



Access to Legal Aid for Children in Georgia: Practice and Challenges

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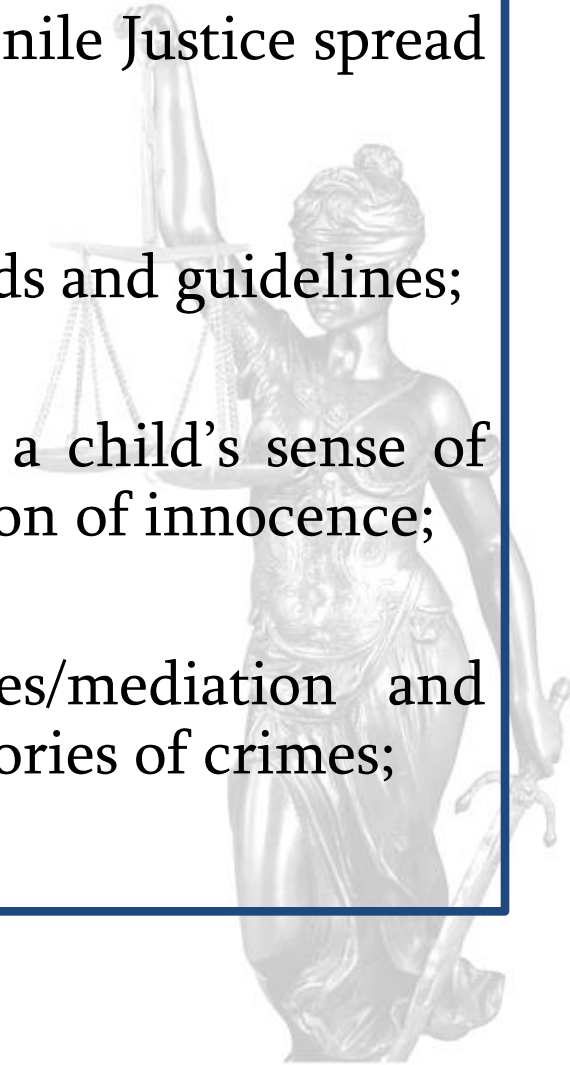
**WORLD CONGRESS ON
JUSTICE FOR CHILDREN**

28-30 MAY 2018

STRENGTHENING JUSTICE SYSTEMS FOR CHILDREN

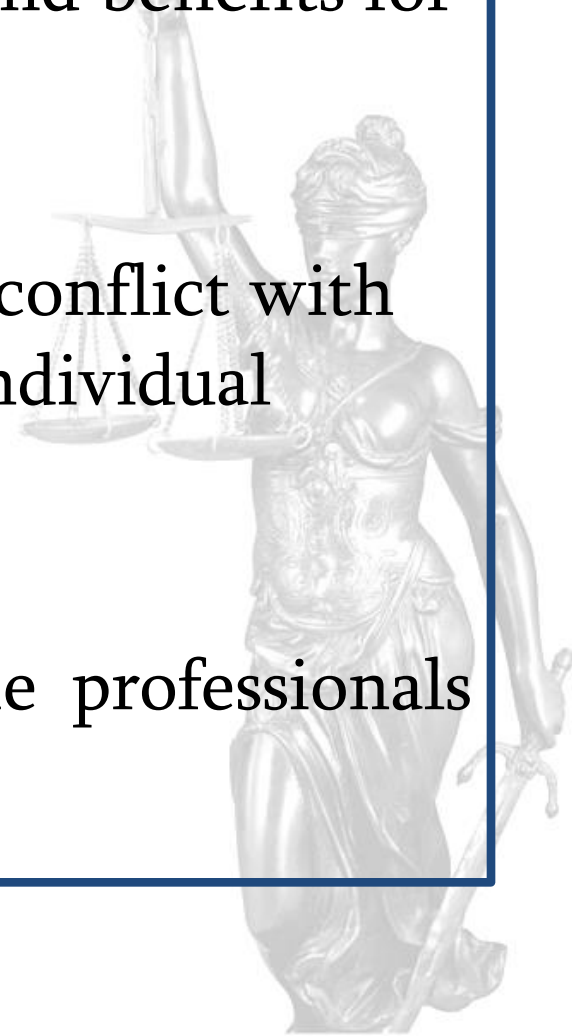
Legislation Before the Reform (2006-2010)

- Separate articles on administration of Juvenile Justice spread in different laws;
- No compliance with international standards and guidelines;
- No consistency with the promotion of a child's sense of dignity, privacy, immunity and presumption of innocence;
- No mentioning of alternative measures/mediation and diversion corresponding to different categories of crimes;



Other Gaps

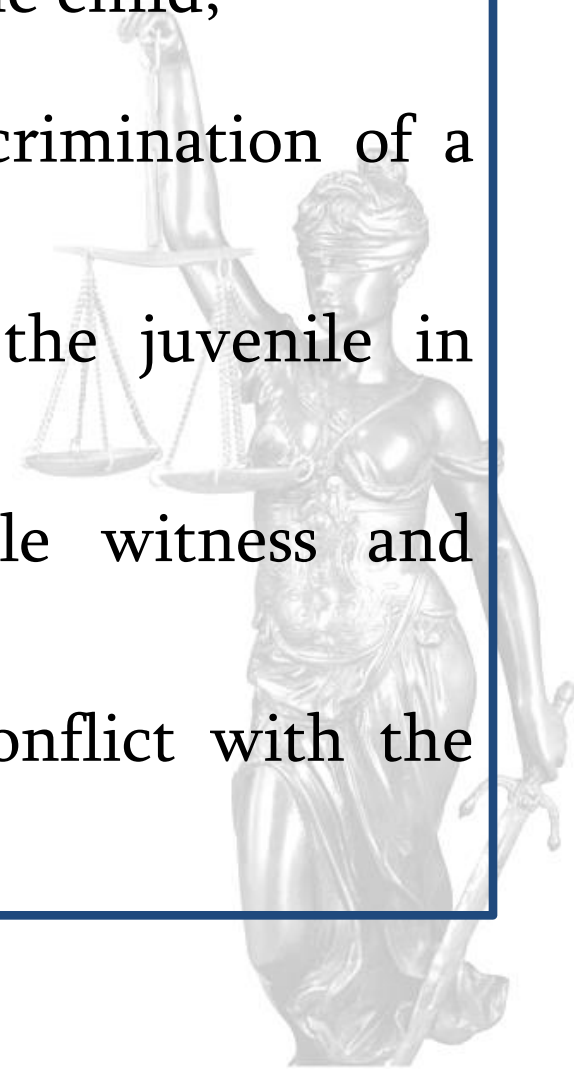
- No consideration of confidentiality and benefits for juveniles in the justice system;
- No special treatment for children in conflict with the law - only at the discretion of individual judges/prosecutors;
- No mandatory specialization for the professionals working on juvenile cases;



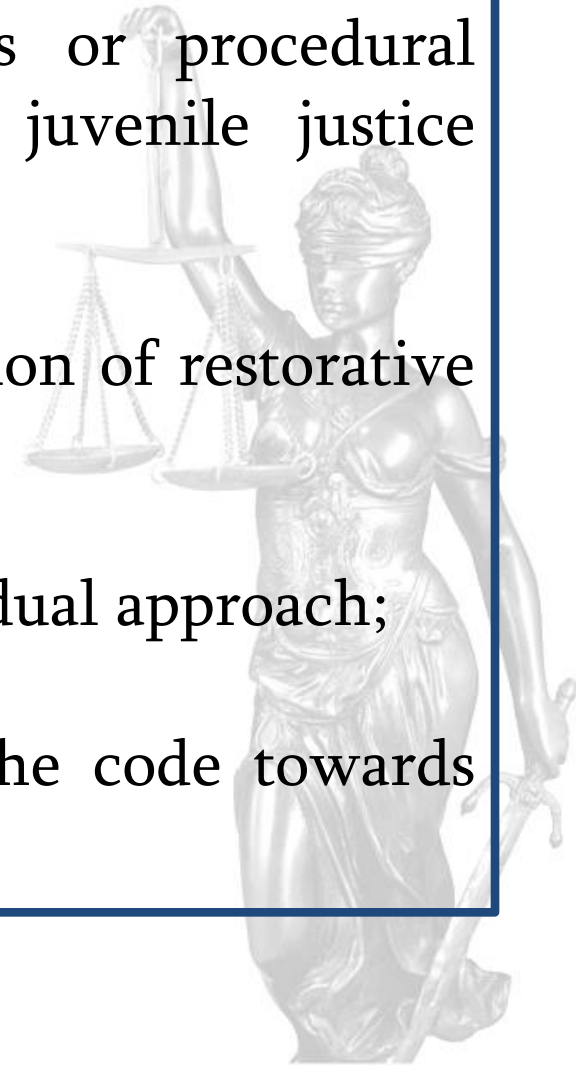
Juvenile Justice Code – 2015

Main principles:

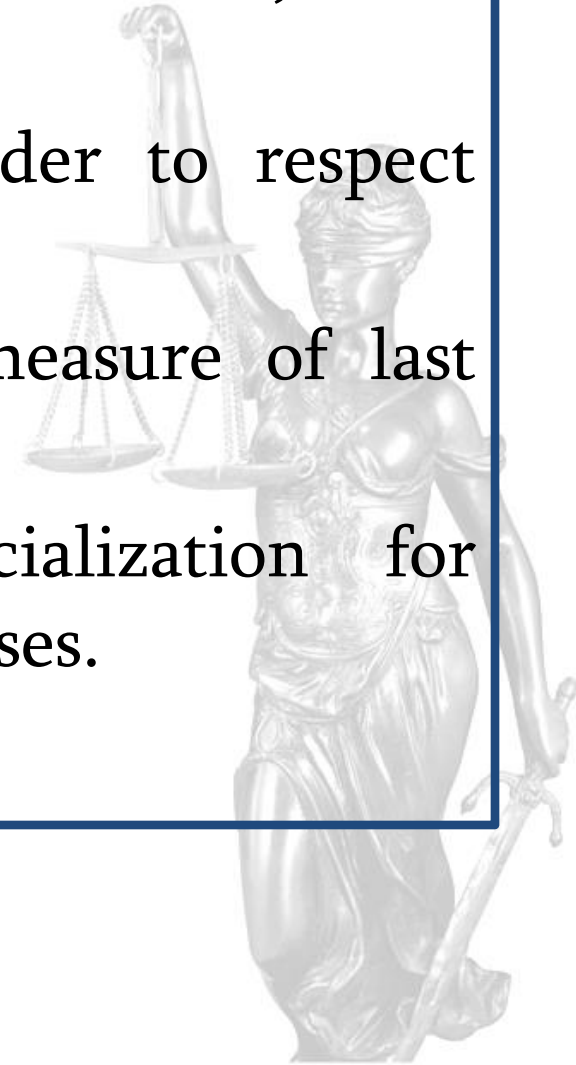
- Consideration of the best interest of the child;
- Prohibition of direct or indirect discrimination of a juvenile;
- Re-socialization – rehabilitation of the juvenile in conflict with the law;
- Protection of the rights of juvenile witness and juvenile victim;
- Mandatory defence of juvenile in conflict with the law, victims and witnesses of crime;



- prevention of secondary victimization or re-victimization of the juvenile victim;
- appointment of legal representatives or procedural representatives for a juvenile in the juvenile justice procedure to protect his/her interest;
- prevention of re-offending and application of restorative justice measures;
- application of child-friendly and individual approach;
- application of the main principles of the code towards young adults (19-21 years old);

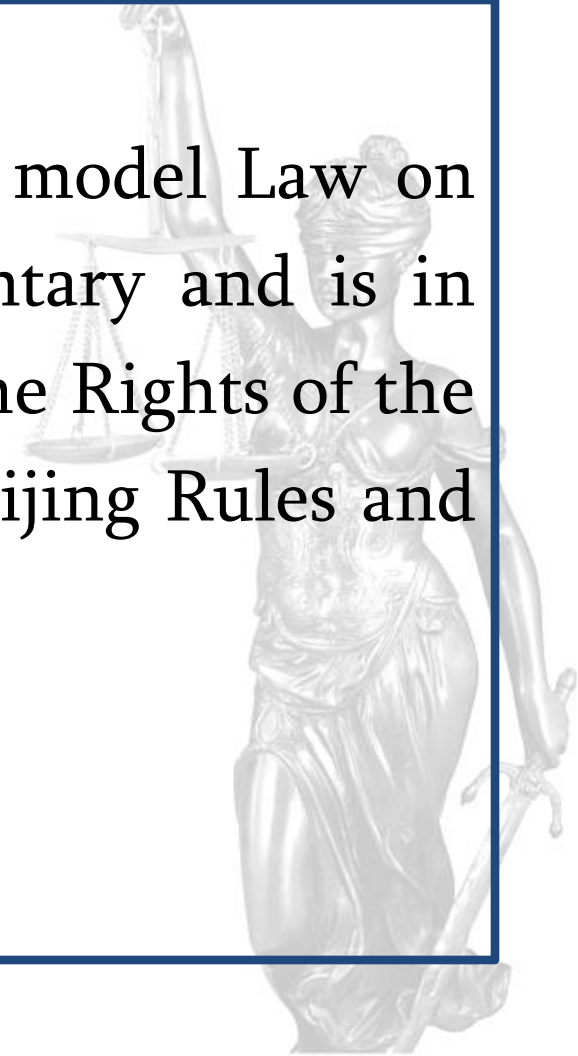


- Introduction of alternative sentencing mechanisms, diversion and restorative justice measures;
- Protection of personal data in order to respect privacy principle;
- Use of imprisonment only as a measure of last resort;
- Introduction of mandatory specialization for professionals working on juvenile cases.



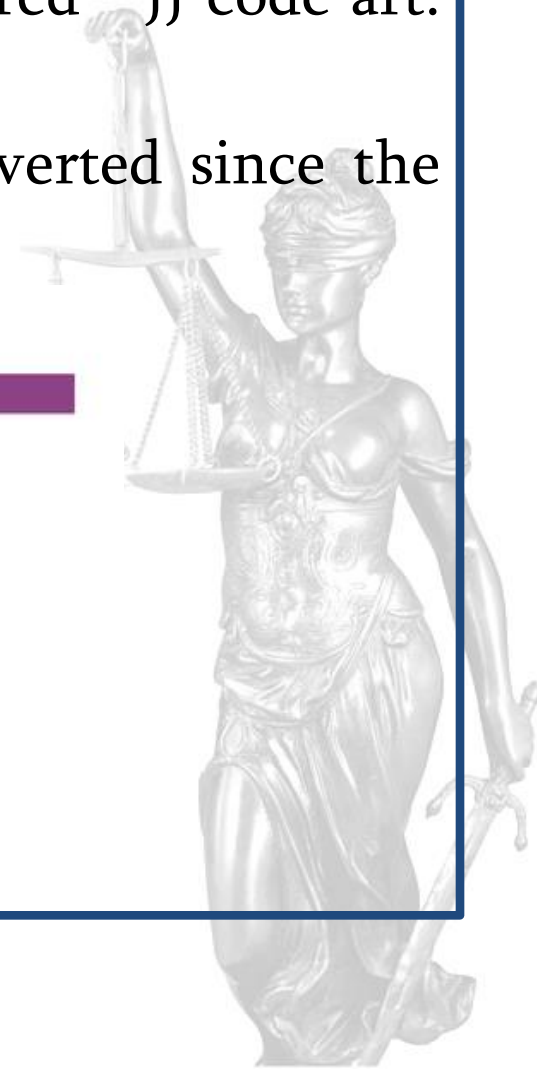
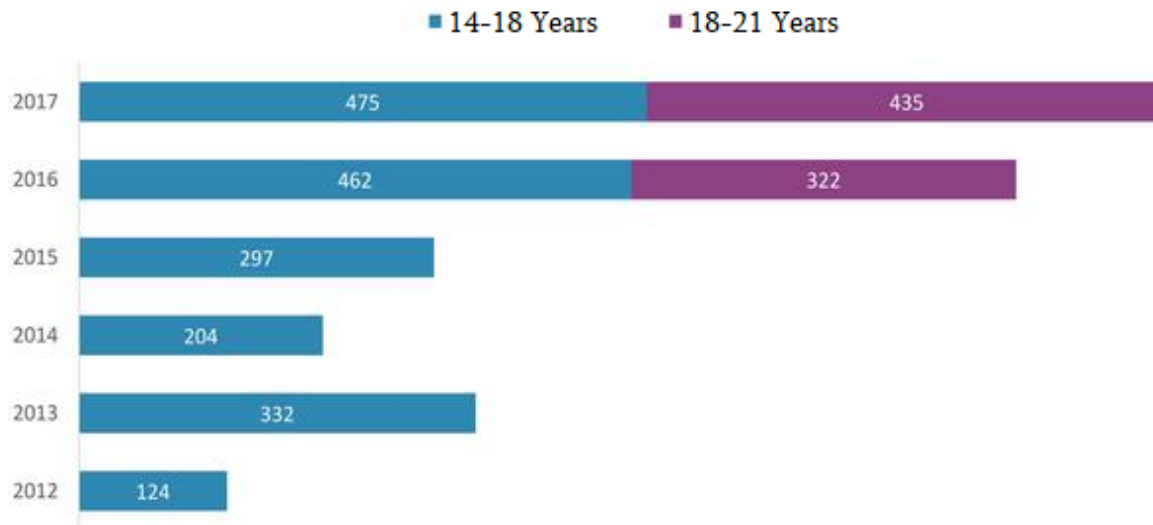
Compliance with the Convention on the Rights of the Child and other international standards

Juvenile Justice Code is based on UN model Law on Juvenile Justice and Related Commentary and is in compliance with the Convention on the Rights of the Child, CRC General comment#10, Beijing Rules and etc;



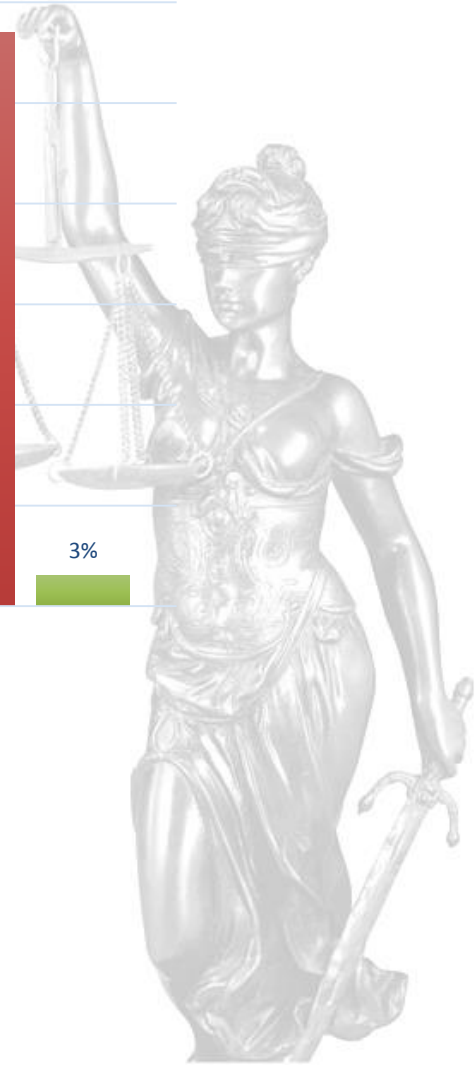
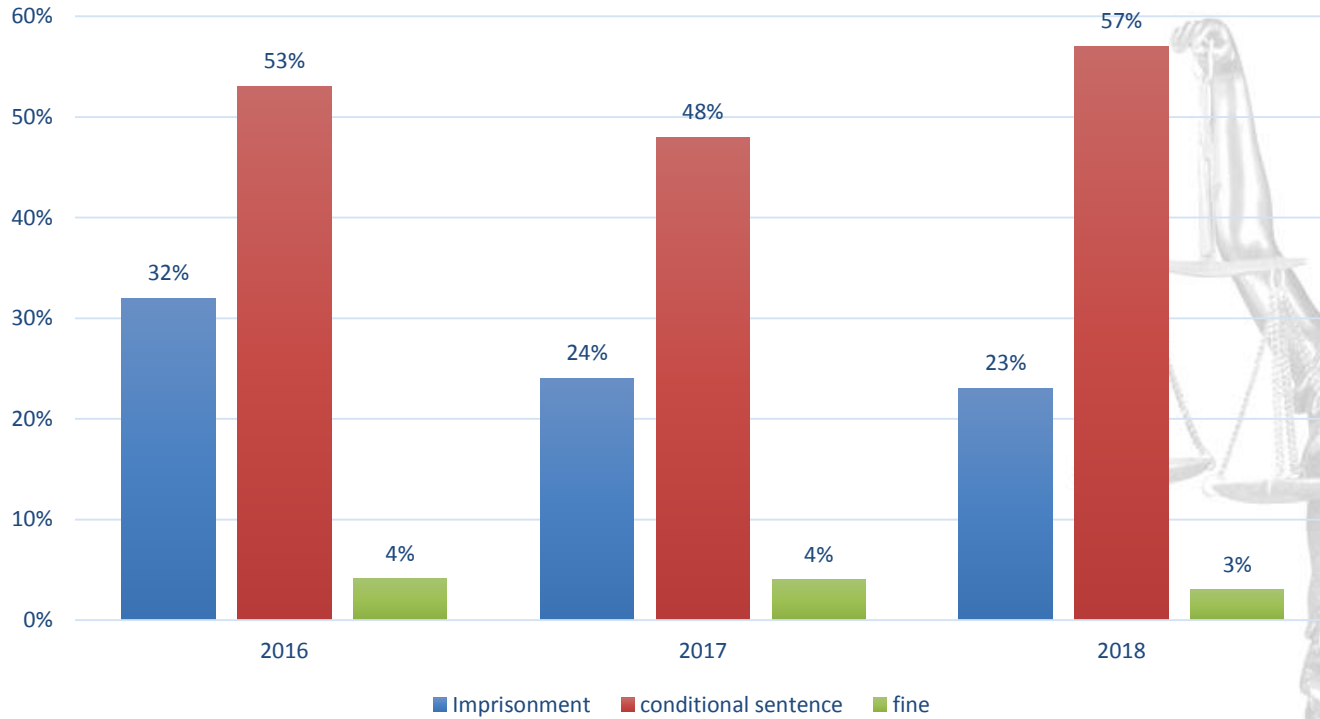
Application of Restorative Justice

- In the first place, possibility of diversion or application of restorative justice measure shall be considered - JJ code art. 8.2
- 2 733 juveniles and young adults were diverted since the introduction of the programme



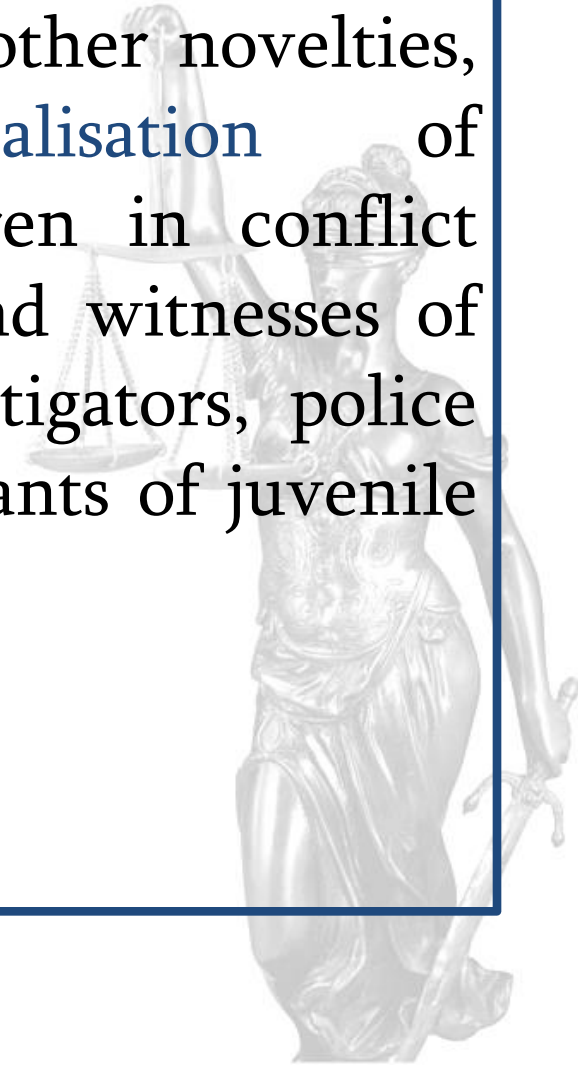
Statistics

Sentencing Dynamics



Mandatory Specialization

The Juvenile Justice Code among other novelties, introduced **mandatory specialisation** of professionals working with children in conflict with the law and child victims and witnesses of crimes (judges, prosecutors, investigators, police officers, **lawyers** and other participants of juvenile justice proceedings).

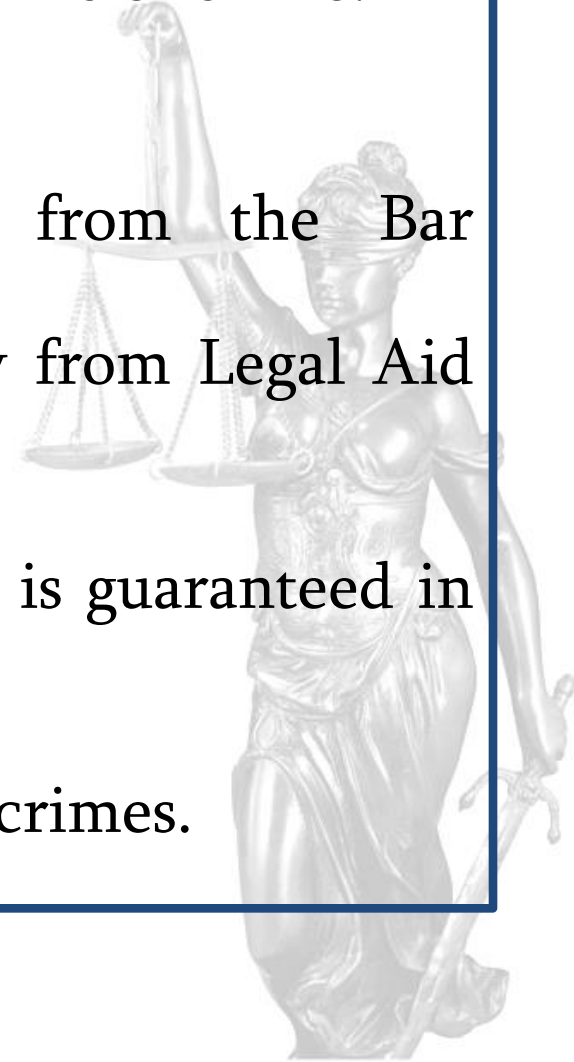


Specialized Attorneys

- Choice to invite a specialized attorney - guaranteed for children in conflict with the law and victims of crime.

Two options:

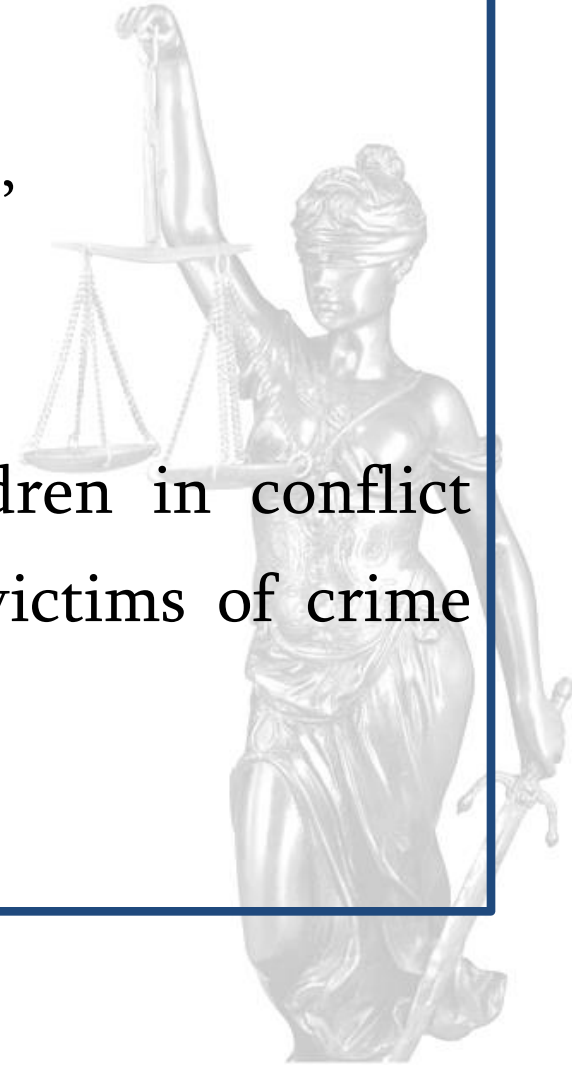
- to apply to a specialized attorney from the Bar Association of Georgia;
 - or use services of a specialized attorney from Legal Aid Service)
- In case of a witness mandatory defense is guaranteed in case of insolvency
 - Expansion of legal aid to cases of violent crimes.



Training for specialized lawyers

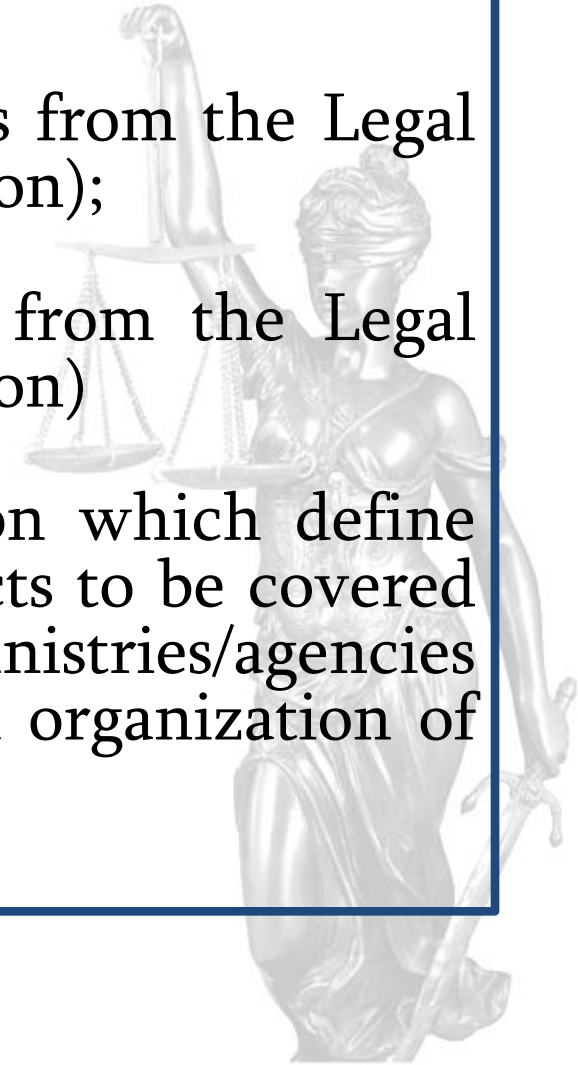
Specialization training for specialized lawyers - areas covered:

- Juvenile Justice International Standards,
- Practice,
- Georgian Legislation,
- Psychological aspects related to children in conflict with the law, children witnesses or victims of crime and specifics of working with them,
- Interviewing of child victims of crime



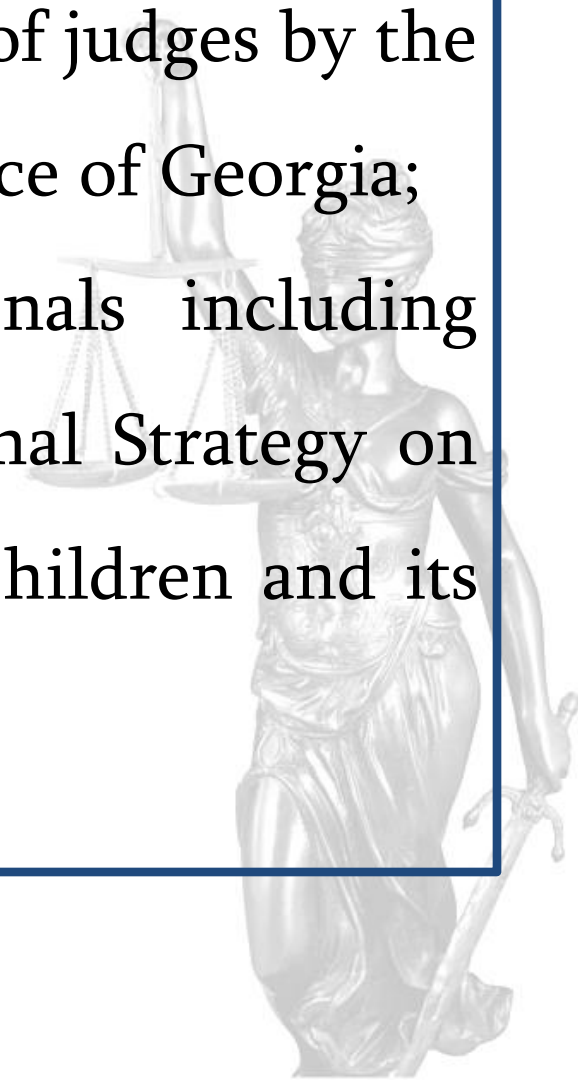
Specialization process:

- Development of a a concept for the Training of Trainers (ToT);
- Training of trainers (including trainers from the Legal Aid Service and Georgian Bar Association);
- Cascade trainings (including lawyers from the Legal Aid Service and Georgian Bar Association)
- Adoption of standards of specialization which define main areas for the trainings and subjects to be covered by each training module, ministries/agencies responsible for the administration and organization of trainings.



Standard of Specialization:

- The standard is prescribed by the resolution of the Government of Georgia and in case of judges by the decision of the High Council of Justice of Georgia;
- Specialization of Justice professionals including lawyers is considered by the National Strategy on Reforming the Justice System for Children and its action Plan;



Legal Aid Lawyers

- Specialisation of Legal Aid lawyers started in 2014-2015 years
- LAS gradually increased the number of specialized lawyers and currently, there are 80 specialized lawyers and 70 contracted lawyers throughout the country;
- 900 private lawyers from the Georgian Bar Association went through the initial specialization training and got the specialization status after passing final exams.

