



ANNUAL REPORT

2013

**RULE OF LAW
FOR JUSTICE**

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ANNUAL REPORT 2013





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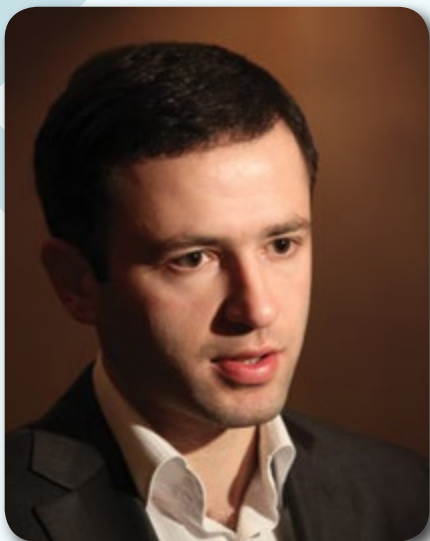
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DEAR MEMBERS OF GYLA,

When I was a student I often thought it would be a great honour to be a member of GYLA. Now as I am writing this speech in the capacity of the Chairman of GYLA and being overwhelmed with the same feeling, I remembered the speech of David Usupashvili, the first Chairman of GYLA at the General Assembly. Mr. Usupashvili, currently the Chairman of the Parliament said that above other positions he valued the mandate of GYLA.

Our success is mainly owing to the fact that these sentiments are widely shared by the members of the organisation.

The achievements reflected in the report are quite impressive. According to the objectives set by the regulations and the strategy of the organisation, we have implemented a number of activities. It ranges from contributions to the legislative process to monitoring the elections. We have been critical where being receptive would have meant tolerating human rights abuses. We have cooperated with the authorities where we thought that it would bring some results.

Those who constantly follow the activities of GYLA might think that the report does not adequately reflect the work undertaken by our colleagues on an everyday basis. If it had been reflected in the report, it would have failed to demonstrate in full GYLA's contribution to democratic values in society. Some days ago the Council of Ethnic Minorities under the auspices of the Public Defender of Georgia awarded GYLA, together with other organisations, the prize of 'Supporters of Tolerance' for its contribution towards the development of the culture of tolerance. It is important to note that others who received awards were not necessarily strangers but former colleagues and current members of GYLA. There are many facts like this.

Dear members, I want to emphasise the fact that no matter where you work now, be it at the non-governmental organisation (NGO) or in the public sphere, your contribution towards GYLA's work is tremendous. I think we have achieved a lot, above all, our activities have proved that our values do not change with the government and that we appreciate the principles that makes our organisation unique - rule of law and fairness, objectivity and impartiality, professionalism, boldness and fighting for rights. The translation of these words into actions brought us the best recognition in the history of the NGO. The Václav Havel Human Rights Prize is awarded by the Parliamentary Assembly of the Council of Europe to reward outstanding civil society action in the defence of human rights by individuals or an NGO. GYLA, together with two other candidates were shortlisted to receive the prize, which had nominations from all over the world.

Surely, these achievements are for all the individuals, who since the launch of the organisation have worked hard towards the successful implementation of its objectives.

However, there is no such a thing as ideal or perfection – we have had some shortcomings in our activities.

In the end I would like to mention one interesting story that carries quite a symbolic meaning. GYLA has been providing legal assistance to an individual. Despite its attempts, GYLA lost the case but the beneficiary, who has frequently enjoyed the legal assistance from expensive law firms overseas, has enjoyed GYLA's assistance the most. After the dispute ended, he has founded a commercial organisation and indicated in its founding documents that it will donate seven per cent of its dividends to GYLA. I do not know what would be an exact sum of the donation but it has a rather a symbolic meaning. Moreover, the expression of gratitude through the donation is very humbling and has been won through the stamina and sleepless nights of the defence lawyers completing the legal documentation.

I would like to especially thank members of GYLA for their dedicated work, which is not fully reflected in the report. I wish GYLA to be full of people with enthusiasm and professionalism.

Sincerely,

Kakha Kozhoridze,

Chairman of the Georgian Young Lawyers' Association



MISSION STATEMENT OF THE GEORGIAN YOUNG LAWYERS' ASSOCIATION

On 31 October 2010, the General Assembly of the Georgian Young Lawyers' Association approved a Strategy for 2011 - 2014 and an Action Plan for the 4 subsequent years. The Association continues to work towards the achievement of its Charter purposes and strategic goals based on these documents.

In accordance with our Charter and our established tradition, we are pleased to submit a Report on the activities carried out by the offices of the Georgian Young Lawyers' Association in Tbilisi and 7 regions of Georgia in the year 2013 (reporting period starting 1 November 2012 and ending 1 November 2013).


The structure of the Report, as in the previous years, is based on 4 strategic goals:

1. PROTECTION OF HUMAN RIGHTS, DEVELOPMENT OF LEGAL REMEDIES AND ENSURING ACCESS WITHOUT DISCRIMINATION
2. RAISING THE LEGAL AWARENESS OF THE PUBLIC AND ESTABLISHING RESPECT FOR THE RULE OF LAW
3. PROMOTING AN EFFECTIVE, ACCOUNTABLE AND TRANSPARENT GOVERNMENT
4. QUALIFIED AND CONTINUOUS LEGAL EDUCATION AND DEVELOPMENT OF THE LEGAL PROFESSION

Our motto:

RULE OF LAW FOR JUSTICE

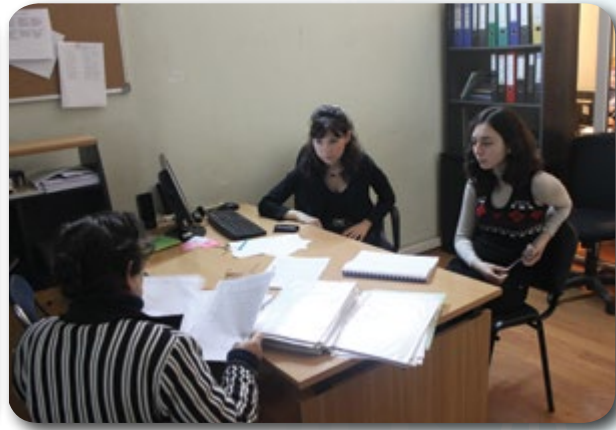




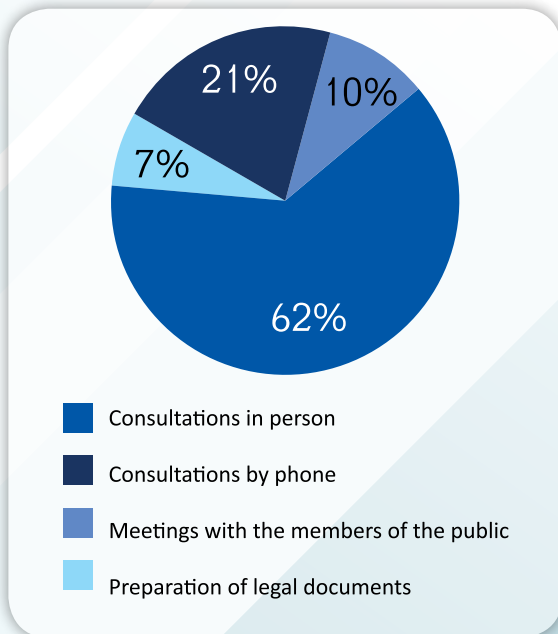
**PROTECTION OF HUMAN RIGHTS,
LEGAL REMEDIES AND ACCESS
WITHOUT DISCRIMINATION**

PROTECTION OF HUMAN RIGHTS, LEGAL REMEDIES AND ACCESS WITHOUT DISCRIMINATION

The protection of human rights has been one of the most important strategic goals of GYLA since its establishment. GYLA provides free of charge legal consultations to thousands of individuals on a daily basis through its offices in Tbilisi and seven other regions in Georgia. It pays special attention to target groups including internally displaced persons (IDPs), socially vulnerable people, disabled persons, juveniles, journalists, senior citizens, prisoners, migrants and victims of the domestic abuse. In other words, GYLA reaches out to those groups in society that require free legal aid the most. There are no restrictions on the type of legal issues that GYLA delivers i.e. members of the public can receive free legal consultation on any issues.



During the reporting period, GYLA's offices in Tbilisi and the seven Georgian regions delivered **101,935** pieces of legal advice.

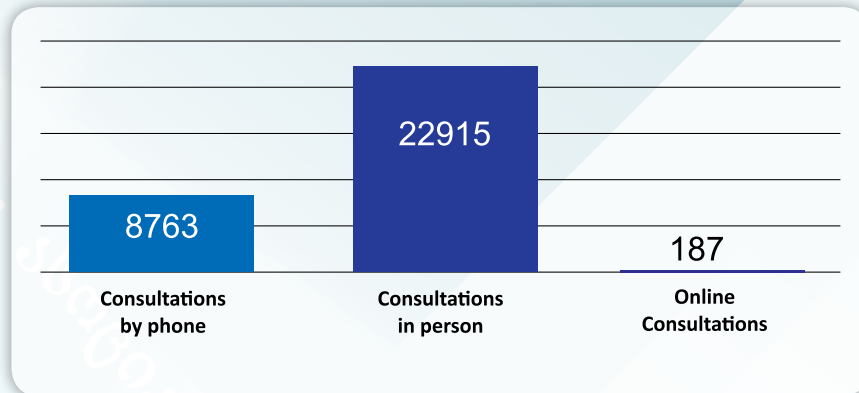


Political developments, including Parliamentary Election in October 2012 and its pre-election period had a significant impact on the type and amount of legal assistance delivered by GYLA as a human rights defender organisation. GYLA received a large number of enquiries from members of the public that hoped to receive information on legal mechanism on restoring rights violated in previous years. Most importantly, members of the public were interested in re-examining the court decisions which had entered into force. The public also showed an interest in relation to the right to property, including the restitution of unlawfully appropriated property.

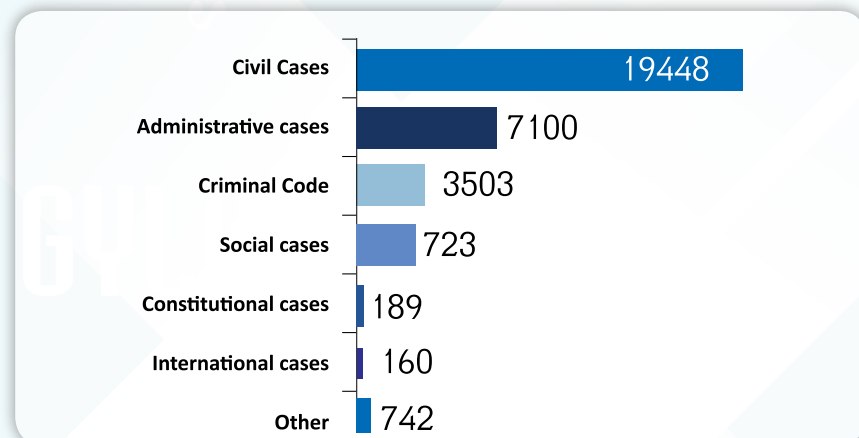
LEGAL ADVICE AND LEGAL DOCUMENTS

During the accounting period **22,556** attended GYLA's legal aid center in Tbilisi. The center provided legal consultations to **31,865** members of the public, whilst **1,486** received help with preparing legal documents.

NUMBER LEGAL ADVICE CONSULTATIONS DELIVERED



THEMATIC CONSULTATIONS



During the accounting period, the regional offices of GYLA continued to deliver aid to socially vulnerable groups. According to the regional offices, the statistics on legal assistance delivered was the following:

Regional offices	Consultations by phone	Consultations in person	Exit consultations	Media consultations	Total
Kutaisi	6741	13163	2669	171	22744
Gori	2046	15280	3843	440	21609
Rustavi	1830	2585	485	170	5070
Ozurgeti	309	3278	995	177	4759
Telavi	209	1851	409	93	2562
Adjara	2136	5941	858	647	9582
Dusheti	455	1895	1315	79	3744

GYLA's regional offices have in total delivered **70,070 consultations**.

LEGAL DOCUMENTS

Regional offices	Adjara	Kutaisi	Gori	Rustavi	Ozurgeti	Telavi	Dusheti	Total
Documents	1825	1199	1262	541	600	229	181	5837

On the documents prepared by the GYLA offices, the courts have:

- Upheld 248 cases on title deed to the property. Due to the inaccuracies in title deed, many individuals were not able to register their ownership rights to the property, inheritance and add-ons on their pensions. Upon GYLA's assistance those affected persons have obtained title deed to the immovable property, title deeds to the inheritance, and received add-ons on the pensions.
- Upheld 57 cases on the financial compensation of the victims of political repression.
- Upheld 65 cases on the recognition of individuals as legally incapable, who were appointed guardians and received regular pension.
- 46 individuals received back pay of their salary for a period of a number of years.
- 105 children received child support allowance.
- Established de facto inheritance for 67 individuals who have all received title deeds to their inheritance.

SERVICES OF THE DEFENCE LAWYERS

During the accounting period, GYLA's legal aid centers continued to deliver free legal aid for socially vulnerable groups upon set criteria.



During this period GYLA's legal aid center in Tbilisi had 25 criminal cases, 67 administrative and 28 civil cases under its consideration. Whilst, currently the center is processing

- 14 Criminal cases
- 34 Administrative cases
- 14 Civil cases

LEGAL REPRESENTATION BEFORE THE COURTS AND ADMINISTRATIVE BODIES (REGIONAL OFFICE DATA)

REGIONAL OFFICES	Gori	Ozurgeti	Telavi	Kutaisi	Rustavi	Adjara	Dusheti	Total
GYLA's cases	133	34	17	93	17	48	6	348
Administrative cases	48	23	8	49	4	24	4	160
Criminal cases	19	9	2	14	4	9	0	57
samoqalaqo samarTali	66	2	7	30	9	15	2	131
warmatebuli saqmeebi	72	6	6	24	6	14	4	132

SUCCESSFUL CASES

During the accounting period 155 cases have been successfully completed, due to the active engagement of GYLA's lawyers in Tbilisi and regional offices. Below are examples of these cases:

ADMINISTRATIVE CASES

- **As a result of the intervention of GYLA's Tbilisi office** - the Court did not impose administrative fines on six individuals arrested after taking part in a rally on 1 May 2013 in Tbilisi.
- **GYLA's Tbilisi office** - has provided legal assistance to an individual N. I. to revoke the penalty of 10,000 Gel ordered by the Tbilisi Supervisory Service.
- **GYLA's Tbilisi office** - has assisted on three cases of financial compensation for victims of political repression. The Court satisfied the request of the beneficiaries of GYLA and awarded financial compensation in 400 Gel, 500 Gel and 1,100 Gel.
- **As a result of assistance by GYLA's Tbilisi office** - N.A. and A.S. and M.Z have been reinstated by the Court in the same position held at the *Children and Youth National Center, Legal Person of Public Law (LEPL)* of the Ministry of Sports and Youth Affairs of Georgia. The Ministry was ordered to pay more than 36,000 Gel as compensation.
- **The Defence lawyer of Tbilisi GYLA's office** - represented Kh. M. against the Tbilisi Mayor's office and the Public Registry office on a case concerning the overlapping of state owned lands. The court of first and second instance did not satisfy the claim; however, the Supreme Court has partly upheld a cassation appeal. The respondents, the Tbilisi Mayor's office and the Public Registry, were ordered to issue new acts in relation to GYLA's beneficiary, after the facts of the case had been fully investigated. This decision of the Supreme Court is important since it issued a significant explanation and set a different practice in relation to similar types of disputes.
- **By the help of GYLA's Kutaisi office** - G.A. and N.Kh. have filed a case to the Tbilisi City Court to request compensation for damages incurred after an unlawfully instigated criminal case. Based on the decision of the Board of the Administrative cases G.A will receive 2,000 Gel from the General Prosecutor's office of Georgia, whilst N.K will be awarded 1,000 Gel.
- **Kutaisi GYLA's office** - was defending the interests of former employees of the Council of Lentekhi municipality (in total 11 employees) who were made illegally redundant based on the order of the Chair of the Council of Lentekhi municipality. The administrative chamber of Kutaisi Court



of Appeals has upheld the case concerning the 11 former employers of Lentekhi municipality on revoking the order on dismissal, reinstating the employees to their position and awarding the compensation. The decision was filed for an immediate enforcement.

- **By the help of GYLA's Gori office** - the Court has assisted the complaint of the victim of domestic violence N.O. and grant her a protection order. By the decision of the Gori District Court, the perpetrator was banned from engaging in verbal, physical or psychological violence against the victim. The mother and children through the help of GYLA were transferred to a shelter for domestic violence victims.
- V.M an employee of the Kakheti division of the Patrol Police Department at the Ministry of Interior of Georgia was fined by the patrol police according to Article 116 (e) of the Administrative Code of Georgia (driving a motor vehicle under the influence of alcohol).V.M- had undertaken a timely independent forensic examination which established that he was sober while driving the car. **GYLA's Telavi Office** filed a claim before Telavi District Court on behalf of V.M. to annul the protocol on administrative offences, which was further granted and the defendant was freed from administrative sentence.
- **GYLA's Rustvi office** defended the rights of D.Kh. who was subjected to verbal, physical and psychological assault from her son M.K. and her daughter-in-law T.I. Rustavi District Court upheld the claim of the victim of domestic violence D.Kh and the perpetrators were banned from engaging in verbal, physical and psychological violence with the victim.
- Technical employees (in total four) of the *Telavi Iakob Gogebashvili State University* were refused a state pension on the grounds that they were engaged in public activities. This according to the State Law on Pension ceased their entitlements on pensions. Through the help of **GYLA's Telavi office**, the claimants filed administrative claim to the Social Services Agency which was upheld and the decisions of Telavi Social Services Agency were revoked. At the same time the agency was ordered to award L.Ch., E.R., N.B. and N.G. with state pensions and compensation.
- **Through the help of Dusheti GYLA's office** - T.G filed the claim against the National Agency of State Registry to annul the decision of Dusheti Registration Services on suspending the registration. T.G. submitted a certificate from an archive which was found invalid by Dusheti Registry Service. The administrative claim of T.G. was upheld and the claimant was able to register immovable property on the basis of the certificate from the archive.
- **GYLA's Gori office** was defending internally displaced persons (IDPs) B.N and E.O. before the Court. The Ministry of Internally Displaced Persons from the Occupied Territories, Accommoda-

tion and Refugees of Georgia refused to grant them with an IDP status despite the fact that they were forced to flee their house after the Georgian-Russian war. The Court upheld their decision and B.N and E.O. were granted an IDP status. At the same time, the Ministry extended their promise to provide them with shelter.

- The cameraman of the TV *Channel 9* L.R. was issued administrative offence protocol for violating traffic rules and his license was suspended for two years. Administrative proceedings started on 28 November 2012, via the **Ozurgeti GYLA's office**; however, the administrative charges against L.R. were dropped.
- **Adjara GYLA branch** represented the interests of H.A who could not receive an inherited property, since the National Agency for Public Registry of Adjara did not issue a title deed and indicated that there was no information about the inherited property at the office of the technical bureau. Through the intervention of GYLA's Adjara branch, the heir filed the claim to Batumi City Court to restore his rights on the property. The claim was fully upheld and title deed was confirmed on the name of the designated heir. Registration information from the technical bureau has already been submitted at the public notary to issue title deed to the inheritance.

CIVIL CASES

- **Legal aid center of GYLA's Tbilisi office** was representing the interest of claimant R.Jh. to restore the arrears on his payments. The City Court partially upheld the claim and the defendant was ordered to pay 1,969 Gel.
- **Legal aid center of GYLA's Tbilisi office** - assisted J. T. to revoke the liability on his property and annul payment of 1,000 USD for the mortgage.
- **Legal aid center of GYLA's Tbilisi office** - was defending the interests of a disabled person who claimed compensation for an injury caused at work. The Court ordered the defendant to pay compensation of 7,200 GEL in favour of GYLA's beneficiary and ordered a monthly payment of 200 GEL for life starting from 2011.
- **Legal Aid Center of GYLA's Kutaisi office** - was defending the interest of a teacher E.A. who was made redundant. The Court fully took into consideration the claimant's opinion that the *first section of sub paragraph-'d' of Article 37 (e)* of the Georgian Labour Code did not grant unlimited privilege to an employer to sack the employee without any grounds. The Court found that the claimant was made redundant without any legal reason and was later reinstated.



- Individuals L.V., V.B. and V.P. could not receive a title deed to the inheritance since the statutory terms on receiving an inherited property had lapsed. Lawyers of **GYLA's Dusheti office** assisted the claimants to file the application at the Mtskheta District Court where the Court confirmed the legal act, acceptance of inheritance by GYLA's beneficiary. As a result the claimants were able to receive a title deed to the inheritance.
- **GYLA Gori office** - represented the interest of M.A. who worked at the public school of Tiniskhidi village in the Gori Region as a deputy director. He/she was made redundant after the head-teacher based on the *first section of sub paragraph-'d' of Article 37 (e)* dismissed her. The Tbilisi Court of Appeals upheld the decision of the claimant and revoked the order of the Tiniskhidi public school (LPPL). M.A. was reinstated in the position of the deputy director of the school and received monetary compensation.
- Through the help of **GYLA's Kutaisi Office**, Kutaisi City Court on 5 February 2013 upheld the claim of V.B. The claimant received a schedule defining the times to meet their young children.
- **GYLA's Adjara office** represented the interests of 86 people who were admitted at *Batumi Shota Rustaveli State University* but had to drop the course at the beginning of the academic year since they could not pay the tuition fees. Nevertheless, the University filed a claim with a demand of payment. Both Batumi and Kutaisi Court of Appeals ruled against the claimants.
- **Civil Chamber of Kutaisi Court of Appeals**, through the assistance of the **GYLA's Kutaisi office** has satisfied the claim of M.K. and respondents I.B. and O.A. were ordered to jointly compensate to the amount of 8,100 GEL.
- **Through GYLA's Dusheti office** - the claims of N.L. and M.B were upheld. The Court defined the dates for the claimants to visit their children.
- **GYLA's Rustavi office** - upheld the claim of D.K. a victim of domestic violence who was recognised to be the owner of ½ share of a disputed flat.

CRIMINAL CASES

- **Through the help of GYLA's Tbilisi office** - defendants G.S. and L.S. who were charged under *section two of Article 353 (e)* of the Criminal Code of Georgia (resisting a police officer or any other government representative to impede the protection of public order or to terminate or change his/her activity) were found not guilty by the Tbilisi City Court.
- **Lawyer of GYLA' Tbilisi office** - was protecting the interests of a prisoner D.Kh. charged under *section three of Articles 19-178(e)*, of the Criminal Code of Georgia (attempt of a pre-meditated



robbery committed by a group). As the case was discussed on merits, the Court took into consideration the opinion submitted by the defence and found D.Kh. innocent. The charge ended up being re-qualified under Article 151 (threat) of the Criminal Code of Georgia and D.Kh was fined 3,000 (three thousand) Gel. The Court considered the penalty settled after reviewing the prison term already served and freed D.Kh.

- **Through the help of GYLA Kutaisi office**, G.G. the former chair of Khoni Council was found innocent by the decision of Kutaisi City Court on 28 June 2013 and was later acquitted. G.G. had been charged under *section one of Article 332 (e)* of the Criminal Code of Georgia. (Abuse of official authority). The Court took into consideration the position of the defence and ruled that there was not enough evidence to prove his guilt.
- **GYLA's Gori office** was defending the interests of R.Ts before the investigatory bodies on deserting the Shida Kartli military police. GYLA's lawyer requested the defendant undertake a medical examination at the military hospital. The results showed that R.Ts was not fit for obligatory military service. He was freed from military service and the criminal charges were dropped.
- **GYLA's Ozurgeti office** was defending the interests of M.Ts accused of crimes stipulated by the *first section of Article 236 (e)* (illicit purchase or possession of fire arms) of the Criminal Code of Georgia. On 21 January 2013, the Ozurgeti District Court dropped the criminal prosecution against M.Ts.
- **GYLA's Kutaisi Branch** was defending the interests of M.M, G.A. and N.Kh. who were arrested in October 2012 before the Parliamentary election and accused of committing a crime stipulated by Article 164 (e) (vote buying). Through the help of GYLA's defence lawyer, Kutaisi City Court ruled on 27 November 2012 to stop the criminal prosecution against the defendants as the state prosecutor had dropped the charges.

STRATEGIC LITIGATION IN THE EUROPEAN COURT OF HUMAN RIGHTS

During the accounting period, GYLA delivered consultations to 156 people in relation to preparing cases before the European Court of Human Rights (ECtHR) and alleged violations of separate articles of the Convention. In this light, GYLA submitted three applications before the ECtHR and additional arguments in relation to one application filed previously by GYLA. During the accounting period, two cases were successfully completed.

1. **BOKUCHAVA V GEORGIA (APPLICATION #64388/12)**

The applicant is an IDP from Abkhazia evicted from a temporary shelter in Tbilisi and resettled in different region of Georgia, in the accommodation built especially for IDPs in Potskho- etseri village. The applicant alleged the violation of Article 3 (prohibition from torture and inhuman treatment) and Article 8 (right to respect for private and family life) in conjunction with Article 14 (prohibition of discrimination). The applicant is vulnerable as he is a disabled IDP; however, the State has resettled him in Potsko-etseri without taking into consideration the applicant's special needs and undermining his access to psychiatric assistance.

2. **SALUKVADZE V GEORGIA (APPLICATION #81399/12)**

The applicant was a member of the opposition movement (*Sakhalkho Kreba*) and took part in the political protests of May 2011 against the government. Salukvadze was convicted of resisting a police officer and was sentenced to four years imprisonment. There were a number of procedural violations and flawed evidence against the applicant. These circumstances, however, were dismissed without any sub-



tantiation by the national courts. The circumstances of the case indicated alleged political motive. The applicant alleged violation of Article 6 (right to fair trial), Article 14 (prohibition of discrimination) and Article 18 (limitation on use of restrictions on rights).

3. **BAKRADZE V GEORGIA (APPLICATION #73238/12)**

E. Bakradze was made redundant from her teaching position at the public school in 2011 after the head-teacher suspended her contract without justification. The applicant alleged that she was made redundant because of her affiliation with the opposition party (Democratic movement - united Georgia).

Despite some evidence showing that the applicant was a victim of discrimination and that she was made redundant based on her political convictions, the national courts did not take her arguments into consideration. It is worth mentioning that the family members of the applicants also faced persecution based on their political affiliations in previous years. The brother of the applicant V. Bakrade became victim of armed assault in April 2009, the evidence of the assault can be found at the office of the Public Defender of Georgia. The case was initiated before the ECtHR alleging violation of Article 6 (fair trial), Article 8 (right to privacy and right to family life) in conjunction with Article 14 (prohibition of discrimination), and alleged violation of Article 11 (right to peaceful assembly and manifestation) and Article 1 of the Optional protocol 12 (general prohibition of non-discrimination).

COMMUNICATED CASES

During the accounting period, the ECtHR has notified the Ministry of Foreign Affairs of Georgia in relation to the applications submitted by GYLA on different occasions.

1. Gamtsemlidze and others v Georgia (application #2228/10)
2. Egiziani v Georgia (application #40085/09)
3. Shavlokhova v Georgia (application #4800/10)
4. Vazagashvili and Shanava v Georgia (application #50375/07)
5. Dzebniauri v Georgia (application #67813/11)

GYLA has responded to the government submissions on *Gamtsemlidze and Vazagashvili v Georgia*.

SUCCESSFUL CASES

1. *Z. V GEORGIA (APPLICATION #44706/10)*

On behalf of the applicant, GYLA complained about degrading conditions and inadequate medical attention in the prison. During the imprisonment the applicant was diagnosed with terminal and life threatening diseases: HIV infection-C3 category, TB, hepatitis C and tuberculosis, inflammation and deminalating polyneuropathy. Despite the fact that the applicant suffered from severe diseases, the government did not satisfy the applicant's request to free him. The applicant alleged violation of Article 3 (prohibition from torture and inhuman treatment) and Article 13 (right to effective remedies). The Ministry of Justice and the applicant reached a friendly settlement, as a result of which 12 June 2013, the ECtHR has removed the case from its lists. The state awarded the applicant with pecuniary damages of 4,500 Euros to compensate for inadequate medical treatment during the imprisonment period.

2. *OKHROSHIDZES V GEORGIA (APPLICANT #60596/09)*

On 28 December 2012 the Ministry of Justice of Georgia and applicants reached a friendly settlement. The State has recognised that the loopholes of the Civil Code of Georgia have impeded upon the applicant's right to fully enjoy the rights stipulated by Article 8 (right to privacy and right to family life) of the Convention and awarded the applicant with 3,000 Euros. After the friendly settlement, the Court also ordered to renew civil proceeding.

GYLA represented the applicant's interest at the trial which has been restarted at the Tbilisi City Court. The claimants requested to: 1. establish paternity, 2. appoint child support allowance since the date of initiating the case i.e. 28 August January. 3. Give the name to the applicant. The Tbilisi City Court has fully satisfied the request of the applicants. The case is underway at the Tbilisi Court of Appeals, where the applicant's interests are being represented by GYLA.

CASES RELATED TO 2008 AUGUST CONFLICT

During the accounting period, the European Human Rights Advocacy Center (EHRAC) and GYLA continued their correspondence on the exhaustion of domestic remedies with the Prosecutor's office of the Russian Federation on behalf of the victims of the 2008 conflict.

SUCCESSFUL CASES

In the framework of the joint project between GYLA and Russian Justice Initiative (RJI) two cases submitted on alleged violation of unlawful arrest and arbitrary arrests during the 2008 August war in 2009 and 2010 (*Kaziev and others v Georgia, application #50127/09* and *Tekhov and Tekhov v Georgia, application #37526/10*) - friendly settlement have been reached between the Ministry of Interior and the applicants. On 26 June 2013 by the decision of the Tbilisi City Court, the Ministry of Interior was ordered to award the applicants with a single compensation of 12,000 Gel for the damages caused during an unlawful imprisonment. The case is currently being implemented.

STRATEGIC LITIGATION AT THE CONSTITUTIONAL COURT OF GEORGIA

GYLA submitted five constitutional claims and one *amicus curie* at the Constitutional Court of Georgia. During the accounting period, the Constitutional Court of Georgia has upheld three claims, whilst it did not uphold one claim but made an important legal interpretation.



1. ILIA CHANTURAIA V PARLIAMENT OF GEORGIA

On 21 June 2013 defence lawyer Ilia Chanturaia lodged a complaint before the Constitutional Court of Georgia to challenge the lawfulness of the provisions of the Civil Procedure Code which penalises parties to the proceedings for contempt of court, refuses the right of a penalised person to submit their opinion in his/her defence and prevents a right to challenge the decision on issuing a prior warning and a penalty.

GYLA submitted that the existing provision contradicts with *paragraph 1 and paragraph 3* of Article 42 of the Constitution (right to fair trial) and (right to defence.)

It is noteworthy to mention that last year GYLA on behalf of Maia Khutsishvili and Vladimir Sanikidze submitted a claim to challenge the constitutionality of the Criminal Code for identical norms. This claim has already been accepted by the Constitutional Court to discuss the case on merits.

2. IURI VAZAGASHVILI V PARLIAMENT OF GEORGIA

GYLA on behalf of Iuri Vazagashvili has lodged a complaint with the Constitutional Court to review the constitutionality of the provisions in the *Law on Speech and Freedom of Expression* that ban legal disputes on non-property rights of a deceased person. GYLA submitted that the impugned norm falls foul of rights recognised by Article 16 on the right to development of one's personality and right of inviolability of honour and dignity under the first part of Article 17 of the Georgian Constitution.

3. LEVAN SIGUA V PARLIAMENT OF GEORGIA

On 7 August 2013 a former civil servant initiated a case before the Constitutional Court of Georgia. The claim concerned the provisions of *Law on Public Services* and the *General Administrative Code* that provides for dismissing an employee through disciplinary rules without any formal administrative proceedings. This procedure enabled a civil servant under consideration to cross examine a party to the process who had testified against him. Since the employer cannot enjoy effective safeguards for the defence, the impugned norms conflict with *paragraph 3* of Article 42 of the Constitution (right to defence).

4. BROADCASTING COMPANY METSKHRE TALGA AGAINST THE GEORGIAN PARLIAMENT

GYLA had filed a complaint before the Constitutional Court on behalf of broadcasting company *Metskhre Talga* to challenge the constitutionality of the provisions of the *Law on Broadcasting*. According to these provisions, the general broadcaster is obliged to allocate 90 seconds free in every three hours to a qualified election candidate for political advertising.

GYLA argued that these obligations had heavy financial implications on commercial broadcasting and forced the companies to stop broadcasting during the pre-election campaign. According to GYLA, the impugned norms violate freedom of speech and media safeguarded by Article 24 of the Constitution of Georgia and property rights guaranteed by Article 21 of the Constitution.

5. REVAZ KOPALIANI V PARLIAMENT OF GEORGIA

GYLA lodged a constitutional complaint on behalf of Revaz Kopaliani to challenge the constitutionality of the provisions of the Administrative Code of Offences of Georgia that provides for leaving a person in a prison institution for 12 hours without explaining him/her any reasons for detention. GYLA also challenged detention of a person at a law enforcement building with no fixed term and the ability of a 'squad leader' to detain a person in the headquarters for more than an hour. GYLA also found it incompatible with the right to defence to set tight deadlines of 24 hours for hearing cases of petty hooliganism and other offences-after submitting a protocol on administrative offences.

SUCCESSFUL CASES

1. TAMAR CHUGOSHVILI AND GYLA V PARLIAMENT OF GEORGIA

On 24 August 2012 the Constitutional Court of Georgia found unconstitutional the provision of *the Law on Operative-Investigatory activities of Georgia* that enabled Georgian law enforcement bodies to tap closed internet communications. The impugned norm did not stipulate urgent necessity or the need for a court order to allow tapping the closed internet communications.

2. MARIANA KIKU V PARLIAMENT OF GEORGIA

On 14 December 2012 the Constitutional Court of Georgia upheld the case of a Moldavian citizen Mariana Kiku without considering it on merits. The claim concerned the right to assembly and manifestations of foreign citizens and banning the right of a foreign citizen to act as a responsible person for holding an assembly or manifestation. GYLA submitted that the disputed norms were similar to the norm that was found unconstitutional by the Constitutional Court of Georgia on 11 April 2011. The respondent accepted GYLA's claim (acceptance does not cease court proceedings). The Court therefore took into consideration GYLA's position and satisfied his claim without considering it on merits.

3. TRISTAN MAMAGULASHVILI V PARLIAMENT OF GEORGIA

On 11 June 2013 the Constitutional Court of Georgia upheld the claim of Tristan Mamagulashvili. The Court found unconstitutional the provision from the *Law of Georgia on Internally Displaced Persons from the Occupied Territories* that awarded an IDP status to those displaced only from the occupied territories i.e. *Abkhazia* and the *former South Ossetia*. The Law put these residents of Gori and Kareli municipalities in unfavourable condition, who were not able to return to their houses due to the security threats caused by the Russian occupation. At the same time, they could not have received an IDP status since their residences did not fall within the border of the former autonomous district of South Ossetia. After the decision of the Constitutional Court of Georgia, persons in question who reside in the territories outside the occupation line but where Georgian authorities do not have effective control will receive the IDP status.

IMPORTANT LEGAL INTERPRETATIONS BY THE CONSTITUTIONAL COURT OF GEORGIA

DAVID MIKHEIL SHUBLADZE V PARLIAMENT OF GEORGIA

On 11 April 2013 the Constitutional Court of Georgia did not satisfy the claim of David Mikheil Shubladze, where GYLA requested the Court to declare unconstitutional the provisions related to Stop and Frisk provided by the *Law on Police*. GYLA found it problematic that the law did not tackle the meaning of 'reasonable doubt.' The Constitutional Court has taken into consideration GYLA's concern and provided an explanation for reasonable doubt without satisfying the claim. GYLA submitted that the existing explanation provided for a correct application of a disputed norm.

AMICUS CURIE

ELECTION CODE

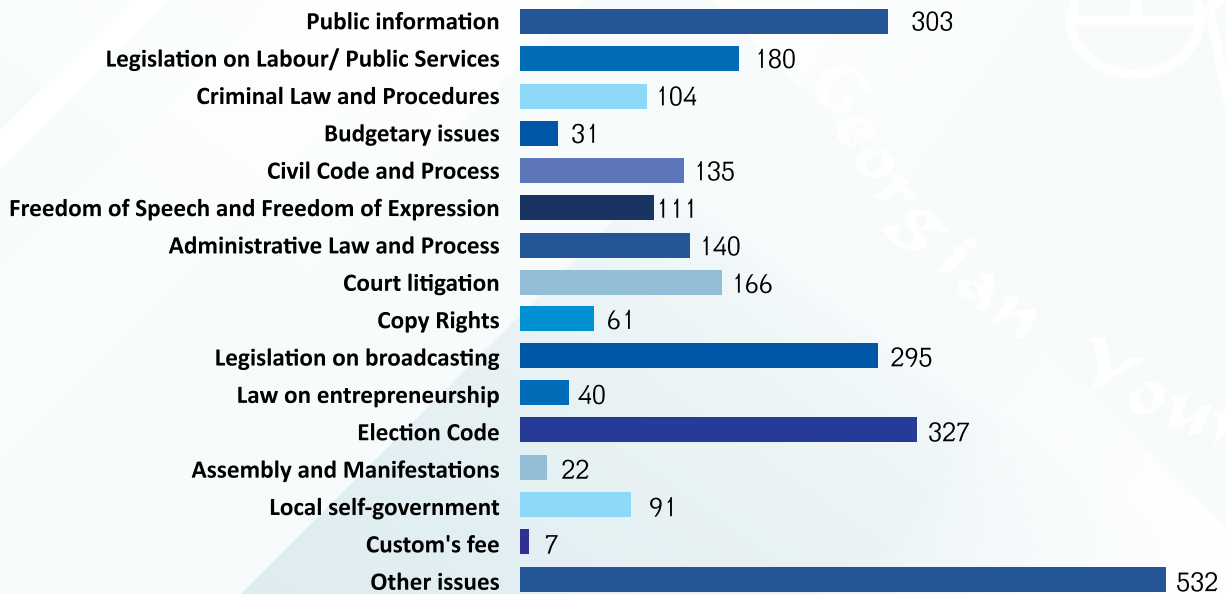
On 21 June 2013 GYLA has submitted amicus curie on *Ucha Nanobashvili and Mikheil Sharashidze v Parliament of Georgia*. The case concerned challenging the constitutionality of the provisions regulating the creation of a one tier election system within the municipalities and self-governing cities. The method for creating the election districts conflicts with Article 14 of the Constitution (right to equality) and Article 28 (right to vote), since disparate number of registered voters within the districts vote for the same number of candidates, challenging the principle of equality.



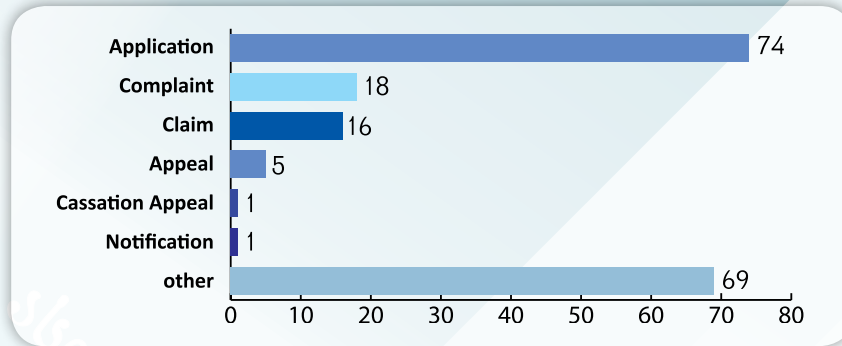
STRATEGIC LITIGATION WITHIN THE GEORGIAN MEDIA LEGAL DEFENCE CENTER

Throughout the accounting period, one of the priorities of GYLA was to defend the journalist's rights. During this period, Media Legal Defence Center and regional offices included in the Media project have delivered 2,543 legal consultations to journalists and media outlets.

Legal consultations during the accounting period varied:



During the accounting period, GYLA prepared 184 legal documents that are based on different qualifications:



Within a year, GYLA had 29 proceedings, out of which eight had been completed successfully and four cases have been upheld partially. In addition, 12 cases are currently underway, whilst the remaining five were not satisfied. Proceedings on the rest of the cases have been suspended.

Below are the cases highlighting the significant impact on protecting the media in Georgia.

MEDIA ORGANISATIONS AGAINST PUBLIC AUDIT

To ensure the transparency of the pre-election campaign, on 6 August 2012 the Auditor of the State Audit office of Georgia issued a decree that defined the rules for purchasing the pre-election campaign advertising for election subjects. The national broadcasting company and newspapers were tasked to submit information about purchasing pre-election advertisements within 24 hours of the purchase.

Issues related to broadcasting pre-election campaigns, purchasing the pre-election advertising and responsibilities and obligations set by the broadcasting companies and newspapers are set by the Election Code of Georgia and other normative acts of Georgia. Control of its implementation is carried out by the National Communication Commission of Georgia. The obligations set by the State Audit towards the broadcaster and newspaper outlets

put a heavy burden on these entities, whilst the imposition of this financial burden has not been fully justified. Through the initiative of the Media Legal Defence Center and on behalf of seven organisations, Center has prepared a claim to annul the part of the decree of the State Audit Office which obliged newspaper outlets and broadcasting companies to submit information to the state audit. On 28 February 2013 the Tbilisi Civil Court upheld the claim submitted by GYLA. The decision of the Court has not been challenged and has entered in force.





CASE OF THE JOURNALISTS INJURED ON 26 MAY 2011

GYLA's Media Legal Defence Center has provided legal assistance to a journalist injured after breaking up the rally on 26 May 2011 against the Ministry of Interior of Georgia. According to the official information of the Ministry of Interior, some of the law enforcement agents exceeded their authority, and later faced administrative sentences. The claimants requested access to the decree that had sanctioned law enforcement agents. The Ministry of Interior refused to make it public as it was deemed to be a state secret. Litigation was suspended in the Court until the requested information was made public to the journalists. At the same time, the Court has argued and decided that the decree of the Ministry of Interior ordering disciplinary sanction did not constitute state secrecy.

GIORGI BARATASHVILI V GEORGIAN PUBLIC SERVICE BROADCASTER

On 4 March 2013 the Board of Governors of the Public service broadcaster issued a vote of no confidence against Giorgi Baratashvili who was dismissed from his position. At the same time, the Board of Governors announced a competition for selecting a new General Director of the Public service broadcaster. Procedures related to the vote of no confidence in Giorgi Baratashvili and his dismissal was flawed by legislative violations. At the same time, the decision of the Public service broadcaster has been underpinned by dismissing Giorgi Baratashvili from the position of General Director of the Public service broadcaster. This directly conflicted with the human resource policy of the Board of Governors and indicated an abuse of power.

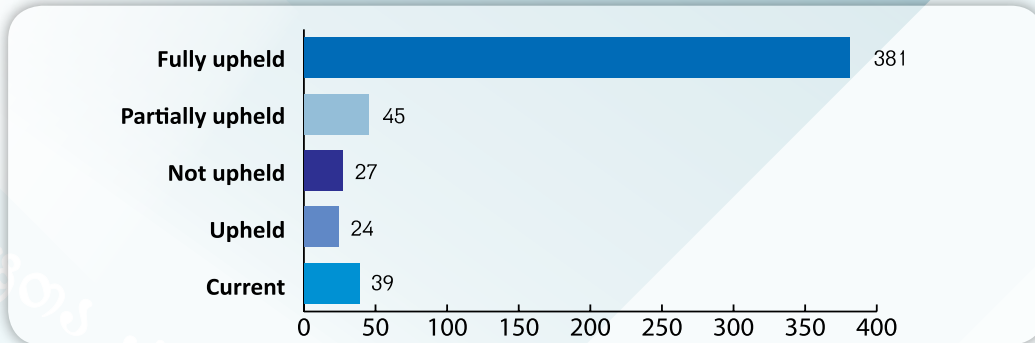
Through the help of GYLA's Media Legal Defence Center, Giorgi Baratashvili has filed a complaint with a request to restore his impugned rights. Giorgi Baratashvili, lodged a separate application to suspend an administrative legal act of the General Director of the Public service broadcaster. The Court has satisfied both requests of the claimant: 1. the competition on selecting the candidate for the general director was suspended. 2. Giorgi Baratashvili has been reinstated to the position and received compensation.

On 6 September 2013 the Governing Committee of Public service broadcaster issued a vote of no confidence against the General Director of the Public service broadcaster Giorgi Baratashvili for the second time and dismissed him from the position. The Public service broadcaster has opened the competition for the position of the General Director; however the decision of the Board of Governors were adopted through the violations of a number of laws. GYLA's Legal Media Defence Center has prepared a claim which is under consideration by the Tbilisi City Court. The Court has also suspended the competition for the position of the General Director.

STRATEGIC LITIGATION ON FREEDOM OF INFORMATION

GYLA has been constantly engaged in litigation on freedom of information. The situation on obtaining public information has been significantly improved in Georgia since the last Parliamentary elections. This had a major impact on the practical implementation of the right to information. The numbers of unanswered, incomplete applications as well as applications that have not been answered within set deadlines have been significantly reduced.

Throughout the accounting period, GYLA has submitted 492 applications to public institutions to request public information, out of which, respective public institutions have:



GYLA, throughout the accounting period has prepared 17 administrative claims, out of which eight cases have been suspended after GYLA received information in relation to these cases. Seven administrative claims were left unaddressed and GYLA prepared complaints in relation to seven unaddressed cases. Two administrative cases, however, are being challenged.

During the accounting period, GYLA in total prepared seven claims; litigation on four cases has been suspended after GYLA received information on these cases. The remaining three cases are under consideration.

RIGHT TO ASSEMBLY AND MANIFESTATION

MAY 1ST - INTERNATIONAL LABOUR DAY

GYLA has continued to support those persons whose' rights of assembly and manifestations have been violated. To this point, it is worth highlighting the incident related to May 1st when the participants of the rally organised by students have been arrested.

The rally was peaceful and did not incite any violence or other unlawful activities. Police arrested the participants around eight to ten minutes before the rally was completed. The Ministry of Interior has submitted a protocol on administrative offences against 37 participants of the rally before the Court, GYLA represented the interests of 32 persons. At the detention hearing, police highlighted the violation of *Article 166 (e) (petty hooliganism)* and *Article 173 (disobedience to the legal orders of law enforcement officer)*.



It is worth stressing that for the last few years, arrests of participants of peaceful protests and rallies and sending them to administrative sentence has been made on the basis of Article 166 (e) and Article 173(e). Similar cases have often been criticised by local and international organisations. GYLA's exceptional interest

in protecting the interest of those arrested on May 1st has also been underscored by these conditions.

As part of these ill practices, it is worth highlighting that the detention records and reports submitted by police have been identical. Statements handed down to the Court have often been vague, controversial and lack argumentation. On a number of incidents indicated at the Police often indicated in its detention records and reports that participants of the rally were often arrested directly by police officers, however, video and photo footage proved otherwise.

In the end, four out of 32 participants defended by GYLA had to pay an administrative penalty of 400 Gel, whilst five participants had to pay 100 Gel. The Court dropped administrative charges against 17 participants and issued a verbal notice. The Court suspended administrative proceedings against six participants where it found no facts of administrative offences.

MAY 17TH - INTERNATIONAL DAY AGAINST HOMOPHOBIA AND TRANSPHOBIA (I.D.A.H.O)

GYLA monitored a rally planned to mark May 17th I.D.A.H.O together with its partner organisations. In this light, GYLA together with the monitoring group of local NGOs have undertaken some preparatory work, including preparation and familiarisation with the guidelines on observation mission and technical equipment for monitors. GYLA together with its partner organisations have made a general statement and urged the government to plan an effective security strategy in light of the counter demonstration and its context, to take every measure to safeguard the rally to take place in a peaceful and secure environment.

After careful examination of the information submitted by the GYLA monitors and the video footage related to the event, it can be said that the government failed to safeguard the peaceful rally to mark the I.D.A.H.O day. At the same time, the State violated the right of peaceful assembly and manifestations. The adopted state strategy failed to safeguard participants of the rally and proved inadequate in addressing the large number of people at the counter demonstration and the threats posed by their uncontrolled behaviour.

GYLA together with other groups of monitors made a public statement for the media where it critically assessed the work of the law enforcement bodies on May 17th. It has also considered the conclusion of the Committee on Human Rights and Civil Integration related to the events of May 17th. At the same time, GYLA represented the interests of sexual minorities that were assaulted during and after the rally.



Giorgi Gogua/Liberali



With a view to document human rights violations during and after May 17th, GYLA collected evidence from 14 persons and analysed the video and photo footage. GYLA has made a joint statement to request an effective investigation and prevention of further brutalities. The prosecutor's office has opened the investigation into the facts submitted by GYLA. The Prosecutor's office has notified GYLA that an investigation was underway.

GYLA plans to initiate two independent applications before the ECtHR on behalf of the rally organisers – *'Identoba'* and *'Women's Initiatives Support Group'* where GYLA will allege the violation of Article 11 (right to peaceful assembly and manifestations) and other rights of the Convention and will demand compensation for the moral damages for the just satisfaction of the applicants. To exhaust the domestic remedies, it is also planned to lodge a complaint on behalf of the applicants at the Tbilisi City Court through the administrative proceedings to demand compensation for damages.

LEGAL ASSISTANCE OF INTERNALLY DISPLACED PERSONS (IDPS)

Throughout the accounting period GYLA continued providing legal assistance to IDPs. Other than individual and group, assistance, GYLA prepared legal documents and provided the services of defence lawyers.

The figures below reflect that amount of legal consultations delivered by GYLA.

- 4143 IDPs benefited from GYLA's legal services.
- 4180 persons benefited from individual consultations.
- 456 legal documents delivered.



SERVICES OF DEFENCE LAWYERS

During the accounting period, assistance of defence lawyers has been initiated in relation to 23 cases and extended in relation to 17 cases that were started during the previous accounting period. GYLA has completed 15 out of the 40 cases, where 13 cases have been completed successfully, one has been unsuccessful, and one has been suspended upon the request of the beneficiary. Defence lawyers continue their work in relation to 25 cases.

As a result of successful legal assistance in relation to 11 cases:

- Two IDP families received apartments.
- Five people were awarded with IDP status.
- One IDP was awarded with the compensation after being refused IDP status.
- Three minors received maintenance.
- One IDP after divorce, received 2/3 share of the property acquired during the cohabitation with his/her spouse.
- One female IDP received a protection order to protect her from domestic violence.
- Three IDPs received a written notice awarding living space.
- One of the IDPs has successfully completed a dispute related to inheritance.

PARTICIPATION OF THE WORKING GROUP

Three thematic working groups were set up at the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, where GYLA together with other international and local organisations have received an invitation for membership. Working groups were created to work in different directions:

- Revising the legal documents and elaborating on proposals within the competence of the Ministry.
- Examining the issues related to IDPs resettled in private accommodation and elaborating on relevant recommendations.
- Elaborating on the legislation regulating eco-migrant processes after natural disasters.

The first working group has prepared a new draft *Law on Internally Displaced Persons from the Occupied Territories of Georgia*, which included a number of recommendations submitted by GYLA.

RESEARCH ON IDP RIGHTS' ON ADEQUATE ACCOMMODATION

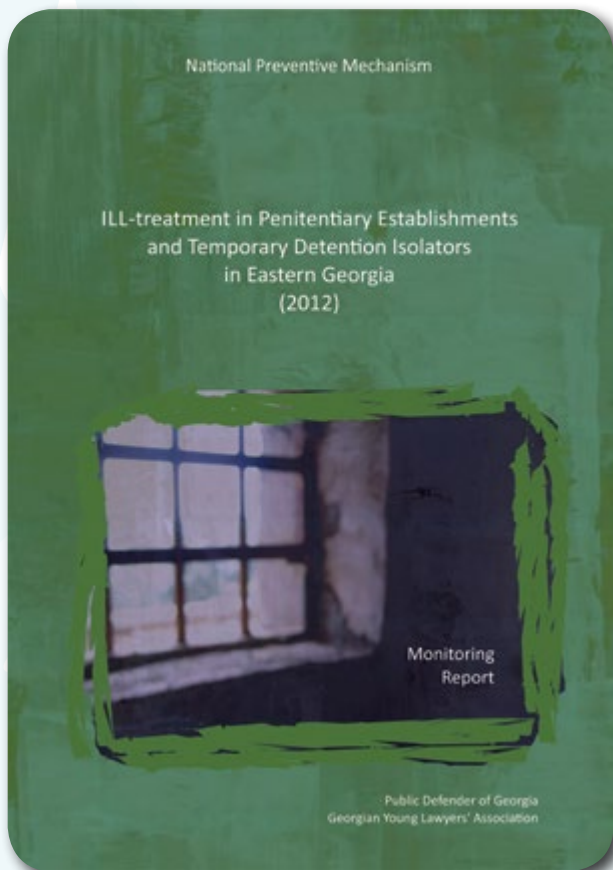
During the accounting period, GYLA issued research on the rights of IDP's to adequate accommodation (legal analysis, main trends of the legal practice). The research reviewed the legal mechanisms that create State obligations to ensure adequate accommodation for IDPs. The report analyses the importance of effective mechanisms and elaborates on the main issues related to accommodation. A set of recommendations has been created to address the existing ill practices.

ASSISTANCE TO THE PRISONERS AT THE PENITENTIARY ESTABLISHMENTS

During the accounting period, GYLA continued a joint project with the office of the Public Defender of Georgia with the aim to protect prisoner's rights and empower the national preventive mechanism. In the frame of the project, GYLA' staff had an opportunity to take part in the monitoring of the Georgian prisons and temporary detention isolators and examine the conditions related to safeguarding prisoner's rights. It included planned and unplanned monitoring missions and focused on the ill treatment of prisoners. The result of the monitoring has been reflected in the joint report issued by GYLA and the Public Defenders of Georgia on *'Ill treatment in penitentiary establishments and temporary detention isolators.'*

Similar to previous years, there were a high number of referrals from prisoners and their family members at Tbilisi and the regional offices. Defence lawyers delivered private and telephone consultations, visited prisoners at the penitentiary establishments and represented their interests before various bodies. Defence lawyers also assisted prisoners and their family members in preparing legal documentation.

During the accounting period, GYLA's Tbilisi and regional offices have delivered 3,678 pieces of consultation. At the same time GYLA's lawyers prepared 722 various legal documents including statements, appeal in cassation etc. Throughout the accounting period, GYLA received queries from 1,335 convicts/ accused. GYLA responded to 597 prisoners and visited 167. Through GYLA, around 50 prisoners have been referred to the Commission on early release due to their health conditions or to the local council on early release. Requests by some of the prisoners have been satisfied.



Health care and health assistance to prisoners remains a challenge in prisons. As opposed to previous years, the release of prisoners for poor health conditions has been improved. There have been some new legislative changes leading to extending the list of serious and terminal illnesses on the legislative level that makes prisoners postpone the sentence or makes them eligible for release. At the same time, the permanent Commission has improved its approach towards addressing the cases. However, forensic examination of prisoners remains problematic. Penitentiary establishments do not provide state funding for forensic examination.

It is noteworthy to mention that GYLA managed to conduct forensic examinations of the medical history of two prisoners and conducted personal forensic examination in relation to two other prisoners. These forensic examinations were used by GYLA's lawyers at various stages of the court hearings in favour of their beneficiaries.


During the accounting period, GYLA initiated two important cases to safeguard the rights of the prisoners through legal defence. GYLA filed an application against the Ministry of Corrections and Legal Assistance of Georgia and the Penitentiary Depart-



ment of Georgia to request compensation for damages for inadequate medical assistance in prisons. Legal proceedings in relation to these cases are underway.

Throughout the accounting period, political developments in the country had a major impact on criminal justice policy and its liberalisation. This has been reflected in GYLA's activities. The Parliament of Georgia adopted a *Law on Amnesty* that has increased prisoner's referrals for amnesty, whilst in some cases, courts have wrongly used the law on Amnesty. As a result, some of these cases had been challenged through the assistance of GYLA's lawyers. The courts have upheld 14 cases in favour of the prisoners defended by GYLA. The changes to the legislation have altered the rules for awarding sentence in the cases of cumulative conviction, which allowed courts to re-examine the decisions that had already entered in force. GYLA prepared motions to re-examine the verdicts. 17 motions prepared by GYLA has been satisfied.

In September 2012, after the release of video footage depicting torture and ill treatment of prisoners, law enforcement bodies received thousands of statements highlighting facts of torture and ill treatment of prisoners. GYLA contributed towards initiating the investigation into the facts of abuse. During the pre-accounting period GYLA has filed around 245 statements of prisoners at the prosecutor's office. To date, GYLA is in charge of delivering legal services in relation to four cases that are under investigation.

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**RAISING LEGAL AWARENESS
AND STRENGTHENING
RULE OF LAW**

RAISING LEGAL AWARENESS AND STRENGTHENING RULE OF LAW

GYLA along with safeguarding human rights ensures members of the public are well equipped with relevant skills and information to make sure that their rights are protected. GYLA's main objective is to raise legal awareness among citizens and strengthen the rule of law.

INFORMATIVE SEMINARS, MEETINGS IN THE REGIONS, OUTREACH TOURS

During the accounting period, campaigning on raising public awareness on legal issues entailed seminars and training for public officials, defence lawyers, NGOs and media representatives. It also included visits in the regions and outreach activities.

Below are the statistics highlighting the number of informative seminars and meetings:

	Kutaisi	Adjara	Gori	Rustavi	Ozurgeti	Telavi	Dusheti	Total
Seminars, round tables, meetings	49	57	83	24	15	24	11	263
Number of participants	641	1026	1245	440	285	488	244	4369

Issues discussed at the seminars and round-table meetings included important changes to the laws which were adopted throughout the accounting period by the Supreme Legislative body of Georgia, including other important issues, such as:

- Constitutional changes
- Changes and amendments to the Labour Code of Georgia
- Liberalisation of the Criminal Code of Georgia-revoking the provisions on cumulative sentencing
- Georgian Law on Amnesty adopted on 27 December 2012
- The resolution of the Georgian Parliament on *'The persons arrested on alleged political motives and politically motivated persecution'*
- Changes and amendments to the Organic Law of Georgia on Common Courts
- Standards on media relations
- NGO recommendations to improve the election environment
- Security issues in the villages located next to the administrative border line
- Assessment of the developments at the local self-government bodies after the elections of 1 October 2012
- Social programs defined by the local budget
- Status of the Public Broadcaster of Adjara
- Issues related to registering the immovable property and ways to resolve them

- Domestic violence and victim protection mechanisms through advocacy
- Social protection guarantees for IDPs
- Regional issues and possible ways out through advocacy
- Priorities of the programs supporting villages.
- Ways to include citizens at the local decision making process
- Right to freedom of religion and belief
- Regulation of the principles on *must carry* and *must offer* through the Law on Broadcasting of Georgia

TV AND RADIO PROGRAMS

GYLA has been actively engaging with local broadcasting companies to achieve maximum communication.

TV and Radio Company *Trialeti* – topics:

- Standards on media relations
- Assessment of the facts related to dismissing civil servants from local self-government bodies
- Security issues in the villages adjacent to conflict areas
- Changes to the Labour Code
- Minority Rights
- Privatisation of agriculture lands
- Legal mechanisms to protect from domestic violence

Adjara broadcaster - Topics:

- Legislative initiative of the Supreme Council of Adjara Autonomous Republic in relation to Public Broadcaster of Adjara
- Assessment of the impeachment of the Chairman of Batumi Council
- Assessment of the events of the local self-government bodies after the Parliamentary elections

TV 25 - topics:

- Rules for composition of the members of the Election Committee of the High Council of Adjara
- Exercising right to veto by the Chairman of Adjara Government on the *Law of Election on Adjara High Council*
- Assessment of the Constitutional changes
- Accessibility of Public Information
- Intended changes to the Organic Law on the Common Court of Georgia
- Rules on appointing/electing the chair of the city councils and heads of municipalities
- Assessment of the changes to be incorporated in the Law on Broadcasting
- Using the State protection measures against the persons assuming political appointments
- Legal status of the foreign citizens in Georgia



- Legal grounds for suspending and depriving the labour rights in Georgia
- Violation of Children's Rights
- Managing the procedures on tender procurement

Radio *Old City* - topics:

- Rules for composing the High Council of Justice
- State pension and rules to receive a pension
- Rules related to social benefits
- Rules on receiving inheritance and its conditions
- Regional problems and ways to tackle them through regional advocacy

Radio *Rioni* - Topics:

- Constitutional changes
- Social directions of 2013 Kutaisi Budget
- Authorities of local self-government bodies
- The Law on Amnesty issued on 28 December 2012- who does it concern?
- How shall citizens get involved in the decision making process?
- Peculiarities of the court practice related to children's maintenance
- Property as a pledge for collateral
- How to receive an inheritance

TV Company *Rioni* - Topics:

- Changes in Labour Code of Georgia
- Changes to the Election Code of Georgia

TV Company *Tanamgzavni* - Topics:

- Assessment of the Constitutional Changes
- Changes to the Labour Code of Georgia
- Assessment of the changes to the Election Code of Georgia
- Interest of conflict at the public office
- 2013 Telavi local budget
- How to receive social benefits

Radio *Hereti* - Topics:

- Assessment of the facts on dismissing civil servants from local self-government bodies
- Incidents of the violation of children's rights in Kakheti region

INFORMATIVE BROCHURES

Throughout the consultancy and working meetings, members of the public received brochures on a number of important issues:

- Labour Rights
- What shall we know before taking the case before the Court
- Court fees on the cases before the common courts

OUTREACH ACTIVITIES

During the accounting period, GYLA's lawyers have conducted a number of meetings where members of public were informed on legislative initiatives and received legal assistance.

In 2013 GYLA's Gori office have undertaken a number of outreach tours in villages of Sakhureti, Atskui, Zikila, Tnisi, Klde, Arali, Ude, Kakhareti, Benara, Varkhani, Rustavi, Idumala, Ishora, Nijgori, Toli of Akhalt-sikie, Adigeni and Aspinda municipalities of Samtkhe Javakheti region. Residents showed their interest in using the privileges stipulated by the law for the residents of high mountainous region and other issues related to title of deed on lands, dual citizenship, pensions for the family who lost their breadwinner, social assistance, registration of immovable property, domestic violence, universal insurance coverage, establishing the acts of legal importance, registration of civil acts, authority of the local self-government bodies, forming the local budget, inheritance, tax benefits and other legal issues. During the outreach tour GYLA's lawyers have delivered 703 pieces of legal consultations.

During August 2013, GYLA's Gori office made a number of outreach tours in the following villages of Chuchkhna, Ptena, Diliska, Kulmugo, Martuni, Murjakheti, Orlovka, Spasovka, Jdanovkha, Satkha, Gandza, Poka and Jigrasheni of Akhalkalaki and Ninotsminda municipalities. Residents were interested in the issues related to lease of agriculture land, social benefits, registration of socially unprotected families in the common registry, receipt of agriculture vouchers, remuneration on overtime work, employer's rights, and compensation after the appropriation of properties. GYLA's lawyers provided 410 pieces of legal advice.

Consultations delivered by the members of GYLA's Dusheti office in the villages of Ananauri, Pavleuri, Chargali, Barisakho, Mleta, Javakhiantkari, Chinti, Dudaurebi, Gremiskhevi, Akhaldaba, Kheoba, Tsiropi, Meneso, Gamsi, Khiliani, Kvsheti, Misakieli, Mezvriaantkari, Pasanauri, Lausha, Tsilkani, Nadibaani, Tsikevdavi, Gvidake, Kuchecha, Zenubari, Lakhato, Bulachauri, Koshaskheli, Arguni, Nagvarevi, Kaishaurebi, Gelisvake, Almasiani, Kobi, Vardisubani, Tkharshevi, Goris tsikhe, Arsha, Achkoti, Gergeti,



Sno, Akhaltsikhe, Karkucha, Zaridzebi, Iardjulebi, Tushurebi, Tchurchelaurebi, Mamadaanebi, Artaani, Jhebota, Akhalsopheli, Chabano, Simoniantkhevi, Nakalakuri, Gulelebi of Dusheti, Tianeti and Kazbegi municipalities. 1,225 local residents took place at the meeting, who showed a particular interest in the issues related to title of deed on lands, receiving an inheritance, registration of civil acts, receiving add on to the pension, universal health insurance, social benefits, division of agriculture households in the villages, enforcement of court judgment, natural resources, pensions for the family who lost the breadwinner and issues related to using the benefits set by the law for the residents of the high mountainous regions.

During the accounting period, GYLA's Ozurgeti office had meetings in the high mountainous villages of Bukhistikhe, Dabaltsikhe, Didivani, Shuasurebi, Zemosurebi, Zoti, Kvabga, Chkhakaura, Buksieti, Khevi, Nabeglavi and Khidistavi of Chokhatauri municipality. In total, GYLA's delivered 195 consultations. Residents were interested in the issues related to the changes to the Labour Code of Georgia, title of deed on land, registration of property ownership, privatisation of the land, benefits for the residents of the high mountainous regions, division of an agriculture household in villages, protection of customer's rights, using forest and national resources, tax benefits and social issues.



During the accounting period of GYLA's Telavi office, outreach tour took place in the villages of Nukriani, Iliatsminde, Anaga, Vakiri, Bodbiskhevi, Jugaani, Tibani, Zveli Anaga, Kveda Bodbe, Kveda Magaro, Girevi, Parisma, Diklo, Shenako, Zeda Omalo, Kveda Omalo, Dartalo, Bochorna, Jvarboseli, Chesho, Dano and Dochu of Signagi and Akhmeta municipalities. GYLA's lawyers have delivered 210 pieces of consultations. Residents were interested in the enforcement of judgments, title of deed on lands, funding under the village support programs, pensions, suspension of employer's contract, registration of socially unprotected families in the common registry, division of family households in villages, registration of immovable property, purchasing leased land, household books, certificates issued by the territorial bodies and issues related to execution of notary services.

With a view to duly address the issues that arise during the meetings in the villages of Tusheti villages of Akhmeta municipality, GYLA's Telavi office has issued recommendations to the chair of a city council and the head of a municipality. GYLA hopes that these issues will be adequately incorporated in the budget of Akhmeta municipality. GYLA's Telavi office expresses its readiness to engage and cooperate with the local self-government bodies to resolve the problems of the local residents.

During the accounting period, GYLA's Rustavi office have made number of outreach tours in the villages of Tandzia, Chatakhvi, Rachisubani, Khachini, Nakiduri, Disveli, Kveshi, Mtskneti, Kidiskuri, Patara Bolnisi, Ratveni, Tseli Sopeli, Balichi, Sarkineti, Gantiadi, Akha, Didi Dmanisi, Vardisubani, Boslebi, Kizilkisi,



Shildnari, Patara Dmanisi, Javakhi and Daba Kazreti of Bolnisi and Dmanisi municipalities. GYLA's lawyers have delivered legal assistance on various issues, including the rules on obtaining Georgian citizenship, title of deeds on land, establishing the certificates for the children born outside hospitals, correction of inaccuracies on the registration acts, pensions and social benefits. In total, GYLA's lawyers delivered 341 pieces of consultations. Residents of Bolnisi complained about the pollution, allegedly linked to works in Gold mines located in Daba Kazreti. By the request of the residents of the village Balicha, GYLA's Rustavi office had sent a letter to the Ministry of Environment Protection of Georgia and requested to conduct an environmental audit. As a response to the letter, specialists of the National Environment Agency visited Bolnisi Region who took soil and water samples from the river Mashaveri and River Kazretuli for further laboratory tests. The results of the tests will become known to the local population.

In 2013 GYLA's Kutaisi branch has conducted some meetings in the communities of Mulakhi, Tsvirmi, Iparis, Kalasi, Latali, Chkumari, Becho, Etseri, Pharis, Lakhاملuri, Nakris, Lenjheri, Ushguli, Chuberi, Khaishi, Idliani of Mestia Municipality.

During the meeting, village residents received information on the following issues, including: constitutional changes, competencies of the local self-government bodies, universal health insurance, the draft law on the local self-government bodies of the village to support the village programs. GYLA's lawyers also delivered consultations on various legal issues related to the expropriation of the property for the public benefit, social benefit, social pension, inheritance, and registration of immovable property, establishment of legal facts, administrative offences, grounds for dismissing from work, tax benefits. Lawyers of GYLA's Kutaisi office met and provided legal consultations to the residents of Khaishi community who are fiercely opposing to the construction of Khudoni dam. In total GYLA's lawyers delivered 420 pieces of consultations.

In August and September 2013 GYLA's Kutaisi Branch has made a number outreach meetings in the villages of Okhureshi, Opitara, Zubi, Makhura, Tsiperchi, Bardnala, Larchvali, Chkuteli, Laskhana, Orbeli, Lajana, Usakhelo, Khoji, Tvishi, Orkvhi, Alpana, Jakunderi, Sasahi, Luji, Beria, Lampalashi, Shkedi, Akhalsheni, Chikareshi, Chiluri, Panga, Mutsdi, Durashi, Kheledi, Lesema, Tanashi, Pakhi, Khachaethi, Mananuri, Bavari, Tskhumalidi, Kpopuri, Nanari, Mazashi, Lamashuri, Tsiphlakakiaa, Magomari, Kvedreshi, Gvimbrala, Lagarvashi, Tsmendauri, Nakieti, Tskadisi, Skhartali, Agara, Ukheshi, Tlugi, Kachaeti, Zedashvra, Tkmori, Konchiori, Jvarsa, Rtskmelauri, Ghari, Utsera, Kotevi, Cheliagele, Nikortsmina, Namanevi, Bugeuli, Sadmeli, Kldisubani, Bostana, Gviara, Dziraeuli, Chorjo, Khvanchkara, Chrebalo, Joshkha, Gendushi, Ingiri, Ioreme, Shamgona, Nafatu, Koki, Kurcha, Orsantia, Darhceli, Ganmukhuri, Anaklia, Chitatskari, Tsaishi, Menji, Batarai, Sakharbedio, Satuleiskipo, Pertuli, Skuria, Sagabenskiro, Nosiri, Jgali, Letkanati, Lekalule, Lesale, Lekharchile, Potskhoetseri, Lia, Dzalauri, Khabume, Modinakhe, Jumiti, Letitkhaie, Barda, Shinota, Ledgebe, Mamuli, Oche, Nobelevi, Kodori, Mukhuri, Khuntsa, Gachedili, Didi Chkoni, Taleri, Nochikevi, Ketilari, Marani, Norio, Kolbani, Gelekari of Ambroloauri, Lentekhi, Oni, Senki, Tsalenjikha, Chkorotsku,



Martvili municipalities. Residents were interested in the issues related to re-registration of refugees, accommodation of refugees, appropriation of property without compensation, accumulation of working years, division of agriculture household in the village, universal health insurance, legalisation of the social package, re-examination of the court verdicts, revoking a conviction, domestic violence and other issues. At the outreach tours GYLA lawyer's delivered 1,765 pieces of consultations in Racha Lechkumi, Kvemo Svaneti and Samegrelo. Residents were informed about the changes in the Georgian Constitution, Labour Code and Election Code of Georgia and the Law on Political Activities of Citizens. During the meeting, the residents received informative brochures published by GYLA.

During the accounting period, GYLA's Adjara region has conducted outreach tours in the villages of Samnidzebi, kveda Agara, Koromkheti, Pirveli Maisi, Ortsva, Dzentsmani, Didvake, Makhuntseti, Zundaga, Dologani, Khichauri, Akaldaba, Tskarota, Chala, Baratauli, Gomarduli, Gorokheti, Ternali, Skhepi, Kveda Vashlovani, Shurmuli, Kedlebi, Iakobidzebi, Ganakhleba, Tago, Dekanshvilebi, Khala, Buknari, Sachino, Bobokvati, Shuagele, Dagva, Legva, kakuti, Zeda Vashlovani, Tkavrovka, Makho, Zanakidzebi, Kapandidi, Simonesti, Acharistskaro, Kanpistavi, Laglakoni, Agara, Korolistavi and Masauri of Kobuleti, Kelvachauri, Kedi, Khulo and Shuakevi Municipalities. The residents of these villages showed particular interest in the issues related to enforcement of verdicts, title of deed on the land, grounds for suspending social benefits, universal health insurance and other legal issues. In total GYLA's lawyers delivered 763 consultations.

INCREASING THE AWARENESS OF IDPS

During the accounting period, GYLA has continued to implement a number of activities to increase awareness among IDPs. GYLA's lawyers made 137 mobile visits in the IDP collective settlements where IDPs were informed about the on-going reforms and had individual and group consultations. GYLA's lawyers also handed out informative brochures. Consultations also revealed a number of issues that IDPs showed their interest the most. To this end, GYLA designed informative brochures to increase the awareness of IDPs on legal issues including:

- What are the women's rights during the registered marriage
- Rules for ensuring long term accommodation and its criteria
- Registration of IDPs in 2013 in Georgia (questions often asked by the IDPs)

The present brochures were distributed at GYLA's offices and handed out during the visits of the mobile group.

On 14 May 2013, GYLA held a roundtable meeting in Gori office on the topic –*Social problems of IDPs* to better address issued related to IDPs. The meeting alongside with the IDPS was attended the head of the agency of Gori Social Services and the head of the division of Shida Kartli and Samtskhe Javakheti at the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia. IDPs have highlighted the issues of their concern.

INCREASING AWARENESS ON THE PROTECTION OF WOMEN'S RIGHTS

GYLA has been implementing the project whose aim is to train and develop the skills of the victims of domestic violence and share international practice. For the purpose of the project, it is mainly implemented in Tbilisi and other regions of Georgia. The project, together with increasing the awareness on legal issues, aims to provide legal assistance to the victims of domestic violence.

During the accounting period, Czech experts and staff of the patrol police have held a number of training events on the issues related to domestic violence. The aim of the training was to convey the information about the legal services used for the prevention of domestic violence. The training targeted students and members of the NGOs. At the end of the training, participants received certificates of attendance.

All together, GYLA representatives held nine training events for patrol police and district police in Tbilisi and six other regions in Georgia and targeted 112 members of the patrol police. At the same time seven training events were held on the issues of domestic violence for the representatives of the NGO and other defence lawyers and targeted 70 persons.

Two training events for students in Gori and Rustavi covered various topics related to risks of domestic violence and protection mechanisms for the victims of domestic violence. In the framework of the project, a study tour of the Czech Republic was organised for the representatives of the central and local government and NGOs working on domestic violence in Georgia. The aim of the tour was to meet with the local NGOs and members of the state authorities in the Czech Republic and to become familiar with the programs protecting victims of domestic violence. The meetings were held at the crisis centers and shelters where participants had an opportunity to learn about the programs on the psychological assistance for the victims of domestic violence and children from the families of domestic violence.

ILLEGAL MIGRATION AND FIGHT AGAINST TRAFFICKING

GYLA together with the Caucasus Institute for Peace, Democracy and Development (CIPDD) has launched a project '*Assistance to the good governed migration between Georgia and European Union*'. The aim of the project is to provide free legal assistance to migrants, combat illegal migration and increase awareness and promote migration policy and legislative development.

During the previous accounting period, GYLA's Gori office on the international day of migration has organised a meeting with local NGOs and members of the public to raise awareness on the risks related to illegal migration. GYLA also held meeting in Batumi and Ozurgeti with the local NGOs and residents to convey information about the risks of illegal migration and learn about the findings of the research on migration prepared by GYLA.

To further increase awareness on migration issues, five outreach meetings were conducted in Dusheti, Shida Kartli, Kvemo Kartli, Kakheti and Achara Regions.

Adjara - outreach meetings were organised with the residents of Zeda Vashlovani, Shurmuli, Iakobadzebi, Ganakleba, Tago, and Dekanashvilebi villages of Khulo municipality. The meeting was attended by 56 people.

Dusheti - GYLA's lawyers met with residents of Kazbegi municipality, including: Almasiani, Kobi, Vardisubani, Tkarsheti, Sno, Akhaltsike, Karkhucha. The meeting targeted 190 people.

Kvemo Kartli - outreach meetings were held in the villages of Guniakali, Khadiki, Beshtasheni, Ivanovka, Vizirovka, Shua Karaba, Bashqoi, Imera, kvemo Karaba, Dashbashi, Akhaliki, Shipiaki and Patara Kldeisi and targeted 80 residents.

Shida Kartli - outreach meetings were organised in the villages of Agara, Persa, Mugareti, Giorgitsminda, Chacharaki, Minadze, Muskhi, Uraveli, Tiloshi, Kertvisi, Nakalakevi, Fia, Tmogvi, Mirshakani, Untsa, Nakurdevi, Kharjami, Nakhani, Abastumani, Shoraveli, Kvemo enteli Akhaltsike, of Aspindza and Adigeni municipalities. Altogether 145 participants attended the meeting.

Kakheti - meetings took place in seven villages including Patardzeuli, Tskarostavi, Ninotsminda, Giorgitsminda, Manavi, Kakabeti, Verkviანი of Sagarejo municipality and targeted 67 persons.

During the meeting, residents were informed about the issues related to illegal migration and learned about the opportunities on legal migration. Participants of the meeting received a brochure prepared in the framework of the project *'Risks related to illegal migration'*.

To raise awareness on illegal migration, the project launched a competition for the best social advertisement on illegal immigration issues, which covered the following messages:

- Illegal migration: slavery, trafficking, hard labour and living conditions, constant fear of deportation
- Make a right choice-legal versus illegal immigration
- Using new opportunities to leave the country /new opportunities for an employment.

RIGHT TO HEALTH

GYLA has been actively promoting public awareness on the right to health. During the accounting period, GYLA published a brochure *'Protection of the right to health of a prisoner.'* The brochure is informative and contains responses on the main questions that the prisoners might have. The brochure also contains a list of medical, psychological and human rights organisations that patients can refer to. It is written in a plain language and with its content tackles the questions: Who, where, when, why and how. The author of the brochure is also a highly skilled expert in the field. During the accounting period a dedicated website www.healthrights.ge has been constantly updated, its aim is to convey information on patient care and human rights.

PUBLIC ACTIONS

10 DECEMBER - HUMAN RIGHTS WEEK

GYLA marked 10 December – International day of Human Rights with number of events. On 10 December 2012 GYLA together with Article 42 of the Constitution launched a conference on *Prison Reform based on Human Rights Advocacy* to cover various topics on the mechanisms for alternative monitoring, setbacks in the Prisoners' Code of Georgia, mechanisms for early release and recommendations to fight against ill treatment of prisoners.

Within these series, GYLA also held a number of research presentations, including: *'Standards on relationship*



with Media, Digitalisation - main challenges for the national and regional broadcaster companies' and 'Media Business in Georgia.' GYLA has also published a report highlighting the expenditures from the President's reserve funds of Georgia for the period of 2010 to 2012. The Human Rights week has been completed by the presentation of a report on the 'Analysis of the alleged political motives on Criminal and Administrative offences.'



26 JUNE - INTERNATIONAL DAY IN SUPPORT OF VICTIMS AGAINST TORTURE



GYLA marked 26 June, international day in support of victims against torture through various activities. During the previous accounting period, GYLA held a lecture at the *I. Javakishvili State University (TSU)* which included: public defenders, representative from the Ministry of Corrections and Legal Assistance of Georgia, Prosecutor's office, NGOs, media, students and other concerned parties.

100 HUNDRED DAYS IN POWER

Following the parliamentary elections of 1 October 2012, NGOs have assessed the situation of the newly created government.



On 18 February 2013 Transparency International Georgia (TI - Georgia), GYLA, the International Society for Fair Elections and Democracy (ISFED) and partner non-governmental organisations held a conference *100 Days in Power: Rule of Law and Human Rights*. Organisations discussed the new government's reform initiatives and presented their observations and recommendations. Government representatives from all three branches including the Prime Minister, Ministers, Members of the Parliament and representatives of the diplomatic corps were present and provided their feedback. Discussions concerned problematic issues including: justice reform, labour code and issues related to criminal justice.



MEDIA MONITORING

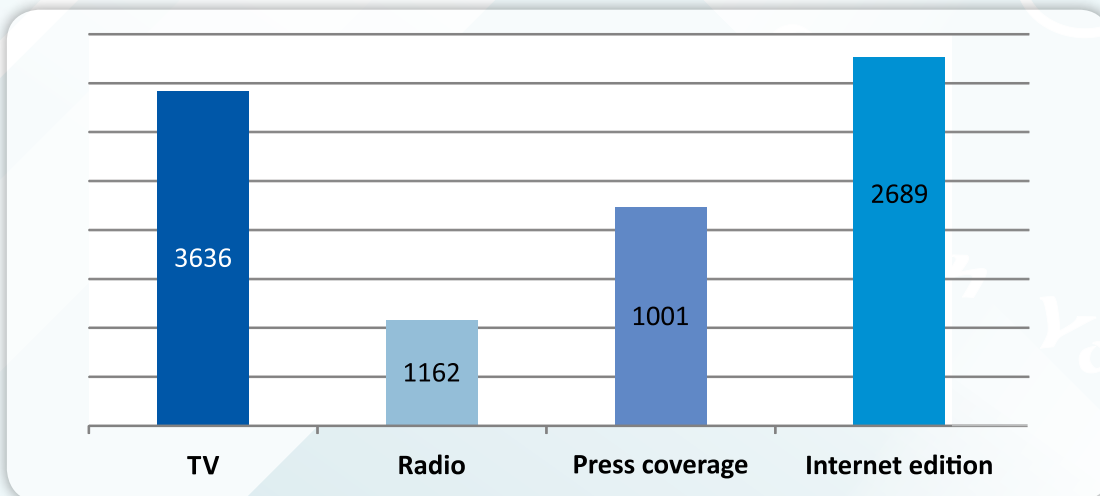
To monitor the activities of media outlets GYLA has been collaborating with IPM for many years. According to IPM data, GYLA, during the accounting period, has been mentioned by 73 media outlets in 8,488 articles, TV and radio programs.

GYLA was covered in 3,636 footages/programs broadcasted by 12 media outlets, where TV Rustavi 2 was leading with 672 programs. As for the broadcasting at the regional level, the most coverage – 202 video clips was prepared by the TV Company Adjara.

1,162 programs were broadcast on 11 radio stations, where Radio *Palitra* has been leading with 225 mentions. GYLA has been mentioned in 1,001 articles in 25 different publications, whilst the biggest number of articles 351 - was printed in the newspaper *Rezonansi*.

As for the internet edition, there were 2,689 articles published about GYLA where www.interpressnews.ge was leading with 482 articles.

GYLA's media coverage looks as follows:



Activities on Facebook also need to be highlighted. Internet links covering GYLA by media outlets are often put on GYLA's Facebook page. There are also some reports and posts on important events.

PROMOTING EFFECTIVE,
ACCOUNTABLE AND
TRANSPARENT GOVERNMENT

PROMOTING EFFECTIVE, ACCOUNTABLE AND TRANSPARENT GOVERNMENT

Promotion of effective, accountable and transparent governance is one of the main priorities of GYLA. Similar to the previous year, GYLA has implemented important activities, including: anti-corruption research or other thematic studies, analysis of the issues related to justice through case studies or trial monitoring. Its priorities also included working with the Parliament to improve legislative process, monitoring of the pre-election and election process, etc. During the accounting period, GYLA has prepared several important research studies.

ANTI - CORRUPTION RESEARCH

MONITORING OF THE REHABILITATION OF KUTAISI WATER SYSTEM

During the last period, there were a number of high cost projects in local self-governance. The research on the Kutaisi water system rehabilitation showed that:

- There is no unified project on Kutaisi water supply system.
- Transfer of Kutaisi water supply into private ownership has greatly increased the risk of violating the law and has decreased the possibility for transparency and accountability.
- It is impossible to set the amount of money spent during the rehabilitation of the of Kutaisi water supply. During the period of 2006-2011 it is estimated that in total there was minimum 50,092,096.6 million Gel spent.

MONITORING REPORT ON ALIENATING THE PROPERTY FOR ONE GEL IN AUTONOMOUS REPUBLIC OF ADJARA

Alienating the property for one Gel in Autonomous Republic of Adjara has been at the center of public attention. In this light, GYLA has prepared the report that was related to the facts on alienating the property of Autonomous Republic of Adjara for one Gel. The research finding showed:



- Inadequate control of the agreement
- Vague and constantly changing agreements
- Constantly changing financial conditions of the buyer

According to the official information, obligations assumed by the agreements on alienating the property owned by the Adjarian authorities for one Gel have only been met in six cases. Agreement on buying the property, have been suspended with 13 buyers due to the failure to either fully or dully fulfil the terms of agreement, whilst terms on fulfilling the agreement obligations in relation to 17 buyers were extended.

RESEARCH BY THE NON-COMMERCIAL LEGAL ENTITIES FOUNDED BY NON-ENTREPRENEURIAL (NON-COMMERCIAL) LEGAL PERSONS

For the last period central and local self-government bodies have been systematically founded by non-entrepreneurial (non-commercial) legal entities. At the same time properties and finances have been constantly transferred into the ownership of these entities. The public, however had little information about the non-entrepreneurial (non-commercial) legal entities and on the obligations of the founders.

As a result of the research prepared by GYLA, it has become evident that:

- Georgian legislation could not ensure transparency of a non-entrepreneurial (non-commercial) legal entity founded by the local self-government bodies, nor could it ensure control of its procurement or alienation
- Local self-government bodies did not substantiate administrative-legal acts issued to found non-entrepreneurial (non-commercial) legal entities
- In some cases, bylaws did not include control mechanisms for non-entrepreneurial (non-commercial) legal entities founded by the self government bodies whilst in other cases there was no effective use of these mechanisms

PROJECT OF TBILISI MAYOR'S OFFICE- RETAIL BOOTHS THROUGHOUT THE CITY

Throughout the accounting period of 2011, GYLA monitored street vending throughout the city. After the new regulations were adopted by Tbilisi municipality in the fall of 2011 the situation has changed significantly. Consequently, GYLA has continued working on this issue and has prepared the research, which showed the following:

- The Architecture Service of Tbilisi has been unlawfully re-directing public enquires submitted in line with the set procedures to the Property Management Agency of the Tbilisi Mayor's office to request the authorisation for setting up retail booths
- Some companies that owned retail booths in Tbilisi used unjustified privileges
- The Supervisory Service of the Tbilisi Mayor did not carry out administrative proceedings set by the law and consequently, did not issue any lawful decisions on dismantling the booths built in violation of legal norms in Tbilisi

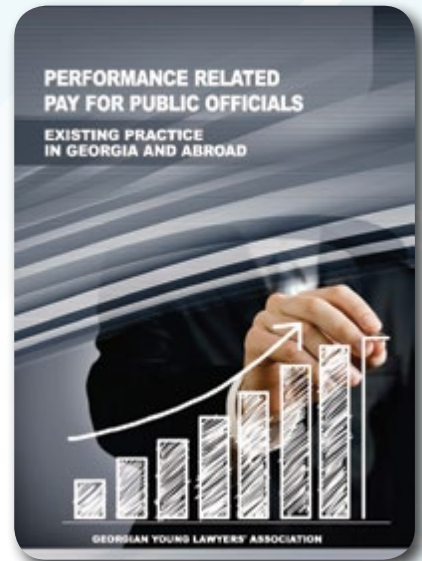
THE RULES ON BONUS PAYMENT IN PUBLIC OFFICES - EXISTING PRACTICE IN GEORGIA AND ABROAD

Remuneration of Public officials is one of the most important aspects for the functioning of public offices both in Georgia and elsewhere in the world. Remuneration of Georgian public servants, especially bonus payment remains a challenge in Georgia. In this light, GYLA has prepared a research highlighting the bonus

systems in the public offices which analyses practices of the Georgia and abroad.

The research highlighted number of important drawbacks:

- In most administrative bodies covered by the study, there were no rules on determining awards of bonuses against which the awards would be granted
- Decisions on payment of bonuses to public officials are not supported with reasoning explaining for which specific achievement or success it was decided to reward a concrete public official with a bonus payment
- Bonuses paid form a substantial part of emoluments earned by public officials and the amounts of payments significantly exceeds average figure of similar payments elsewhere



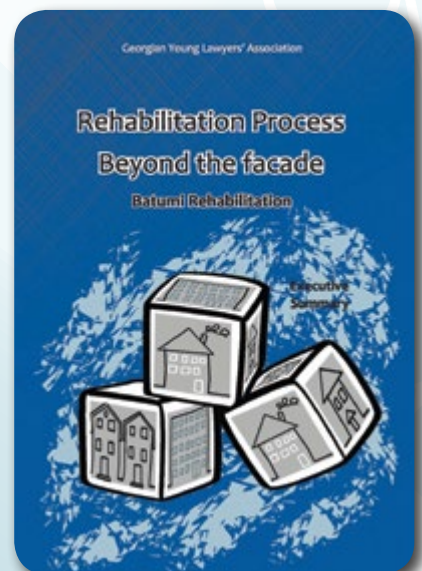
REHABILITATION PROCESS BEYOND THE FACADE (BATUMI REHABILITATION)

The Report is a second independent part of the publications on the *'Rehabilitation process beyond the facade'* and focuses on Batumi.

The major part of the research is dedicated to the *'Batumi Historic Districts and Tourism Infrastructure Rehabilitation Program'* implemented for the period of 2009- 2013. Another important part of the research dwells on the monuments of cultural heritage and the fate of those monuments in the rehabilitation of Batumi.

As a result of the research, it has become known, that:

- During the implementation of the program from 2009- 2013 the authorities have used a less competitive forms of procurement and fall short of standard of the transparency. The Batumi Mayor's office has made state procurements of more than **80 million Gel** only on refurbishment of *Batumi Piazza, Alphabetic Tower* and its adjacent territories. These procurements, however, were made through single bid negotiation using simplified means of public procurement.
- In the framework of the program, the Batumi Mayor's office over the years has procured number of services in millions of lari which later have not been implemented. Some of vivid examples include *Opera and Ballet House on the old boulevard, river bank of Batumi port, roofing of Batumi Piazza*, etc. Based solely on the projects contained by the report, GYLA estimated around **3,533,364 Gel** on unimplemented projects.
- According to the report, there were number of projects funded in the course of the implementation of the *Batumi Historic Districts and Tourism Infrastructure Rehabilitation program*. Out of these projects, however there was some that have not been implemented at all. Parallel to the funded projects, a number of properties under cultural heritage were dismantled or have been significantly changed.



RULES ON THE PROCUREMENT OF VEHICLES AT PUBLIC OFFICES - EXISTING PRACTICE IN GEORGIA AND ABROAD

During the research, GYLA’s aim was to establish the conditions related to the procurement of vehicles in the public office and amount of funds spend in reality on the procurement of transport units.

GYLA’s research findings showed the following:

- The absence of legal act regulating the rules on procurement of vehicles at public offices, maximum cap on fees and rules on upgrading the parking slot, etc.
- Since January 2011, bodies under monitoring have procured around **2,123 transport units** at a cost of 60,180,967 GEL, of which 16,545,081 was USD and 110,000 Euro.
- The international practice showed that adequate public procurement and target budget spending are essential elements for designated budget spending and is achieved through internal organisational structure and regulations. The research however failed to find similar forms of legal provisions in Georgian public institutions.



RESEARCH IN MEDIA SPHERE

GYLA’s Legal Defence Center during the accounting period has prepared research on topical issues in the media along with providing legal assistance to media representatives.

TRANSITION TO DIGITALISATION - MAIN CHALLENGES FOR THE NATIONAL AND REGIONAL BROADCASTING

Transition to digitalisation is one of the international obligations that Georgia and other countries have agreed to implement. The deadline for completing digitalisation has been set for 17 June 2015.

In the framework of the present project, GYLA has submitted its proposals on transition to digitalisation, highlighting the amount of work necessary for Georgia to meet its obligations. The research also contained recommendations related to accelerating the digitalisation process.

STANDARDS ON MEDIA RELATIONS

The research discusses the forms of relationship between media and administrative bodies. The research findings highlighted the following trends:

- Administrative authorities have adopted different standards to regulate relationships with the media.
- In most cases, there is no special act regulating the relationship with media.
- Issues related to media and administrative authorities are more or less linked to subjective approach of the decision



makers towards media.

- In most cases, norms on media and administrative authorities carry a superficial character and regulate the rules on entry permission to the property.

Research included recommendations to improve the relationship with the media.

FREEDOM OF EXPRESSION – MEDIA ANALYSIS

The report reviews the situation related to freedom of expression and focuses on one of its primary components - freedom of the media and examines regional and international standards on freedom of expression. The report also includes the assessment of local and international NGOs in relation to the quality of the freedom of the media.

The report also reviews the cases of GYLA's Media Legal Defence Center including the *Studio Reporter* and *Vakhtang Komakhidze against Georgia, Case of 26 May, Media organisations against State audit, Global Contact consulting* and impounding of the satellites made by *Studio Maestro, Ltd.*

MEDIA BUSINESS IN GEORGIA

During the research GYLA has studied new trends in media-business development, the accumulation of properties by the public broadcaster and the choices made by the public authorities in the media procurement. At the same time, the facts collected by GYLA have revealed a blurred line between the media and politics. The research also showed that the situation of the media remains challenging in the country.



IMPROVING LEGISLATION ON MEDIA

The Media Legal Defence Center has been active in improving legislation on media. During the accounting period, *the Coalition for Media advocacy* where GYLA is a member has prepared changes to the Law on Broadcasting which included important issues on media.

1. Changing the rules for the nomination of the candidates for the Board of Governors of the Public Broadcaster.

There have been new rules for the nomination of the candidates for the Board of Governor which will come in force in 2014 to keep the political balance in public broadcasting and maintain its impartiality. The current legislation however allows to nominate the Board with the candidates selected by the Parliamentary majority.

2. Must carry and a must offer principles as permanent standards.

According to the changes made to the Georgian Election Code in 2012, must carry and must offer principles have only been working in the pre-election period. According to the changes, however, these principles have been introduced into law permanently and the scope of their activity has been written out in detail.

3. Defining the status of Adjara TV. The status of Adjara TV remained undefined for years. Through the implemented changes, however, there is a need to define Adjara TV as a Public and Radio broadcaster of Adjara, LPPL.

4. Financial transparency. The transparency of the public broadcaster has been improved. The draft law on Public Broadcaster has been discussed by the Coalition Media for Advocacy which invited

those stakeholders that would have been influenced by the change if the amendments entered into force. The Media Legal Defence Center, together with other members of the coalition took part in the discussion of the draft law before the Parliament of Georgia. The Georgian Parliament in 2013 has incorporated these amendments to the Law. During the accounting period, the Media Legal Defence Center has been working on two important issues:

- Measures to ban the photo-video recording at the polling station on the polling day

On 24 September 2012 the Central Election Commission of Georgia (CEC) adopted an ordinance imposing restrictions on photo and video recording during the polling day. The limitations set by the ordinance hindered media outlets in providing full coverage of the elections. From the first day of adopting of the ordinance, GYLA undertook number of activities to annul it, including appealing against the resolution before the Court. The Court, however, declined to share the view of GYLA and other media outlets and NGOs that the ordinance conflicted with the provisions of the law.

On 20 September 2013, the Media Legal Defence Centre held a meeting to discuss the compatibility of the ordinance with the Georgian legislation. At the same time, the Center submitted results of the survey among journalists. The meeting was attended by the chairman and members of the CEC. Representatives of media, members of the local and international organisations exchanged their views about the impediments created by the ordinance and sought possible solutions to eradicate the obstacles. As a result of the discussion, CEC agreed that the resolution restricted the monitoring of the election process without any due reason and required a modification.

On 16 October 2013 CEC decided to bring amendments to the resolution of 24 September 2012 and revoked restrictions on repeated entry of the observers and media outlets at the polling station on the polling day. CEC also annulled the provisions on restricting the recording of voting and polling booths- as it allowed for various interpretations. At the same time, it became clear that observing a three meter rule distance when recording an object can be observed only if the dimensions of the polling station allow keeping such a distance. GYLA considers that the highlighted changes would assist journalists to better perform their functions at the polling stations.

- Activities related to improving rules on composing the Georgian National Communications Commission.

On 2013 September the Georgian Parliament has discussed the changes to the Law on Broadcasting in an accelerated manner. In light of these changes, GYLA's Media Legal Defence Center and TI, Georgia have sent joint recommendations related to the law to the Parliament of Georgia. These amendments have been partially considered by the Parliament. On 27 September 2013, the Parliament adopted changes to the Law on Broadcasting that defines rules on nominating the candidates for the National Communications Commission based on respective professional experience. The rules also define the transparency for selecting the candidates. GYLA will continue to lobby for the amendments to the Law on Broadcasting that have not been considered by the Parliament of Georgia. These changes aim to ensure a true independence for the National Communication Commission which is an independent entity.

GYLA'S PARTICIPATION AT THE LEGISLATIVE PROCESS

During the accounting period, the Parliament of the second convention started working with a new composition on 1 October 2012. There has been number of new developments, including the fact that the Parliament had a better balanced representation and new location, in addition new Rules of Procedure for the Parliament entered into force after the elections. Initiated drafts sought to reform a number of sectors in Georgia, whilst legislative process was dominated with a high intensity. There were some novelties in the work of the parliament too. Committee hearings that only took place during plenary meetings resulted in chaos as the meetings overlapped with each other. This resulted in violations of Parliament's obligation to



announce meetings and has been repeatedly highlighted by GYLA on a number of occasions. GYLA urged the Parliament through the public statements to observe the Procedures of the Parliament. Yet, another development related to the work of the Parliament is that NGOs have been engaged in discussing the draft law before it had been initiated in Parliament by the Ministry of Justice of Georgia and Ministry of Interior of Georgia. GYLA considers this to be a positive development. During the accounting period, there were 359 draft laws initiated in Parliament. Due to the fast pace of the legislative process, GYLA was not able to launch a written communication with the Parliament. In this light, GYLA put its opinions about nine draft laws on its website. The statements concerned the reform of the prosecutor, the intended changes to the Law on Higher Education, amendments to the Law on Orthodox Theological Higher Education institutions, the rules governing the appointment of the acting dean of the university, rules related to the court hearing by jury trial and applications of new rules on witness interrogation.

GYLA has also been engaged in an important process related to judicial reform through the *Coalition for transparent and independent judiciary*. During the accounting period, GYLA submitted legal analysis of the amendments in relation to 20 draft laws, including the following initiatives:

1. Law on Amnesty of Georgia
2. Changes to the Labour Code of Georgia
3. Amendment to the law of Georgia on Enforcement Proceedings and on the Amendments to the Civil Code of Georgia
4. Law on the changes to the Administrative offences of Georgia
5. Law on the Police
6. Amendments to the Law on the Criminal Procedure Code of Georgia
7. Amendments to the Law on the Criminal Code of Georgia
8. Amendments on the Law on Broadcasting of Georgia
9. Amendments to the Organic Law of the Constitutional Court of Georgia
10. Amendments to the Organic Law of the Election Code of Georgia
11. Amendments to the Constitutional Court of Georgia, four constitutional draft laws and other

Out of 20 submitted legislative proposals, the Parliament has partially considered six, whilst seven have not yet been addressed. There are four proposals under consideration whilst one has not been taken into consideration at all. Recommendations posted by GYLA in nine statements have been considered in five occasions, in four cases, however, the Parliament did not take them under consideration.

The recommendations considered by the Georgian Parliament are the following:

1. **Jury Trial.** According to the draft law initiated at the Parliament, defendants were deprived of the opportunity to independently refuse and lodge a waiver of jury trial. GYLA and its partner organisations, have lobbied the Parliament to keep these provisions. The draft law which has been adopted after three parliamentary hearings, had been vetoed by the President of Georgia and the Parliament resumed discussing the draft law. In the end, the Parliament did not support the recommendation submitted by GYLA and its partner organisations and the present provisions remain in force.
2. **Changes to the Labour Code of Georgia.** During the initiated changes to the Labour Code of Georgia, GYLA launched communications with the Ministry of Justice and the Parliament of Georgia. The Parliament had partially considered GYLA's recommendation before the draft law had been initiated. During the discussions on the Labour Code, the Parliament adopted the following considerations: new provisions regulating the obligation of overtime payment (on all periods), banning employer's right to dismiss a pregnant woman after the pregnancy became known to him/her, rules for automatically suspending a contract on substantiated grounds, if the employer failed to do. The considerations also concerned to introducing set criteria for the permanent contract.
3. **Changes to the Criminal Procedural Code of Georgia.** In the course of the changes to the Criminal Procedural code of Georgia, the Ministry of Justice has taken into consideration a number of GYLA's proposals. As a result, the Ministry of Justice refused to suspend the rights of a fugitive to lodge an appeal. At the same time, an individual who has not yet been preceded as an accused has a right to appeal against impounding of property, if his/her rights might be violated after such a ruling.
4. **Changes to the Constitution of Georgia.** The draft law on the Constitution, among other provisions, aimed to revoke the provision which banned dismissing the parliament within six months following the elections of the Parliament and within the last six month before the expiration of the Presidential mandate. According to GYLA, it was essential not to adopt these amendments which weakened the Parliament and increased its dependency on the President. The Parliament therefore, considered GYLA's proposal and dismissed the amendments.
5. **The New Law on the Police.** The Ministry of Interior of Georgia and the Parliament partly took into consideration the proposals made by GYLA. These changes were the following: 1) Police are no more a militarised institution. 2) Police activities limiting the rights can no more be authorised based on the sub-legislative normative acts but based on the law. 3) According to the new law, police have a right to invite an individual for an interview, on a voluntary basis. According to GYLA's recommendation, the notice shall set out in the very beginning that arriving and leaving the police station shall be voluntary. 4) According to the new law, Police are authorised to interview the person to establish whether there are reasonable grounds to believe that a person in question possesses necessary information which will assist the police in carrying out their functions. According to GYLA's recommendation, giving the information to the police shall be voluntary and shall be duly explained to the individual at the beginning. 5) In the cases set by the law, the Police have a right to take several measures, including taking fingerprints, a photo or registering other biometric data for the identification of another person. As part of the GYLA's recommendation, it was also adopted that before *'carrying out identification measures, the person shall have an opportunity to voluntarily prove their identity'*.

The police, within the set conditions of the law, have a right to stop and frisk a person and also conduct a visual examination of an object or a vehicle. After GYLA's recommendation, stop and frisk shall enjoy several safeguards: an individual shall not be stopped for more than 30 minutes, examination of an item or a vehicle is conducted in the form of visual examination. When there is a ground for frisk, frisk shall be conducted in line with the Criminal Procedural Code. 7) During the special police control (police raid), implementation of the special police control covers the frisk and superficial inspection. 8) During the identification of the individual, a record of a frisk and visual examination shall be drawn up and alongside with other factual information shall contain the reasons for conducting the frisk. 9) In case of revealed signs of a crime while implementing the functions, the General Inspection promptly delivers all appropriate materials to the General Prosecutor's Office of Georgia.

It is noteworthy to mention a precedent set in relation to violating the court order and contempt of court during the amendments to the Criminal Procedure Code of Georgia. Almost a year ago, GYLA has challenged Article 85 (e) (violating the court order and contempt of court) of the Criminal Procedure Code of Georgia before the Constitutional Court of Georgia where **the Court found the claim admissible but before its final decision, the Parliament of Georgia has made a decision to change a disputed norm.** In this light, GYLA made oral submissions of its suggestions which have been taken into consideration by the Parliament. As a result of GYLA's engagement, persons violating the court order have a right to receive a verbal notice to stop violating the order prior to facing a penalty or expulsion. At the same time, a person has a right to appeal against the decision. In case the court finds the decision on expelling the person unlawful, the person in question has a right to return to the court.

GYLA would like to emphasise the importance of the fact that the Georgian Parliament takes into consideration a claim lodged before the Constitutional Court of Georgia and makes a decision to address the setbacks in the legislation.

LEGISLATIVE PROPOSALS

During the accounting period, **GYLA has submitted a legislative proposal on the changes and amendments to the Administrative Code of Offences in Georgia for the second time.**

The aim of the draft law was to suspend the application of the administrative arrest, as the measure of administrative offence until 1 January 2013. From this period, it was planned to complete administrative reform which aimed to address the challenges and loopholes in the present Code. Changes proposed by GYLA included granting the same guarantees for persons facing administrative sentence, as those enjoyed by a convict under the criminal proceedings. It was argued that the administrative detention is a criminal sanction and lack of procedural guarantees violates the fundamental rights of the person under an administrative detention on every stage of the process.

At the same time, the draft law included a number of alternative measures such as administrative penalty in relation to measures of administrative sentence - administrative detention. The proposal was discussed by the Legal Issues Committee at the Parliament of Georgia but was not taken into consideration.

During the accounting period, **GYLA together with partner organisations, have been actively engaged in the work of the inter-fraction group created at the Parliament of Georgia in March 2013.** The group has prepared a number of changes to be introduced to the law. Together with partner organisations, GYLA prepared recommendations and suggestions on articles on two important issues: electoral lists, regulation on abuse of administrative resources, changes to the *Organic Law on Political Union of Citizens of Georgia* and media regulations. GYLA positively assesses the fact that the Parliament has considered significant amount of amendments.

During the accounting period, within the Media Advocacy Coalition GYLA lobbied for changes to the *Law on Broadcasting*. Changes concerned four main issues, including: the rules of composing the Governing Board of the

National Broadcaster, implementation of must carry and must offer principles as permanent norms, defining the status of Adjara TV and increasing the transparency of financial income of Public Service Broadcaster. As a result, the Parliament adopted changes to the Law on Broadcasting of Georgia which reflects suggestions made by the coalition. The law entered into force in June 2013.

MONITORING THE DEVELOPMENTS IN LOCAL SELF-GOVERNMENT BODIES AFTER 1 OCTOBER 2012 PARLIAMENTARY ELECTIONS

After the 2012 Parliamentary elections, redistribution of political power at the local self-governing bodies resulted into high staff turnover. The process of power distribution however, was painful, marked with protest rallies, confrontation, violence, persecution against public officials and dismantling of faction groups at the city council. Most importantly, these processes have been accompanied by flagrant violation of legislative norms. GYLA has carefully examined these events to enhance effective governance of the self-governing bodies. Public information during the monitoring has been requested by 64 municipalities and self-governing cities of ten regions of Georgia. The aim of the monitoring conducted by GYLA's Tbilisi and seven regional offices was to study the development of events from the period of 1 October 2012 to 28 February 2013.

GYLA has requested public information and sent queries to municipalities/ city councils of the local self-governing bodies and municipalities/Mayor's office and its subordinate bodies. Information on the investigation has been requested by the law enforcement bodies. At the same time, GYLA's lawyers have convened meetings with public officials and individuals to obtain and verify pieces of information. GYLA's lawyers have convened meetings with public officials, met with individuals, who were dismissed from self-governing bodies and provided legal assistance upon necessity.

The monitoring findings showed the following:

- The driving force behind the process was voter's perception, alleging that change of the central government should have resulted into unconditional change of local self-governing bodies
- On a number of occasions, civil servants have resigned based on their own statements, however, it has been alleged that civil servants have been subjected to psychological pressure and other illegal exposures, prompting them to write personal statements of resignation
- A number of incidents suggested that employers of the local self-governing bodies were being summoned by the investigatory bodies. This was portrayed as a psychological pressure and interference with the work of the public servant
- There have been facts of intervention in the human resource police by the majoritarian MPs of the Parliament of Georgia and incidents of nepotism that undermined the status of the public service including the principles of political neutrality and equal access
- The selection process for public servants has been marred by the intervention of unauthorised persons that has violated the principles of the objectivity and non-discrimination
- One of the reasons for dismissing staff from the local self-governing bodies was the artificially inflated number of staff and the importance of the re-organisation. However parallel to dismissing staff, new staff had been appointed without any selection process in temporary positions. They were mainly supporters of the 'Georgian Dream'.

GYLA provided legal assistance to tens of unlawfully dismissed public servants and represented their interest before the court on a number of occasions. During the monitoring process, GYLA made several statements to echo the developments in the self-governing bodies and urged public officials to revisit unlawful decisions and act in accordance with law, GYLA also encouraged the law enforcement bodies to examine concrete facts.

GYLAS WORK TOWARDS IMPROVING THE ELECTION ENVIRONMENT

CHANGES IN THE ELECTION LEGISLATION

In March 2013 an inter-fraction group created at the Parliament of Georgia was tasked to discuss changes to the election legislation. GYLA has become an active member of the working group and together with partner organisations, including ISFED and IT, Georgia elaborated on the recommendations that focused on four main issues.



Its recommendations covered the topics of voting lists, abuse of administrative resources, changes to the Organic Law on Political Union of Citizens of Georgia and media regulation. Later, GYLA's representatives took an active part at the public discussions of the draft law.

GYLA positively assesses the fact that the part of the recommendations proposed by NGOs has been considered by the Parliament. A series of issues, however, despite being submitted at the earlier state of discussions, have either not been taken into consideration or have not been addressed at all.

Out of 29 recommendations submitted by GYLA and its partner organisations, Parliament has fully considered 11 recommendations, whilst it has discussed two recommendations partially and has left unaddressed 16 recommendations.

Nine recommendations considered by the Parliament concerns improvement of the election environment, out of which seven recommendations are totally new whilst two are fully reflected in acting legislation.

Therefore, most of the changes adopted by Parliament are based on the recommendations made by GYLA and its partner organisations.

ELECTORAL PORTAL

Parties interested in the 2013 Presidential election could have received updates about the election through the election portal founded by the initiative of GYLA, ISFED and TI, Georgia.

The aim of the portal was to register violations that occurred before, during and after the Election Day and to pinpoint the incidents on the map. Alongside the map, there was a free sms service- 90039 where anyone could have sent information from any mobile network.



For the 2013 Presidential election, partner organisations have registered: 74 incidents before the elections and 165 incidents on the Election Day. The election portal website is: www.electionportal.ge

MONITORING THE COMPOSITION PROCESS OF THE ELECTION ADMINISTRATION

GYLA has implemented a project '*Monitoring of the composition of the Election Administration*' to study the composition of the election administration in 73 election districts. The project consisted of several stages.

At first stage, GYLA has examined whether members of the election commissions for the 2013 Presidential election consisted of offenders who faced disciplinary/administrative liability for the 2012 elections. It is noteworthy to mention that the appointment of offenders is not a violation of the legislation, however, their re-appointment might undermine the trust of the administration. On the second stage, GYLA has sent letters to 73 District Election Commissions (DECs) and has conveyed lists of persons who faced disciplinary liabilities for the last two elections. The information was obtained from the Central Election Commission (CEC) as well as from GYLA's database. The aim of the monitoring was also to study the composition of the DEC's for the 2013 Presidential election selected on professional grounds. It was done to establish whether there were any appointments from the political associations from 2012 parliamentary and interim elections.

Findings of the monitoring showed the following:

- List of offenders of the electoral legislation was not exhaustive and statistical data of offenders did not match with the data provided by the DEC.
- There have been a number of incidents when offenders have been re-appointed/selected as members of the election administration.
- Persons nominated by the DEC for the Precinct Election Commission (PEC) were selected based on their profession and who represented different parties in the administration of elections in previous years.

During and after the Election Day, GYLA monitored the implementation of the Ethic Code by the election officials and observed whether perpetrators for violating the election legislative have been adequately sanctioned.



MONITORING OF THE PRE-ELECTION ENVIRONMENT

GYLA monitored the 2013 Presidential Elections for about four months between 1 July to 26 October 2013 through its regional offices and 17 monitors in seven regions of Georgia including, Adjara, Guria, Imereti, Shida Kartli, Kvemo Kartli, Kakheti, Mtsketa-Mtianeti and Tbilisi.

One of the main highlights of the 2013 Presidential Elections was a high number of presidential candidates. Unlike the 2012 Parliamentary Elections, the presidential election took place in a peaceful environment and number of incidents has decreased significantly. Save some exceptions, presidential candidates had an opportunity to launch their campaign in a peaceful environment. However, the monitoring revealed some inaccuracies.

GYLA observers have collected information during the Election day from various sources, including requesting information from the election administration, other public institutions and verification of the information distributed from the media outlets. In some cases members of the public and political parties notified observers about the violations that occurred during the pre-election period. In case of substantial proof for violation, GYLA appealed on alleged violations before the election administration and a court. Information about the alleged infringement of the electoral legislation has been submitted at the inter-governmental commission on Free and Fair Elections at the Ministry of Justice of Georgia. The Commission has drafted important recommendations against nine statements submitted by GYLA during the pre-election period. At the same time, GYLA submitted four applications at the election administration, of which only one has been upheld. Ozurgeti DEC has drafted a protocol on administrative offences and filed it to the Court for further examination. GYLA has also submitted four applications related to alleged vote-buying in the State Audit Service. During the accounting period, relevant organisations have not been notified about the measures taken by the respective authorities.

GYLA published a report of the pre-election monitoring in October; its findings showed the following:

- Inaccuracies in the process of registration of election subjects
- Problems related to the registration of presidential candidates with double-citizenship
- Abuse of administrative resources
- Dismissing public servants at local self-government bodies on alleged political motives
- Alleged vote-buying
- Developments at the Public Broadcaster of Georgia that included violation of journalist's rights.

ELECTION DAY

On 27 October GYLA has observed election day in 36 polling stations in Tbilisi **and eight regions where it deployed more than 400 observers**. GYLA also had observers at the election districts opened in the United Kingdom and Germany.

Static observers were located throughout Georgia in more than 220 election districts, whilst mobile groups moved between 36 polling stations. GYLA has been monitoring in special polling stations, in the districts settled by minorities and other districts that have been problematic in the previous elections.

GYLA's observers have submitted 33 complaints and made 50 remarks in the record book. Complaints and remarks concerned the following:

- Eight facts related to the interference with the duties of the observer, including obstruction at the polling station (seven cases) and interference while making an entry in the record book (one case)



- Violating of the procedures on casting the lots (five cases)
- Problems related to control papers (seven cases)
- Casting the votes with invalid documents (11 cases)
- Issues related to election documentation
- Voting on behalf of someone else (three cases)
- Problems related to voting through mobile ballot box (three cases)
- Problems related to submitting the complaint (three cases)
- Late opening of the polling station (two cases)
- Agitation on the polling station (one case)
- Physical confrontation between observers (one case)
- Problems related to electoral lists and marking
- According to GYLA's assessment, however, voters had an opportunity to cast their vote in a peaceful environment.

POST-ELECTION PERIOD

GYLA monitored procedures in 36 DEC and CEC. In case of violations, GYLA filed complaints before DEC and CEC or court where it mostly requested imposition of disciplinary and administrative responsibilities against members of PEC.

Members of the DEC have mainly submitted complaints on incomplete/ inaccurate filling of documentation or on failure to observe certain procedural issues related to the post-election period. In total, GYLA's observers have submitted around 153 complaints, out of which 72 were fully upheld, whilst 38 were partially upheld. At the same time, GYLA's observers have submitted two cases at the common courts where one was satisfied whilst the other was partially satisfied.

Unlike the existing practice, CEC examined in detail complaints submitted by GYLA and legally argued its decisions which resulted into high number of granted cases. GYLA finds this to be extremely positive step.

SUPPORT TO THE JUDICIAL INDEPENDENCE AND IMPARTIALITY IN GEORGIA

TRIAL MONITORING

GYLA undertook trial monitoring to support establishing the standards for fair trial, upholding national and international law in the execution of justice and safeguarding human right standards and the right to fair trial.

From October 2011, GYLA has been monitoring criminal court trails at Tbilisi City Court, whilst from December 2012, GYLA started monitoring trial proceedings at Kutaisi City Court.

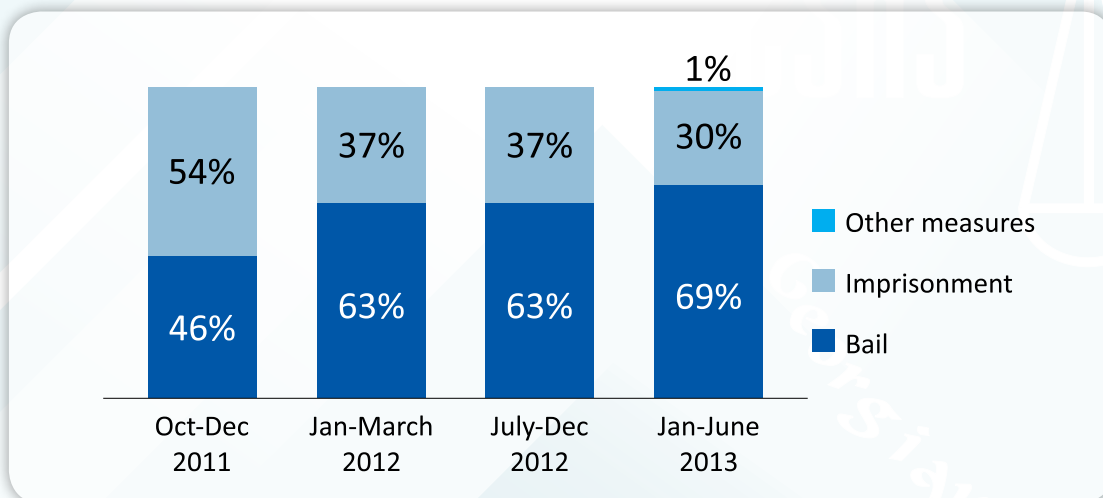
To date, GYLA has published four trial monitoring reports. Presentation of the first two reports took place in 2012, whilst the third and fourth reports were presented in April and October 2013.

According to GYLA, data reflected in four reports are objective and rely on factual information highlighting the implementation of the criminal justice in Georgia.

Findings of the Trial Monitoring

For the period of July-December 2012 and January-June 2013, GYLA has monitored 1,028 cases in Kutaisi and Tbilisi City Courts. After October 2012 the Election Monitoring report for the first time produced two different findings. At the first appearance, the correlation between preventive measures on detention, bail and other measures has been changed.

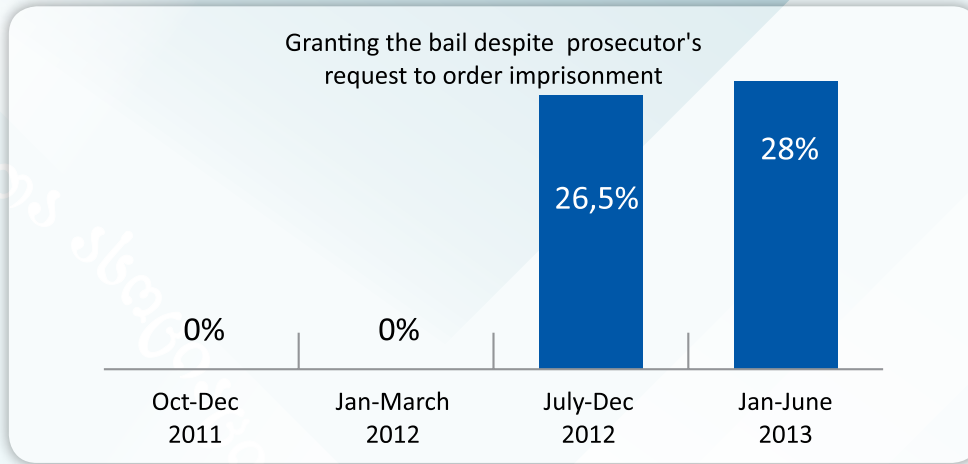
Table No 1



For the period of January-June 2013, as opposed to the previous period of July- December 2012 period, the percentage of defendants who faced detention as a preventive measure, ordered by the prosecutor has decreased from 50% to 41%. There was a drop in number of defendants who were sentenced to imprisonment from 37% to 30%. At the same time, the percentage of defendants ordered bail as a preventive measure increased from 63% to 69%. In 2013 for the first time since the start of the monitoring, the Court did not order imprisonment as a preventive measure which happened in a high profile case, involving Tbilisi City Mayor, Gigi Ugulava.

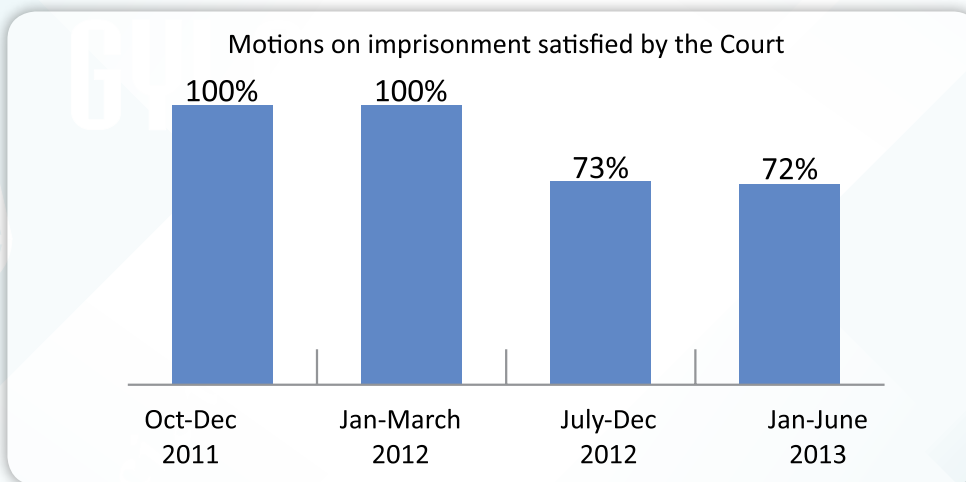
On an increased number of cases the court granted bail despite the prosecution’s request to order imprisonment. The table below shows the dynamics revealed during the monitoring.

Table No 2



Before 2012 the court would grant the motion of the prosecutor on ordering detention as a preventive order in every case. From October 2012, however, this has changed and the request for imprisonment by the prosecutor has not been granted in every case.

Table No 3



During the accounting period, GYLA has also monitored high profile cases involving arrests of government officials after October 2012 Parliamentary Election. According to GYLA, the courts showed loyalty to high government officials when ordering preventive measures compared to other defendants in other court cases.

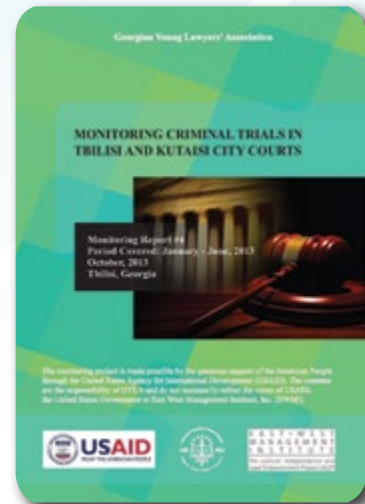
Throughout the monitoring period, GYLA did not observe a single case where the court terminated the prosecution at the pre-trial hearing. The court always presumed that there was a high probability that a defendant had committed a crime.

From the beginning of the monitoring period (October 2011), judges showed their passive attitude towards plea bargaining and would automatically approve the motion on plea bargaining requested by the prosecu-

tor. However, the number of ordered plea bargains in the first six month of 2012, as opposed to the first six month of 2013 has decreased from 57% to 50%. In addition, the amount of fines imposed was greatly reduced.

The monitoring findings also showed the following:

- Defence, as a rule played a passive role in almost every case, other than high profile cases, where it was often more active than the prosecution
- Unlike the previous accounting period, in the last period of January –June 2013 judges were better at informing defendants of their rights to be free of ill-treatment and their rights related to plea bargaining
- From the period of July 2012 to July 2013 in almost every case observed by GYLA number of searches and seizures were conducted without prior approval by a judge and justified on the grounds of urgent necessity. Specifically, of 72 of search and seizure, only four were performed with a court's warrant, the remaining was legalised later by the court. The statistical data brings doubts as to the bona fide compliance of law enforcement authorities and the court regarding their obligations not to conduct or legalise searches that are not appropriately justified on the basis of urgent necessity
- Problems were observed in relation to timely start of the court hearings. Throughout the whole period of the monitoring, the information about the first appearances shall be published in line to the set rules -has never been published.



NGOs showed a high interest in the presentation of all four monitoring reports. The reports were also mentioned by the US Department of State in its Country Report on Human Rights Practices to highlight the implementation of criminal justice in Georgia.

To date, GYLA continues working on the monitoring of the court trials at Tbilisi and Kutaisi City Courts.

MONITORING OF THE HIGH COUNCIL OF JUSTICE

Since March 2012, GYLA together with TI, Georgia monitored the activities of the High Council of Justice (HCOJ). In the beginning of 2013, the organisations issued a joint report highlighting the activities of the HCOJ for the period of March-December 2012.

In 2013 GYLA and TI, Georgia together with a partner organisation, *Georgian Advocates for Independent Profession* have continued monitoring the activities of the HCOJ. Findings of the monitoring have been reflected in the December report of 2013.

The monitoring that took place in 2013, similar to the previous year, intended to assess the activities of the HCOJ as the essential unit of management, in view of the on-going reforms in the judicial system. The monitoring also reflected the implementation of the changes introduced by the Parliament of Georgia. The monitoring of the HCOJ activities in 2013 had included number of issues:

- Transparency of the HCOJ
- Argumentation of the decisions made by the HCOJ
- Verifying the lawfulness of the budgetary spending designated to the common courts
- Monitoring the process of staffing the new members of the HCOJ after the new amendments to the Law on Common Court of Georgia in 2013

Monitoring of the HCOJ has been of interest and at the same time very important as it coincided with renewed discussions on the judiciary in light of a number of important changes.

GYLA'S PARTICIPATION IN THE COALITION FOR AN INDEPENDENT AND TRANSPARENT JUDICIARY

GYLA is a member of the coalition for an Independent and Transparent Judiciary (to date GYLA is a chair of the coalition). It also took part in a number of working groups including: judicial administration, legal education, criminal law and free legal aid.

For the past year, GYLA under the aegis of the coalition, together with the other organisations have actively engaged in the process related to the judiciary reform. The elections of October 2012 marked a new stage of the judiciary reform. In the same period, the Ministry of Justice prepared new changes to the legislation related to the reform of the systems of the common courts. Prior to these amendments, the coalition together with GYLA had launched an active communication with the members of the Ministry of Justice, the Parliament of Georgia and HCOJ. GYLA has worked on each proposal and shared its opinions with members of the coalition and other stakeholders responsible for the reform of the judiciary. It is noteworthy that the changes to the Law on Courts in 2013 and other related legislative acts submitted in the previous year by the coalition forms significant part of the recommendations. These recommendations were related to strengthening the self-governance of the judiciary, safeguarding the HCOJ with transparency and democratic principles, increased transparency of the court trials and disciplinary proceedings.

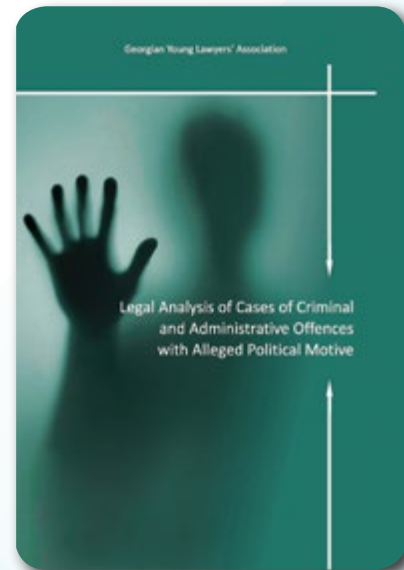
In the framework of criminal justice and the coalition, GYLA has been working on the analysis of the regulation of plea bargaining and its practice together with the other members of the coalition, GYLA prepared a research on legislative provisions regulating plea bargaining and issues of its implementation. The coalition plans on publishing the findings of the research in the nearest future.

ANALYSIS OF CRIMINAL AND ADMINISTRATIVE CASES WITH ALLEGED POLITICAL MOTIVE

The second phase of the monitoring of the criminal and administrative cases with alleged political motive was completed during the monitoring period. The first phase of the monitoring which was finished last year, concerned the arrests that took place during and after the spring rallies in 2009. The second phase covers the events of 26 May 2011 and the following period and concerns the criminal and administrative cases with alleged political motive.

The research focused on 33 cases, of which 21 was criminal case, whilst 12 was administrative cases. The primary objective of the research was to study the cases and examine whether respective procedural and material norms were followed during the arrests, investigations and trials. In administrative cases part, the research also addressed conditions in temporary detention isolators. All cases in the research contain essential violations and question administration of justice. It worth highlighting that despite essential violations of law all cases except the ones that ended with plea agreement, had the same legal outcome. The Court of Appeals left unchanged verdicts of the first instance court, while the Supreme Court found the cases inadmissible.

The study also revealed another trend that opposition party activists were usually arrested for illegal possession of arms and drugs and for resisting the police. Those cases were identical and featured analogous violations. At the same time law enforcement bodies and the court used low proof of standard.



Since 2010 GYLA has studied the cases of more than 80 arrested persons on alleged political motive and has revealed major violations. GYLA's conclusions have been used by the group investigating the cases of persecution and arrests on alleged political motives at the Committee of the Human Rights and Integration issues of the Parliament of Georgia. Based on the resolution of the Parliament, all those persons mentioned by GYLA in its report, have been released from the prison with a status of a political prisoner.

ASSISTANCE TO THE MIGRATION AND PROMOTION OF THE DEVELOPMENT OF THE LEGISLATION

GYLA works towards protecting migrant's rights and increasing the awareness on illegal migration. At the same time, GYLA together with its partner organisations, the Caucasus Institute for Peace, Democracy and Development (CIPDD) works on regulating the legislation on migration and migration policies.

During the accounting period, GYLA and CIPDD prepared two studies: *the analysis of migration and legislation*. The aim of these two studies is to analyse the Georgian legislation, identify the loopholes and draft recommendations for improving the normative base and contribute to the development of migration policy (including labour migration) and legislation. In July 2013 the presentation of the research took place at the High School of Justice for the member of the State Commission on Migration issues.




At the same time, the Polish expert has prepared a study on *'The opportunities for developing circular migration schemes between Georgia and EU'*. The document describes legislative, institutional and practical measures and a framework which is important to duly safeguard protection of migrant's rights. The study is based on the examples of Moldova and Ukraine.

In the framework of the project, GYLA prepared 29 proposals to the draft law on the Situation of the Foreign Citizens and Persons without Citizenship. The Commission on migration issues has taken into consideration 12 proposals.

In February 2013 GYLA and CIPDD has announced a competition to study the labour market of Georgia. The research singled out the following spheres, including agriculture, trade, tourism and architecture. The research aims to select professional emigrants to conduct training and workshops for Georgian citizens. Public authorities showed great interest in the research, whilst the findings of the research has been discussed at the meeting organised by the Danish Refugee Council together with the members of the central and local authorities.

In September the State Minister and GYLA signed a memorandum of understanding to foster cooperation towards improving the legislative base, fight against illegal migration and trafficking and establish the relationship with the Georgian Diaspora. The memorandum also foresees planning and implementation of joint projects in migration. The first visit within the project has taken place in Germany on 26-29 September, 2013 through the support of the Embassy of Georgia in the Federal Republic of Germany. The aim of the meeting was to include Georgian expatriates in training and familiarise them with various issues related to migration issues.

The background is a deep blue with a fine, cracked, leather-like texture. A white graphic of a pen nib is positioned diagonally from the bottom left towards the top right. A thick, white, brush-stroke-like line follows the path of the pen nib, starting from the bottom right and extending towards the top left, creating a sense of movement and direction.

**QUALIFIED AND CONTINUOUS
LEGAL EDUCATION,
DEVELOPMENT OF THE LEGAL
PROFESSION**

QUALIFIED AND CONTINUOUS LEGAL EDUCATION, DEVELOPMENT OF THE LEGAL PROFESSION

Professional development of the young lawyers, development of legal profession and streamlining international standards on legal and civil education has been and will remain one of the main strategic directions for GYLA.

During the previous monitoring report, GYLA actively contributed towards educational activities at the national and local levels. Alternative and continuous legal education, development of specific skills (*constructive debate skills, presentation skills at the court trials, legal writing and preparation of legal documents*), targeted training and organisation of public debates- are sets of skills that GYLA's Legal Education and Information Center and its Foundation for the Support of Legal Education (FSLE) offers to those interested in pursuing legal profession.

The FSLE together with the Education Center implemented the following activities in the reporting period:

- Yearly six-month courses in Tbilisi in all areas of law
- In-house and national competitions in Batumi, Kutaisi, Rustavi and Tbilisi.
- Organisation of the moot court competition 'Young Lawyers for Constitutional Rights' at the Constitutional Court of Georgia
- Moot courts in the Supreme Court of Georgia
- *Seminars and training events for both lawyers at the GYLA's legal aid centre , lawyers and other interest groups*
- Public discussions on important novelties and existing issues
- Development of law curriculum on teaching
- A scholarship program for graduate students in the regions
- Replenishment of GYLA's law library with a new legal literature
- Publication of law textbooks
- Civic Education at Sunday school for the pupils at upper classes

TEACHING COURSES

Traditionally, FSLE pays significant attention to the teaching courses. From the period of 2012-2013, 110 students have applied whilst only 65 were admitted to pursue the course. The students learned following courses in six month period:

- Introduction to law
- Civil Law
- Criminal Law

After completing the teaching process, 43 students were allowed to take exams, of which 23 students were awarded with the joint diploma from GYLA and FSLE, whilst 20 students were awarded with certificates. On 18 July, FSLE has marked a successful completion of the course.





FSLE continues to support course graduates, students who received diploma have been supported by the recommendation letters to find employment. GYLA and FLSE supported two successful graduates who started working at the project on *Improving the Election Environment* funded by NED. At the same time, three successful graduates are undertaking internships at GYLA's legal aid center and work on Civil and Administrative cases.

At the end of the teaching course, GYLA organised a moot court competition at the Supreme Court of Georgia. The panel of judges for the Moot Court consisted of judges, defence lawyers, civil servants and field specialists.

THE ART OF DEBATE

FSLE's main priorities are to train law students in constructive debates.

The FSLE as part of its priorities paid closer attention to train young law students in debating skills in Tbilisi and regions. During the reporting period, the FSLE organised debating courses in Tbilisi and four other regions in Georgia where students learned about debating skills, debate culture, prompt thinking and analytical skills. Participants were able to master their skills in assembling and processing information on legal and global issues.

In the beginning of May, the FLSE organized in-house debate competition and selected a best team and best debaters. On 1 of June the national competition was held with a participation of winning teams from Tbilisi and other regions. The participants covered the debate topics on issues related to education and foreign policy. The best debaters and winning teams received legal books and gifts. The winner of this year's national debating competition was team pursuing Introduction to the Law at the FSLE.





MOOT COURT COMPETITION 'GYLA FOR CONSTITUTIONAL RIGHTS'

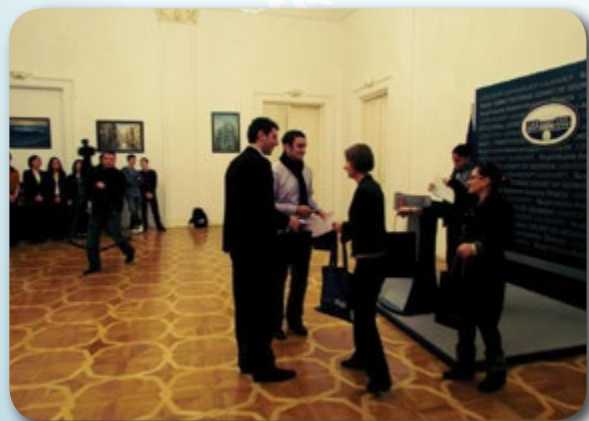
In December 2012, the FSLE has traditionally organised a competition for *Young Lawyers in the Constitutional Rights*. Under the financial support of the German Fund for International Legal Cooperation (IRZ) in cooperation with the Constitutional Court of Georgia, the competition was held in the building of the Constitutional Court in Batumi. 90 teams from all over Georgia expressed their wish to participate in the competition. Unfortunately, similar to the previous year, the number of interested students from the regions was still low, whilst 99% of applicants were from the universities based in Tbilisi. Based on the pre-determined criteria, eight teams were selected, whilst seven were from the I. Javakhishvili Tbilisi State University (TSU) and one from the Georgian University (GU).

On 7-9 December the selection tours and semi final and final tours were held at the Constitutional Court of Georgia. The chairwoman of the moot court was the member of the Constitutional Court Maia Kopaleishvili, whilst the members of the court were field specialists and a German judge.

The competition was solemnly closed on 9 December where the chairman of the Constitutional Court addressed the participants and awarded members of the TSU team with a special prize-a six-month paid internship at the Constitutional Court of Georgia. The winners were Nino Latsabidze and Giorgi Beria.

A student of the Georgian University, Giorgi Mirianashvili received a prize of IRZ sympathy and in October 2013 with the members of the Georgian Delegation travelled in Germany for a week to take part at various planned meetings.

Participants of the competition received jointed certificates from IRZ and FLSE. The winner of the competition was the team from the TSU, which was awarded with the transferrable cup carrying the title: '*New Lawyers for the Constitutional Rights*'. Title for the best claimant was awarded to the members of the TSU Giorgi Beria, and a member of the GU- Giorgi Mirianashvili. The title of the best responder was won by two members of the TSU team- Ani Nadareishvili and Givi Luashvili.



GYLA, the Constitutional Court and IRZ handed over various legal books and valuable gifts to the participants of the competition.

SUNDAY SCHOOL FOR CIVIC EDUCATION

During the accounting period, the FSLE had announced a second admission for the Sunday school for civic education which was opened in Tbilisi, Batumi and Kutaisi. Pupils were lectured in practical application of law, civil education and included debating skills, basic human rights and freedoms taught by the professional lawyers and specialist of different fields, general administrative, civil and criminal law. The subjects also included studies about democracy, legal and social state, family and inheritance law, introduction to criminology and types of punishment, citizen and the state. In total, 130 pupils from three different schools attended the Sunday school. After the completion of the course, pupils received certificates and dictionaries in civic education.

PUBLIC DEBATES

During the accounting period, the FSLE on a periodic level, invited concerned parties to take part in the public discussions to explore problematic issues and novelties.

The FSLE has organised two public debates:

1. The first discussion took place on 25 December 2012 and covered the issues on student's rights. It was organised together with the *Business Development Center- Caucasus* and organisations that form part of the Student Coordination Council.

Members of the discussion were representatives of self-governing bodies from the Georgian Technical University (GTU), Medical University and also other student organisations: Lab 1918 (TSU), Student's voice (GTU), Independent Student Association (GU).

Members of the organisation exchanged ideas on the issues related to the protection of right of the students and on the ways to resolve them. The meeting was attended by the representatives from the Ministry of Sports and Youth Affairs. The FSLE also invited professor from the State University in administrative and education law as an expert. In the course of the debates students have identified number of problems and planned for the next steps.

2. During the accounting period on 13 March 2013, the FSLE has organised a second public discussion on the *Criminal Justice Policy as a determinant for crime*. Members of the discussion were leading experts in Criminology and Criminal Law and included guests from the Ministry of Probation and Legal Assistance of Georgia, Ministry of Interior, Parliament of Georgia and Supreme Court of Georgia. Participants had heated debates on number of issues that revealed number of problems. Members of the discussion have showed their interest to take part in different activities that will help to solve some of the highlighted problems.





SEMINARS AND TRAINING EVENTS

GYLA and the FLSE aim to increase the qualification of interest groups through raising their awareness on number of legal and pending issues.

From 1-2 and 8-9 December 2012, through the financial support of the International Research and Exchange Board (IREX) and the Georgian Media Enhance Democracy, Informed Citizenry and Accountability (G-MEDIA), FLSE has organised two training events on *Human Rights* that targeted around 60 journalists throughout Georgia. Training events covered following topics: Procedures related to taking a case before the ECtHR, Freedom of Expression, Freedom of expression in relation to the Court, Right to Privacy v Freedom of Expression, cases against Georgia, Right to fair trial, Prison standards according to Article 5.3 of the European Convention of Human Rights (ECHR) and derogations from right to life.

During the accounting period, through the financial support of GIZ, FLSE has organised a training for defence lawyers- consultants on the issues related to ***Problematic issues related to Banking Law and Human Rights and rules to take a case before the ECtHR.*** In both cases, 40 lawyers took part at the training.

The topics covered at the training were:

- Banking System of Georgia, the Constitutional basis of the Legal status of the National Bank, National Bank as a guarantor of the state finances, protection of customer's rights at the bank and the obligation to fully inform a client, legal regulations on cash and non cash transactions, review of the legal practice.
- Right to fair trial/competition/ equality in civil and administrative cases, property rights (appropriation and standards of compensation, IDP cases), right to respect privacy and family life (obligation to re-settle homeless people, adequate housing) violation of dignity and compensation for moral damages.

During the account period through the financial support of the Open Society Institute and Open Society Foundation -Georgia, the FLSE has organised two training events targeting defence lawyers and lawyers working at the medical institutions on right on health, health insurance system in Georgia and strategic litigation in human rights in patient care.

There were 40 participants at the training and it covered the following issues:

- Right to health- international and national standards, health insurance in Georgia and other health related programs, role of the mediation in medical disputes, disputes related to patient's rights and Georgian case law and the case law of the ECtHR on right to health.
- Main issues and approaches related to strategic litigation. Main highlights of the case law on right to health at the ECtHR, litigation on the regional and international levels. Lawyers have also presented their cases on submitted and pending cases on right to health and have received feedback from experts.

During the accounting period, FSLE through the financial support of the East West Management Institution (EWMI), have organised training for journalists: *Analysis of the recent changes in the procedural legislation and an analysis of the changes and amendments and liberalisation of the Criminal Justice Policy.* Whilst GYLA defence lawyers and consultants had two training events on *Inheritance law and problematic issues within the family law.*

Three training events targeted 27 journalist and 40 media staff and covered the following topics:

- Trials in closed and open sessions, cases stipulated by law during the close trial session, right to privacy of an accused person, presumption of innocence, filming and photography, audio- and video recording and broadcasting on air at a court session in the court yard and in the hall of the building without any restrictions, unlawful intervention with journalist's function and a role of the media.
- Opening of the estate, inheritance through factual ownership, inheritance deposited at the notary, integrating inheritance norms into court practice, provisions on renouncing the inheritance deposited at the notary, issues related to legal inheritance, deprivation of right to inheritance, legal and hereditary inheritance in the agriculture household.

- Marriage and divorce, engagement, reclaiming the property through unjust enrichment, property rights of spouses, sanctions in the family law, 25 October 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Another training event targeted defence lawyers and doctors working in prisons. (In total 20 participants). Guest speaker at the training was the Deputy Minister of the Probation and Legal Issues, Archil Talakvadze. Issues discussed at the training were:

- Health care standards at prisons
- Ill treatment at prisons and medical reports as an important evidence
- Decisions against Georgia at the ECtHR
- Health issues including issues of personal ethics
- Psychological health in prisons/ mental illness/care system/ issues
- Legislation on mental illness

PROMOTING MODERN STANDARDS OF LEGAL EDUCATION

The project that has been launched in 2010 under the financial support of IRZ and GTZ aimed to improve the methodologies in the area of legal education and their approximation with the German standards. The project has been successfully implemented throughout the accounting period. FSLE, together with IRZ and GIZ was involved in organising training of trainers on the topics of criminal administrative and civil law. The training was conducted by German professors that taught Georgian professors how to address hypothetical cases through German methodology. At the same time, 20 Georgian professors from different Georgian universities attended the training of training. It is planned to organise series of training with the participation of the trained Georgian professors where every professor and a lecturer from every law faculty will have an opportunity to participate. The project also envisages publishing a text book to address hypothetical cases in Georgian.

SCHOLARSHIP IN MASTER'S DEGREE IN LAW IN WESTERN GEORGIA

With the financial support of the EWMI, FSLE has been successfully carrying out a three-year project Scholarship in Master's Degree in Law in Western Georgia since 2011. In the framework of the project selected 12 graduate students from Batumi and Kutaisi undertook internships at the legal aid centers GYLA's Kutaisi and Batumi offices. As part of their internships, interns organised public discussions on topical issues, prepared legislative proposals, attended trials, and prepared various legal documents. Interns also took part in organising Sunday civic education schools and competitions in Kutaisi and Batumi and attended training events and seminars organised by the FLSE.

During the accounting period, fellows have:

- delivered 421 legal consultations
- prepared 100 legal documents
- requested 54 public information
- attended 27 trials
- prepared nine legal proposals

There were 12 public discussions organised on the following topics:

1. Peculiarities of the juvenile legal responsibility
2. Population as an opportunity to empower the civil sector
3. Freedom of religion in the law and in reality
4. Local self government in Georgia since gaining independence until now
5. Life imprisonment –application and execution of the punishment in Georgia
6. Constitutional agreement and its possible threats



7. Constitutional changes- analysis of comparative- legal analysis
8. Liberalisation of the criminal justice-revoking accumulation of sentences
9. Issues related to the territorial arrangement of Georgia
10. Legal basis of the local self-government
11. Euthanasia in the Georgian reality and international aspects.
12. Right to Assembly and Manifestation

Discussions took place at *Akaki Tsereteli State University* and in the Democratic Development Centers located in Batumi and Kutaisi. The debates targeted students, professors, pupils, journalists and local NGOs. Trainings were attended by experts in the field. Throughout the accounting period, 36 lessons and seminars were organised for those attending Sunday school and debate clubs on the following topics:

1. Legislative process and its transparency
2. Legislative changes to criminal legislation and anticipated changes implemented in the last period;
3. Local self governance
4. General Administrative Code and Administrative procedural code.

It has to be highlighted that four fellows that have already completed law degrees at Kutaisi State University will no more receive stipends. To date, all four fellows are employed, whilst one is employed at Kutaisi branch.

INFORMATION CENTER

GYLA's Law library still attracts students interested in legal literature. The library hosts around ten to 12 students per day from law faculties of different university and from the courses offered by the FLSE. The library has been updated with the newest literature as it had received new 100 book titles through purchasing or donation. The users of the legal library at GYLA can usually borrow the book or can use it at the library. The users also have access to internet and to the program 'Codex' which is updated regularly.

EDITIONS

FLSE has been actively working towards one of its priorities- translating popular legal literature and assisting Georgian authors in their new publications.

Many Georgian legal textbooks lack structure and inconsistency and does not contribute towards establishment of the legal culture necessary for the adult to develop civic awareness based on the liberal democratic values.

With the financial support of GTZ, FSLE issued three types of publications for pupils from the upper classes. The edition has number of authors and consists of a text book and a note book for pupils and a textbook for a teacher. The edition aims to assist pupils to develop set of skills such as independent thinking, help them understand their role as a citizen and enhance their legal culture and respect of law. The text book includes issues related to civic education and practical application of law.

INTERNSHIPS AT THE LEGAL AID CENTERS

GYLA's legal aid centers in Tbilisi and seven regional offices strongly contribute towards enhancing the qualification of young lawyers and their professional skills. The legal aid centers continue to successfully run law clinics for law students and graduates.

Six month internship program allows students to develop various legal documents under the supervision of the experienced legal lawyer and represent citizen's interest at the court alongside with the defence lawyers. During the previous accounting period, at the legal aid centers and in seven offices in the region, in total there were 103 young lawyers who undertook internships. Of which, one intern has been employed at Tbilisi legal aid center to work on civil cases.

FINANCIAL REPORT

Accounting period: 1 November 2012 to 1 November 2013

GYLA's accounting period combines the period between 19th and 20th General Meetings. Throughout this period, GYLA received 3,396,011.00 Gel through grants, contributions and membership fees. Breakdown of the total sum received through various sources is shown below:

EHRAC	15,119.00 Gel
NDI	230,048.00 Gel
EU	1,270,760.00 Gel
EI LAT	11,367.00 Gel
GIZ	163,948.00 Gel
NED	67,146.00 Gel
EWMI	742,392.00 Gel
Netherlands Embassy	208,427.00 Gel
WFD	43,538.00 Gel
ADRA	13,776.00 Gel
OSGF	127,116.00 Gel
OSF	166,737.00 Gel
IREX	321,360.00 Gel

Membership fee	1,587.00 Gel
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Donations from individuals and legal entities	673.00 Gel
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Various income	12,017.00 Gel
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During the accounting period, GYLA employed 132 persons on non single job, whilst in the regions, it employed 62 employers and in total amount paid to cover the remuneration cost was 1,661,973.00 Gel. Single payments of 309,498.00 Gel was paid to 422 persons.

Reimbursements for single services, salaries and payments amounted to 415,6178.00 Gel.



Material assets purchased during the accounting period were 33,815.00 Gel, whilst 12,138.00 Gel was spent for office items. In the same period, GYA spent 39,727.00 Gel for purchasing various low value items for office, whilst it spent 11,567.00 Gel in the regions. Books and periodicals purchased for central and regional libraries amounted to 4,020.00 Gel. At the same time, GYLA spent 76,065.00 Gel in organising seminars and meetings in Tbilisi and other regions. Travel expenses of the staff amounted to 281,568.00 Gel, whilst the office rent amounted to 83,157.00 Gel. Cost related to communication was 79,990.66 Gel, in the regions it amounted to 44,672.00 Gel. During the accounting period, GYLA incurred the cost of 2,878,559.00 Gel which is broken down by the sources below.

Sida	379,608.00 Gel
NED	88,735.00 Gel
Australian Embassy	10,000.00 Gel
DRC	132,852.00 Gel
Netherlands Embassy	104,870.00 Gel
EHRAC	10,586.00 Gel
ADRA	14,382.00 Gel
GIZ	146,022.00 Gel
EWMI	741,517.00 Gel
European Union	80,273.00 Gel
US Embassy	15,784.00 Gel
IREX	394,696.00 Gel
OSGF	216,295.00 Gel
OSF	300,000.00 Gel
NDI	119,016.00 Gel
BfdW	123,430.00 Gel
GYLA's resources	493.00 Gel

Georgian Young Lawyers' Association
Summary Balance Sheet
 As of November 1, 2013

	1-Nov-13
ASSETS	
Fixed Assets	793,097.93
Other Assets	2,000.00
Current Assets	
Accounts Receivable	3,280,359.00
Cash at bank and in hand	292,213.00
Total Current Assets	3,572,572.00
Current Liabilities	
Other Current Liabilities	8,548.00
Total Current Liabilities	8,548.00
NET CURRENT ASSETS	3,564,024.00
TOTAL ASSETS LESS CURRENT LIABILITIES	4,359,121.00
NET ASSETS	4,359,121.00

Executive Director:

Accountant:





GYLA GOVERNING BODIES

2013, November

THE BOARD MEMBERS

Kakha Kozhoridze – Chairman
Nino Bakakuri – Deputy Chairman
Besarion Abashidze
Besarion Bokhashvili
Irena Gabunia
Ekaterine Gasitashvili
Tamar Gurchiani
Giorgi Zedelashvili
Nino Tvaltvadze
Nino Lomjaria
Giorgi Mshvenieradze
Diana Zhgenti
Ketevan Roinishvili
Alexandre Rukhadze
Venera Suknidze
Lela Taliuri
Parmen Jalaghonia
Mikheil Jakhua
Khatuna Chitanava
Tamar Khidasheli
Tinatin Khidasheli – status is temporarily suspended

EXECUTIVE DIRECTOR

Ekaterine Popkhadze

HEADS OF REGIONAL OFFICES

Adjara Branch – Gia Kartsivadze
Kutaisi Branch – Tamar Pachulia
Rustavi Office – Ekaterine Pavlenishvili
Gori Office – Keteven Bebiashvili
Telavi Office – Marekh Mgaloblishvili
Ozurgeti Office – Tamaz Trapaidze
Dusheti Office – Sergo Isashvili

Georgian Young Lawyers' Association

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