



# NEWSLETTER

## ISSUE #3

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## JUDICIAL SUPPORT ACTIVITY HIGHLIGHTS

### Seminar for Judges on Communicating with Children in Courts

Civil and administrative judges from Kutaisi Court of Appeals, Batumi, and Kutaisi City Courts, and Khelvachauri and Ozurgeti District Courts gathered (on February 4) to discuss issues related to communicating with children in courts. Judges who participated in the Rule of Law Program’s September 2022 study visit to the U.S. on the rights of the child also participated in the seminar.

The topics in the seminar included: the importance of psychological aspects in civil and administrative cases involving children; children’s psychological challenges and the processes that affect a child’s reactions to family disputes; court proceedings from the child’s point of view; special challenges of communicating with children in court; special challenges of communicating with children with disabilities; and adapting the courtroom and court proceedings to meet the psychological needs of children.

The participants of the U.S. study visit shared with their colleagues information they received during the visit about the American practices of communicating with children in court and handling juvenile cases.



So the judges could become more familiar with the topic and find modern, practical ways to address problematic issues in this area, both a Georgian child psychologist and an American judge were included in the seminar. **Ekaterine Tavartkiladze**, an experienced Georgian child psychologist, and American judge **James Redwine**, who was conducting a long-term shadowing program at the Batumi City and Khelvachauri District Courts as part of the Rule of Law Program’s Judicial Exchange component, were chosen for this purpose.



## Series of Workshops for Regional Court Judges and Judicial Personnel on Child Rights

The Rule of Law Program, in partnership with the High School of Justice, delivered a workshop on the rights of the child for civil and administrative law judges and judicial personnel at regional courts.

On February 11-12, three experts/Court of Appeals judges - **Tamar Alania**, **Tamar Oniani** and **Diana Berekashvili** - visited Kutaisi to provide training for the Imereti region, where judges (Kutaisi City Court, Kutaisi Court of Appeals, as well as Samtredia, Zestaponi and Ambrolauri Regional Courts) and judicial assistants (Terjola, Kharagauli and Khoni Magistrate Courts; Zestaponi, Satchkhere, Samtredia Regional Courts; Kutaisi City Court and Court of Appeals) attended the workshop.

The major topics discussed during the meeting were the right of a child to be heard, lawful and procedural representation of children, separation of children from

their families, and managing property owned by a child. All these issues had been identified as problematic and there is a disparity in practice among the different courts.



## Akhaltshikhe Regional Court Staff and Judges Participate in the Seminar on People-Centered Justice

Court staff from Akhaltsikhe Regional Court, including judges, took part in a USAID Rule of Law Program seminar on People-Centered Justice (PCJ) and Court-Community Engagement (February 11-12).

The Community Engagement Advisor at the USAID Rule of Law Program, **Dr. Tim Bunjevac**, and the Community Engagement Coordinator, **Mariam Gobronidze**, delivered a session on court-community engagement practices from around the world and introduced the concepts and theory of PCJ.

The session concluded with a practical group exercise requiring the court's judges and staff to develop their own Court-Community Engagement Plan. The prepared document includes the court's mission statement, the desired outcomes, and activities to address the identified community needs, as well as the basic resources and stakeholder support that will be needed to implement the proposed activities.

The participants proposed a series of community engagement activities, such as roundtable discussions with other stakeholders, open court days, moot courts, partnerships with educational institutions, and preparing legal awareness-raising activities, which the court will consider implementing.

**Nino Chigoga**, Court Manager of Akhaltsikhe Regional Court said:

“All the issues discussed during the seminar were very important for the effective functioning of the court. It was very interesting to hear the good practices from around the world, especially Australian examples. With the support of the USAID Rule of Law Program, our court will be even more people-centered in the future and try to raise legal awareness among its community.”



## American Judge James Redwine Met with Judges and Attorneys from Adjara Region

USAID Rule of Law Program-invited American judge **James Redwine** led a bench-bar session in Batumi on February 17. Among the participants were judges from Batumi City Court, Khelvachauri District Court, and lawyers from the Adjara region representing the Georgian Bar Association and Batumi Legal Aid Bureau.



The key focuses of the meeting were supporting constructive dialogue between the main judicial actors to improve the delivery of justice at the local level and introducing procedural initiatives that will reduce case backlogs.

Judge Redwine respectfully suggested that the participants make minor procedural modifications of pre-trial orders, trial scheduling, timing orders, and time limits that comply with Georgia's existing law.

Acting Chairman of Batumi City Court **Jumber Bezhanidze** expressed his gratitude to judge Redwine for his invaluable and extremely positive work over the previous six months.

“Thank you for sharing American practice related to case management. I believe that the joint efforts of Georgian judges and lawyers will make positive modifications in areas such as case processing.”



## Judges Discuss Case Law on Children Under State Care

The USAID Rule of Law Program gathered (February 18-19) the Child Rights Practice Group judge members to discuss challenges in the adjudication of child separation cases after the adoption of the Code on the Rights of a Child, such as the deadlines of adjudication and revision mechanisms.

Held in Kutaisi, the speakers at the meeting included: Tbilisi Court of Appeals judge **Tamar Oniani** and Kutaisi City Court judge **Mikheil Bebiashvili**. The discussion



panels were moderated by Tbilisi Court of Appeals judge **Shota Getsadze**.

The participants learned about the U.S. experience in cases involving the separation of a child from their parents from the USAID Rule of Law Program-invited American judge **James Redwine**.

Judge Redwine said:

“That is a fairly typical procedure in a child separation case in America, and there are multiple levels of protection for the rights and welfare of children and the rights of parents. In my experience, permanent removal, that is the termination of parental rights, is quite rare on a percentage basis in Family Court cases. Usually, with psychological counseling and social services – including medical, mental, and legal services – a family can be allowed to stay as a nuclear unit.”

## Seminar for Court Managers and Academics on Court Administration

Court managers, a consultant from the High Council of Justice, the head of court system statistics from the Supreme Court of Georgia, and six academics from different universities took part (February 25) in the inaugural Court Managers Seminar organized by the USAID Rule of Law Program.



The Program engaged a U.S. court management expert, **Jeffrey Colwell**, who is the court manager at the Federal District Court in Denver, Colorado, and has held this position since 2012. The topics discussed by Mr. Colwell included: court efficiencies, the use of statistics to improve case management planning, the optimal distribution of work, the use of court interpreters, jury operations, case management process improvement, access to justice, pro se litigants, and disadvantaged groups.



The seminar concluded with a session by judge **Robert Carolan** – a U.S. judge with 34 years of experience as a trial court judge, nine years of international experience, and 17 years as a prosecutor – who was involved in the long-term shadowing and mentoring of Rustavi City Court and Gardabani Magistrate Court judges specializing in civil and administrative cases. He shared his experiences as a former judge on the importance of effective communication between judges and court managers for successful court administration practices.

The Court Managers' Seminar was an experience-sharing platform designed to create a strong network of court managers in Georgia and implement needs-based capacity-building activities on a regular basis.



## Roundtable Event on Court Management: Kutaisi, Samtredia and Rustavi

Program-invited U.S. court administration expert **Jeffrey Colwell** visited Kutaisi Court of Appeals, Rustavi City Court, and Samtredia City Court to observe the operation of the registries, chancellery, and judicial support offices in each court, and to exchange experiences and best practices in court administration (February 23-28).



At the meetings with judges and staff in each court, Mr. Colwell and the hosts discussed ways of improving court efficiency, including the use of statistics to improve case management planning, the optimal distribution of work between different court divisions, the use of court interpreters, jury operations, and ways of improving access to justice for self-represented litigants and other disadvantaged court users.

At the Kutaisi Court of Appeals meeting, court manager **Giorgi Zarnadze** and court chairperson judge **Irakli Bondarenko** gave a tour of the court and discussed the history of the heritage-protected court building. The participants visited the criminal and administrative chamber courtrooms, as well as the juvenile room where proceedings can be conducted by judges in a child-friendly environment.

Mr. Colwell and staff representing the USAID Rule of Law Program, Dr. Tim Bunjevac and Ana Shalamberidze, met with court researchers and judicial assistants involved in the drafting of court decisions and case management. They also met with the chancellery manager and discussed the electronic case management system and the use of caseload statistics by the court. A similar meeting was held at the Samtredia City Court, where the judges and staff expressed an interest in attending future court management and People-Centered Justice seminars organized by the Rule of Law Program.

At Rustavi City Court, court manager **Guram Korkotashvili** and chairperson judge **Mamia Pkhakadze** provided a tour of the court's premises, including the jury trial courtroom, mediation triangular table, child-friendly room, and quiet booth for depositions. They showcased their innovations that made the court more inclusive and adapted to the needs of vulnerable groups, such as people with disabilities, children, and persons from non-Georgian-speaking backgrounds.



## Mediation Workshops for Judges and Judicial Assistants

The USAID Rule of Law Program hosted two parallel workshops (March 3-5) on mediation for judges and judicial assistants from Kutaisi, Batumi, Khelvachauri, and Poti city courts. The workshops focused on discussing: how mediation is different from settlement conferences conducted by judges; the different stages at which judges may refer cases to mediation; factors that judges and clerks should consider when screening cases for referral to mediation; steps and procedures for referral of cases to mediation; and who are the mediators, how they are trained, and how are they chosen for a specific case.

While most sessions were held in parallel groups, at the end of each day all participants joined together to address common questions and experiences.

One of the issues raised was how mandatory referral to mediation fits with the voluntary nature of mediation. The most important experience-sharing sessions was when judge **Darina Abuladze** from Kutaisi City Court spoke about her experience of referring cases to mediation. Of the four cases referred by Kutaisi City Court to mediation,



three were referred by judge Abuladze. She emphasized that in all the cases she used mandatory referral since the party representatives opposed mediation; nevertheless, she considered those cases to be suitable. In two of these cases the case returned with a settlement agreement, while the third case was still pending in mediation.

Judge Abuladze's experience served as an impressive example of how just doing it – screening and referring cases to mediation – can help judges dispose of cases in the best interest of society and the parties.



## Training for Judicial Assistants on Anti-Discrimination Legislation

Anti-Discrimination Legislation and Prevention of Sexual Harassment were the key topics of a training for judicial assistants organized by the USAID Rule of Law Program in cooperation with the High School of Justice on March 11-12. The training was led by two Tbilisi Court of Appeals judges, **Tamar Oniani** and **Giorgi Tkavadze**.





The participants discussed issues related to the prohibition of discrimination under the Constitution of Georgia and other anti-discrimination legislation, including issues of sexual harassment in the workplace and public spaces, and the role the justice system plays in the effective implementation of these laws.

The training was attended by judicial assistants from various courts in western Georgia, including Batumi, Kutaisi, Zugdidi, Zestaponi, Senaki and Ozurgeti.

## Discussing Administrative Measures and Social Security Services for the Protection of Women’s Rights in Kutaisi

The USAID Rule of Law Program’s Rule of Law Hub in Kutaisi hosted a panel discussion on Protecting Women’s Rights: Administrative Measures and Social Security.

Representatives of civil society and the judiciary, the Georgian Bar Association, the Legal Aid Service, the Public Defender’s Office, the Council for the Protection of Gender Equality of City Assembly, and the Agency for State Care and Assistance for Victims of Human Trafficking, jointly analyzed the challenges facing women in cases of gender violence in the Imereti region.

Kutaisi Court of Appeals judge **Khatuna Khomeriki** emphasized the legal framework of domestic violence against women and analyzed the structural nature of violence against women. She also provided an overview of the Istanbul Convention and its implementation into national legislation and practice, highlighting recent court interpretations of protection orders in cases of violence against women.



Samtredia District Court judge **Murtaz Kapanadze** discussed Georgia’s Law on the Prevention of Violence Against Women and/or Domestic Violence, Protection and Assistance to Victims of Violence. He outlined the scope of the law, judicial measures to detect and prevent violence, and procedures for obtaining protective orders in administrative proceedings.



During the discussion, the participants highlighted the lack of rehabilitation measures for perpetrators. It was pointed out that if state authorities created the appropriate rehabilitation and crisis intervention services for the perpetrators of domestic violence, it would prevent or minimize the recurrence of violent acts, especially during the operation of protective orders. The participants believed the provision of psycho-social services to the perpetrators instead of their imprisonment might significantly reduce the frequency of future acts of violence against women.



### Workshop for Judges on Reducing Process Delays

Judges from the Tbilisi City Court and Rustavi City Court participated in a workshop on reducing process delays as part of the USAID Rule of Law Program. Long-term visiting judge **Joseph Bellipanni**, who previously served as a trial court judge in Colorado, delivered a session on strategies for reducing process delays.

During the workshop, the judges from Tbilisi City Court and Rustavi City Court were split into small groups for a brainstorming session where they developed ideas to eliminate the causes of process delays within the current legislation. Judge Bellipanni emphasized that “judging is

an art, not a science,” and that it is not necessary to spend more time, but to spend it more efficiently. He suggested that judges could get creative within the existing legal framework to address the issue at hand and that there are no specific guidelines on what steps they should take.

Georgian judges were able to share their experiences and draw inspiration from each other. One of the ideas that emerged from the workshop was to use modern technology as much as possible, from the initial filing of the claim to the final decision, in order to expedite the process.





## Bench-Bar on the Amendments to the Georgian Law on Entrepreneurs

The Georgian Bar Association, with USAID Rule of Law Program support, hosted a Bench-Bar meeting (March 28) where the amendments to the Georgian Law on Entrepreneurs, judicial practice, and existing challenges were discussed.

At the meeting, the lawyers and judges, together with representatives of the National Public Registry Agency, discussed: the incorporation instruments of a company, freedom of a founders' agreement and principal requirements of the law; challenges related to the use of a brand name; dismissal and employment of a company's governing body; the application of contract provisions to labor rights; peculiarities of convening a general meeting; invalidity of the minutes of meetings; limitation periods; and the practice of using a claim security measure.

With the support of the USAID Rule of Law Program, four Bench-Bars have been held on various topical issues, including legislation and practice in cases involving domestic violence and violence against women, and juvenile justice.



## Bench Bar on Children's Rights

On April 4, with USAID Rule of Law Program support, the Justice Coordinating Council (Bench-Bar) held another working meeting to discuss children's rights, specifically issues related to the separation and representation of children.

In a roundtable format, lawyers and judges, along with lawyers from the Legal Aid Service and representatives from the State Care and Victims of Trafficking, Victim Assistance Agency, discussed the current challenges and legal practices related to children's rights.



The topics included determining the best interests of children, the standard of specialization, the mandatory involvement of a public advocate, the consideration of temporary injunctions within a tight timeframe, the availability of psychologists and other necessary services, and the need for adopting a multidisciplinary approach to these issues.

The Justice Coordinating Council (Bench-Bar) aims to strengthen the legal profession, promote mutual respect between professions, foster a healthy collegial attitude, and establish common ethical principles in Georgia.



## Supporting Georgian Judiciary to Advance its People-Centered Practices and Court-Community Engagement

The USAID Rule of Law Program hosted a visit by three international experts from the Center for Justice Innovation (CJI) in New York: **Danielle Pugh-Markie**, Director, Judicial Education and Leadership; **Monica Christofferson**, Director of Treatment Court Programs, National Technical Assistance Team; **Sruthi Narahariseti**, Senior Research Associate; and Justice **Anne McKeig** of the Minnesota Supreme Court to observe the operations of the Constitutional Court of Georgia, Batumi City Court, and Khashuri Regional Court. The purpose of their visit was to help improve court administration practices and engagement with court users and local communities by exchanging experiences and best practices.

At Batumi City Court on April 26, the USAID Rule of Law Program, represented by Community Engagement Advisor **Tim Bunjevac**, Community Engagement Coordinator **Mariam Gobronidze**, and Rule of Law Attorney **Irina Khakhutaishvili**, and CJI staff were greeted by Court Manager **Inga Putkaradze**, who took the guests on a court tour and answered their questions about various aspects of court operations. They were also greeted by the Court Chair, **Jumber Bezhanidze**.

On April 26, the U.S. guests received a warm welcome at the Constitutional Court of Georgia, where they attended a roundtable discussion with Chief Advisor on International Relations **Ekaterine Mzhavanadze** and the Chairman of the Constitutional Court, **Merab Turava**. The parties exchanged detailed views on topics such as the

administrative management of the court, international constitutional law jurisprudence, case assignment, and the operation of the judicial committees of the Constitutional Court.



On April 28, a visit was held at the Khashuri Regional Court, where the guests received an informative court tour by the Court Manager **Gocha Meliqidze** and talked to the bailiffs and heads of the court's registry and chancellery offices. The meeting lasted approximately one hour, and after the tour the guests were greeted by the Court Chair, **Mevlud Khatashvili**.

The participants evaluated the visits as very informative and useful for their daily activities and expressed their willingness to participate in such activities in the future.

## Workshops for Regional Court Judges and Judicial Personnel on Child Rights

The USAID Rule of Law Program, in partnership with the High School of Justice, continues to deliver workshops on child rights for civil and administrative law judges and judicial personnel at regional courts. Three experts/appellate court judges - **Tamar Alania**, **Tamar Oniani** and **Diana Berekashvili** - deliver the workshops and discuss with colleagues the challenges they confront related to the new Code on Child Rights and the lack of uniform practice among different courts.

On April 29-30, the experts visited West Georgia and nine judges and sixteen judicial assistants from Poti, Zugdidi, Ozurgeti, Senaki, Khelvachauri, and Kobuleti attended the workshop.

The series of workshops has two aims. The first is to identify common challenges in the adjudication of cases involving children. The second, depending on the challenge, is to provide recommendations to judges and judicial personnel on how to handle the challenge, offer legislative amendments to Parliament, or agree among the

judiciary on a uniform practice. Such experience-sharing meetings are necessary because there are different practices in East and West Georgia regarding certain aspects of the Code on Child Rights and there is a need to agree on uniform practices.

The major topics discussed during the workshops are the right of a child to be heard, the lawful and procedural representation of a child, the separation of a child from the family, and managing the property of a child. All these issues are identified as problematic, and there is a disparity in practice among different courts.

## Workshop for Judges and Academics on People-Centered Justice

Nine judges from the Tbilisi Appellate Court, Tbilisi City Court, and Tetritskaro Regional Courts, as well as five academics from different universities, took part in a workshop on People-Centered Justice (PCJ) that was organized by the USAID Rule of Law Program (April 29).

The Program engaged three international experts from the Center for Justice Innovation in New York (CJI): **Danielle Pugh-Markie**, Director, Judicial Education and Leadership; **Monica Christofferson**, Director of Treatment Court Programs, National Technical Assistance Team; and **Sruthi Naraharisetti**, Senior Research Associate, to facilitate the event. The CJI experts were joined by visiting Minnesota Supreme Court Justice **Anne McKeig** in delivering sessions at the workshop.



The topics discussed by the speakers included procedural justice, PCJ practices, trauma-informed care, and community justice. They also spoke about the main tenets of procedural justice, ways of engaging neighborhoods and community members, rethinking community service, and developing innovative strategies to engage stakeholders.

The second part of the workshop was dedicated to the ‘best interest of children’ standard in family law and other cases involving juveniles. The participants asked numerous questions about the importance of keeping a family together, emotional ties between a child and relatives/caregivers, the factors courts should consider during the hearing process to ensure the health, safety, and protection of the child, the capacity of parents to care for the child, the mental and physical health needs of the parent and the child, as well as issues pertaining to the presence of domestic violence in a home environment.



## Meeting Between ECtHR Judges and Child Rights Practice Group Judges

Judge members of the USAID Rule of Law Program’s Child Rights Practice Group convened a meeting with the European Court of Human Rights (ECtHR) judges Tim Eicke and Lado Chanturia. The focus of the discussion, which was organized by the House of Justice with USAID Rule of Law Program support, was the right to private and family life in relation to child rights.



The meeting was also attended by the Chairman of the Constitutional Court, **Merab Turava**, and Constitutional Court judge **Eva Gotsiridze**. Judge Chanturia provided an overview of two cases (*N.TS v. Georgia* and *G.S. v Georgia*)



in which the ECtHR identified a violation of Article 8 of the European Convention on Human Rights concerning child rights. Judge Eicke discussed significant judgments by the Grand Chamber that addressed parental rights and child rights, such as *Strand Lobben* and *Others vs. Norway* and *Abdi Ibrahim vs. Norway*. He also referred to the chamber judgment in *A.H vs. Germany*, which involved the parental rights of a transgender woman.

The judges engaged in an interesting discussion on the standards of hearing a child’s perspective and determining the child’s best interests, as well as the effective implementation of these standards by national courts. The importance of providing sound reasoning in national judgments was underscored, and there was a consensus among the judges about the need for more frequent discussions of this nature.

### Georgian Women Judges Foster International Connections and Knowledge Exchange at IAWJ Conference

To enhance the professional capacity of Georgian women judges and support direct interactions with their colleagues from all over the world, the USAID Rule of Law Program supported two Georgian judges – **Ekaterine Zarnadze**, Tbilisi Court of Appeals and **Tamar Khazhomia**, Tbilisi City Court – to attend the 86th Biennial International Association of Women Judges’ (IAWJ) Conference in Morocco (May 11-15, 2023).

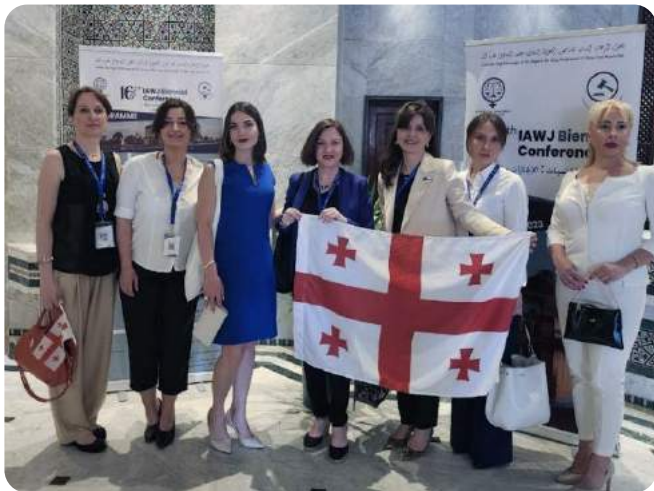
The conference gathered over 1,000 women judges from 72 countries, including Georgia, in Marrakech to discuss the accomplishments and challenges faced by women judges worldwide.

The Georgian delegation, comprised of judge **Tamar Khazhomia**, judge **Ekaterine Zarnadze**, Rule of Law Program Manager at USAID/Caucasus **Rusudan Tabatadze**, and USAID Rule of Law Program Judicial Reform Specialist **Eka Oniani**, actively participated in sessions that focused on the representatives from Europe and the Middle East and North Africa (MENA) region.

Judge Khazhomia described the conference as a valuable opportunity to gain insights into different legal systems, cultural diversity, and the challenges and aspirations of female judges from various countries.

“The conference fostered personal connections with international colleagues and reinforced the idea of strengthening ties among female judges in Europe. It was important for deepening legal knowledge, sharing values with individuals from diverse cultures, and expanding perspectives.”

– said **Judge Khazhomia**.



## Seminars for Judges on Communicating with Children in Courts

The USAID Rule of Law Program completed a series of seminars for civil and administrative judges from various courts in Georgia focused on improving communication with children in court proceedings. The participants included thirty-three judges who took part in previous Rule of Law Program study visits on child rights and freedom of expression in the U.S.



The latter seminar featured two experts: Georgian child psychologist **Ekaterine Tavartkiladze** and long-term American shadowing judge **Peggy Walker**.

The seminar covered several topics, including the importance of psychological aspects in cases involving children, special challenges when communicating with children with disabilities, and adapting court proceedings to meet the psychological needs of children. During the seminar, judges shared their experiences and challenges communicating with children in courtrooms.

The experts provided advice on how judges can initiate communication with a child, reduce their nervousness, eliminate parental influence, and understand the child's true interests. They also discussed how judges should phrase questions, pay attention to stress reactions, and respond if a child does not answer a question.

Additionally, the seminar emphasized the need to define boundaries between public opinion and the interests of the child.

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## Civil and Administrative Judges Met to Discuss Right to Freedom of Expression

Freedom of expression is fundamental to democracy, societal progress, and individual self-fulfillment. On May 20, 20 judge members of the USAID Rule of Law Program's Freedom of Expression Practice Group, all civil and administrative judges, discussed right to freedom of expression.

United States Ambassador to Georgia **Kelly Degnan** addressed the participant judges, saying:

“Judges are the face of the justice system within their community – a person’s experience with a judge, and how they relay that to friends and family, is crucial to public trust in the judiciary. You, as judges, play a crucial role in building Georgian society. You, as judges, in many ways determine the future of Georgia. The United States has been there through every wave of judicial reform, standing with judges as they move towards a more transparent and accountable judicial system.”



During the event, the 20 judges gained valuable insights from **Tamar Lakerbaia**, a judge from Tbilisi City Court, and **Shota Getsadze**, a judge from Tbilisi Appellate Court. The two judges shared their experiences from a recent study visit to the United States supported by the USAID Rule of Law Program that had a focus on freedom of expression.

Another key topic addressed by the speakers was the balance between free speech and the vital role played by judges in the society. Supreme Court judge **Nino Bakakuri** and Tbilisi Court of Appeals judge **Ketevan Meskhishvili** shared their perspectives on when judges may feel a moral duty to speak out and whether they can address matters impacting the judiciary.



To provide a broader perspective, Prof. **Jason C. DeSanto**, a Senior Lecturer at Northwestern University Law School and an expert on freedom of expression, and USAID Rule of Law Program-invited judge **Robert F. Carolan** shared their experiences and the American viewpoint on the discussed topics.



Moderated by judge **Tamar Khazhomia** from the Tbilisi City Court, the discussion involved a productive and engaging exchange of ideas among the participants.

## Workshop to Strengthen Constitutional Court Practices and Collaboration

The USAID Rule of Law Program supported a workshop (June 2) for the Constitutional Court of Georgia that enabled Constitutional Court judges and staff members to discuss important subjects related to existing case scheduling practices and practical challenges.

Brainstorming sessions were facilitated to generate solutions for improved efficiency, as well as to discuss the recommendations prepared by USAID Rule of Law Program expert Professor **Radoslav Prochazka** in 2022.

The important points discussed included revising the Court's practices regarding the admissibility of lawsuits and the standards for evaluating the constitutionality of

repealed norms, addressing issues that hinder the efficacy of the Court's proceedings, and identifying practical solutions.

The workshop also emphasized the importance of effective communication by the Constitutional Court and approaches it can use to disseminate information to external observers that will ensure clarity and conciseness.

Eight judges of the Constitutional Court, including Court Chair **Merab Turava**, participated in the workshop, along with the clerks of the court, the legal department team, and representatives from other Constitutional Court departments.

## Kutaisi Hub Sparks Dialogue on Child Rights in Georgia

The USAID Rule of Law Program’s Kutaisi Hub in partnership with the Legal Aid Service organized (June 8) a thought-provoking discussion on child rights involving over 50 participants, including two judges, lawyers, civil society representatives, and university students.

The primary focus of the discussion revolved around the child’s right to be heard in civil and administrative procedures, highlighting the insufficient procedural rules within the Georgian system. These rules play a pivotal role in enabling judges to take necessary actions to determine the best interests of the child.

The panel consisted of Kutaisi City Court judge **Tsitsino Kikvadze**, USAID Rule of Law Program-invited American judge **Peggy Walker**, Legal Aid Service lawyer **Tamar Oboladze**, Georgian Bar Association lawyer and former judge **Ia Shvangiradze**, and the Head of Georgian Young Lawyers Association’s Kutaisi branch, **Darina Saldadze**.



Participants shared insights on both local and international practices pertaining to child rights. Judges, together with the other participants, then established a case action plan to determine the best interest of the child. The plan encompasses two key aspects: first, enabling the child to remain within the family; second, if the initial step proves unsuccessful, considering alternative options such as permanent custody or open adoption. Such an approach ensures that the child’s future is determined and resolved, minimizing uncertainty. In contrast, the current Georgian procedures only mandate a custody review every six months, which tends to be a formal process lacking meaningful impact on the child’s future. This process often becomes distressing for the child, serving as a reminder of their parents’ inability to provide for them adequately.



## Effective Communication with Women in the Courtroom: A Gender-Sensitive Approach

The USAID Rule of Law Program held a seminar in Tbilisi on effective communication with women in the courtroom. The seminar was attended by civil and administrative judges from the Program’s Rule of Law Practice Groups, with a particular focus on the Women’s Rights Practice Group.

Leading the seminar was expert psychologist **Ekaterine Tavartkiladze**, who began by discussing the unique challenges faced by women and judges communicating in the courtroom setting.



A special focus was placed on the specific challenges judges encounter when communicating with victims of domestic violence, representatives of ethnic and religious minorities, and other marginalized groups. The trainer stressed the significance of adopting a trauma-informed approach and utilizing language that is respectful and inclusive.

The seminar held on June 17 also included a brainstorming session, during which the judges explored effective communication strategies with parties involved in court proceedings. The judges highlighted the importance of exhibiting patience, non-judgmental attitudes, and open-mindedness. They also emphasized the need to recognize and address their own biases while being sensitive to the cultural backgrounds of the parties.

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## Launch of Long-term Judicial Mentoring Mission in Samtskhe-Javakheti

The USAID Rule of Law Program's long-term judicial shadowing mission in the Samtskhe-Javakheti region commenced in mid-June. On June 13, U.S. judge **Tim Baland** arrived in Akhaltsikhe to initiate the Samtskhe-Javakheti mentoring mission.

Judge Baland works closely with the Akhaltikhe and Akhalkalaki District Courts, the Adigeni, Aspindza, Borjomi, and Ninotsminda Magistrate Courts, Akhaltikhe University, and the Legal Aid Service. As part of this cooperation, judge Baland shares his experience with local judges, attorneys and law students, attends court sessions, and holds both group and individual meetings with judges, court staff, Legal Aid Service lawyers, private attorneys, and law students. Judge Baland will perform this work in Samtskhe-Javakheti until mid-October.

During his first day in Akhaltsikhe, a meeting was convened for judge Baland at the Akhaltsikhe District

Court. Acting Court Chairwoman **Anahit Oganessian**, presiding judges, and court staff warmly welcomed their American counterpart. The discussion encompassed the objectives, significance, and anticipated outcomes of the shadowing program for Georgia's judicial system.

The following day, judge Baland met with **Dean David Khobelia** of the Faculty of Law at Akhaltsikhe University. During the meeting, the Dean highlighted that he had disseminated information among local students about the visit of the American judge, and that it garnered substantial interest among the student body. Although the academic term had already concluded, students expressed a desire to meet the American judge and expressed their willingness to participate in activities organized by judge Baland. Following the university meeting, judge Baland visited the Akhaltsikhe Legal Aid Service bureau, where he met with **Davit Zaridze**, the Bureau's Head.

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## Georgian Judges Gain Valuable Insights from U.S. Court Exchanges

The USAID Rule of Law Program is committed to support the Georgian judiciary by facilitating judicial exchanges and providing opportunities for Georgian judges to gain exposure to U.S. best practices.

As part of this initiative, three civil and administrative judges were seconded to different U.S. courts for two weeks, working with their U.S. counterparts and observing court proceedings. The secondments, which focused on each judge's areas of interest, were facilitated by the East-West Management Institute's (EWMI) partner under the Program, the American Bar Association Rule of Law Initiative, and were completed in June.

**Nino Gergauli**, a first instance judge from Gori District Court, was placed with the Lane County Circuit Court in Eugene, Oregon for a secondment that focused on child rights and family law matters. She attended over 30 court sessions, and the cases covered topics such as restraining and protective orders, juvenile matters, jury trials, domestic violence, plea agreements, and child visitation cases.

During his secondment, **Besarion Tabaghua**, a first instance judge from Tbilisi City Court, observed five to six court sessions daily at the Hennepin County Circuit Court in Minneapolis, Minnesota.



“Participation in the judicial secondment program was a valuable experience and I gained knowledge that I will successfully apply in my professional and academic activities.”

Judge Tabaghua noted that even though the American legal system differs significantly from the Georgian system, particularly in the realm of civil law, the Georgian system can still learn beneficial practices from the U.S.

“I attended the hearing of parties regarding cassation appeals. I had the honor to meet with the judges of the Minnesota Supreme Court, with whom I discussed the similarities and differences between American and Georgian judicial practice on issues of contract law, which was very interesting and informative for me. I also had the opportunity to visit Minnesota Law School, where I attended a scientific paper review conducted by the university’s academic staff. It was a great honor to meet with law professors to further explore legal topics. I also participated in the swearing-in ceremony of administrative court judges, which left me with positive emotions and a sense of inclusion.”

– **Judge Tabagua** noted while sharing his impression.

**Badri Niparishvili**, a first instance judge from the Regional Court of Tetrtskaro, participated in a secondment at Montgomery County Circuit Court in Rockville, Maryland. He had the opportunity to observe over twenty proceedings and engage in discussions with his fellow judges regarding their approaches and techniques in handling family disputes.

“The visit gave me opportunities to reassess the planning and conducting of court sessions, especially on family matters. In the U.S., the involvement of children and additional actors (psychologist, etc.) in court proceedings is minimized as much as possible. Also, the procedures for resolving cases are simplified, with decisions in most cases being made in one court session. This contributes to the speedy consideration of cases, and the judge concentrates on only one case, which is important for the effective consideration of the case. In the U.S., public attendance at court hearings is highly valued, so all hearings that do not involve minors, including sexual assault cases, are open. Members of the public have an opportunity to enter the session hall at any stage of the case hearing.”

– **Judge Niparishvili** reflected.



## Joint Meeting of Women’s Rights and Freedom of Expression Practice Groups on Gender Stereotyping and Sexist Expression in Court

A joint meeting of the judicial Women’s Rights and Freedom of Expression Practice Groups, both initiated by the USAID Rule of Law Program, took place in Tbilisi on July 24. The meeting was convened to address the impact of gender stereotypes on judicial proceedings and develop measures to combat sexist expressions during court proceedings.

Throughout the session, the participant judges engaged in discussions about the nature of gender stereotypes, their identification, and relevant international standards. Human rights expert **Kate Levin** from the UK-based European Human Rights Advocacy Center (EHRAC) emphasized that gender stereotyping not only leads to discrimination against women but is discriminatory in itself.

The discussions extended to analyzing gender stereotypes within the framework of the Law on the Prohibition of Discrimination, with experts examining the practices of the European Court of Human Rights.

Female judges at the meeting shared personal experiences of facing differential treatment due to gender stereotypes. They also discussed the methods they employ to maintain order in the courtroom and protect women’s rights without appearing biased to the opposing side.

A crucial aspect of the meeting focused on addressing sexist expressions, particularly as it relates to lawyers’ freedom of expression. Participants deliberated on proportional measures and mechanisms to combat such expressions, stressing the role of lawyers’ ethics in eliminating this problem.



## Judge from Gori District Court Completes Valuable Study Visit in the Netherlands

“I would like to thank the USAID Rule of Law Program and the American people for giving me the opportunity to participate in this wonderful program. My visit to the Netherlands was a useful experience for me as a practicing judge and professor. I will use this experience again for students and society.”

– said **Judge Levan Darbaidze** from Gori District Court, who completed his visit (July 2-15) to the Netherlands.

During his time in the city of Leiden, judge Darbaidze undertook a comprehensive training course in International Children’s Rights at the University of Leiden.

In addition to the course, judge Darbaidze had the opportunity to visit the courts of Leiden and The Hague, where he observed court procedures and gained valuable insights into the daily life of judges. He attended court proceedings in criminal, civil, and family law, and also

met with judges and court presiding officers. During these interactions, he learned about the basic principles that contribute to creating a child-friendly environment in Dutch courts, including modern courtrooms, common working rooms of judges, fully electronic proceedings in courts, and modern European spaces designed for questioning child victims and witnesses, as well as child rehabilitation institutions.

“I had meaningful meetings at the Leiden House of Children’s Rights, where I engaged in interesting discussions with researchers working in this field. I met with other professionals involved in juvenile justice, including prosecutors, social workers, and psychologists, with whom I discussed contemporary challenges and perspectives in the field of juvenile justice. It was an extremely valuable opportunity.”

– said **Judge Darbaidze**.



## Safeguarding Children’s Rights in Legal Proceedings

The USAID Rule of Law Program conducted a workshop (July 29) with judge members of the Child Rights Practice Group to discuss the right to open hearings in child-related cases and publicity of those cases. The workshop focused on European Court of Human Rights (ECtHR) case law and methodologies for interviewing children in court, giving particular attention to U.S. practices.



The sessions related to the right to open hearings and ECtHR standards were led by local human rights expert **Levan Maisuradze**. Supreme Court judge **Nino Bakakuri** and Rustavi Court judge **Nata Tedeshvili** also shared valuable insights from their experiences in Georgia, shedding light on the publicity of judgments and the exceptions made in the best interests of the child.

USAID Rule of Law Program-invited American judge **Peggy Walker**, an expert in child rights matters, shared her experience and offered answers to judges' questions from a U.S. perspective. She provided valuable insights on how judges, psychologists, social workers, and other professionals can coordinate their efforts and apply similar standards and attitudes to safeguard the interests of the children involved in cases.

Towards the conclusion of the meeting, judge **Levan Darbaidze** from Gori District Court shared his impressions from a recent study visit in Leiden, Netherlands, funded by the USAID Rule of Law Program.



## Georgian Judges Sharpen Child Rights Expertise

To bolster their understanding of child rights and related legal practices, a third group of first and second-instance civil, administrative, and magistrate judges took part in a study tour in the eastern United States.

Over the course of the 10-day study tour (September 18-28, 2023), these dedicated jurists gained insights from U.S. courts and organizations, enhancing their expertise on juvenile participation in judicial proceedings, safeguarding children's rights during hearings, regulating parental visitation after divorce, and determining a minor's place

of residence. Additionally, the Georgian judges were introduced to U.S. court practices in areas such as case flow management and people-centered justice.

The participants of the USAID Rule of Law Program's third study tour, facilitated by **ABA ROLI**, were judges from Tbilisi Court of Appeals, Tbilisi City Court, Bolnisi District Court, Tetritskaro District Court, Kutaisi City Court, Rustavi City Court, and Signnagi District Court. An assistant judge from the Civil Chamber of the Tbilisi Court of Appeal was also part of the delegation.

**Manana Nikachadze**, Kutaisi City Court judge:

"Although there are distinct differences between the Georgian civil system and common law systems, the goal is the same: to protect the best interests of the child. In Georgia, a child's presence in court is mandatory; in the U.S., the judge has the authority, not the obligation, to have the child in court. The existence of specialized juvenile courts in the U.S. has led to other improved practices as well. It was interesting to see that issues related to the separation of the child are discussed at open court sessions. Video communication with the parties is also actively used. It would be good if such specialized juvenile courts were created in Georgia as well."

**Manana Meskhishvili**, Tbilisi City Court judge:

"It was important that we met with various participants involved in child cases, it gave me the opportunity to see the U.S. system from different perspectives. I will use the information I received about special techniques for interviewing a child the most in my judicial practice."



**Vladimir Khuchua**, Tetrtskaro District Court judge:

“Meeting at Emory University was interesting, as former judges and prosecutors who study children’s rights in a systematic manner presented problematic issues and possible ways to solve them.”

**Tamar Tsereteli**, Tbilisi Court of Appeals judicial assistant, singled out several issues that were interesting to her, in particular the principle:

“One family, one judge,” according to which disputes arising within one family are referred to the same judge who already has information about past violations or disputes. Also interesting was the principle “No case about me, without me,” according to which the court tries to solve issues related to the child with the participation of the child and based on his/her opinion. The meeting with Douglas County judges was also interesting, especially the mechanisms used to force payments of alimony (child support). I feel it is necessary to implement such mechanisms in the Georgian legal system, because currently there is practically no way to collect the alimony if the parent obligated to pay alimony is not paid through cashless payments.”

**Ketevan Kuchava**, Tbilisi City Court judge:

“For me, attending court proceedings was the most interesting and I enjoyed observing judges’ communication with the courtroom and the skills leading the session so that the participants trusted the court and respected its decision. It was also important to see that children are not brought to court unless it is important for decision-making, when there is a conflict between the parents, or when the position of the legal representative is different from the best interests of the child.”

USAID Rule of Law Program supports the Georgian judiciary by providing judicial exchanges, including visits to the U.S. for Georgian judges, placing long-term U.S. judges in Georgian courts, and seconding Georgian judges to U.S. courts for in-depth exposure to U.S. best practices.

Judge **Peggy Walker** attended trials in Kutaisi City, Zestaponi, and Samtredia district courts for three months and shared her experience with Georgian judges.

“It is a great honor for me to be in Georgia, given that I am the first female judge in this program. There are not many female judges in high positions in the U.S. courts. One of my discoveries while being here is that you have quite a few female judges in Georgia, and I will be happy if I see them in higher, leadership positions.”

“The longer justice is delayed, the more justice is denied. Therefore, in order to reduce the accumulated cases, it is very important for lawyers, judges, and members of society to work together.”



Judge **Joseph Belipani** worked with the civil and administrative judges of the Tbilisi City Court for six months. He observed the processes, held individual meetings with Georgian judges and provided information on important and interesting issues of American jurisprudence.

“I can tell you what I saw - there were judges who worked diligently and did a very good job. In every case, there are always disgruntled people. So no matter what happens, the public needs to understand that the judge will hear the case based on the law and the facts.” Someone will win, someone will lose.”

“Public trust in the system rests on the non-political process of selecting a judge. A process that prioritizes education and justice. This is how people believe in judges and that they are fair. Developing such a system is critical.”



Judge **James Redwine** spent six months observing judicial proceedings at Batumi City Court, as well as Khelvachauri, Kobuleti, Keda, Shuakhevi and Khulo regional courts. He held individual meetings with local judges, and led informational sessions with law students and attended mock trials led by youth.

“A jury trial is democracy in action, and a mock trial allows students to understand the importance of that democracy. My advice to students entering the legal profession is to be sure that you have the right motivation for going into the profession. If you are a

dedicated lawyer or a dedicated judge, you have many opportunities to help many people; so, make sure you want to help people with your life, and if you want to help people then the legal profession is the number one place to help the most people.”



Judge **Robert Carolan** spent six months in Georgia. Within the framework of the long-term mentoring program in Rustavi city and Kvemo Kartli district courts, he came to understand the judicial structure and case management systems of Georgia.

“Sometimes life is unpredictable. The decision-making process is also unpredictable. There are judges who approach their work like this: ‘I have a blank sheet of paper, I look at it and say that I will decide this case. I

don’t know where it will take me yet, but I know that I will rely on the facts.’ If you are not driven by curiosity, you will not become a judge.”



## USAID RULE OF LAW PROGRAM TEAM MEMBERS WORKING ON JUDICIAL SUPPORT ACTIONS:

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- ▶ **Neil Weinstein** Deputy Chief of Party
- ▶ **Eka Lomtadze** Judicial Reform Advisor
- ▶ **Eka Oniani** Judicial Reform Specialist
- ▶ **Tim Bunjevac** Community Engagement Advisor
- ▶ **Mariam Gobronidze** Community Engagement Coordinator
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