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Public Discussion on the topic:

Ongoing Reforms in the Ministry of Justice: Outcomes and Prospects

Presenter: Mr. Gia Kavtaradze, Minister of Justice

At present Ministry of Justice is quite different from what it used to be in Soviet Times. The Ministry has experienced a fundamental transformation during the last 15 years. Today the functions of the Ministry of Justice enlists 24 main directions, including: development of legislation and evaluation of existing laws, bringing the law-making activities to the international standards, formation of general state register of laws, regulation of emigration and immigration processes, penitentiary system and probation, notary system, public register, state archives, property declaration of officials, legal expertise, execution of court decisions, representation in the European Court of Human Rights, Center of Effective Management and Territorial Arrangement. The main function of the Ministry of Justice is the function of legal advisor for the State.

No other ministry has such active relations with citizens as the ministry of Justice. Therefore, the essence of our reforms is to facilitate citizens' relations with the State, hence, their daily life. To this point, the most obvious example of our reforms is the transformation of passport services. From now on: 1) residents of regions can obtain their passports in their regions; 2) it is not necessary any more to obtain passport in place of residence; 3) a person may hold as many passports as he/she wishes; 4) If necessary, passport may be of different format in terms of the number of its pages.

As for the issues of execution, we still have many problems in this area. Georgia has already lost two cases in the European Court of Human Rights of Strasburg. The State had to pay USD 100,000 though the payment increased up to USD 200,000 due to various fines. This is a serious problem. The State is planning to pay its debt to citizens, which totals 46 million dollars, until the end of the year.

Another question is Georgia's disputes in International Arbitration Court. I personally requested on the Government session to deprive all Ministries from their rights to represent in International Arbitration and transfer this function to the Ministry of Justice. From now on the Ministry of Justice will serve as a lawyer in all arbitration disputes. The same can be said in relation to the representation in the European Court of Human Rights in Strasburg.

As for legislation, we think it is not appropriate to debate draft laws in the Parliament unless there are corresponding recommendations from the Ministry of Justice. The Parliament has recently passed the amendment to Detention Law according to which persons blamed in trafficking shall be placed in separate cells despite their number. This is impossible taking into account the current conditions of our penitentiary system. Thus, the above rule anticipated in the law will remain unfulfilled.

Obviously, managing the Ministry which employs 7.000 people is hard. Therefore, it is necessary to decentralize our offices. Each office shall gain as much autonomy as it's possible. The Ministry will retain five basic functions: 1) policy development, which will be reflected on laws and legal acts; 2) Working out of general information policy; 3) development of general financial policy; 4) staff control and changes.

One of the clear examples of decentralization is: public register, which represents independent juridical person subject to public law. Today this service is working much better than it used to. It has its income and technical basis. We will keep going this way.

I

The Minister's presentation was followed by public discussion. The auditorium was basically interested in the ongoing reforms in penitentiary system. Particularly, the following questions were raised: When is it expected to have the penitentiary system upgraded to the international standards? Will the prisoners be differentiated according to the categories of committed crimes in terms of their placement in prisons? Will this be reflected in the corresponding law? Is it acceptable to have prisoners in the center of the city? Is it being planned to separate penitentiary system from the Ministry of Justice?

The Minister stated that the construction of modern prison buildings is planned in Batumi, Kutaisi and Tbilisi (in Gldani territory). After completing this project the deteriorated Ortachala prison will be closed. To summarize, we admit that in 5 years we will have the penitentiary system more or less upgraded international standards. As for separation of penitentiary system from the Ministry of Justice, such changes are not planned, though maximum decentralization of the functions of the Ministry will take place, in result of which the competences structural divisions will be separated. As for the placement of prisoners according to the categories of committed crimes, we do not have corresponding law yet, though this question may appear in the time table of the Ministry.

II

The auditorium also focused on the following issues: Who or which working group determines the strategy of decentralization? Are there frequent changes in the personnel? Is the level of nepotism still very high in the Governmental agencies, including the Ministry of Justice? According to the Minister the issues of decentralization are discussed on monthly meetings, where the working plan is discussed by the Minister together with the heads of the subordinated bodies and invited guests. As for the frequent changes in the personnel, as the Minister said, this happens in penitentiary system only. At present, out of 100 Ministry employees, 25 are regular staff, 15 employees are acting officials, and 60 are hired by contracts. It is planned to provide all employees with regular positions by the end of the year. As for the nepotism, the Minister said he himself is interested in eliminating nepotism in his agency.

III

Some of the raised questions referred to the issues of repeated registration of foundations and associations, the issues of the registration of citizens' social status: marriages, change of name, etc. The Minister said that there is no plan about repeated registration of foundations and associations, but there is a discussion on the transfer of this service to the taxation agencies, though this is a future perspective. As for simplification of the procedures related to marriages and name changes, this issue is not on the agenda of the Ministry yet. In relation to the question concerning the issuance of passports to the Georgians residing abroad, the Minister said that the issue is the competence of the Ministry of Foreign Affairs.