



Georgian Young Lawyer's Association

"The Rule of Law for Justice"

GYLA Magazine #3, 2018

Gyla for Good Governance



Gyla for Good Governance

Dear reader,

In the GYLA Magazine #3, we would like to draw your attention to activities of GYLA's team in the area of Good Governance and some of the important relevant ongoing developments.

To promote good governance, GYLA's team is operating at the institutional and public policy level, which allows us to monitor institutions, study individual cases, analyze any challenges in practice and develop subsequent recommendations that would guarantee independence of public institutions as well as effective, accountable and transparent governance.

Citizen participation in the decision-making process at the central and local level, political neutrality and independence of civil service, improving health of electoral/political processes – these are issues that continue to be important based on their very essence.

In light of the foregoing, GYLA's team became actively involved in monitoring of civil service reform process; we monitored by-elections and prepared a range of recommendations for improving the electoral legislation.

To ensure citizen participation in the decision-making process, we work:

- at the local level - to empower local self-government at the institutional level & promote strategic governance based on local needs;
- at the central level - to promote & raise public awareness about electronic portal of petitions Ichange.gov.ge.

GYLA's Executive Director
Irma Pavliashvili

GYLA in the Civil Service Reform process

The Law of Georgia on Civil Service became fully effective on 1 January 2018. GYLA was actively involved in elaboration of the reform concept, as well as in consideration of the bill in Parliament and its subsequent implementation.

As a result of GYLA's involvement and active advocacy efforts during different stages of the civil service reform in Georgia,

- Limitation to participate in assemblies and manifestations was lifted from civil servants;
- Duration of probation term was reduced in civil service;
- Civil servant's right to receive one-month salary as compensation in an event of reduction of employees due to reorganization was maintained.

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In addition, the organization evaluated functioning of the system for monitoring asset declarations of public officials. **GYLA's monitoring found deficiencies in fulfillment of the obligation to monitor asset declarations in 2017.** In particular, an independent commission composed of NGOs and academic communities was not set up at the Civil Service Bureau for selection of half of the declarations to be verified. Creation of the commission was hindered by delayed adoption of the "Instructions for Monitoring of Asset Declarations of Officials" by the Government of Georgia. The instructions prescribed the timeframe for creating the independent commission.

The Georgian Young Lawyers' Association actively continues to monitor the process of implementation of the Civil Service Reform.

Cooperation of GYLA with self-governments

On May 22, representatives of the Georgian Young Lawyers' Association held a meeting with Zaza Gabunia, chairperson of the parliamentary committee for regional policy and self-government, to discuss budgeting issues.

During the meeting, the parties discussed new project of the organization "*Protection and Promotion of social and economic rights of the most vulnerable persons and communities in Georgia*". The project aims to improve the regulatory framework for social and economic rights in municipalities and raise public awareness about their rights and mechanisms for protecting these rights. Target groups of the project include individuals displaced from the occupied territories, eco-migrants, women, socially vulnerable individuals and self-governments.

At the end of the meeting, the parties agreed to continue active cooperation in the area.

The project "Protection and Promotion of social and economic rights the most vulnerable individuals and communities in Georgia" is supported by the BFDW development and relief agency.



How much does the Georgian Public Broadcaster cost?

On May 2, 2018, GYLA presented the research entitled "How much does the Georgian Public Broadcaster cost".



Findings of the research include:

- The Board of Trustees adopts and amends the Public Broadcaster's budget without receiving a detailed budget and justification from the GPB General Director;
- More than a half of the Broadcaster's budget is spent on remuneration;
- The GPB has not adopted the staff list or regulations for providing remuneration;
- The GPB is holding the first place in terms of revenues (on account of funding that it receives from the state budget), while it ranks fourth with its average annual (2017) rating;
- Funds allocated to the GPB from the state budget are often much bigger than funds allocated for other institutions, however effectiveness of the GPB performance and fulfillment of program priorities are not measured.

■ [The full report](#)

Electoral disputes in 2017

On 12 May 2018, the Georgian Young Lawyers' Association held public discussions on "2017 electoral disputes – findings and challenges".



The organization monitored the 2017 local self-government elections nationwide by means of a large-scale monitoring mission comprising of over 500 observers. The following findings can be drawn from the analysis of electoral disputes performed within the monitoring mission:

During the pre-election period:

- The problem of differentiating between interference with functions and activities of electoral commissions and obstruction of performance of an electoral commission;
- Participation of aliens in canvassing;
- Refusal to impose administrative penalty on aliens;
- Placement of electoral advertisement during pre-election period.

On and following Election Day:

- Controlling will of voters and failure to protect personal data;
- Statements of commission members viewed as "universal means" for eliminating deficiencies;
- Refusal to impose a disciplinary penalty for infringements of a commission member citing absence of a serious violation as a motive;
- It is impossible to enforce court decisions on imposition of a disciplinary sanction;
- The scope of application of discretionary powers of a district electoral commission when ordering disciplinary sanctions against electoral commission members;
- Preparing amendment protocols based on statements and verbal memory.

■ [The full analysis of electoral disputes in 2017](#)

New Election Code of Georgia?

The Central Election Commission (CEC) has submitted to the Georgian Parliament a bill of amendments to the Election Code of Georgia, to the Law on Political Associations of Citizens and to the Local Self-Government Code. The Georgian Young Lawyers' Association in partnership with Transparency International – Georgia and the International Society for Fair Elections and Democracy have prepared a joint opinion about the bill.

In the opinion it is stated that while the package of amendments will somewhat improve the electoral norms by, for instance, specifying the notion of votes cast, setting the time when electoral procedures should commence, simplifying procedures for registration of non-governmental and media organizations, etc.,

However, it may also have a negative effect on the electoral environment – e.g. amendments that will no longer qualify presence in political party representations as canvassing as well as amendments that, if adopted, will increase chances of hiring in the system of the electoral administration a commission member who has previously committed an infringement, etc.

■ [Full version of "Opinion on pending amendments to the Election Code of Georgia"](#)

Recommendations for Improving the Electoral Environment

On June 12, the Georgian Young Lawyers' Association (GYLA) in partnership with the International Society for Fair Elections and Democracy (ISFED) and Transparency International – Georgia (TI-Georgia) presented recommendations for improving the electoral environment in Georgia.

The recommendations concern pending amendments to the Election Code and the Law on Political Associations of Citizens, and aim to eliminate deficiencies found by the organizations through monitoring and in practice.



According to the joint opinion of the three organizations:

- With regard to **party funding**, possibility of receiving an additional funding of GEL 300,000 for creating a faction, which has recently created many opportunities to manipulate state funding, should be abolished;
- With regard to **composition of the electoral administration**, the rule on appointment of members by parties in the electoral administration should be amended to ensure that six electoral subjects with best results in the last general elections held under the proportional system are entitled to such right. Each should be able to appoint one member of the commission;
- To minimize risks of **use of administrative resources**, the legislation should draw a clear line between party-related activities and public service;
- It is very important that the Election Code provides a more detailed **definition of canvassing** stating that canvassing also includes dissemination of political calls using one's personal social media account;
- It is important to elaborate **simplified forms of complaints** for election-related court disputes, as there are tight timeframes for such disputes.

■ **More about the joint recommendations of GYLA, ISFED and TI-Georgia**

#IChange – Changes Electronically

Online petition platform *Ichange.gov.ge* was launched in December 2017 in Georgia, within the Open Government Partnership (OGP) initiative, after the Government of Georgia undertook a commitment in 2012 to create such platform. Within the USAID-supported project, GYLA has been actively pursuing an awareness and education campaign about the online-platform.



GYLA has provided over 100 consultations and held nearly 30 public meetings and presentations nationwide about use of the platform, with participation of more than 1 500 citizens. Focus group discussions were held with students, teachers, PWDs and displaced persons, ethnic minorities and representatives of different local self-governments. In addition, citizens of Georgia living abroad were provided with information about the portal.

Notably, GYLA and its partner organizations prepared **a printed guide** and **a video guide** about using the portal. In addition, to raise awareness about e-petitions GYLA is actively pursuing campaigns by social and other media. Over 200,000 users have been informed about e-petitions by social media.

#IChange

#ChangeStartsWithYou



<https://ichange.gov.ge/>

OGP Summit 2018 in Tbilisi

As lead co-chair of the Open Government Partnership (OGP), Georgia will host the fifth annual OGP Global Summit on July 17-18-19, 2018. The Georgian Young Lawyers' Association is actively involved in organization of the summit.



Representatives of the GYLA, as special invited speakers of the summit will be discussing interdependence of independence and accountability of the judicial system. The Georgian Young Lawyers' Association will also moderate discussions on transparency and accountability of state-owned enterprises.

It is also worth mentioning that the Georgian Young Lawyers' Association has already submitted its visions about the 2018-2019 national action plan to the Ministry of Justice, which acts as the OGP secretariat in Georgia.

#OGP

#OpenGovernance



<https://www.opengovpartnership.org/>

About GYLA

The Georgian Young Lawyers' Association – GYLA was founded in 1994 and today it has over 800 members, 120 employees, and dozens of international and local donor and partner organizations. GYLA has offices nationwide: in Batumi, Gori, Dusheti, Zugdidi, Tbilisi, Telavi, Ozurgeti, Rustavi and Kutaisi.

Since the day it was founded in 1994, GYLA has protected rights of over 1 million people!

Today GYLA is actively working in the areas of human rights protection, strategic litigation, good governance, legal education and awareness raising.

In 2017, GYLA rendered free legal assistance to 35 334 individuals, provided 3 659 field consultations nationwide, successfully litigated 121 cases including 6 cases before the Constitutional Court and 4 before the European Court of Human Rights.

A survey conducted with support of the European Union (EU) and the UN Development Program (UNDP) indicates that GYLA is a leader in Georgia in terms of the number of people that apply to it for free legal aid and recognition. 66% of respondents have heard about GYLA's free legal aid center, while 62% of respondents have applied to GYLA for assistance.



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**Brot
für die Welt**

PRADNA
PRO OBČANSTVÍ, OBČANSKÁ A LIDSKÁ PRÁVA

GYLA Magazine is published every three months.
The Magazine also has special thematic editions.