

1 JOINT PROGRAMME DOCUMENT

Country: Georgia

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Programme Title: ENHANCING ACCESS TO JUSTICE AND DEVELOPMENT OF A CHILD-FRIENDLY JUSTICE SYSTEM IN GEORGIA

Programme Duration: 36 months

Anticipated start/end dates:
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Fund Management Option(s):
Pass-through

Administrative Agent / Delegatee: UNICEF
Co-delegatee: UNDP

Total estimated budget*: 3,333,333 EURO

Out of which:

1. Funded Budget: 3,333,333 EURO

2. Unfunded budget: _____

* Total estimated budget includes both programme costs and indirect support costs

Sources of funded budget:

- EU (maximum) 3 000 000 EURO
- UNICEF 168,450 EURO
- UNDP 164,883 EURO

Names and signatures of (sub) national counterparts and participating UN organizations

UN organizations

UNICEF

UNDP

1. Executive Summary

Enhancing Access to Justice and Development of a Child-friendly Justice System in Georgia is a Joint Programme of two UN agencies in Georgia: United Nations Children Fund (UNICEF) and United Nations Development Programme (UNDP), with UNICEF serving as an Administrative Agent.

This project is funded by the European Union based on the Financing Agreement on "Support to the Justice Sector Reform in Georgia" signed between Georgia and the European Union in May 2015.

This project responds to the objectives set out therein, and namely to consolidate the independence, professionalism and efficiency of the judiciary and strengthen access to justice through the creation of a more effective system of justice for children based on a dedicated regulatory framework and implementation mechanism, improved institutional capacities of the Ministry of Justice and other major justice stakeholders and the greater independence and effectiveness of the legal profession and legal aid system with greater use of alternative dispute resolution mechanisms.

The main policy documents against which the progress will be measured include: the Criminal Justice Reform Strategy (CJRS) and its Action Plan (AP) (adopted in 2005 and updated systematically on annual basis), Strategy on Reforming the Justice System for Children (revised in March 2014), Strategy on Prevention of Juvenile Crime (adopted in 2012, revised in 2015), the National Human Rights Strategy 2014-2020 (NHRS) and its Action Plan (AP) (adopted in 2014).

The overall objective of this project is to enhance capacities of judiciary and government institutions and representatives of legal profession to promote access to justice for all and to establish a coherent and child-friendly justice system for children in Georgia.

Specific objectives of this project are to:

1. Support access to justice through promoting more independent and effective legal profession, legal aid system and greater application of alternative dispute resolution mechanisms (ADRs)
2. Promote and support the establishment of an effective system of justice for children by dedicated regulatory framework and implementation mechanisms. .

The programme aims at enhancing the capacities of the following State and private institutions: Ministry of Justice of Georgia (MoJ), Ministry of Corrections (MoC), Ministry of Education and Science of Georgia (MoES), Ministry of Internal Affairs (MoIA), High Council of Justice (HCoJ), Chief Prosecutor's Office, Ministry of Labour, Health and Social Assistance/Social Service agency (MoLHSA/SSA), Training Centre of Justice (TCJ), High School of Justice (HSoJ), Police Academy; Penitentiary and Probation Training Centre (PPTC); Probation Agency; Criminal Justice System Reform Inter-agency Council and notably its Juvenile Justice Working Group, Legal Aid Service (LAS), Georgian Bar Association (GBA), National Statistics Office of Georgia (Geostat) and the judiciary, Ministry of Sports and Youth Affairs,. The project will work closely with professional associations and unions, Georgian International Arbitration Centre (GIAC), Associations of Arbitrators and Mediators, high education institutions and other relevant professional organisations.

Public information and engagement with civil society will receive due attention throughout all components of the programme. Special attention shall be paid to awareness raising activities for right-holders.

2. Situational Analysis

Despite the change of power in Georgia in 2012 the foreign policy priorities remained unchanged and EU integration continues to be the driving force for external relations of the country and basis for creating the policies. Therefore promoting access to justice of the most vulnerable, including children's access to justice remains on top of the reform agenda of the Government of Georgia.

A year after the elections, former Council of Europe (CoE) Human Rights Commissioner and EU Special Advisor on Constitutional and Legal Reform and Human Rights in Georgia, Mr. Thomas Hammarberg, published his report "Georgia in

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Transition: Report on the human rights dimension: background, steps taken and remaining challenges" (hereinafter: the Report)¹. While on one hand the report noted significant achievements in justice sector and human rights, it also identified shortcomings. The Report focused on the need of consistent and systematic development of robust state institutions to protect human rights and rule of law. The Report highlighted the need to develop further competence of defence lawyers and the importance of free legal services in realisation of the right to defence and access to justice in general including children's access to justice.

Subsequently, the Government of Georgia (GOG) has undertaken a number of measures, including adoption of policy documents, such as National Human Rights Strategy 2014-2020 and its Action Plan for 2014-2015 (NHRS and NHRSAP).

Adoption of the NHRS 2014-2020 and its AP 2014-2015 was a significant achievement as it builds on other previously existing policy documents in the area, such as the Criminal Justice Reform Strategy, Civic Integration Strategy and new Strategy on Reforming the Justice System for Children and expands further into relevant new fields.

Furthermore, the Government has taken additional steps to bring its legislation and practice in compliance with international – United Nations (UN) / European Union (EU) / Council of Europe (CoE) standards and ensure that citizens have better access to justice. Alongside negotiations leading to the signature of the EU-Georgia Association Agreement (including Deep and Comprehensive Free Trade Area - DCFTA) and/or action plan linked to the visa liberalization (VLAP), Georgian authorities have adopted the Law on Combating All forms of Discrimination, introduced innovations to the criminal procedural legislation to guarantee better balance between prosecution and defence and safeguard realization of the right to fair trial, adopted laws for a more independent judiciary, introduced judiciary mediation for decreasing workload of the judiciary and increased efficiency of dispute resolution process, established independent Legal Aid Service (LAS), halved the prison population and improved consultations with CSOs.

Government of Georgia with the support of the EU, UNICEF and other donors has taken steps to initiate reforms in the area of children's rights. The reform of the juvenile justice system, under the umbrella of the wider criminal justice sector reform, demonstrates the commitment of the Government to bring the juvenile justice system in line with the international and the European child rights principles of non-discrimination, the best interest of the child and respect for children's views. The reform has produced tangible results for children in conflict with the law. The number of convicted juveniles was decreased from 1,166 in 2008 to 381 in 2014². The use of custodial sentences has also been decreased significantly from 40 per cent in 2007 to 27 per cent in 2014.³ Use of pre-trial detention also declined from 40 per cent in 2010 to 18 per cent in 2014.⁴

Recognizing the need to use legal measures as a last resort, the Ministry of Justice (MoJ) and the Ministry of Corrections (MoC) in close collaboration with the EU and UNICEF piloted diversion schemes in six major cities with the objective at diverting children committing minor offences away from the judicial system. The scheme was expanded to 15 locations in 2013 and, today, covers the entire country. In 2014, the diversion programme was expanded to grave crimes and the role of mediation was increased. This initiative has positively affected the number of diversion cases as well as mediation rate. According to latest data, the number of mediation conferences has drastically increased from 25% in 2013 to 59% of the diverted cases in 2015. The diversion and mediation programme is seen as one of the most successful elements of the juvenile justice reform. As of June 2015, 888 children have been diverted away from the criminal justice system with very low (4%) rate of reoffending⁵ since introduction of the diversion programme in Georgia in 2010.

Important positive changes have been made to reform probation and penitentiary systems in the context of juvenile justice, and to introduce alternatives to detention. Individual sentence planning programme for children in conflict with the law is

¹ "GEORGIA IN TRANSITION - Report on the human rights dimension: background, steps taken and remaining challenges", September 2013; http://eeas.europa.eu/delegations/georgia/documents/virtual_library/cooperation_sectors/georgia_in_transition-hammarberg.pdf

² Georgian National Statistics Office http://www.geostat.ge/?action=page&p_id=601&lang=geo

³ Georgian National Statistics Office http://www.geostat.ge/?action=page&p_id=601&lang=geo

⁴ Data provided by the Chief prosecutor's office, UNICEF study on Application of Pre-trial Measures in Juvenile cases covering 2011(6 months), 2012, 2013, 2014 (8 months)

⁵ Data provided by the Crime Prevention Centre of the Ministry of Justice

functional in the penitentiary and the probation systems for all convicted juveniles. Individual approach for accused juveniles has been introduced and strengthened in pre-trial detention settings.

In 2013, based on recommendations produced by UNICEF, the Government of Georgia widened the scope of the juvenile justice reform and approved a revised strategy to cover all children in contact with the law, including children in conflict with the law, child victims and witnesses of crime as well as children participating in civil and administrative proceedings.

In June 2015, Georgia adopted the Juvenile Justice code which brings Georgian Juvenile Justice legislation close to international and European standards. The code introduces new, child friendly approach for children in the criminal justice system including children in conflict with the law as well as child victims and witnesses of crime.

UNICEF in cooperation with the EU funded project "Support to the Criminal Justice System Reform in Georgia" has been supporting the main stakeholders to strengthen the diversion and mediation programme, individual sentence planning and approach in the penitentiary and probation system, increase analytical capacity of the sector and introduce specialization of justice professionals.

The EU funded project "Support to diversion and probation services and increased focus on reforming pre-trial options for juvenile offenders in Georgia" implemented by UNICEF contributed to the enhanced coordination between professionals and control and monitoring mechanisms in the diversion and mediation programme. Furthermore, the specialization of the juvenile justice system was advanced with the identification and capacity-building of professionals working with children in conflict with the law. UNICEF supported the development of pre-sentence reporting mechanism enabling judges to evaluate the child's bio-psycho-social conditions and assign most appropriate measure for the juvenile offender in the best interest of the child.

There are still substantial issues that need to be addressed: legal framework concerning children in the justice system has to be reviewed and brought in line with international standards, a comprehensive specialization of justice professionals has to be undertaken as required by the recently adopted JJ code and Strategy on Reforming the Justice System for Children in Georgia. An effective data collection and analysis system has to be put in place to regularly monitor and analyse children's cases in the justice system. Child-friendly approach has to be institutionalized throughout the entire justice system and children's access to speedy, age appropriate and child friendly justice proceedings has to be guaranteed. The capacity of the LAS should be further strengthened to ensure qualitative legal aid for the most vulnerable fractions of population; ADR mechanisms need to be further strengthened to promote their wider application.

Free legal aid is guaranteed to socially vulnerable people (those who are listed in the registry of socially vulnerable under the Ministry of Labour, Health and Social Affairs); in addition, it is available for victims of domestic violence, juvenile offenders, victims and witnesses, asylum seekers and persons accused with criminal charges. Legal Aid Service (LAS) is the main provider of free legal aid on the whole territory of Georgia through 11 bureaus and 6 centres.⁶ Free legal aid covers representation in the court, legal consultations and drafting legal documents for beneficiaries; it is guaranteed for all criminal cases and selected categories of civil and administrative cases⁷. With the expansion of LAS mandate the budget for 2015 was increased by 56%.⁸

In 2014 LAS received 10,993 applications for criminal cases; it is noteworthy that in 42% of criminal proceedings in the courts LAS lawyers were present. Only 6% of applicants out of 10,993 were women, while 94% were men. Consultations were provided to 20,732 applicants out of whom 58% were women.⁹

LAS, established in 2007 and independent body since 2014, received the support from various organizations, *inter alia*, EU, US Government, GIZ and UNDP. The focus area of support projects was, *inter alia*, human and institutional capacity

⁶ Legal firms and CSOs also provide free legal aid.

⁷ Amendments to the Law of Georgia on Free Legal Aid entered into force on 15 April 2015 that expended the mandate of LAS to civil and administrative cases.

⁸ See <http://legalaid.ge/> for more information on Legal Aid Service of Georgia.

⁹ More information on LAS statistics is available at:

http://www.legalaid.ge/cms/site_images/Annual%20reports/LAS_report_to%20Parliament%202014_6.pdf

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strengthening of LAS, including introduction of monitoring and evaluation system, expansion of LAS mandate over civil and administrative cases, launching electronic case-management programme, creation of case referral system to other free legal aid providers, development of strategic documents and institutional development plans, HR and financial management and training of LAS staff and lawyers. Despite the provided support, LAS is facing a number of challenges that need to be addressed, such as lack of capacities (human, financial, including infrastructure), difficulties in ensuring quality services, insufficient territorial coverage, and the need to use modern management techniques. Newly granted independent status and expanded mandate require revision of LAS structure to meet emerging needs.

UNDP has been supporting LAS since 2007. The major results of provided support was establishment of LAS as an independent body accountable to the parliament, enlargement of its mandate and opening of new offices in the regions with special emphasis of regions inhabited with minorities. In addition support was provided to improve regulatory framework and to strengthen the capacity of LAS lawyers. Another major achievement is introduction of electronic case management system "Case Bank" for criminal cases.

Other donors, including EU and USAID were also actively supporting LAS since its establishments. The donor joint efforts were targeted to improve internal regulations of LAS, including on monitoring and evaluation of lawyers, separation of powers between the director and LAS management board. The major result of the donor support is establishment of LAS as an independent and strong and reliable organization that provides free legal aid to most vulnerable population.

GBA was established in 2006. Its Membership is mandatory for all advocates in Georgia and it is responsible for conducting entry into profession examinations. The functions of GBA include development of legal profession, protection of lawyer's rights, profession liberty, interests and independence, support to juridical education and raising of lawyers' qualification, ensuring the protection of lawyer's professional ethics standards, organization of activity of Training Centre for advocates and obligatory, durable legal educational program, elaboration of the rules of lawyers' encouragement and disciplinary persecution and secure their fulfilment, etc. The management bodies of the Association are: the General Meeting of the Association and Executive Board of the Association. The Association is headed by the Chairman of the Association who is elected among the members of lawyers association for the period of 4 years, in accord to the rule established by law and Statute of the Association, by the secret voting, majority of attendants' votes, on the basis of preliminary written consent of the candidate. GBA has also created several commissions and committees among which Ethics Commission should be highlighted. GBA is self-financed organization; however, many donors, like UNDP, EU and United States (US) government support further strengthening of its capacity building.

Despite the success and achievements of GBA there are some shortcomings that need to be addressed, including the need for improving the operation of Ethics commission, upgrade of legislative framework, enhancement of lawyers specialization and training with special emphasis on recently developed areas of law (e.g. antidiscrimination legislation, personal data protection), introduction of pro-bono lawyering, etc. The civil society is also active in promoting legal profession in the country. There are some NGOs and CSOs striving to contribute to the increased role of lawyers in access to justice for all and their support is also essential for further development of legal profession.

Even though GBA has never been the primary beneficiary of UNDP projects good cooperation has been established between UNDP and GBA. However GBA was supported by a number of donors, including GIZ, IRZ, USAID, CoE, ABA and EU. The assistance provided significantly improved the operation of GBA in terms of continuous legal education, entry examinations, functioning of ethics commission, etc.

In Georgia arbitration is available since 1997; in 2009 new Law on Arbitration was adopted that aimed at greater use of arbitration in commercial cases to decrease the overload of the judicial system. Yet the new legislation did not bring the expected results as the process is not less expensive than judicial proceedings, and arbitration is mainly executed by profit-oriented organizations unlike the best practices of the western countries. The Georgian Chamber of Commerce and Industry has established Georgian International Arbitration of Centre (GIAC) to promote business-to-business arbitration. The idea was strongly supported by the Ministry of Economy and Sustainable Development and Ministry of Justice. Although the GIAC is relatively new institution it seems to be relatively self-sustainable with strong commitments and support from both Government and business. Its further strengthening will promote fast, equitable, fair and efficient dispute resolution for businesses, including disputes between government and business in Georgia. In medium-term

perspective the GIAC may serve as a regional dispute resolution venue thus further promoting access to qualitative justice in the South Caucasus.

As for the mediation it is relatively new institute and pilot mediation was launched in Tbilisi City Court in December 2013. The Georgian legislation regulates only judicial mediation while private mediation is without any regulatory framework. There are currently 16 judicial mediators in Georgia²⁰. During its existence, 70 cases²¹ were adjudicated through mediation proceedings; 50% out of these cases were solved through mediation. Increased use of mediation and ADRs in general will positively influence the efficiency of judiciary through decreasing the workload in courts. However, the trust and confidence in alternative mechanisms of dispute resolution among the citizens is quite low. In addition, there is a need to strengthen the capacity of relevant institutions – associations of mediators – and territorial coverage should be expanded. It is also important to create a solid number of professionals on ADRs among the legal profession. In addition there is a need to introduce regulatory framework on mediation, including enforcement of decisions of community-based mediation, code of ethics for mediators, joining the roster of mediator, etc.

ADRs are relatively new field and gained active support from donors during last 4-5 years. USAID and GIZ were actively supporting development of ADR mechanisms in Georgia; the main success of support was upgrade of legislation on arbitration and Civil Procedural Code of Georgia introducing court-attached mediation; certification of mediators was also a step forward.

In order to sustain and further develop the recent reforms it is vital to continue legislative reforms and upgrade policy documents, as well as to strengthen implementing/monitoring institutions, such as: LAS, GBA, MoJ, judiciary, Chief Prosecutor's Office, MoC, MoIA, MoES, and MoLHSA.

All of the aforementioned issues are enshrined in the main policy documents of Georgia and thus positively contribute to their implementation. To achieve the objectives of NHRS, CJRS and relevant strategic documents, the Government requires professional support and UN agencies are well placed to ensure that reforms are carried out in line with all relevant international standards. The support by UN will thus comprise a range of various activities – consultancy on juvenile and access to justice issues, advocacy and awareness campaigns, analysis, expert advice, surveys, trainings and workshops, high-level conferences – all geared towards tackling these challenges and achieving specific results reflecting improvement of the justice for children and access to justice in the country.

3. Strategies, including lessons learned and the proposed joint project

3.1. Background/context:

This project aims at addressing the challenges related to application of child-friendly approach in the justice system and children's access to justice, as well as challenges related to access to justice for all, and provides a comprehensive response to the identified challenges. The strategy pursued entails working at legislative and institutional levels to ensure that both duty bearers and rights holders are adequately protected by: normative basis, well-functioning institutions and sufficient level of knowledge.

The proposed action corresponds to the recognized need for strengthening rule of law and the need for reforms in the justice sector which are consistently addressed as a priority under all EU-Georgia cooperation documents (Association Agreement, Association Agenda and Single Support Framework). The action is also in line with Georgia's Criminal Justice Strategy which aims to improve and deliver quality public services in the area of Criminal Justice. The proposed intervention will also complement the objectives of the National Strategy on Reforming the Justice System for Children in Georgia, Georgia's Children's Action Plan, particularly those related to the domains of justice, state care and child protection, as well as NHRS and its AP.

²⁰ The certification training courses were implemented by USAID project JILEP.

²¹ As of December 1 2015.

Its successful implementation is a step forward to achieving the outcomes of United Nations Partnership for Sustainable Development (Framework Document), Georgia, 2016-2020, specifically Outcome 2: "By 2020 all people living in Georgia – including children, minority groups, PwD, vulnerable women, migrants, IDPs and persons in need of international protection have increased access to the justice service delivery in accordance with national strategies and UN Human Rights standards".

The participating UN agencies will carry out set of actions in order to achieve the following **specific objectives** of the project:

1. **Support access to justice** through promoting more independent and effective legal profession, legal aid system and greater application of alternative dispute resolution mechanisms (ADRs);
2. Promote and **support the establishment of an effective system of justice for children** by dedicated regulatory framework and implementation mechanisms.

Participating UN agencies are well positioned to design and carry out a comprehensive project of such a scope. Based on their specialized mandates, UNICEF will particularly focus on the Specific Objective 2 while UNDP will concentrate on the Specific Objective 1. The Government considers the UNDP and UNICEF as reliable and preferred partners in the implementation of the reforms concerning access to justice and justice for children. Moreover, the Government of Georgia relies greatly upon expert advice of UN agencies in the development of policy documents in the relevant areas, as well as specific pieces of legislation (such as juvenile justice code, labour legislation, anti-discrimination, personal data protection (PDP), etc.) and implementation of reforms, especially aiming at capacity building. It is noteworthy that the participating organizations have established good working relations and cooperation with all international and national organizations, including civil society organizations (CSOs) working in the relevant fields.

The project will be implemented in close cooperation with government institutions: Prime Minister's Office, Parliament of Georgia, Ministry of Justice, Ministry of Internal Affairs, Ministry of Education and Science, Ministry of Labour, Health and Social Affairs, Ministry of Corrections, Probation Agency, Georgian Bar Association, Legal Aid Service, National Statistics Office of Georgia (Geostat), Criminal Justice Reform (CJR) Inter-agency Council and its Juvenile Justice Working Group, , relevant professional associations and unions, international organizations and CSOs that are active in the relevant fields. UNICEF and UNDP have well-established relations with all these stakeholders and will be able to extend it further to implement the programme activities and produce sustainable results.

3.2. Lessons learned

Lessons learned from previous or ongoing initiatives concerning juvenile justice and access to justice are reflected in this project (such as previous programmes supporting the reform of the juvenile justice system in Georgia funded by the European Union Delegation and the Government of the Netherlands, previous UN Joint Programme, support to LAS and GBA, promoting governance related reforms). Taking into account the previous experience some findings were identified that are relevant for the implementation of the present project, namely:

- The scope of the justice reform has to be expanded to cover all children in contact with the law and the Government needs to be supported in the implementation process as this is a complex undertaking and requires coordination between different branches of power;
- Capacity of relevant institutions, including monitoring and evaluation systems/mechanisms over implementation of legislation needs to be further developed;
- Independence of legal profession needs to be further supported to better realization of basic rights and fundamental freedoms, including right to fair trial;
- Overloading of courts is a serious obstacle to efficient exercise to access of justice and there is a need to promote ADR mechanisms;
- Legislative reform has to be carried out to bring national legislation concerning children in contact with the law in line with international child's rights standards;

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- A comprehensive data collection system concerning children in contact with the law has to be established and internal monitoring and quality insurance systems have to be strengthened
- Greater specialization of the justices professionals has to be ensured;
- All initiatives introduced within the framework of the justice system reform need to be well coordinated and monitored. Close cooperation with non-governmental sector needs to be ensured to jointly lobby for changes in the system.

3.3. The proposed joint project:

The proposed initiative aims to achieve the following Specific Objectives

Specific Objective 1. Support access to justice through promoting more independent and effective legal profession, legal aid system and greater application of alternative dispute resolution mechanisms (ADRs)

The results targeted under Specific Objective 1 aim at promoting ability of people from disadvantaged groups to prevent and overcome human poverty by seeking and obtaining a remedy, through the justice system, for grievances in accordance with human rights principles and standards. While access to justice is a broad term the activities to achieve this result will focus on specific areas of access to justice, i.e. on improving (1) access to free legal aid for vulnerable groups, (2) the system of effective representation and legal assistance through strengthening legal profession and (3) time and cost-efficient dispute resolutions through diminishing the case load of the judiciary and promoting fair, quick and cheap ADR mechanisms in Georgia.

Activities under the Specific Objective 1 will concentrate on (i) normative protection (existence of remedy) by international and constitutional law, by legal and regulatory frameworks and by customary norms and jurisprudence, (ii) capacity to seek a remedy (legal empowerment) through legal awareness, legal counsel and capacity to access formal and informal justice services and (iii) Capacity to provide an effective remedy (adjudication, enforcement and oversight) through effective adjudication and due process, judicial, quasi-judicial, informal and traditional systems and civil society oversight. This approach will be used for all three results to be achieved under Specific Objective 1. In addition, the activities will focus on promoting access to justice in regions to ensure that people have equal remedies throughout the country. Gender mainstreaming will be ensured throughout the implementation of activities under Specific Objective 1.

Main stakeholders of activities under Specific Objective 1 are Legal Aid Service, Georgian Bar Association and CSOs working on promoting legal profession, Ministry of Justice, judiciary, association(s) of mediators, association of arbitrators, Georgian International Arbitration Centre.

The main beneficiaries will be vulnerable people, including those socially vulnerable, women, persons with disabilities, national and ethnic minorities, asylum seekers, etc.

Specific Objective 1 will have 3 results:

- 1.1. Enhancement of Legal aid Service capacity;
- 1.2. Further strengthen independent legal profession;
- 1.3. Promoting greater use of alternative dispute resolution (ADR) mechanisms in Georgia;

Result 1.1. . Capacity of Legal Aid Service Enhanced

Having recognized the importance of free legal aid as an essential element of rule of law and democracy, it has been one of the main focuses for EU support in the area of access to justice. Together with UNDP, EU was one of the main donors for LAS supporting its institutional development, changes in the regulatory framework and providing quality legal aid to vulnerables.

Despite the achievements and success stories of LAS, there are a number of challenges that need to be addressed, such as lack of capacities (human, financial, including infrastructure), difficulties in ensuring quality services, insufficient territorial coverage, and the need to use modern management techniques. Newly granted independent status and expanded

mandate require revision of LAS structure to meet emerging needs.¹² Based on the findings of 2014-2015 study the Project will support LAS to optimize its structure. The activities will support:

- (i) improving management capacity of the LAS: financial management, human resources management system, expansion of use of electronic case management system for civil and administrative cases;
- (ii) Ensure quality of services delivered by the LAS: facilitate introduction of monitoring and evaluation system for all categories of cases and training of LAS lawyers;
- (iii) Expand territorial coverage of the legal aid service: infrastructure works (refurbishment of LAS offices), enhancement of institutional cooperation between LAS and other legal aid providers – efficient referral system, and introduction of online consultation systems in LAS. Expansion of territorial coverage will also be achieved through greater use of outsourcing of legal aid services taking into account cost efficiency. In addition, cooperation between the LAS and High education Institutions (HEIs) will be supported through promotion of work of legal clinics at HEIs and establishment of the platform for use of paralegals/students at LAS offices;
- (iv) Raise awareness on the LAS: awareness-raising campaign to ensure legal awareness of rights and existing remedies for safeguarding rights enshrined in the constitution and international human rights treaties.

Planned activities under Result 1.1 are in full compliance with major policy documents in the field, namely CJRS and AP and NHRS and AP. It is expected that these activities would result in strengthened independence, transparency and stability of the LAS, more efficient legal profession and greater use of alternative dispute resolution mechanisms.

Activity 1.1.1. Improve management capacity of the LAS.

- 1.1.1.1. Support in implementation of the institutional reform plan¹³:
 - a. Support introduction of improved organisational structure / business model and implementation of LAS reform action plan.
 - b. Elaborate internal regulations and guidelines
- 1.1.1.2. Support to improve financial management of the LAS:
 - a. Support in developing and following up annual budgets and Basic Data and Directions (BDD);
 - b. Introduce financial management software and support training for its use and maintenance;
- 1.1.1.3. Further enhancement of HR management system, taking gender balance into consideration:
 - a. Develop/upgrade job-descriptions for all LAS employees (to be implemented after action 1.1.1.);
 - b. Training of persons responsible for HR;
- 1.1.1.4. Support use of electronic case management system in all offices of the LAS:
 - a. Upgrade/maintain the Case Bank to comply with the extended mandate of the LAS;¹⁴
 - b. Training of the LAS personnel in operation and maintenance of upgraded Case Bank;
 - c. Upgrade the manual on the use of Case Bank.

Activity 1.1.2. Ensure quality of services delivered by the LAS.

- 1.1.2.1. Support in implementation of quality monitoring system for criminal cases and introduction of quality monitoring system for civil and administrative cases:
 - a. Elaboration and/or implementation of guidelines on monitoring and evaluation of performance quality;
 - b. Training of the LAS personnel on monitoring and evaluation techniques;
- 1.1.2.2. Needs assessment, development of long-term training plan (taking into account mandatory trainings by GBA);
- 1.1.2.3. Training of LAS lawyers based on training needs assessment.

¹² In 2014-2015 a study was conducted to develop recommendations on institutional development of LAS supported by EU, USAID and UNDP.

¹³ Elaborated by "Synergy" with support of UNDP, EU and USAID.

¹⁴ IT Company "Idea Design Group" (IDG) has been working with LAS and UNDP Georgia on the creation and update of the Case Bank for the last 3 years. The cooperation will continue under this Programme.

Activity 1.1.3. Expand territorial coverage of the legal aid service.

- 1.1.3.1. Refurbish and equip offices of LAS, with special emphasis on regions;
- 1.1.3.2. Enhance institutional cooperation between LAS and other legal aid providers;
- 1.1.3.3. Support greater use of outsourcing of legal aid services:
 - a. Evaluate cost efficiency of direct delivery of services and outsourcing, especially in regions where the LAS offices are not available or use of online consultations is less accessible for clients;
 - b. Introduce an efficient referral mechanism; promote use of contracted public lawyers/corporations and registered lawyers (this component may drop if the study under 1.3.3.1 shows it is not cost effective);
 - c. Enhance cooperation between LAS and HEIs, including legal clinics.

Activity 1.1.4. Raise awareness on the LAS.

- 1.1.4.1. Upgrade/support the web-site of the LAS (www.legalaid.ge);
- 1.1.4.2. Conduct a survey on the awareness and performance of the LAS¹⁵;
- 1.1.4.3. Develop Action Plan on awareness-raising with a specific focus on vulnerable groups;
- 1.1.4.4. Support LAS' targeted campaigns or other events in line with the Action Plan.

Action 1.1.5. Introduce on-line consultations in LAS.

- 1.1.5.1. Develop recommendations on introduction of on-line consultations.¹⁶
- 1.1.5.2. Purchase on-line consultation technology.
- 1.1.5.3. Support introduction and piloting the online consultations.

Result 1.2. Independence and effectiveness of legal profession strengthened.

Independent and strong legal profession is an essential element for ensuring access to justice for vulnerable. When seeking remedies through the justice system, legal counsel may assist them in making informed decisions and choices.

A professional bar association is devoted to improving the administration of justice, seeking uniformity of law, and maintaining high standards for the legal profession. Bar associations can be instrumental in promoting legal reform, justice and the rule of law; securing an independent legal profession with high standards, and safeguarding lawyers' interests and rights. Professional bar associations can work to improve human rights and access to justice for poor and disadvantaged groups in society.

The Result 1.2 of Specific Objective 1 will focus on Georgian Bar Association (GBA) and CSOs aiming at strengthening legal profession and engagement of lawyers in providing efficient legal protection to vulnerable groups.

The activities under Result 1.2 will support both the GBA as well as other relevant non-for-profit lawyers' associations for strengthening the legal profession. The main purpose will be to support the legal profession to become an important resource and channel for access to justice and reform efforts. The project will focus on supporting further improvement of regulatory framework of the legal profession as concerns in particular safeguards of the lawyers' integrity and independence, development and effective application of ethics rules and disciplinary proceedings, entry into profession and licensing, and continuous legal education (CLE) as well as on strengthening capacity of the lawyers and management staff of the GBA and other non-for-profit lawyers' associations through targeted trainings in line with the associations' strategies and elaborated training plans and with regard to improving access of vulnerable groups to high quality legal services.

Activity 1.2.1. Strengthen regulatory framework and capacity of the legal profession to ensure that qualitative and ethical services are delivered by GBA, and its members.

- 1.2.1.1. Elaborate regulations (statutory and internal) concerning, in particular, safeguards of the lawyers' integrity and independence, development and effective application of ethics rules and disciplinary proceedings, entry into profession and licensing, and continuous legal education (CLE):
 - a. Evaluation of existing legislation on the light of the best European practice;¹⁷

¹⁵ We may conduct this survey together with the survey on mediation.

¹⁶ This component will be implemented together with GIZ.

- b. Review/upgrade of regulatory framework (statutory, internal) based on developed recommendations (recommendations developed by EU funded or other projects will be also used);

Activity 1.2.2. Capacity building of legal profession through strengthening capacity of the lawyers and management staff of the GBA and other non-for-profit lawyers' associations.

- 1.2.2.1. Prepare a long term training plan together with GBA and non-for-profit lawyers' associations (the second is optional);
- 1.2.2.2. Provide trainings for lawyers to enhance their capacities to provide legal services to vulnerable groups, including minorities;¹⁸
- 1.2.2.3. Support annual conference of law professionals;
- 1.2.2.4. Awareness raising for vulnerable concerning the existing legal remedies
- 1.2.2.5. Support non-profit associations/organizations of lawyers along with GBA to further improve standards regulating legal profession.

Result 1.3. Alternative dispute resolution (ADR) mechanisms are more broadly used in Georgia

Though ADR cannot be a substitute for the formal court system, it can serve as an alternative that complements formal systems. Access to justice, especially for the poor and disadvantaged, is facilitated through ADR mechanisms as it addresses key obstacles facing these groups and is more accessible than formal courts. Some characteristics of ADR that promote access to justice include: faster than court settlements, lower costs in comparison to litigation in court (no lawyer and court fees, etc.), not as formal as court systems and people may feel less intimidated to approach them, local communities often already have their own ADR, reducing linguistic and cultural barriers, as many mediators are from the community and are well known, disputing parties may more willingly trust them and their suggestions than judges in the formal system and helps in reducing court backlog.

ADR mechanisms are often perceived as more accessible by disadvantaged people, and their sensitisation on human rights and gender. It is the best mechanism for reaching poor, marginalized, and illiterate populations, consistent with local customs, norms, and practices.

The legislation of Georgia recognizes ADR – arbitration and mediation however the number of cases solved through these mechanisms are relatively small.

Activities under Result 1.3 of Specific Objective 1 will aim at promoting greater use of mediation and arbitration in dispute resolution as alternative mechanism to judicial review, with a special focus on regions. The activities will support:

- (i) Increasing public awareness and confidence in ADRs;
- (ii) Obtaining political support from government, including elaboration of regulatory framework;
- (iii) Improving referral mechanisms to ADR boards;
- (iv) Strengthening the Associations of Mediators and Arbitrators and their cooperation with main stakeholders.

Activity 1.3.1. Promote use of mediation in dispute resolution as alternative mechanism to judicial review.

- 1.3.1.1. Support capacity building of Association(s) of Mediators:
- a. Develop recommendations on development of Association(s) of Mediators (AOM);
 - b. Develop guidelines and regulations on mediation, including internal guidelines for AOM ;
 - c. Develop recommendations on development of private mediation in Georgia.
- 1.3.1.2. Support Education on mediation¹⁹:
- a. Develop training manuals and long term plans and train new mediators in line with the regulatory framework;
 - b. Conduct seminars on mediation to encourage and inspire interests among legal professionals to be involved in different activities in the field of ADR in regions²⁰;
 - c. Arrange round-tables in participation of all major stakeholders;

¹⁷ The project may use available evaluations/reviews and recommendations prepared by other projects.

¹⁸ Trainings of GBA members will be conducted in close cooperation with GBA training centre.

¹⁹ It is reasonable to implement 1.3.1.2. in cooperation with National Centre of ADR of TSU (NCADR).

²⁰ Representatives of the LAS shall be included in the seminars to ensure that they also promote resort to mediation.

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- 1.3.1.3. Increase territorial coverage of mediation:
 - a. Pilot private mediation in one region²¹ through grant to local CSOs.

Activity 1.3.2. Support greater use of arbitration as alternative dispute resolution mechanism.

- 1.3.2.1. Provide expert advice :
 - a. Concerning regulatory framework;
 - b. Develop guidelines/regulations on arbitration (e.g. code of ethics for arbitrators, criteria for certification of arbitrators, etc.);
- 1.3.2.2. Increase the number of qualified arbitrators with special emphasis on regions;
- 1.3.2.3. Strengthening the capacity of Georgian International Arbitration Centre.

Activity 1.3.3. Support awareness-raising on ADRs.

- 1.3.3.1. International high-level ADR Conference with participation of judiciary, government representatives, members of the parliament and other main stakeholders;
- 1.3.3.2. Conduct Survey on awareness of ADRs (together with the survey on LAS);
- 1.3.3.3. Develop awareness raising strategy on ADRs;
- 1.3.3.4. Implementation of the strategy.

Specific Objective 2. Promote and support the establishment of an effective system of justice for children by dedicated regulatory framework and implementation mechanisms

Ensuring that all children have access to adapted, independent and efficient justice systems is a prerequisite for the rule of law in any given country. Experiencing the rule of law as children will also help citizens to value and contribute to a rule of law culture in their adult lives.

Children's Equitable Access to Justice highlights the complexities and multifaceted aspects of access to justice for children, especially those with compounded vulnerabilities. It shows that very often, children in vulnerable situations face laws that are discriminatory on their face, or otherwise lend themselves to unjust results in criminal matters, family disputes, including domestic violence, and demands for equal rights to education, health care, and housing. Children's Equitable Access to Justice also postulates that adequate access to justice requires affordable, quality legal representation to help claimants with complex procedural requirements, and to assist in articulating legal positions and rights. This requires sound legal, institutional and policy frameworks to be in place and fully consistent with international human rights standards.

The project aims to increase the opportunities of children to have equal and meaningful access to justice and protection systems. Respectively, specific objective 2 has 3 main results:

- 2.1. The national primary and secondary civil, administrative violations and criminal legislation revised in line with international standards;
- 2.2 A comprehensive data system on children in the justice system created and ministerial child's rights monitoring and quality insurance mechanisms strengthened;
- 2.3. Environment for children in the justice system improved, specialization of criminal and civil law systems established and the capacity of specialized justice professionals to apply child-sensitive approach strengthened.

In order to achieve this specific objective, UNICEF will strengthen the capacities of governmental and civil society actors, and support the establishment of coherent systems and services that reflect the child rights-focused and gender-sensitive approach.

Main stakeholders of activities under Specific Objective 2 are Ministry of Justice of Georgia (MoJ), Ministry of Corrections (MoC), Ministry of Education and Science of Georgia (MoES), Ministry of Internal Affairs (MoIA), High Council of Justice (HCoJ), Chief Prosecutor's Office, Ministry of Labour, Health and Social Assistance/Social Service agency (MoLHSA/SSA), Training Centre of Justice (TCJ), High School of Justice (HSoJ), Police Academy; Penitentiary and Probation Training Centre

²¹ The location shall be selected in close consultation with AOM and judiciary; preferably in a location where the court is not available. This activity will be implemented in 2016-2017.

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(PPTC); the Criminal Justice System Reform Inter-agency Council and its Juvenile Justice Working Group, Legal Aid Service (LAS), Georgian Bar Association (GBA), National Statistics Office of Georgia (Geostat); Ministry of Sports and Youth Affairs; Higher Educational Institutions.

The main beneficiaries will be all children in contact with the law including child victims and witnesses of crime, children participating in civil and administrative violations proceedings and children in conflict with the law.

Result 2.1 The national primary and secondary civil, administrative violations and criminal legislation revised in line with international standards

In June 2015, Georgia adopted the Juvenile Justice Code. This is a big undertaking in terms of bringing juvenile justice legislation in closer to international standards. The code sets high standards concerning children in conflict with the law, children participating in administrative violations proceedings and child victims and witnesses of crime. Implementation of the code requires a comprehensive revision of secondary legislation regulating criminal and administrative violations fields. While criminal legislation has been brought closer to international standards, no comprehensive review of civil legislation has been undertaken. There were several legislative initiatives concerning child related issues in civil proceedings but the overall picture remains uncertain. Hence, there is a pressing need to conduct a comprehensive analysis of civil legislation and initiate legislative review process to fulfil identified gaps.

This project aims at bringing Georgian primary and secondary legislation concerning children in criminal justice, civil and administrative violations systems closer to the UN and European standards. The legislation will be amended to take into account specific needs of child victims and witnesses, children participating in civil and administrative violations proceedings, children under the minimum age of criminal responsibility and children who would benefit from preventive programs/children with challenging behaviour. The amendment will enable children's effective participation in criminal, civil and administrative proceedings and realization of their rights.

Activities under result 2.1. of the specific objective 2 will support:

- (i) Creation of a working group under the Criminal Justice Inter-Agency Council to guide the legislative review process
- (ii) Revision of secondary criminal and administrative violations legislation
- (iii) Comprehensive review of civil legislation
- (iv) Initiation legislative review process to amend civil legislation

A special legislative working group will be created within the Justice for Children working Group under the Criminal Justice Reform Inter-Agency Coordination Council to guide the legislative review process and ensure sustainability of the action. 18 working meetings (6 for civil, 6 for criminal and 6 for administrative violation legislation) will be organized with the participation of justice and other professionals, representatives of concerned ministries, governmental agencies, non-governmental organizations, the Parliament of Georgia and children.

Activity 2.1.1 Creation and operationalization of a working group under the Justice for Children Working Group of Criminal Justice Reform Inter-Agency Coordination Council (Council) to lead the legislative review process

- 2.1.1.1 *Develop and approve the composition and ToR of the group*
- 2.1.1.2 *Develop and approve an Action plan of the legislative review process*
- 2.1.1.3 *Ensure Regular monitoring of implementation of the action plan*

Activity 2.1.2. Revision of legislation concerning children in the justice system

- 2.1.2.1 *Revise secondary legislation regulating criminal justice and administrative violations fields in line with the Juvenile Justice Code of Georgia and other international instruments and standards;*
- 2.1.2.2 *Conduct a comprehensive review of civil legislation vis-à-vis international and European child's rights standards to identify legislative gaps;*

- 2.1.2.3. Introduce amendments to civil legislation;*
- 2.1.2.4 Revise secondary criminal administrative and civil regulations in line with new amendments introduced to the civil legislation;*
- 2.1.2.5 Develop and further improve procedures for operationalizing the mechanism under the Ministry of Education and Science for children with challenging behaviour and children under the minimum age of criminal responsibility (MACR).*

Result 2.2 A comprehensive data system on children in the justice system created and ministerial child's rights monitoring and quality insurance mechanisms strengthened

The measurement of indicators facilitates evidence based assessment of policies and enhances the accountability of duty bearers. By collecting data and reporting on individual child having contact with the justice system ensures that administration of justice for a specific child is accountable and transparent. Currently, data collection system concerning children in the justice system remains weak. Relevant indicators and common approach are absent and therefore data on criminal cases collected by different agencies is often contradictory and insufficient. Existing systems do not allow to collect disaggregated data and undertake in-depth, qualitative and quantitative analysis on different matters concerning children in the criminal justice system. Data system which would guarantee systematic collection and analysis of civil cases exist neither in the court nor any other agencies.

The creation of an integrated information system will be an important part of the wider justice system reform for children. A multi-agency working group will be created to guide the development of statistical modules and indicators, to monitor the creation of data management system in each agency involved in the administration of justice for children. It will also oversee the establishment and administration of the comprehensive data collection system both in the justice and other sectors. Inter-ministerial cooperation will be strengthened through this initiative. A consultant will assist the working group to analyse existing information collection and management systems, human resource and system abilities in each relevant government agency and, in cooperation with the group, to develop options for developing integrated or interlinked data collection and analysis mechanisms. UNICEF will assist MoJ, the Chief prosecutor's office, Judiciary, MoIA, MoC, MoES and MOLHSA to institutionalize developed modules and links relevant data management systems.

In order to strengthen ministerial child's rights monitoring mechanism a children-specific component will be developed and incorporated in the existing internal monitoring systems of MoC, MoJ and MoIA. Relevant methodology and tools to monitor children's detention facilities will be developed and staff will be trained to apply them.

Standards for juvenile justice service providers developed by MoJ will be enhanced and internal quality control and coordination mechanism- established in MoJ, MoC, MoES and MoLHSA. Support will be provided to MoLHSA to strengthen the internal monitoring mechanism of child care service and relevant links with the justice sector. The methodology will enable the identification of child rights violations in places of detention and provide appropriate protection for children deprived of their liberty.

Component 2.2 of the result 2 aims at strengthening monitoring and data and analysis system. Activities under this component will support:

- i. Development of analytical and technical capacity concerning data and analysis systems in Georgia;
- ii. Development of new /adjustment of existing tools and software systems concerning children in the justice system;
- iii. Strengthening ministerial child's rights monitoring systems;
- iv. Enhancing quality control and insurance mechanisms.

Activity 2.2.1. Creation and operationalization of a multi- agency working group under the Justice for Children Working group of the Council to lead the process of developing the comprehensive data collection system

- 2.2.1.1. Develop and approve composition and ToR of the working group*

2.2.1.2. Develop and approve a strategy and Action plan for the establishment of the Comprehensive data system concerning children in the justice system

Activity 2.2.2. Analyse existing data systems, develop the concept, relevant indicators and tools and establish the comprehensive data system concerning children in the justice system

- 2.2.2.1 Conduct analysis of the existing data collection systems on criminal cases;*
- 2.2.2.2. Develop concept, relevant indicators and statistical modules for the data system concerning children in conflict with the law, child victims and witnesses of crime;*
- 2.2.2.3. Develop relevant technical and analytical tools and establish the data/information system in each sector involved in the administration of criminal justice system for children (MoJ, MoIA, Chief prosecutors Office, judiciary, MoC, Probation Agency, MoLHSA, MoES);*
- 2.2.2.4. Connect information systems from various sectors and supporting creation of a comprehensive data collection system on children in contact with the law;*
- 2.2.2.5 Strengthen the capacity of data specialists in all relevant agencies (MoIA, Chief prosecutors Office, judiciary, MoC, Probation Agency, MoLHSA, MoES);*
- 2.2.2.6 Ensure availability of a comprehensive data through Geostat*
- 2.2.2.7 Conduct analysis of the existing data collection systems on civil cases;*
- 2.2.2.8 Develop the concept and relevant indicators for creating a data system concerning children participating in civil proceedings.*

Activity 2.2. 3. Strengthen internal monitoring and quality control mechanisms within MoJ, MoIA, MoC, MoLHSA and MoES

- 2.2.3.1 Identify specialized professionals/monitors within the existing monitoring systems of MoJ, MoIA, MoC to monitor and address child's rights violations in the justice system;*
- 2.2.3.2. Develop special methodology and tools to conduct child's rights monitoring and provide relevant action;*
- 2.2.3.3. Strengthen the capacity of specialized monitors;*
- 2.2.3.4. Approve standards for Juvenile Justice service provider developed by MoJ;*
- 2.2.3.5. Develop methodology for monitoring and ensuring the quality of the services delivered by MoJ, MoC, MoLHSA, MoES for children in contact with the law;*
- 2.2.3.6 Strengthen internal professional supervision mechanism in MoJ, MoC, , Chief Prosecutors' Office, MoLHSA, MoES*

Result 2.3. Environment for children in the justice system improved, specialization of criminal and civil law systems established and the capacity of specialized justice professionals to apply child-sensitive approach strengthened.

Child-appropriate facilities, where the criminal and civil proceedings take place, as well as child-sensitive and age-appropriate legal procedures are part of a child-friendly environment in these institutions. It is instrumental to ensure that children's rights and developmental needs are respected, esp. child victims and witnesses of crime who may have additional vulnerabilities in comparison to other children (younger age, traumatised history, etc.). Absence of child-friendly and age-appropriate procedures and environment in the court system and other relevant bodies creates problems for professionals, and affects children in the justice system. In addition, absence of specialization in children's cases and lack of capacity, knowledge and skills of existing practitioners are problems that jeopardize children's access to speedy age and needs appropriate proceedings. The new Juvenile Justice Code requires mandatory specialization of professionals working in criminal and administrative violations fields. Similar requirement does not apply to civil law specialists which in most cases creates problems for children participating in civil proceedings. Full specialization of criminal justice professionals has not been completed yet. The system still needs to ensure countrywide specialization of judges, lawyers and police officers to handle juvenile cases in accordance with new approach introduced by the code.

The Result 2.3 will support creation of a child-friendly environment and full specialization of justice system for children. Activities under this component will focus on:

- i. Development of a common vision and creation of child-friendly environment in one model location;
- ii. Introduction of full specialization in criminal, administrative violations and civil law fields;
- iii. Strengthening the capacity of specialized professionals working with children.
- iv. Informing children in contact with the law about their rights and existing mechanisms in the justice system

A concept on the creation of child friendly environment in police, prosecution service, court and Legal Aid will be developed and a model infrastructure will be renovated and equipped in all relevant agencies in one of the selected locations. Child sensitive and age-appropriate procedures, internal guidelines and methodology for specialized professionals working with children will be developed and implemented for their child friendly performance in criminal, civil and administrative violations proceedings.

Attention will be given to the specialization of judges, prosecutors, police, legal aid providers, lawyers and other professionals working on civil and criminal cases involving children. The existing terms for reference and job descriptions of specialized professionals will be revised to include specific responsibilities for working with children in contact with the justice system. Special methodology to work with children in the justice system will be developed.

Mandatory pre-service specialization training modules for justice professionals will be developed and implemented by the national training centres and institutes. The training modules will be developed and institutionalized to build the foundation for the practice of judges, prosecutors, lawyers, investigators, as well as for social workers, probation officers, police professionals etc.

Activity 2.3.1. Creation of Child-friendly environment in the justice system

- 2.3.1.1. Develop the concept of child-friendly environment in court, police, prosecution systems and legal aid systems,
- 2.3.1.2. Renovate and equip interview rooms in police, prosecution legal aid and court offices in Tbilisi/or one selected location to make them child-friendly and develop interviewing guidelines for professionals;
- 2.3.1.3. Develop working methodology for specialized professionals to apply child-friendly procedures;

Activity 2.3.2. Development and operationalization of fully specialized justice system for children

2.3.2.1. Introduce specialization concerning children in conflict with the law and child victims and witnesses of crime within MoIA

- Develop model of specialization of police
- Develop job descriptions of specialized police
- Develop internal regulation and guidelines for case allocation within specialized police

2.3.2.2. Strengthen specialization of prosecution, judiciary and legal aid services concerning children in conflict with the law and child victims and witnesses of crime; support GBA to introduce specialization and include relevant modules within the existing mandatory training programme

- Develop job descriptions of specialized LAS lawyers and prosecutors
- Develop internal regulations and instructions of case allocation within prosecution and legal aid system
- Develop concept on introduction of specialization of GBA lawyers in criminal and civil cases

2.3.2.3. Introduce countrywide specialization of judges concerning cases involving children (civil, criminal administrative)

- Develop models for specialization of judges
- Develop rules on case allocation and methodology to work with children

2.3.2.4. Strengthen the capacity of specialized professionals to apply child friendly approach in civil. Administrative and criminal systems

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- Develop a comprehensive pre and in-service training package for criminal justice professionals (judges, prosecutors, lawyers, police, social workers and psychologists) working with children in conflict with the law and child victims and witnesses of crime
- Identify and strengthen the capacity of the local trainers at HSoJ, TCJ, PPTC, Training Centre of prosecutors Office, LAS, GBA
- Institutionalize training package within the relevant training institutions (HSoJ, TCJ, PPTC, Training Centre of prosecutors Office, LAS, GBA) and conduct pre and in-service training for about 500 criminal justice professionals
- Develop pre and in-service training package for judges, lawyers and social workers (SSA) working on civil cases involving children
- Identify and strengthen the capacity of the local trainers at HSoJ, LAS, GBA and SSA
- Institutionalize training package within the relevant training institutions (HSoJ, LAS, GBA) and conduct pre and in-service training for about new 200 civil law professionals
- Provide regular, on-the-job regular training for all professionals involved in the administration of the justice system for children

Activity 2.3.3. Informing children in contact with the law and their representatives about their rights and existing mechanisms in the justice system

2.3.3.1 Develop child-friendly audio-visual and print materials for children in contact with the law to inform them about their rights, existing legal remedies, entitlements and nature of proceedings.

2.3.3.2 Distribute IEC materials among target audience (see visibility action plan)

Guiding principles and Cross-cutting issues

The Programme will use the following guiding principles in the implementation and monitoring of the programme to ensure approaches across the -results are directed in a common manner. The principles build upon UNDP's, UNICEF's and partners' global experience and work Georgia.

A. Gender equality, women and youth empowerment

A gender equality perspective will be mainstreamed throughout the programme, through ensuring the collection and interpretation of sex / age disaggregated data and conducting gender analysis to better inform programme design and implementation. The programme will prioritize in particular women's and girls' access to justice services and women's participation and role (including decision making) in the justice system:

- Seek to ensure that gender equality issues are incorporated into all relevant policies and legislation, and that justice institution and processes are equal and fair for both women and men.
- Advocate for increased participation of women, youth and children in the justice sector policy-making and actions at the institutional level and support their active engagement in civil society.
- Ensure that policy and planning processes are consultative, participatory and actively encourage the involvement and decision making role of women youth as well as marginalized and vulnerable groups, and that plans and services are sensitive to their specific needs.
- Ensure gender issues are fully incorporated in curricula and training materials that are developed.
- Prioritize actions to ensure justice service delivery on violence against women and children
- Ensure close co-ordination and collaboration with other UNDP and UNICEF activities related to specific aspects of women's empowerment and gender issues

B. Human rights

In addition to ensuring that the project itself is executed in full conformity with the international and regional Human Rights standards, the project will actively promote human rights as a cross-cutting approach as well as undertake all efforts to

support state capacity to deliver on the National Human Rights Strategy (NHRS) and its Action Plan (AP) and on the UPR recommendations adopted by the Government. Namely it will enable the Government of Georgia to commit itself to use human rights based approach in the formulation, implementation, monitoring and assessment of its various policies and programs. The Government recognized that *"the application of such an approach not only demands the active participation of citizens in the decision-making processes that are going to affect them most, but also serves to ensure that all elected officials and public servants (at all levels of government), administer their legally prescribed human rights duties and obligations, thus ensuring the operation of an overall more transparent and accountable state administration system."*²² Accordingly, within the Joint Project, all stakeholders training and planning, policy and legal framework development will address the cross-cutting themes of human rights, gender, and capacity development. Gender sensitive approach will be applied and representation and participation of women, children and marginalised groups in programme activities will be constant.

3.4. Sustainability of results: (Theory of change)

The main objective of this JP is to **promote access to justice for all and qualitative, coherent and child-friendly justice system for children in Georgia** .

Striving to this end, the UN Agencies will continue well established cooperation with all relevant stakeholders within all branches of power, as well as with CSOs and international community in the country. Effective implementation of joint programme will improve legislative framework, enhance capacities of state and non-state actors, increase awareness of the citizens and subsequently ensure the sustainability of the actions related to access to justice in the country.

The JP will be implemented in close cooperation with other development initiatives of national and international actors and will achieve synergies for greater results and more effective use of resources.

The activities under the programme aiming at increasing capacity of the stakeholders to perform better their functions and to develop new regulations will contribute to more accessible justice. Not only the capacity will be increased and the knowledge improved, but also new expectations will be created for the institutions and their staff in the future. The institutions will be expected to perform on high level and be responsive to human right challenges, while the staff will be expected to be knowledgeable and basing their work on human-right based approach. As all policy documents in the area (CJRS, NHRS) were developed through extensive consultations in the government and the civil society, and the products of the JP will also be publicly discussed, sustainability would be further reinforced by the expectations of the stakeholders in the continuing progress in the safeguarding access to justice and in having institutions capable of responding to emerging challenges. Furthermore, the stronger institutions will base their work on an essentially better legal/normative framework, as a result of this programme.

The JP will promote education of the staff/members of the targeted institutions, including development of curricula/training modules. To ensure further sustainability, the trainings will be held in cooperation with established training centres, including Training Centre of Justice, High School of Justice, Training Centre of GBA and National Centre for Alternative Dispute Resolution. The changed culture of the institutions and the increased expectations of the stakeholders, including the legal professionals who will benefit from the programme's activities will play an important role in ensuring sustainability. After the programme's completion, the specialized training institutions may deliver the courses to all stakeholders independently without donor support.

Enhancing public awareness and knowledge will also be targeted in a systemic manner. The solid understanding of the gaps in people's awareness will help development of such information/awareness campaigns that will make a sustained impact on the people's attitudes, opinions and translate into behavioural change at the end. The special need for awareness raising was identified in relation of application of ADRs due to lack of knowledge and related fear of it.

All involved stakeholders at all levels will be informed regularly and in detail about all aspects of the proposed programme and will be involved in programme planning and implementation processes.

Experiences and knowledge that are already acquired with the same and/or other target groups will be systematically analysed and incorporated in the proposed programme. International norms and best practice will be applied whenever appropriate.

²² NHRS, Section "Objectives of the Strategy".

In the preparation stage clear information will be given about the proposed programme and its advantages and disadvantages and how the programme fits in the overall framework of juvenile justice reform.

Problems will not be ignored, but anticipated and tackled as soon as they arise and possible solutions will be explored together with involved collaborators. UNICEF and UNDP will closely monitor relevant development in legal and policy area, and will react accordingly to ensure that intervention goals are met to the highest degree possible.

The results will be sustained as the mechanisms developed and established under the joint program will be taken over by the Government of Georgia. The necessary legal framework to support the sustainability of the results will be put in place together with relevant stakeholders.

Where IT tools, or other equipment or infrastructure shall be introduced, sufficient allocations from the state budget will be ensured for their further efficient operation, development and maintenance beyond the duration of the project.

4. Results Framework (Two to three pages)

The JP aims at promoting **access to justice for all and qualitative, coherent and child-friendly justice system for children in Georgia** thus directly targeting the Outcome 2 of United Nations Partnership for Sustainable Development (Framework Document), Georgia, 2016-2020, specifically: "By 2020 all people living in Georgia – including children, minority groups, PwD, vulnerable women, migrants, IDPs and persons in need of international protection have increased access to the justice service delivery in accordance with national strategies and UN Human Rights standards".

1.1 Table 1: Results Framework

5. Management and Coordination Arrangements

The Joint Programme will be jointly managed, coordinated and implemented by UNICEF (thereinafter referred as "Administrative Agent") and UNDP (thereinafter referred as "Participating UN Organization" or PUNO). The functions of the AA are fully described in the Fund Management Arrangement Section below. The Joint Programme will be managed and coordinated using the pass-through funding modality.

The Joint Programme will be jointly managed and coordinated by the PUNOs through the following:

5.1. The Joint Programme Steering Committee

The Project Steering Committee (SC) will be established to ensure full national ownership, as well as smooth and successful implementation of the Joint Programme. The Steering Committee will be co-chaired by the representatives of the Government and UN Resident Coordinator (RC), participating UN organizations and, if relevant, additional staff of the EU Delegation (also referred to as the Donor). The SC will provide strategic guidance for a coherent and coordinated programme implementation, approve programme annual work plans and fund allocation, as appropriate, review progress against set targets, review and approve the periodic progress reports. The Joint Project SC will ensure senior level oversight and meet twice a year the first year and at least once the subsequent years.

5.2. The Coordination Team

The Coordination Team will be set up to ensure successful implementation of the project results/outputs and activities towards achievement of the Joint Project outcomes. The CT will consist of personnel, designated for this project and responsible for the day-to-day implementation of the project, including with managerial, technical and administrative responsibilities.

The team will be coordinated by the UNICEF designated manager responsible for, among others, coordination of joint planning and implementation. Monthly team meetings will be held with participation of all staff of the project (including permanent personnel and short-term experts, if applicable) for coordination and coherence of programmatic and

operational activities. The CT will be responsible for all aspects of project execution, including coordination with national partners, oversight of implementing partners, achievement of set results under the respective outputs, overall monitoring and reporting.

Participating UN organizations will act as collectively responsible for attainment of the project objectives and will be jointly accountable for successful implementation of the activities as specified in the results/outputs:

- UNDP works on Specific Objective 1;
- UNICEF- Specific Objective 2.

Short-term consultants will be recruited as needed to provide support in specific technical areas.

5.3. Fund Management Arrangements:

The JP will follow the pass-through fund management modality according to the UN Development Goals (UNDG) Guidelines on UN Joint Programming. The UNICEF CO Office in Georgia, serving as the Administrative Agent for the Joint Project, as set out in the Standard Memorandum of Understanding (MOU) for Joint Projects using Pass-Through Fund Management will perform the following functions:

- i) Receive contributions from donor that agreed to provide financial support to the Joint Project;
- ii) Administer such funds received, in accordance with the MOU including the provisions relating to winding up the Joint Project Account and related matters;
- iii) Subject to availability of funds, disburse funds to each of the PUNOs in accordance with instructions from the Steering Committee, taking into account the budget set out in the Joint Project Document, as amended in writing from time to time by the Steering Committee;
- iv) Consolidate financial reports, based on submissions provided to the Administrative Agent by each PUNO, and provide these to each donor that has contributed to the Joint Project Account and to the Steering Committee and PUNOs;
- v) Provide final reporting, including notification that the Joint Project has been operationally completed, in accordance with Section IV of the MOU;
- vi) Disburse funds to the Participating UN Organization for any additional costs of the task that the Steering Committee may decide to allocate (as referred to in Section I, Paragraph 3 of the MOU) in accordance with Joint Project Document.

The Joint Project Account will be administered by the Administrative Agent in accordance with the regulations, rules, directives and procedures applicable to it, including those relating to interest.

Prior to the launch of the Joint Project, a MOU will be signed between PUNOs and the Administrative Agent. A common annual work plan will be elaborated. A detailed joint annual work-plan as a part of this programme will be developed for one year of the implementation before the first month of each yearly cycle.

5.4. Monitoring, Evaluation and Reporting

Joint Project monitoring, evaluation and will be carried out in accordance with the respective regulations, rules and procedures of the PUNOs.

Monitoring: The Joint Project will be monitored throughout its duration and evaluated in accordance with the project M&E plan. PUNOs will share information and progress updates, and undertake joint visits where appropriate.

Project monitoring will be carried out by the JP Coordination Team in accordance with the policies and procedures of PUNOs. Project implementation will be assessed continuously at the level of results/outputs. Results/outputs will be measured at regular intervals and against clearly defined indicators. Specific programme activities will serve as benchmarks indicating the progress achieved.

The results of monitoring activities will be presented to the Project Steering Committee by the Coordination Team.

Annual/Regular reviews: As mentioned above, the Project Steering Committee will carry out annual reviews of the implementation.

Reporting: The UNDG annual Standard Progress Report format will be adapted for the reporting purposes of the JP, reflecting the donor requirements. The draft annual report will be reviewed by the Joint Project Steering Committee in the framework of the annual progress review process to incorporate feedback and guidance from the SC.

PUNO will provide the Administrative Agent with the following statements and reports prepared in accordance with the accounting and reporting procedures applicable to the PUNO concerned. The PUNO will endeavour to harmonize their reporting formats to the extent possible.

The Coordination Team will develop the following reports, in accordance with the reporting procedures applicable to the PUNO.

- i) Annual consolidated narrative progress reports to be provided no later than five months (31 May) after the end of the calendar year;
- ii) Annual consolidated financial reports, as of 31 December with respect to the funds disbursed from the Fund/Programme Account, to be provided no later than five months (31 May) after the end of the calendar year;
- iii) Final consolidated narrative report to be provided no later than six months of the year following the financial closing of the Action and/or end of implementation period whichever comes first;
- iv) In case of multi-donor actions which continue after the end of the implementation period of this Agreement, final consolidated financial report, based on uncertified final financial statements and final financial reports, to be provided no later than six months (30 June) of the year following the financial closing of the Action and/or end of implementation period, whichever comes first.

The Administrative Agent will prepare consolidated narrative progress and financial reports, based on the reports referred to in the paragraphs above, and will provide those consolidated reports to the donor that has contributed to the Joint Project, as well as the Steering Committee, in accordance with the timetable established in the Administrative Arrangement.

The Administrative Agent will also provide the donor, Steering Committee and the Participating UN Organization with the following statements on its activities as Administrative Agent:

- a) Certified annual financial statement ("Source and Use of Funds" as defined by UNDG guidelines) to be provided no later than **five months (31 May)** after the end of the calendar year; and

Certified final financial statement ("Source and Use of Funds") to be provided no later than seven months (**31 July**) of the year following the financial closing of the Joint Programme.

6. Legal Context or Basis of Relationship

1.2 Table 3: Basis of Relationship

Participating organization	UN	Agreement
UNDP		This Joint Programme Document shall be the instrument referred to as the Programme Document in Article I of the Standard Basic Assistance Agreement between the Government of Georgia and the United Nations Development Programme, signed by the parties on 1993.

P.g.

UNICEF	Current Joint Programme Document is developed under the auspices of the Basic Cooperation Agreement signed by the Government of Georgia and UNICEF Georgia Country Office on 3 December 1999 and ratified by the Parliament of Georgia on 5 June 2001 and the 2011-2015 Georgia Country Programme Document.
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The Implementing Partners/Executing Agency agree to undertake all reasonable efforts to ensure that none of the funds received pursuant to this Joint Programme are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by Participating UN organizations do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via <http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm>. This provision must be included in all sub-contracts or sub-agreements entered into under this programme document.

7. Work plans and budgets

*Work Plan for "ENHANCING ACCESS TO JUSTICE AND DEVELOPMENT OF A CHILD-FRIENDLY JUSTICE
SYSTEM IN GEORGIA" Period (Covered by the WP)*

(Please see attachments)

Logical Framework

<p>Overall Objective</p>	<p>Enhance capacities of judiciary and government institutions and representatives of legal profession to promote access to justice for all and to establish a coherent and child-friendly justice system for children in Georgia</p>			
<p>Specific Objective(s)</p>	<ol style="list-style-type: none"> 1. Support access to justice through promoting more independent and effective legal profession, legal aid system and greater application of alternative dispute resolution mechanisms (ADRs) 2. Promote and support the establishment of an effective system of justice for children by dedicated regulatory framework and implementation mechanisms 			
	<p>Intervention logic</p>	<p>Objective verifiable/Indicators of achievement</p>	<p>Sources and means of verification</p>	<p>Assumptions & risks</p>
<p>Expected Results</p>	<p>Result 1.1: Capacity of Legal Aid Service Enhanced</p>	<p>Better access to justice is guaranteed for vulnerable through efficient and effective legal aid system:</p> <ul style="list-style-type: none"> • The number of beneficiaries is increased at least by 5% annually • At least 40% of beneficiaries are women • All LAS lawyers have higher qualifications obtained through trainings concerning the rights of vulnerable • Modern case management soft introduced and operational 	<ul style="list-style-type: none"> - The statistics concerning the use of LAS services - Regulations concerning LAS - Budget allocated to LAS - Newly opened/refurbished offices of LAS - Jobs descriptions of LAS employees - EU evaluation reports concerning budgetary support on Access to Justice - Agenda/curricula of trainings conducted - MOU between LAS 	<p>The assumption is that the government and parliament of Georgia will further support strengthening of LAS through increased financing. Another assumption is that HEIs, CSOs and GBA are willing to engage more actively in providing free legal aid. However there is a risk that LAS may become inefficient due to overloading – mandate is increased and enough resources are not allocated</p>

n.g.

		<ul style="list-style-type: none"> - and other legal aid service providers - Awareness raising materials (printed, video, etc.) 	<p>The assumption is that GBA has ownership and full engagement in the implementation of the Project activities. Another assumption is that the government and the parliament support initiated legislative amendments aimed at strengthening the legal profession. It is also expected that judiciary is open for cooperation with GBA and lawyers in general. However there is a risk that amendments to the legislation initiated by GBA are not supported by the relevant authorities; another risk is that judiciary is not willing to cooperate.</p>
<p>Result 1.2: Independence and effectiveness of legal profession strengthened</p>	<p>Legal Profession is independent and able contribute to high quality legal protection of people, and in those of the vulnerable groups in particular: Long-term training plan developed At least 20 trainings are held and 400 lawyers trained Draft of legal acts developed concerning safeguards of the lawyers' integrity and independence, development and effective application of ethics rules and disciplinary proceedings, entry into profession and licensing, and continuous legal education (CLE)</p>	<ul style="list-style-type: none"> - Draft Amendments to regulatory framework of legal profession - Minutes of bench-bars Agenda/curricula of trainings conducted - Conference agenda and list of participants 	
<p>Result 1.3: Alternative dispute resolution (ADR) mechanisms are more broadly used in Georgia</p>	<p>ADRs is efficiently and broadly applied and accessible to vulnerable groups of people throughout the country The number of mediation cases is increased at least by 10 %</p>	<ul style="list-style-type: none"> - Minutes of bench-bars Newly adopted regulations/guidelines on Mediation - Newly adopted regulations/ 	<p>The assumption is that main beneficiaries, as well as judiciary and government authorities are fully engaged in the implementation of the</p>

		<p>The number of trained and certified mediators is increased at least by 50%</p> <p>At least 250 persons are trained in mediation and arbitration</p>	<ul style="list-style-type: none"> - guidelines on Mediation - Conference agenda and list of participants - Awareness raising materials (printed, video, etc.) - Publications (printed and/or on-line) - Number of successful mediation cases 	<p>project activities. Another assumption is that trust in ADRs from business representatives and public in general will be increased during the implementation period. However the risk is that the government has no political will to increase the use of ADRs in dispute resolution as alternative to judicial hearings</p>
<p>Result 2.1: The national primary and secondary civil, administrative violations and criminal legislation revised in line with international standards</p>	<ul style="list-style-type: none"> - Finalized and approved action plan of legislative review process; - Revised secondary criminal and administrative violations legislation/bylaws in line with Juvenile Justice Code and other relevant laws concerning children as perpetrators or victims/witnesses of crime; - Finalized analysis of civil legislation vis-à-vis international and European child's rights standards; - Revised substantial and Procedural legislation concerning children in civil proceedings and related secondary legislation; - Revised legislation/bylaws concerning children in civil proceedings; - Revised regulatory framework to support children at risk of offending and children under Minimum Age of 	<ul style="list-style-type: none"> - Ministerial decrees; - Approved ToRs; - Minutes of the meetings; - Experts' opinion on the legislative package concerning children in the justice system; - Reports of the Criminal Justice reform system secretariat, UNICEF and other donors. 	<p>Risks may be connected with:</p> <ul style="list-style-type: none"> - Lack of commitment from the government of Georgia to reform civil and administrative framework concerning children. - In order to mitigate risks UNICEF will ensure: <ul style="list-style-type: none"> - Close collaboration with all involved ministries and other stakeholders from the outset of the project; - Involving ministries in decision-making process to ensure the sense of ownership; - Lobbying for commitment of the government and civil society actors to 	

	<p>Result 2.2 A comprehensive data system on children in the justice system created and ministerial child's rights monitoring and quality insurance mechanisms strengthened</p>	<p>Criminal Responsibility (MACR).</p>	<ul style="list-style-type: none"> - Ministerial degrees; - Approved TORs; - Minutes of the meetings; - Experts' opinion - Reports of the Criminal Justice system reform secretariat, UNICEF and other donors; - Regular produced by relevant agencies and Geostat; - Reports of child's rights monitors of MoJ, MoLA, MoC - Reports of professional supervisors of MoJ, MoC, Prosecutors' Office, MoLHSA, MoES 	<ul style="list-style-type: none"> - Lack of willingness from different agencies to connect data systems and create comprehensive and integrated data collection system on children in the justice system; - Lack of cooperation between different actors and absence of common vision and expertise <p>UNICEF will mitigate above mentioned risks through:</p> <ul style="list-style-type: none"> - Mobilizing and involving all agencies in decision-making process to ensure the sense of ownership; - Lobbying and supporting the government to implement necessary changes; - Strengthening
		<ul style="list-style-type: none"> - Finalized and approved action plan for the establishment of the comprehensive data system concerning children in the justice system; - Finalized analysis, concept, indicators and statistical modules; technical and analytical tools for the establishment of the comprehensive data system concerning children in the criminal justice system; - Connected and integrated data systems and availability of the comprehensive data on children in the criminal justice system; - Finalized analysis and concept on the establishment of the data system on children in civil proceedings; - Number of identified child's rights monitors within MoJ, MoLA, MoC, approved monitoring instruments, monitoring visits conducted at least once in 3 months in every setting for children deprived of their liberty; - Regular supervision (defined by the 		

		<p>methodology to be developed) and quality monitoring activities conducted in line with newly developed methodology by professional supervisors of MoJ, MoC, , Chief Prosecutors' Office, MoLHSA, MoES</p>		<p>coordination and regular information sharing between different actors; - Involving high level experts, data collection specialists and companies to provide necessary service.</p>
<p>Result 2.3. Environment for children in the justice system improved, specialization of criminal and civil law systems established and the capacity of specialized justice professionals to apply child-sensitive approach strengthened</p>	<p>- Finalized concept on creation of child friendly environment in the justice system; - renovated and fully equipped rooms in police, court, prosecutor's office and LAS in one of the selected locations; - finalized models of specialization of judiciary, police, prosecution, and legal aid on children's criminal, civil and administrative violations cases; - Number of identified specialized professionals in judiciary, police, prosecution, and legal aid systems to work on children's criminal, civil and administrative violations cases; - % of regions fully covered by specialized professionals (Judges, prosecutors, lawyers, police); - # and % of specialized professionals having received initiate specialization training; - # and % of specialized professionals regularly (at least once in an year) receiving specialized training on</p>	<p>- Ministerial orders; - Expert opinion; - Training materials and reports; - Publications, audio/video materials</p>	<p>Risks may be associated with: - Lack of common vision and approach on specialization of justice system - Lack of coordination between different actors.</p> <p>UNICEF will address possible risks through: Strengthening coordination mechanism and supporting all involved agencies to develop common vision and approach in line with internationally recognized standards and best practice Enhancing capacity of local training institutions Involving high level regional experts, representative of different agencies, practitioners and</p>	

ng.

		<ul style="list-style-type: none"> - children in the justice system; Finalized, approved and institutionalized in-service and pre-service training materials on children in the criminal justice system; - Finalized, approved and institutionalized in-service and pre-service training materials on children in civil proceedings; - # of children receiving EIC materials on their rights and existing mechanisms in the justice system. 		trainers in decision making process
Activities	<p>1.1.1: Improve management capacity of the LAS</p> <p>1.1.2: Ensure quality of services delivered by the LAS</p> <p>1.1.3: Expand territorial coverage of the legal aid service</p>	<p>Means needed:</p> <p>Experts – National and International, round table meetings, workshops, trainings and study visits, translation and printing of materials; Procurement and update of the software, IT</p> <p>Workshops and trainings, international and national short-term experts, translation and printing of the materials.</p> <p>Refurbishment of the up to 3 LAS offices and procurement of the office equipment; workshops and meetings in Tbilisi and regions of Georgia; Short term international and national experts; translation and printing of the materials</p> <p>Grant/Contracts with HEI</p>		

<p>1.1-4: Raise awareness on the LAS</p>	<p>IT, survey on the awareness of the LAS; International and National Experts; Translation and publications and other PR events</p>	
<p>1.1-5: Introduce on-line consultations in LAS</p>	<p>IT</p>	
<p>1.2.1: Strengthen regulatory framework and capacity of the legal profession to ensure that qualitative and ethical services are delivered by GBA, and its members.</p>	<p>Short-term national experts; workshops and bench-bar meetings, publications</p>	
<p>1.2.2: Capacity building of legal profession through strengthening capacity of the lawyers and management staff of the GBA and other non-for-profit lawyers' associations.</p>	<p>Short-term Experts local and international, workshops, presentation, translation, printing of materials, trainings in Tbilisi and regions, conference</p>	
<p>1.3.1. Promote use of mediation in dispute resolution as alternative mechanism to judicial review</p>	<p>Long-term legal expert, short-term Experts national and international, workshops, trainings, seminars and round table meetings, presentations, translation and printing of materials, piloting - grants to the NGO</p>	
<p>1.3.2. Support greater use of arbitration as alternative dispute resolution mechanism</p>	<p>Short-term experts local and international; workshop/meetings; trainings in Tbilisi and Regions; international conference; study visits;</p>	

n.g.

		translation and printing of materials		
1.3.3. Support awareness-raising on ADRs		Conference; translation and printing of the materials, Survey on awareness of ADRs; short term experts; workshops; PR activities; short-term international and national experts		
Activity 2.1.1 Creation and operationalization of a working group under the Justice for Children Working Group of Criminal Justice Reform Inter-Agency Coordination Council (Council) to lead the legislative review process.		<ul style="list-style-type: none"> Support in organizing round tables/meetings to discuss legislative review process and prepared amendments; international expertise to provide overall guidance for the legislative review process; 		
Activity 2.1.2. Revision of legislation concerning children in the justice system		<ul style="list-style-type: none"> Assistance with local expertise to analyse Georgian legislation and facilitate legislative review process including revision of primary and secondary civil administrative and criminal legislation; Develop and further improve procedures for operationalizing the mechanism under the Ministry of Education and Science for children with challenging behaviour and children under the minimum age of criminal responsibility (MACR); organization of roundtables and meetings to discuss and draft legal amendments; translation. 		
		<ul style="list-style-type: none"> Assistance with local and international 		

	<p>Activity 2.2.1.1. Creation of a multi-agency working group under the Justice for Children Working group of the Council to lead the process of developing the comprehensive data collection system</p>	<p>expertise, organization of roundtables and meetings to discuss and review the process of the establishment of the data system concerning children in the justice system</p>		
<p>Activity 2.2.2. Analyse existing data systems, develop the concept, relevant indicators and tools and establish the comprehensive data system concerning children in the justice system</p> <p>data system concerning children participating in civil proceedings</p>	<p>Support with: international and national expertise to conduct analysis of the existing data collection systems concerning children in the criminal and civil justice systems and to develop relevant indicators and statistical modules</p> <ul style="list-style-type: none"> • Service procurement from a local company to develop/adjust relevant software and data/information system in each sector involved in the administration of criminal justice system for children and connect information systems from various sectors; • Organization of roundtables and working meetings, capacity building of data collection specialists, translation 	<p>• Support with national expertise to develop special instruments and methodology for internal monitoring bodies, standards and instruments for quality assurance and professional monitoring bodies; capacity building of specialized monitors and professional supervisors.</p>		
<p>Activity 2.2.3. Strengthen internal monitoring and quality control mechanisms within MoJ, MoIA, MoC, MoLHSA and MoES</p>				

n.g.

	<p>Activity 2. 3.1. Creation of Child-friendly environment in the justice system</p>	<p>Support with International expertise to develop concept and models on creation of child-friendly environment and specific methodology to apply child friendly approach in court, police, prosecution and legal aid systems. Costs for renovating, adaptation and equipping the environment to create child friendly infrastructure in judiciary police, prosecution, court and legal aid system in one model location</p>		
	<p>Activity 2.3.2. Development and operationalization of fully specialized justice system for children</p>	<ul style="list-style-type: none"> • Support with: national expertise to i. conduct analysis of existing justice system and develop models for specialization of judiciary, police, prosecution, legal aid systems; ii. develop implementation plan for specialization, including development of job descriptions, special methodology, instructions, links with other agencies and systems, with a focus on cross-sectoral cooperation between justice and child protection sectors • Organization of meetings, workshops, discussions, in order to develop specialization models for each agency; • Mobilization of international and national expertise to modify existing training package for criminal justice professionals; • Facilitate capacity building of criminal justice trainers (20 trainers); international and national expertise to develop a comprehensive training package concerning children in civil and 		

	<p>Activity 2.3.3. Informing children in contact with the law and their representatives about their rights and existing mechanisms in the justice system</p>	<p>administrative procedures and strengthen capacity of national trainers on civil and administrative procedures (15 trainers); organization of pre and In-service trainings for criminal justice professionals (500 professionals); pre and in service training for 200 civil justice professionals</p> <ul style="list-style-type: none"> • National expertise (consultant/company) to develop child-friendly (audio-video and print) materials concerning children in the justice system; translation and printing costs; <p>Implement the IEC activities as per approved Communication and Visibility Strategy</p>		
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Duration and indicative action plan for implementing the action

ENHANCING ACCESS TO JUSTICE AND DEVELOPMENT OF A CHILD-FRIENDLY JUSTICE SYSTEM IN GEORGIA

The duration of the proposed action will be 36 months.

	Year 1												Implementing Body		
	Semester 1						Semester 2								
	1	2	3	4	5	6	7	8	9	10	11	12			
Overall Objective: to enhance capacities of government institutions and representatives of legal profession to promote access to justice for all and to establish a coherent and child-friendly justice system for children in Georgia.															
Specific Objective 1: Support access to justice through promoting more independent and effective legal profession, legal aid system and greater application of alternative dispute resolution mechanisms (ADRs)															
Result 1.1: Capacity of Legal Aid Service Enhanced															
Activity 1.1.1 Improve management capacity of the LAS															
1.1.1.1 Support in implementation of the institutional reform plan			X	X	X	X	X	X	X	X	X	X	X	X	UNDP, LAS
1.1.1.2. Support to improve financial management of the LAS						X	X	X	X	X	X	X	X	X	UNDP, LAS
1.1.1.3. Further enhancement of HR management system, taking gender balance into consideration:			X	X	X	X	X	X	X	X	X	X	X	X	UNDP, LAS
1.1.1.4. Support use of electronic case management system in all offices of the LAS			X	X	X	X	X	X	X	X	X	X	X	X	UNDP, LAS, IT Company "Idea Design Group" (IDG)

Activity 1.1.2. Ensure quality of services delivered by the LAS																				
1.1.2.1. Support in implementation of quality monitoring system for criminal cases and introduction of quality monitoring system for civil and administrative cases:			X	X	X	X	X	X	X	X	X	X	X	X	X	X				UNDP, LAS
1.1.2.2. Needs assessment, development of long-term training plan (taking into account mandatory trainings by GBA)					X	X														UNDP, LAS
1.1.2.3. Training of LAS lawyers based on training needs assessment																				UNDP, LAS, Training Centre of Justice
Activity 1.1.3. Expand territorial coverage of the legal aid service																				
1.1.3.1. Refurbish and equip offices of LAS, with special emphasis on regions;		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				UNDP, LAS
1.1.3.2. Enhance institutional cooperation between LAS and other legal aid providers;																				UNDP, LAS, GBA
1.1.3.3. Support greater use of outsourcing of legal aid services:				X	X	X	X	X	X	X	X	X	X	X	X	X				UNDP, LAS, HEIs, legal aid provider CSOs, ALFG, GBA
Activity 1.1.4. Raise awareness on the LAS																				
1.1.4.1. Upgrade/support the web-site of the LAS (www.legalaid.ge)											X	X	X	X	X	X				UNDP, LAS
1.1.4.2. Conduct a survey on the awareness and performance of the LAS					X	X	X	X	X	X										UNDP, LAS
1.1.4.3. Develop Action Plan on awareness-raising with a specific focus on vulnerable groups																				UNDP, LAS
1.1.4.4. Support LAS' targeted campaigns or other events in line with the Action Plan.																				UNDP, LAS
Activity 1.1.5 Introduce on-line consultations in LAS.																				
1.1.5.1. Develop recommendations on introduction of on-line consultations. ¹																				UNDP, LAS
1.1.5.2. Purchase on-line consultation technology.																				UNDP, LAS

¹ This component will be implemented together with GIZ.

1.1.5.3. Support introduction and piloting the online consultations								UNDP, LAS
Result 1.2. Independence and effectiveness of legal profession strengthened								
Activity 1.2.1. Strengthen regulatory framework and capacity of the legal profession to ensure that qualitative and ethical services are delivered by GBA, and its members.								
1.2.1.1. Elaborate regulations (statutory and internal) concerning, in particular, safeguards of the lawyers' integrity and independence, development and effective application of ethics rules and disciplinary proceedings, entry into profession and licensing, and continuous legal education (CLE).		X	X	X	X	X	X	UNDP, GBA
Activity 1.2.2. Capacity building of legal profession through strengthening capacity of the lawyers and management staff of the GBA and other non-profit lawyers' associations.								
1.2.2.1. Prepare a long term training plan together with GBA and non-profit lawyers' associations (the second is optional);	X	X	X	X	X	X	X	UNDP, GBA, GBA Training Centre
1.2.2.2. Provide trainings for lawyers to enhance their capacities to provide legal services to vulnerable groups, including minorities;			X	X	X	X	X	UNDP, GBA, GBA Training Centre
1.2.2.3. Support annual conference of law professionals;								UNDP, GBA
1.2.2.4. Awareness raising for vulnerable concerning the existing legal remedies			X	X	X	X	X	UNDP, GBA
1.2.2.5. Support non-profit associations of lawyers in developing recommendations to and evaluating of GBA performance.	X	X	X	X	X	X	X	UNDP, non-profit associations of lawyers, GBA
Result 1.3. Alternative dispute resolution (ADR) mechanisms are more broadly used in Georgia								
Activity 1.3.1. Promote use of mediation in dispute resolution as alternative mechanism to judicial review								
1.3.1.1. Support capacity building of Association(s) of Mediator:		X	X	X	X	X	X	UNDP, Association of Mediators, Judiciary

1.3.1.2 Support Education on mediation ²																			X	X	X		UNDP, Association of Mediators, Judiciary, National Centre of ADR
1.3.1.3 Increase territorial coverage of mediation																							UNDP, Association of Mediators, Judiciary
Activity 1.3.2. Support greater use of arbitration as alternative dispute resolution mechanism.																							
1.3.2.1. Provide expert advice						X	X	X												X	X	X	UNDP, MOJ, GIAC, Judiciary, Association of Arbitrators
1.3.2.2. Increase the number of qualified arbitrators with special emphasis on regions																							UNDP, MOJ, GIAC, Judiciary, Association of Arbitrators
1.3.2.3. Strengthening the capacity of Georgian International Arbitration Centre																							UNDP, MOJ, GIAC, Judiciary, Association of Arbitrators
Activity 1.3.3. Support awareness-raising on ADRs.																							
1.3.3.1. International high-level ADR Conference with participation of judiciary, government representatives, members of the parliament and other main stakeholders;						X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	UNDP, MOJ, GIAC, Judiciary, Association of Arbitrators
1.3.3.2. Conduct Survey on awareness of ADRs (together with the survey on LAS);						X	X	X	X	X	X												UNDP
1.3.3.3. Develop awareness raising strategy on ADRs;																							UNDP, MOJ, GIAC, Judiciary, Association of Arbitrators, Association of Mediators
1.3.3.4. Implementation of the strategy.																							UNDP, MOJ, GIAC, Judiciary, Association of Arbitrators, Association of Mediators

² It is reasonable to implement 1.3.1.2. in cooperation with National Centre of ADR of TSU (NCADR).

Specific objective 2: Promote and support the establishment of an effective system of justice for children by dedicated regulatory framework and implementation mechanisms

	Year 1										Implementing bodies				
	1	2	3	4	5	6	7	8	9	10		11	12		
Result 2.1. The national primary and secondary civil, administrative violations and criminal legislation revised in line with international standards															
Activity 2.1.1 Creation and operationalization of a working group under the Justice for Children Working Group of Criminal Justice Reform Inter-Agency Coordination Council (Council) to lead the legislative review process	x	x	x	x	x	x	x	x	x	x	x	x	x	x	UNICEF, MoJ
<i>2.1.1.1. Develop and approve the composition and ToR of the group</i>	x														UNICEF, MoJ
<i>2.1.1.2. Develop and approve an Action plan of the legislative review process</i>			x												UNICEF, MoJ
<i>2.1.1.3 Ensure Regular monitoring of implementation of the action plan</i>					x	x	x	x	x	x	x	x	x	x	UNICEF, MoJ
Activity 2.1.2. Revision of legislation concerning children in the justice system	x	x	x	x	x	x	x	x	x	x	x	x	x	x	MoJ, MoC, MoIA, the judiciary, Chief Prosecutor's Office, LAS, GBA, MoES, MoLHS, The Parliament of Georgia; UNICEF
<i>2.1.2.1. Revise secondary legislation regulating criminal justice and administrative violations fields in line with the Juvenile Justice Code of Georgia and other international instruments and standards;</i>	x	x	x	x	x	x	x	x	x	x	x	x	x	x	MoJ, MoC, the judiciary, Chief Prosecutor's Office, LAS, GBA, MoES, MoLHSA, UNICEF
<i>2.1.2.2. Conduct a comprehensive review of civil legislation vis-à-vis international and European child's rights standards to identify legislative gaps;</i>															MoJ, the judiciary, LAS, GBA, MoES, MoLHSA, The Parliament of Georgia, UNICEF

2.2.2.3. Develop relevant technical and analytical tools and establish the data/information system in each sector involved in the administration of criminal justice system for children (MoJ, MoIA, Chief prosecutors Office, judiciary, MoC, MoLHSA, MoES);	MoJ, MoES, MoLHSA, Chief Prosecutor's Office, MoIA, Geostat, UNICEF																					
2.2.2.4. Connect information systems from various sectors and supporting creation of a comprehensive data collection system on children in contact with the law;	MoJ, MoES, MoLHSA, Chief Prosecutor's Office, judiciary, MoIA, Geostat, UNICEF																					
Strengthen the capacity of data specialists in all relevant agencies (MoJ, MoIA, Chief prosecutors Office, judiciary, MoC, MoLHSA, MoES);	MoJ, MoES, MoLHSA, Chief Prosecutor's Office, judiciary MoIA, Geostat, UNICEF																					
Ensure availability of a comprehensive data through Geostat	MoJ, MoES, MoLHSA, Chief Prosecutor's Office, judiciary MoIA, Geostat, UNICEF																					
2.2.2.7 Conduct analysis of the existing data collection systems on civil cases;	MoJ, MoES, MoLHSA, judiciary, Geostat, UNICEF																					
2.2.2.8 Develop the concept and relevant indicators for creating a data system concerning children participating in civil proceedings.	MoJ, MoES, MoLHSA, judiciary, Geostat, UNICEF																					
Activity 2.2.3. Strengthen internal monitoring and quality control mechanisms within MoJ, MoIA, MoC, MoLHSA and MoES	MoJ, MoIA, MoC, MoLHSA and MoES																					
2.2.3.1 Identify specialized professionals/monitors within the existing monitoring systems of MoJ, MoIA, MoC to monitor and address child's rights violations in the justice system;	MoJ, MoIA, MoC, MoLHSA and MoES																					
2.2.3.2. Develop special methodology and tools to conduct child's rights monitoring and provide relevant action;	MoJ, MoIA, MoC, MoLHSA and MoES																					
2.2.3.3. Strengthen the capacity of specialized monitors;	MoJ, MoIA, MoC, MoLHSA and MoES																					
2.2.3.4. Approve standards for Juvenile Justice service provider developed by MoJ;	MoJ, MoIA, MoC, MoLHSA and MoES																					
2.2.3.5. Develop methodology for monitoring and ensuring the quality of the services delivered by MoJ, MoC, MoLHSA, MoES for children in contact with the law;	MoJ, MoIA, MoC, MoLHSA and MoES																					

n.g.

2.2.3.6 Strengthen internal professional supervision mechanism in MoJ, MoC, Chief Prosecutors' Office, MoLHSA, MoES										X	X	X	X	X	X	X	X	X	X	MoJ, MoLA, MoC, MoLHSA and MoES
Result 2.3: Environment for children in the justice system improved, specialization of criminal and civil law systems established and the capacity of specialized justice professionals to apply child-sensitive approach strengthened.																				
Activity 2.3.1. Creation of Child-friendly environment in the justice system	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	MoJ, MoLA, LAS, judiciary, Chief prosecutor's Office, UNICEF
2.3.1.1. Develop the concept of child-friendly environment in court, police, prosecution systems and legal aid systems,	X	X	X	X	X	X	X	X	X											MoJ, MoLA, LAS, judiciary, Chief prosecutor's Office, UNICEF
2.3.1.2. Renovate and equip interview rooms in police, prosecution legal aid and court offices in Tbilisi/or one selected location to make them child-friendly and develop interviewing guidelines for professionals;																			X	MoJ, MoLA, LAS, judiciary, Chief prosecutor's Office, UNICEF
2.3.1.3. Develop working methodology for specialized professionals to apply child-friendly procedures;																			X	MoJ, MoLA, LAS, judiciary, Chief prosecutor's Office, UNICEF
Activity 2.3.2. Development and operationalization of fully specialized justice system for children	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	MoJ, MoC, MoLA, LAS, GBA, judiciary, Chief Prosecutor's Office, MoLHSA, MoES, UNICEF
2.3.2.1. Introduce specialization concerning children in conflict with the law and child victims and witnesses of crime within MoLA	X	X	X	X	X	X	X	X	X											MoJ, MoC, MoLA, LAS, GBA, judiciary, Chief Prosecutor's Office, UNICEF
2.3.2.2. Strengthen specialization of prosecution and legal aid services concerning children in conflict with the law and child victims and witnesses of crime; support GBA to introduce specialization and include relevant modules within the existing mandatory training programme																			X	MoJ, MoC, MoLA, LAS, GBA, Chief Prosecutor's Office, UNICEF
2.3.2.3 Introduce countrywide specialization of judges concerning cases involving children (civil, criminal administrative)	X	X	X	X	X	X	X	X	X											Judiciary, UNICEF
2.3.2.4. Strengthen the capacity of specialized professionals to apply child-friendly approach in civil. Administrative and criminal systems										X	X	X	X	X	X	X	X	X	X	MoJ, MoC, MoLA, LAS, GBA, judiciary, Chief Prosecutor's Office, MoLHSA, MoES, UNICEF

<p>Activity 2.3.3. Informing children in contact with the law and their representatives about their rights and existing mechanisms in the justice system</p>									
<p><i>2.3.3.1 Develop child-friendly audio-visual and print materials for children in contact with the law to inform them about their rights, existing legal remedies, entitlements and nature of proceedings.</i></p>									UNICEF
<p><i>2.3.3.2 Distribute IE materials among target audience (see communication and visibility strategy)</i></p>									UNICEF

n.g.

Year 2 & 3 (Semester = 6 months)						
Specific Objective 1: Support access to justice through promoting more independent and effective legal profession, legal aid system and greater application of alternative dispute resolution mechanisms (ADRs)						
Semester	3	4	5	6	Implementing Body	
Result 1.1: Capacity of Legal Aid Service Enhanced						
Activity 1.1.1. Improve management capacity of the LAS	X	X	X	X	UNDP, LAS, IT Company "Idea Design Group" (IDG)	
Activity 1.1.2. Ensure quality of services delivered by the LAS	X	X	X	X	UNDP, LAS, Training Centre of Justice	
Activity 1.1.3. Expand territorial coverage of the legal aid service	X	X	X	X	UNDP, LAS, HEIs, legal aid provider CSOs, ALFG, GBA	
Activity 1.1.4. Raise awareness on the LAS	X	X	X	X	UNDP, LAS	
Action 1.1.5. Introduce on-line consultations in LAS	X	X	X	X	UNDP, LAS	
Result 1.2. Independence and effectiveness of legal profession strengthened						
Activity 1.2.1. Strengthen regulatory framework and capacity of the legal profession to ensure that qualitative and ethical services are delivered by GBA, and its members	X	X	X	X	UNDP, lawyers' CSOs, LAS, GBA, Judiciary	
Activity 1.2.2. Capacity building of legal profession through strengthening capacity of the lawyers and management staff of the GBA and other non-for-profit lawyers' associations	X	X	X	X	UNDP, lawyers' CSOs, LAS, GBA, Judiciary	
Result 1.3. Alternative dispute resolution (ADR) mechanisms are more broadly used in Georgia						
Activity 1.3.1. Promote use of mediation in dispute resolution as alternative mechanism to judicial review.	X	X	X	X	UNDP, Association of Mediators, Judiciary, National Centre of ADR	
Activity 1.3.2. Support greater use of arbitration as alternative dispute resolution mechanism	X	X	X	X	UNDP, MOJ, GIAC, Judiciary, Association of Arbitrators	
Activity 1.3.3. Support awareness-raising on ADRs	X	X	X	X	UNDP, MOJ, GIAC, Judiciary, Association of Arbitrators, Association of Mediators	

Specific objective 2: Promote and support the establishment of an effective system of justice for children by dedicated regulatory framework and implementation mechanisms						
Semester	3	4	5	6		
Result 2.1. The national primary and secondary civil, administrative violations and criminal legislation revised in line with international standards						
Activity 2.1.1. Creation and operationalization of a working group under the Justice for Children Working Group of Criminal Justice Reform Inter-Agency Coordination Council (Council) to lead the legislative review process	x	x	x	x	MoJ, UNICEF	
Activity 2.1.2. Revision of legislation concerning children in the justice system	x	x	x		MoJ, MoC, MoIA, the judiciary, Chief Prosecutor's Office, LAS, GBA, MoES, MoLHS, The Parliament of Georgia; UNICEF	
Result 2.2. A comprehensive data system on children in the justice system created and ministerial child's rights monitoring and quality insurance mechanisms strengthened						
Activity 2.2.1. Creation and operationalization of a multi-agency working group under the Justice for Children Working group of the Council to lead the process of developing the comprehensive data collection system	x	x	x	x	MoJ, LAS, GBA, MoES, MoLHSA, judiciary Chief Prosecutor's Office, MoIA, Geostat, UNICEF	
Activity 2.2.2. Analyse existing data systems, develop the concept, relevant indicators and tools and establish the comprehensive data system concerning children in the justice system	x	x	x	x	MoJ, MoES, MoLHSA, Chief Prosecutor's Office, judiciary MoIA, Geostat, UNICEF	
Activity 2.2.3. Strengthen internal monitoring and quality control mechanisms within MoJ, MoIA, MoC, MoLHSA and MoES	x	x	x		MoJ, MoIA, MoC, MoLHSA and MoES	
Result 2.3. Environment for children in the justice system improved, specialization of criminal and civil law systems established and the capacity of specialized justice professionals to apply child-sensitive approach strengthened.						
Activity 2.3.1. Creation of Child-friendly environment in the justice system	x	x			MoJ, MoIA, LAS, judiciary, Chief prosecutor's Office, UNICEF	
Activity 2.3.2. Development and operationalization of fully specialized justice system for children	x	x	x	x	MoJ, MoC, MoIA, LAS, GBA, judiciary, Chief Prosecutor's Office, MoLHSA, MoES, UNICEF	

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Activity 2.3.3. Informing children in contact with the law and their representatives about their rights and existing mechanisms in the justice system	x	x	x	x	UNICEF
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