

Delegation of Georgia
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Statement submitted at the Working Session #6
“Access to Justice”
(October 5, 2006)

Thank you Mr. Chairman

Right to fair trial and accessibility to court are among the cornerstones of the democratic society. Georgia is obliged to ensure right to protection and creation of an efficient free legal aid system first of all by the Constitution of Georgia as well as by international treaties Georgia is a party to.

Establishment of an efficient state funded free legal aid system is an essential part of the Criminal Justice Reform Strategy of Georgia, adopted in 2005. The implementation Plan of the Criminal Justice Reform Strategy, elaborated in accordance with the Decree of May, 2006 of the Government of Georgia, envisages a detailed 4 year reform Action Plan. According to the Strategy, Ministry of Justice is a responsible state agency in charge of implementation of the reform.

A will of the Ministry of Justice to working on the free legal aid model was expressed in the Memorandum of Cooperation signed by the Ministry of Justice of Georgia, Open Society Justice Initiative and the Open Society

Georgia Foundation. The Legal Entity of Public Law – Public Legal Aid Service has been established within the Ministry of Justice of Georgia.

The Draft Law on Legal Aid has been elaborated in close cooperation of the local NGOs, OSJI, OSGF and Ministry of Justice of Georgia. The Law introduces completely new legal aid system in Georgia, as opposed to the old scheme of a legal aid which did not provide for an efficient mechanism for protection of socially vulnerable population. It actually carried a formal character and leaved without regulation a number of important issues.

The purpose of the Draft Law that is about to be submitted to the Parliament of Georgia, is:

- creation of a sustainable and efficient legal aid system, oriented a the social demand;
- provision of high quality legal aid for every member of society, who due to the stringent economic conditions cannot afford services of a highly qualified lawyer;
- observance of principles of administration of justice, legality, and equality of arms.

To achieve the goals identified, the Draft Law:

- creates Legal Aid Service, as a body coordinating system of the legal aid throughout the country;
- creates mechanisms of accountability and overseeing of quality of delivered legal consultation and legal aid;
- identifies framework of the legal aid delivered, a package of service, which shall be provided to a person on the expenses of the state;
- identifies circles of users of legal consultation and legal aid;
- creates a system overseeing the state expenditures.

Legal Aid Service provides for every person in Georgia an hour long free legal consultation on any legal issue; provides legal aid in order to protect interests of citizens before various state bodies and court instances.

Legal consultations are carried out by Consultation Centers created by the Legal Aid Service on its initiative or in cooperation with other state bodies.

Legal aid is provided in 3 different forms:

- 1) by Legal Aid Bureaus;
- 2) by Provider of a legal aid, identified through tender;
- 3) by lawyers registered in the Register of the Public Attorneys.

In order to be eligible for state funded legal aid, a person must be insolvent. Provision of mandatory legal protection will also serve as a basis for appointment of a lawyer in criminal cases. As for the civil and administrative cases, apart from financial vulnerability, a criterion of interests of justice is also to be taken into consideration, such as, for example: protection of interests of a child in cases of allocation alimony, pension disputes, etc.

Legal Aid scheme will also encompass provision of legal aid to victims of armed conflict in cases of the property restitution and compensation issues on the territory of the former South Ossetia Autonomous Region and representation in the restitution and compensation commission.

Let me also underline several of already implemented activities. With the support of the OSGF and OSJI, two pilot Bureaus of the Legal Aid Service were opened in Tbilisi and Western Georgia. Working meetings and conferences have been conducted during 2005-2006. Trainings and seminars have been arranged for the purposes of upgrading knowledge and service quality of lawyers (with the participation of both – international experts, as well as judges of the Supreme Court of Georgia). Over 300 citizens have been represented by the Legal Aid Bureaus in criminal cases. There are over 100 on-going cases in the Bureaus, whereas around 700 applicants received legal counseling.

In the course of reform activities consultations were held with the Amsterdam Legal Aid Council, the Jerusalem Public Defender's Office, Ministry of Justice of Georgia was also assisted by the Councils of the Legal Aid of the United Kingdom.

The Georgian Government expresses its gratitude to the respective Governments for cooperation, as well as to the OSJI for the assistance rendered in realization of this important reform endeavor.

Thank you.