Court, lawyers and relevant specialists) in the Supreme Court of Georgia. During the reporting period, a mock trial was held in late June in the Supreme Court. Participants were highly rated by the jury.

The mock trial format is actively used in Sunday Schools. During the reporting period, Tbilisi

Sunday School participated in a mock jury trial in the Supreme Court of Georgia, while Sunday Schools of Zugdidi and Kutaisi had mock trials in Zugdidi District Court and Kutaisi City Court, respectively.

OLYMPIAD “YOUNG LAWYERS’ FOR CONSTITUTIONAL RIGHTS”

In December 2016, in partnership with the Constitutional Court of Georgia and with financial support of the German Foundation for International Legal Cooperation (IRZ) and the Council of Europe, Olympiad “Young Lawyers’ for Constitutional Rights” was held in the Constitutional Court in Batumi. The Foundation has been organizing the annual Olympiad for 11 years already and it always occurs the same time as GYLA’s traditional event Human Rights Week.

About 80 teams from all over Georgia applied for the competition. 8 teams were selected based on pre-determined criteria; they participated in qualifying round held on December 9-10 in the Constitutional Court of Georgia, and later in the semi-final and the final. The Olympiad was judged by a panel composed of a member of the Constitutional Court, relevant specialists and professors/teachers.

A celebratory event for closing the Olympiad was held on December 11. The Constitutional Court identified three individuals with best knowledge of the constitutional law and offered them a six-month paid internship at the Constitutional Court of Georgia. The jury also identified best plaintiffs and respondents. The Foundation for the Support of Legal Education also named its favorite contestant and offered him a six-month training course at the Foundation.

Winner of the 2016 Olympiad was a team of students from IvaneJavakhishvili State University in



Tbilisi; all contestants received certificates, legal literature and other valuable gifts.

Of note is the fact that over the period of 11 years the Olympiad has provided the Constitutional Court with 17 interns who later turned into employees, which is a clear indication of how successful this particular activity is.

PUBLIC LECTURES AND DISCUSSIONS

During the reporting period, GYLA's Foundation for the Support of Legal Education organized a number of public lectures and discussions, as a platform for youth to discuss and raise problematic issues, deepen their knowledge with the help of relevant experts, receive comprehensive information about issues that they find import-

ant and share information as well as experience. The target group includes all age groups, from schoolchildren to university students and practitioners.

On 8 February 2016, the Foundation held a public lecture at the Georgian Technical University on Human Rights. Ana Natsvlshvili, GYLA Chair was the speaker. The meeting focused on discussions about importance of human rights and their role in building of a democratic society.

On 21 March 2017, GYLA Ajara Office and the Foundation for the Support of Legal Education organized a public lecture for law students at Shota Rustaveli State University on the topic of "Constitutional Reforms in Georgia". The public lecture was lead by a member of the Constitutional Court, Giorgi Kverenchkhiladze.

On March 28, the Foundation hosted a public discussion on “Deficit of Civic Activism among Youth,” Director of the South Caucasus Regional Office of Friedrich Ebert Foundation, Felix Hett presented results of “Generation in Transition: Youth Study 2016 – Georgia”. During the meeting, head of the Foundation talked about the role that youth play in formation of civil society.

On 6 April, another public discussion was held on the topic of “IDP Rights and the Strategy Developed by the State” led by Mariko Kobakhidze, legal alumnus of the Foundation. The meeting was attended by a representative of the Public Defender, who introduced participants to recommendations issued by the Public Defender on problematic issues related to persons with

disabilities.

On April 19, the Foundation held another public lecture at the Georgian Technical University on Violence against Women and Domestic Violence. At the meeting concrete examples were used to illustrate problematic issues. The lecture was led by Goga Khatiashvili, GYLA analyst.

On 25 April, the Foundation organized a public lecture on “Joining of the European Union to the Convention for the Protection of Human Rights and Fundamental Freedoms - Accomplishments and Challenges”, led by Giorgi Mirianashvili, lead specialist at the human rights committee of the Parliament of Georgia, PhD student at the TSU. The public lecture had an



interactive format; participants had an opportunity to ask questions to the speaker.

On May 16, GYLA's strategic litigation lawyer led a public lecture on Femicide - Killing of a Woman on Account of Her Gender". The meeting focused on discussions about obligations of the state for combating femicide, how to prevent, investigate and prosecute femicide.

On May 18, GYLA Ajara Office and the Foundation for the Support of Legal Education held a public lecture for law students at Rustaveli State University on "Role of the Constitutional Court in Georgian Justice". The public lecture was led by Maia Kopaleishvili, member of the Constitutional Court.

The cycle of public lectures and discussions ended in June with a discussion on "Georgian-Abkhazian Conflict - Understanding the Past". The meeting was led by Shota Shvelidze, local coordinator of the Berghof Foundation project, and Mikheil Jakhua, participant/facilitator of the Berghof Foundation's Georgia-Abkhazia peace process. The discussion focused on the background of Georgian-Abkhazian conflict, today's political situation, and dynamics of meetings held within the peace dialogue between Georgia and Abkhazia. Participants had an opportunity to listen to a small episode of a biographical interview recorded within the Berghof Foundation project Through History Dialogue to Future Cooperation, and engaged in subsequent discussions/analysis.

SEMINARS, TRAININGS, CONFERENCES, ROUNDTABLE MEETINGS

During the reporting period, capacity building for employees and different stakeholders continued. In December 2016 and January 2017, the Foundation organized an intensive training course on "Regulation of Construction/Architectural Activities in Georgia and Pressing Legal

Issues related to Real Property." The course was attended by 25 people. It focused on pressing issues in practice, including:

- **Terms and conditions for taking property from its owner for public use/benefit (expropriation);**
- **Regulation of construction and architectural activities in Georgia;**
- **Construction safety regulations;**
- **Legal regulation of alienation or transfer of state property;**
- **Regulations for limiting use and disposal of real property;**
- **Cases of transfer of non-privatized property into the ownership of a legitimate user free of charge by the executive branch of a local self-government, etc.**

The course turned out to be fruitful, interesting and rather useful for practitioners, which is why the Foundation applied to the Georgian Bar Association for accreditation of the course. The course was granted accreditation, meaning that lawyers will receive credits for participating in the course. The accredited course on construction/architectural activities was held on June 3, and on registration of real property on June 10-11; each course had 12 participants.

In January-February of the reporting period, the Foundation organized a training course on the contemporary world's biggest challenge – "Cyber Security and Cyber Crime", focusing on the following topics:

- introduction to information technologies
- cyber crimes envisaged by the Criminal Code of Georgia
- national and international law on cyber space



- common methods of cyber crime
- digital evidence
- obtaining and analyzing digital evidence
- investigative actions and documents related to digital evidence
- cyber space and cyber security.
- problems of commercial sex-workers;
- problems of women who depend on drugs;
- the rights of a detained individual;
- access to justice for marginalized women;
- healthcare programs funded by the state and accessibility of these program (with a focus on needs of vulnerable groups);
- protection of personal data.

The training was a novelty and both lawyers and IT specialists applied to attend it. The training had a total of 10 participants.

Since 2016, GYLA has been implementing a project - "Fighting gender violence and improving access to justice for women sex-workers and women who depend on drugs". During the reporting period, GYLA conducted two trainings with participation of representatives of the community as well as lawyers of GYLA's Legal Aid Center and journalists (a total of 50 participants). The training focused on the following issues:

It must be noted that trainings that focus on a particular community and let members of the community directly participate in it are rare. The purpose of the training was to provide maximum information to lawyers and journalists about everyday or legal difficulties that members of a concrete community face; problems that they have in relations with their families or representatives of the society, what their everyday life is like, etc. Notably, after the training more repre-



representatives of the community started applying to GYLA's legal aid centers, several media outlets prepared a report about these issues in an attempt to provide public with information based on objective facts.

THE INFORMATION CENTER

GYLA's legal library continues to be a valuable place for students and readers interested in legal literature, allowing them to access Georgian and foreign publications available in the library free of charge (the publications are available at the library premises only).

During the reporting period we took inventory of the library, which allowed us to determine the exact book fund, create a user-friendly database and give each book a unique code.

A total of 15,000 books are reserved in libraries of GYLA in Tbilisi and in the regions. Of note is the fact that GYLA's libraries contain unique Georgian and foreign literature that are rarely available in Georgian libraries.

In the future we plan to create a discussion club at GYLA's legal library as a platform for organizing high-level discussions based on the unique legal base.

INTERNSHIP OPPORTUNITIES AT THE LEGAL AID CENTERS

Legal aid centers at GYLA's office in Tbilisi and 8 regional offices have made an important contribution to development of legal profession, building capacity of young lawyers and helping them become professionals. These legal aid centers continue to offer a successful internship program to students. The internship program is six-month long and it allows students to prepare a range of legal documents under the supervision of experienced lawyer, represent individual citizens in court together with an attorney, etc.

During the reporting period, a total of 60 beginner lawyers completed the internship program at GYLA's legal aid centers in Tbilisi and in the regions.

Of note is the fact that 3 interns in Tbilisi secured employments at GYLA's legal aid center and in different projects of the organization.



FINANCIAL REPORT

ACCOUNTING PERIOD:
1 NOVEMBER 2016 –
1 NOVEMBER 2017

GYLA's financial report covers the period from 1 November 2016 to 1 November 2017. During the reporting period, GYLA received GEL 3,933,103.00 from different sources in grants, donations and membership fees. Below is a breakdown of the total sum by sources:



EWMI	1 353 826,00
EU	1 315 594,00
USAID	319 854,00
OSGF	308 363,00
NED	238 853,00
Tetra Tech / GGI	221 344,00
SwE (Ministry for Foreign Affairs Sweden)	117 020,00
THE ROYAL NORWEGIAN EMBASSY IN BAKU	29 536,00
ERT (Equal Rights Trust)	25 845,00

Membership fees	758.00	Miscellaneous	2,110.00
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During the reporting period, GYLA hired 133 employees on a permanent basis, including 57 in the regions, total payroll expenses for these employees amounted to GEL 1,987,240.00. One-time honorarium was provided to 342 individuals - total amount of the honoraria was GEL 245,917.00.

Compensations, salaries and honoraria provided to private individuals for their services was taxed by the income tax amounting to GEL 473,260.00.

During the reporting period, GYLA purchased GEL 24,938.00 worth of main assets, including different office equipment for regional offices with a total cost of GEL 8,250.00.

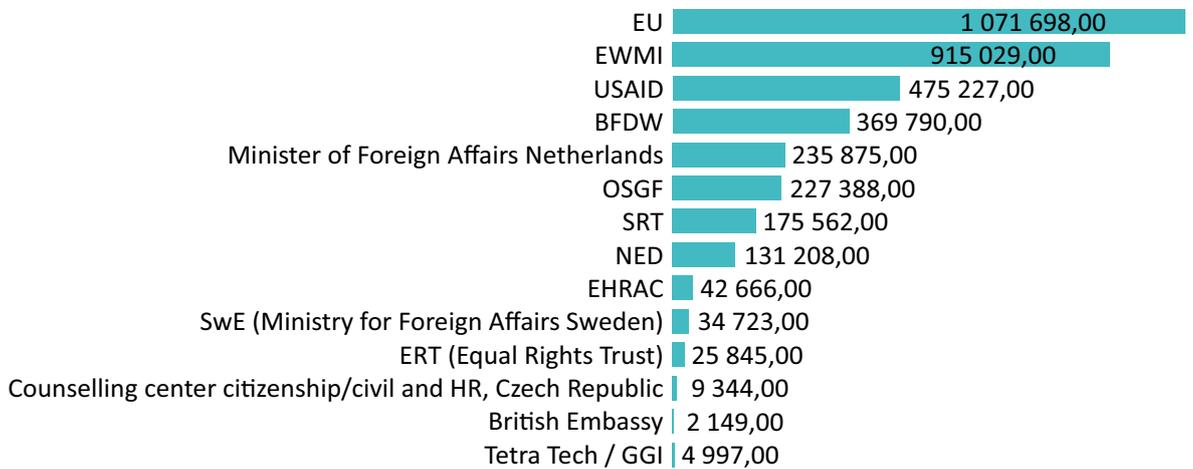
During the same period, GEL 24,862.00 worth of office supplies were purchased, including GEL 2,015.00 worth of items for regional offices.

A total of GEL 161,426.00 was spent on organizing various workshops and meetings in Tbilisi as well as in the regions.

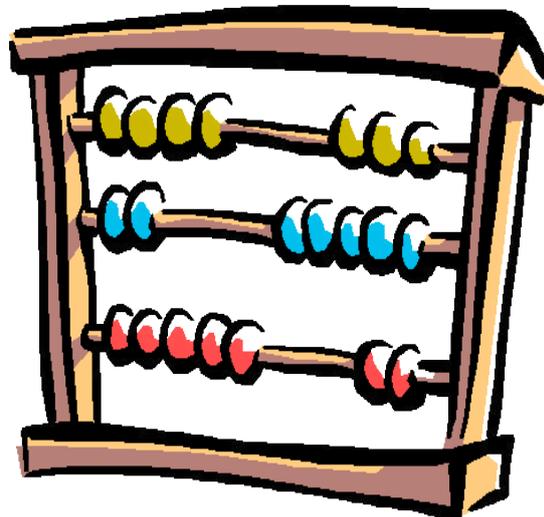
Travel costs for employees, members and invited guests totaled GEL 257,292.00 during the reporting period.

Rent expense for all offices of GYLA amounted to GEL 109,195.00, communication expense - GEL 39,783.00 including GEL 6,485.00 for regional offices.

During the reporting period, GEL 3,727,343.00 from the total financial resources went toward expenses, which is broken down by different sources below:



Donations	5,473.00	Membership fees	369.00
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MANAGING BODIES OF THE GEORGIAN YOUNG LAWYERS' ASSOCIATION

As of November 2017

THE BOARD MEMEBERS

Ana Natsvlishvili-Chairwoman
Giorgi Santuriani
Besarion Abashidze
Besarion Bokhashvili
Irena Gabunia
Tamar Gvaramadze
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Sulkhan Saladze
Nino Suknidze
Ekaterine Popkhadze
Nona Kurdovanidze
Mikheil Ghoghadze
Tinatin Shelia
Lasha Chaladze

HEADS OF REGIONAL OFFICES

Adjara Office – Giorgi Khimshiashvili
Kutaisi Office - Giorgi Santuriani
Rustavi Office - Ekaterine Pavlenishvili
Gori Office - Ketevan Bebiashvili
Telavi Office - Marekh Mgaloblishvili
Ozurgeti Office - Tamaz Trapaidze
Dusheti Office - Sergo Isashvili
Zugdidi Office – Jano Chkadua



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AUTHORITIES Justice
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FAIRNESS EQUALITY

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Protection
ADVOCACY
ACCOUNTABILITY
AUTHORITIES
RIGHT TO LIFE
MONITORING
INDEPENDENCE
Freedom Property