

# LAW OF GEORGIA

## ON LEGAL AID

### Chapter I – General Provisions

#### Article 1 – Goal of the Law

1. The goal of the Law is to create a sustainable and reliable legal aid system oriented to social requirements which is necessary to ensure the right of protection guaranteed by the Constitution of Georgia and international agreements, as well as an efficient legal aid administration system for transparent and effective spending of budget funds.
2. Everyone has the right to take advantage of consistent and qualified legal advice and legal aid at the expense of the State, according to the procedure established by this Law.
3. Legal aid is based on the principles of rule of law, equality of arms and ensures unhindered enjoyment of the rights guaranteed by the Constitution of Georgia.
4. According to the procedure established by this Law, legal advice is rendered on any legal issue, and legal aid is provided during criminal, civil and administrative legal proceedings.

#### Article 2 – Definition of terms

Terms used in this Law have the following meanings:

- a) legal aid – preparation of legal documents, representation in a court with respect to administrative and criminal cases and an administrative body, as well as in criminal proceedings at the expense of the State;
- b) legal advice – provision of publicly available legal consultation on any legal issue;
- c) register of invited public lawyers (the ‘Register’) – a list of lawyers providing legal aid compiled by the Legal Aid Unit on the basis of the Georgian Bar Association data;
- d) public lawyer – a lawyer of the Legal Aid Bureau, a legal aid provider, or a lawyer recorded in the register who provides legal aid under this Law;
- e) legal aid provider (the ‘Provider’) – a legal person under private law or a lawyer who provides legal aid;
- f) legal aid beneficiary – a citizen of Georgia, a stateless person, or a foreign citizen who meets the criteria established by this Law and other legislative acts;
- g) Insolvent person – a member of a family registered in the unified database of socially vulnerable families, whose socioeconomic index is below the limit established by the Government of Georgia.

### Chapter II – Legal Aid

#### Article 3 – Types of legal aid

For the purposes of this Law, types of legal aid shall be to:

- a) draft legal documents (applications, claims, complaints, statements of defence, motions and other documents);
- b) defend an accused, convicted, or acquitted person in criminal proceedings;
- c) protect victims in criminal proceedings when conducting a defence in cases provided by the Criminal Procedure Code of Georgia at the expense of the State;
- d) provide representation in court with respect to administrative and civil cases;
- e) provide representation before an administrative body.

*Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332*

*Law of Georgia No 1779 of 13 December 2013 – website, 28.12.2013*

*Law of Georgia No 3013 of 26 December 2014 – website, 31.12.2014*



## Article 4 – Legal aid beneficiaries

A natural person has the right to receive legal aid at the expense of the State in cases provided for by this Law and under the procedure established by this Law.

### [Article 4<sup>1</sup> – Minors enjoying legal aid

1. At any stage of criminal proceedings an accused/convicted/acquitted and injured minor shall enjoy the right to free legal aid. At any stage of criminal proceedings a minor witness may exercise this right if he/she is indigent.

2. The right specified in paragraph 1 of this article may also be enjoyed by persons aged from 18 to 21 if they are the accused. *(Shall become effective as from 1 January 2016)*

*Law of Georgia No 3716 of 12 June 2015 – website, 24.6.2015*

### [Article 4<sup>2</sup> – Permanent Group of Lawyers Specialising in Juvenile Justice

There is a Permanent Group of Lawyers Specialising in Juvenile Justice operating within the Legal Aid Unit, which will provide legal aid to minors immediately upon request, in the shortest period of time, in cases provided for by law. *(Shall become effective as from 1 January 2016)*

*Law of Georgia No 3716 of 12 June 2015 – website, 24.6.2015*

## Article 5 – Conditions for rendering legal aid

1. Legal aid is provided in cases directly prescribed by law; also, under the procedure established by this Law if an accused, convicted and/or acquitted person is insolvent.

2. Legal aid (representation in court) is provided in civil and administrative proceedings if a person is insolvent and it is appropriate to render legal aid to him/her (represent him/her in court) based on the importance and complexity of a case.

2<sup>1</sup>. The Legal Aid Unit ensures that legal documents on any issue with respect to civil and administrative cases are drafted for an insolvent person regardless of the importance and complexity of a case.

2<sup>2</sup>. The legal aid under Article 3(a) and (d) of this Law shall be provided to a person with respect to whom a court is to decide the question of recognising the person as a beneficiary of support in connection with the cases stipulated in Chapter XLIV<sup>11</sup> of the Civil Procedure Code of Georgia, and also to a beneficiary of support who is a party to a civil and/or administrative proceeding, irrespective of his/her ability to pay, unless this person has chosen a lawyer according to the general procedure. *(Paragraph 2<sup>2</sup> shall become effective as from 1 April 2018 in the part which provides for rendering legal aid to the party who is a beneficiary of support in a civil and/or administrative proceeding)*

[2<sup>3</sup>. The legal aid under Article 3(a) and (d) of this Law shall be provided to an asylum seeker with respect to whom a dispute on granting, terminating or revoking the status of refugee or humanitarian status, or on granting asylum is to be resolved by a court in connection with a case stipulated in Chapter VII<sup>6</sup> of the Administrative Procedure Code of Georgia, irrespective of his/her ability to pay, unless this person has chosen a lawyer according to the general procedure. *(Shall become effective as from 1 January 2016)*]

3. Director of the Legal Aid Unit may, based on the criteria predefined by the Legal Aid Council, decide that legal aid be rendered to a person who is not a member of a family registered in the unified database of socially vulnerable families.

*Law of Georgia No 968 of 30 December 2008 – LHG I, No, №41, 30.12.2008, Art.340*

*Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332*

*Law of Georgia No 1779 of 13 December 2013 – website, 28.12.2013*

*Law of Georgia No 3013 of 26 December 2014 – website, 31.12.2014*

*Law of Georgia No 3368 of 20 March 2015 – website, 31.3.2015*

*Law of Georgia No 4064 of 17 July 2015 – website, 29.7.2015*

## Article 6 – Determination of insolvency of persons

1. Categories of persons who are considered to be insolvent for the purposes of this Law and the procedure for insolvency confirmation are defined by the Government of Georgia.

2. To determine insolvency of a person, when necessary, the Legal Aid Bureau or the Provider may apply to an appropriate administrative body which is



obliged to immediately provide the required information.

*Law of Georgia No 968 of 30 December 2008 – LHG I, No, №41, 30.12.2008, Art.340*

*Law of Georgia No 1779 of 13 December 2013 – website, 28.12.2013*

#### **Article 7 – Reimbursement of legal aid expenses**

1. If, when considering civil or administrative proceedings, the court makes a decision in favour of a legal aid beneficiary, the reimbursement of legal aid expenses shall be imposed on the opposing party for the benefit of the Legal Aid Unit, under the procedure established by the legislation of Georgia.
2. If a legal aid beneficiary receives legal aid by way of submitting forged and/or false information about his/her insolvency, he/she must reimburse the rendered legal aid expenses.

### **Chapter III – The Structure of the Legal Aid Unit and the Guarantees of Independent Activity**

*Law of Georgia No 968 of 30 December 2008 – LHG I, No, №41, 30.12.2008, Art.340*

#### **Article 8 – The Legal Aid Unit**

1. The Legal Aid Unit (the ‘Unit’) is a legal entity under public law which is independent in its activity and ensures the availability of legal advice and legal aid on the basis of the Constitution of Georgia, this Law, other legal and subordinate normative acts and the statute of the Unit.
2. Activities of the Unit are not subject to the operation of Articles 10(4), 11, 12 and 14 of the Law of Georgia on Legal Entities under Public Law.
3. The Unit is not subordinated to any State body and is accountable only to the Parliament of Georgia under the procedure established by the legislation of Georgia.
4. The Director of the Unit (the ‘Director’) annually submits to the Parliament of Georgia, not later than 1 March, the Unit activity report for the previous year. After hearing the report on the Unit activity, the Parliament of Georgia approves it by resolution, or requires that the Unit eliminate certain defects and/or improve its activities.
5. If the Parliament of Georgia, after hearing the Unit activity report or based on the information received from other sources, concludes that there are grounds under Article 13(7)(d, e) of this Law for premature termination of the Director’s powers, the Parliament shall pass a resolution to prematurely terminate the Director’s powers. The Parliament of Georgia may pass a resolution to prematurely terminate the Director’s powers on the grounds referred to in this paragraph also upon recommendation of at least one third of the members of the Legal Aid Council.
6. The Unit comprises the Office of the Unit (the ‘Office’), Legal Aid Bureaus and consultation centres established under this Law.
7. The Statute of the Unit is approved by the Legal Aid Council upon recommendation of the Director.

*Law of Georgia No 968 of 30 December 2008 – LHG I, No, №41, 30.12.2008, Art.340*

*Law of Georgia No 1779 of 13 December 2013 – website, 28.12.2013*

#### **Article 8<sup>1</sup> – Guarantees for the independence of the Unit activity**

The Unit is independent in performing tasks assigned to it. Any influence on its activity is inadmissible.

*Law of Georgia No 968 of 30 December 2008 – LHG I, No, №41, 30.12.2008, Art.340*

#### **Article 8<sup>2</sup> – Activities to be preliminarily approved**

1. With the consent of the Ministry of Finance of Georgia, the Unit may:
  - a) take a loan;
  - b) act as surety;
  - c) determine the staff list of the Unit and wages fund;
  - d) determine the limits of funds allocated for material incentives of the staff, and the limits for planned fuel and communication expenses.
2. With the approval of the Ministry of Economy and Sustainable Development of Georgia, the Unit may:
  - a) acquire, alienate or encumber real property;



b) make other decisions related to Unit property if they fall beyond the scope of its ordinary activity.

3. Refusal to perform activities defined in paragraphs 1 and 2 of this article must be substantiated. The refusal may be appealed under the procedure established by the legislation of Georgia.

4. The Unit is obliged to keep records of and reports on its financial and economic activities, draw up balance sheet and submit it for approval to the Ministry of Finance of Georgia under the procedure established by the legislation of Georgia. The Ministry of Finance or an independent auditor appointed by it inspects the annual balance sheet of the Unit.

*Law of Georgia No 1779 of 13 December 2013 – website, 28.12.2013*

#### **Article 9 – (Deleted)**

*Law of Georgia No 968 of 30 December 2008 – LHG I, No, №41, 30.12.2008, Art.340*

*Law of Georgia No 1779 of 13 December 2013 – website, 28.12.2013*

#### **Article 10 – Legal Aid Council**

1. A collegiate body – the Legal Aid Council (the ‘Council’) is established to ensure administration of the Unit, efficient performance of its functions, and independence and transparency of the Unit.

2. The Council is comprised of nine members. Three members are selected by the Executive Council of Georgian Bar Association and three members – by the Public Defender of Georgia; one member is selected by the Legal Aid Bureaus from the lawyers of the Bureaus; one member is nominated by the Minister of Justice of Georgia from the employees of the Ministry of Justice of Georgia and one member is nominated by the High Council of Justice of Georgia from the non-judge members of the High Council of Justice.

3. The Public Defender of Georgia nominates one member of the Council from the staff of its Office.

4. The Public Defender of Georgia selects two members of the Council on an open competition basis from representatives of non-entrepreneurial (non-commercial) legal entities implementing activities in the field of human rights protection and from representatives of the scientific field that work in higher educational institutions of Georgia upon recommendations of the administrative bodies of the organisations.

5. The Public Defender of Georgia selects on an open competition basis a member of the Council that has public recognition and high reputation, higher education, experience of working in the field of human rights protection and/or in academic/scientific activities. A member of the Council selected on an open competition basis may not implement advocacy activities.

6. A member of the Council is independent in his/her activity. A member of the Council nominated by the Public Defender of Georgia and selected on an open competition basis may not be withdrawn from membership.

7. Activities of the Council members are not remunerated.

8. The term of office of the Council members is four years except for a member who at the same time is a lawyer of a Legal Aid Bureau. A member of the Council who at the same time is a lawyer of a Legal Aid Bureau is selected for a one-year term according to the procedure established by Article 16(8-10) of this Law.

9. The same person may be elected as a member of the Council only for two consecutive terms, except for the member who at the same time is a lawyer of a Legal Aid Bureau.

10. The Director participates in Council sessions with a voting right.

11. A session of the Council is open to the public, except when, based on the content of an issue concerned, the Council considers it appropriate to close the session. The procedure for attending sessions is defined by the Statute of the Council.

12. The rules of procedure of the Council are defined by the Statute of the Council approved by the Council upon recommendation of the Chairperson of the Council.

13. The council meets at least once in two months.

*Law of Georgia No 968 of 30 December 2008 – LHG I, No, №41, 30.12.2008, Art.340*

*Law of Georgia No 4254 of 25 February 2011 – website, 1.3.2011*

*Law of Georgia No 1779 of 13 December 2013 – website, 28.12.2013*

#### **Article 11 – Functions of the Council and decision-making procedures**

1. The Council:

a) elects the Director on competition basis and, in the cases defined in Article 13(7) of this Law, makes a decision to prematurely terminate his/her term of office;



- b) approves the strategy of the Unit and monitors its performance;
- c) upon recommendation of the Director, approves the Statute of the Unit and upon recommendation of the Chairperson of the Council – the Statute of the Council;
- d) upon recommendation of the Director, approves the procedure and criteria for the quality assessment of the legal advice and legal aid rendered by the Unit;
- e) approves the criteria for rendering legal aid provided in Article 5(3) of this Law; based on the criteria, the Director may make a decision to render legal aid to a person;
- f) upon recommendation of the Director, makes decisions to establish and/or cancel Legal Aid Bureaus/consultation centres, and defines the jurisdiction of Legal Aid Bureaus and providers;
- g) upon recommendation of the Director, approves the staff list of the Unit and the limits of funds allocated for remuneration of the employees;
- h) upon recommendation of the Director, approves the procedure for involving in a proceeding a lawyer registered in the registry, the amount of his/her remuneration of labour and payment procedure;
- i) upon recommendation of the Director, approves the reporting procedure and the form of a Consultation centre, a Legal Aid Bureau, a Provider, and a lawyer registered in the registry;
- j) hears a financial report of the Director on the activities of the Unit at the end of each fiscal year;
- k) hears current and annual reports of the Director on the activities of the Unit;
- l) applies to the Director with a recommendation to improve activities of the Unit and monitors its performance within the scope defined by the Statute of the Council;
- m) if necessary, hears a report on the activity of a Legal Aid Bureau/Consultation Centre, and their suggestions on optimisation of the activities of the Unit;
- n) may hear a claim of a person employed by the Unit with relation to exercising by the Director of his/her powers;
- o) may conduct research to investigate the availability and quality of legal aid and legal advice;
- p) promotes activities of the Unit;
- q) exercises other powers provided by this Law and the Statute of the Council.

2. The Council is duly constituted if at least two-thirds of the members attend a session. The Council makes decisions by a majority of votes of the members attending the session. In the event of a tie vote the Chairperson of the Council casts the deciding vote. In the cases provided in paragraph 1(a, b, e, h) of this article, the Council makes decisions by at least two-thirds of the full composition of the Council.

3. A member of the Council who at the same time is a lawyer of a Legal Aid Bureau may not participate in voting if the Council is considering the issues of electing the Director and/or prematurely terminating powers of the Director.

4. The Council has a Secretariat. The staff list of the Secretariat is approved by the Council upon recommendation of the Chairperson of the Council. Employees of the Secretariat are appointed and dismissed by the Director with the consent of the Chairperson of the Council. Employees of the Secretariat are the employees of the Unit.

*Law of Georgia No 968 of 30 December 2008 – LHG I, No, №41, 30.12.2008, Art.340*

*Law of Georgia No 1779 of 13 December 2013 – website, 28.12.2013*

## **Article 12 – The Chairperson of the Council**

1. The Chairperson of the Council (the ‘Chairperson’) is elected among the Council members by a majority of votes of the full composition of the Council for a one-year term. The same person may be elected as the Chairperson only for two consecutive terms.

2. Decisions to elect the Chairperson, extend and/or prematurely terminate his/her powers is made in the form of a resolution signed by all members participating in the voting.

3. The Chairperson convenes and presides over Council sessions, and signs recommendations adopted by the Council and other documents made on behalf of the Council. The Chairperson submits the draft Statute of the Council to the Council for approval.

*Law of Georgia No 1779 of 13 December 2013 – website, 28.12.2013*

## **Article 12<sup>1</sup> – Grounds for premature termination of powers of a Council member**

1. Powers of a member of the Council are prematurely terminated:



- a) based on personal application;
- b) if a court judgement of conviction becomes effective against him/her;
- c) if he/she is declared by the court as missing or dead;
- c<sup>1</sup>) if he/she is recognised by the court as a person with limited capacity or as a beneficiary of support, unless otherwise determined under court decision;
- d) if absent at the Council sessions for three consecutive times without a valid reason;
- e) in case of death;
- f) if he/she is appointed as a judge or a prosecutor;
- g) if he/she took office as a member of the Council and his/her powers have been terminated;
- h) in other cases provided by law.

2. If there are grounds defined in paragraph 1(c<sup>1</sup>), (d) or (g) of this article, the powers of a member of the Council are prematurely terminated by decision of the Council, and the Council accepts for reference the information of a circumstance under paragraph 1(a) or (b) or (c) or (e) or (f) of the same article, as a result of which the powers of a member of the Council are prematurely terminated.

*Law of Georgia No 1779 of 13 December 2013 – website, 28.12.2013*

*Law of Georgia No 3368 of 20 March 2015 – website, 31.3.2015*

### **Article 13 – The Director**

1. The Director administers the Unit. The Council elects the Director on an open competition basis for a five-year term. The same person may be elected as a Chairperson only twice consecutively.
2. The Director exercises powers defined in Article 14 of this Law, enforces decisions of the Council and represents the Unit in relations with third parties.
3. A citizen of Georgia, at least 30 years old, with higher legal education and with at least 5 years working experience as a lawyer and at least 3 years working experience as a manager may be elected as the Director.
4. The Director may not be a member of the Council at the same time. During the term of office, the Director may not work as a lawyer or carry out other paid activities except for scientific, teaching and creative activities.
5. The Director is subject to the requirements established by the Law of Georgia on Conflicts of Interest and Corruption in Public Service.
6. If, in the cases provided by this Law and the Statute of the Unit, the Director has personal interest in a decision to be solely adopted by him/her, he/she must inform the Council in writing on the conflict of interests and the Council shall make an appropriate decision.
7. The powers of the Director are prematurely terminated:
  - a) based on a person application;
  - b) if a court judgement of conviction becomes effective against him/her;
  - c) if he/she is declared by the court as missing or dead;
  - c<sup>1</sup>) if he/she is recognised by the court as a person with limited capacity or as a beneficiary of support, unless otherwise determined under court decision;
  - d) if he/she has violated the requirements established by the Law of Georgia on Conflicts of Interest and Corruption in Public Service;
  - e) if he/she severely or regularly violates law and the Statute of the Unit, or fails to perform or improperly performs functions assigned to him/her;
  - f) in case of death.
8. If there are grounds defined in paragraph 7(c<sup>1</sup>), (d) or (e) of this article, the powers of the Director are prematurely terminated by decision of the Council, and the Council accepts for reference the information of a circumstance under paragraph 7(a) or (b) or (c) or (f) of the same article, as a result of which the powers of the Director are prematurely terminated.

*Law of Georgia No 1779 of 13 December 2013 – website, 28.12.2013*

*Law of Georgia No 3368 of 20 March 2015 – website, 31.3.2015*

### **Article 14 – Functions of the Director**



1. The functions of the Director are to:

- a) administer the Unit, supervise activities of the Consultation centre, the Legal Aid Bureau, and the Provider;
- b) develop proposals on the Statute of the Unit and on making amendments to it and to submit them to the Council for approval;
- c) submit annually to the Parliament of Georgia, not later than 1 March, in agreement with the Council, Unit activity reports for the previous year;
- d) determine amounts of remuneration for labour for the employees within the limits of funds approved by the Council;
- e) approve the insignia of the Unit in agreement with the Council;
- f) submit, in agreement with the Council, the draft budget of the Unit and reports on implementation of the Unit's budget to the Ministry of Finance of Georgia;
- g) submit to the Council draft decisions to establish and/or cancel Legal Aid Bureaus/consultation centres, as well as to define the jurisdiction of Legal Aid Bureaus and providers;
- h) develop the reporting procedure and the form of a Consultation centre, a Legal Aid Bureau, a Provider, and a lawyer registered in the registry and submit them to the Council for approval;
- i) develop the procedure for involving in a proceeding a lawyer registered in the registry, the amount of his/her remuneration for labour and payment procedure and submit them to the Council for approval;
- j) ensure provision of a qualified legal aid by a lawyer registered in the registry and control the quality of the provided service under the procedure established by the Statute of the Unit;
- k) approve the internal regulations of the Unit;
- l) coordinate and analyse production of statistics by the Unit;
- m) appoint and dismiss employees of the Office, Legal Aid Bureaus and Consultation Centres, apply disciplinary actions against and incentive measures for them according to the procedure established by the legislation of Georgia;
- n) develop the procedure and criteria for the quality assessment of the legal advice and legal aid rendered by the Unit, submit them to the Council for approval and supervise their implementation;
- o) consider complaints related to the activity of Consultation Centres, Legal Aid Bureaus and Providers, as well as the reasonableness of refusing to render legal aid under the procedure established by the legislation of Georgia;
- p) provide training courses and workshops to retrain and raise qualification of the Unit employees and public lawyers;
- q) submit current and annual Unit activity reports to the Council;
- r) submit financial reports on Unit activities to the Council at the end of each fiscal year;
- s) make arrangements for the financial accounting and reporting of the Unit under the procedure established by the legislation of Georgia;
- t) ensure publicity and accessibility of the annual Unit activity report;
- u) ensure promotion of Unit activities;
- v) issue administrative-legal acts within his/her competence;
- w) exercise other powers provided by this Law and the Statute of the Unit.

2. The Director may terminate a labour contract of the Head of the Legal Aid Bureau, a lawyer and a consultant only with the consent of the Council, except for cases of termination of employment at personal request, under the procedure established by the Organic Law of Georgia the Labour Code of Georgia.

3. The decision of the Director may be appealed only to a court.

*Law of Georgia No 968 of 30 December 2008 – LHG I, No, №41, 30.12.2008, Art.340*

*Law of Georgia No 1779 of 13 December 2013 – website, 28.12.2013*

## **Article 15 – The Office**

To effectively administer the Unit, the Office of the Unit is established. The procedure of formation, structure and powers of the Office is defined by the Statute of the Unit.

## **Article 16 – Legal Aid Bureaus**



1. A Legal Aid Bureau is a division of the Unit that renders legal aid under the procedure established by this Law and within its jurisdiction.
2. A Legal Aid Bureau is responsible for provision of qualified legal aid and for maximum protection of the interests of legal aid beneficiaries within its jurisdiction to enable them to completely enjoy the rights granted to them by the legislation of Georgia.
3. A Legal Aid bureau is composed of the Head of Legal Aid Bureau, lawyers, consultants and administrative staff.
4. When conducting activities, a lawyer of a Legal Aid Bureau is guided by the Constitution of Georgia, this Law, the Law of Georgia on Advocates, the Statute of the Unit and other normative acts.
5. Unlawful influence on the activity of a Legal Aid Bureau is inadmissible.
6. Lawyers of a Legal aid Bureau act according to the Code of Professional Ethics for lawyers approved by the General Assembly of the Georgian Bar Association.
7. The powers of the Head of a Legal Aid Bureau, lawyers, consultants and administrative staff of the Bureau are defined by the Statute of the Unit.
8. Legal Aid Bureaus select one member of the Council from among the lawyers of Legal Aid Bureaus each year.
9. Each Legal Aid Bureau may, not earlier than three months and not later than two months before the term of office of a Council member nominated by a Legal Aid Bureau expires, nominate one candidate for member of the Council. A legal Aid Bureau selects a candidate for membership of the Council from among its lawyers through a secret ballot by majority of the entire composition of lawyers of that Bureau. In the event of a tie vote of two or more than two lawyers, these candidates shall be re-voted. The candidate who receives more votes than other candidates shall be considered as being nominated.
10. Each selected candidate from the Legal Aid Bureaus, within three weeks after the voting, submits an action programme with respect to the activity to be implemented by the candidate in the Council during the coming year. The candidates vote for the submitted action programmes. The candidate whose action programme is put to the vote does not take part in the voting. The candidate whose action programme receives majority of votes is considered to be elected as member of the Council. In the event of a tie vote of two or more than two action programmes of the candidates, these programmes are re-voted. The candidate whose action programme receives more votes than the action programmes of other candidates are considered to be elected as member of the Council.

*Law of Georgia No 1779 of 13 December 2013 – website, 28.12.2013*

#### **Article 17 – Consultation Centres**

1. Legal advice is provided in Consultation Centres established within the unified legal aid system. The duration of legal advice is no longer than one hour.
2. A natural person may receive legal advice in any Consultation Centre regardless of his/her place of residence and property status.
3. In those regions of Georgia where no Legal Aid Bureaus operate, a Consultation Centre ensures the involvement of a public lawyer in a proceeding from the registry.

*Law of Georgia No 968 of 30 December 2008 – LHG I, No, №41, 30.12.2008, Art.340*

#### **Article 18 – Providers**

A Provider is a legal person under private law or a lawyer selected on tender basis which renders legal aid under this Law and within jurisdiction determined by an agreement.

#### **Article 19 – The Registry**

1. A Lawyer registered in the registry renders legal aid at the expense of the State in the cases provided for by this Law and based on an application of a Legal Aid Bureau, a Provider or a Consultation Centre.
2. The registry is maintained by the Unit. A lawyer is registered in the registry based on the lawyer's application on an open competition basis.
3. The forms of the registry and the application are determined by the Director and approved by the Council.

*Law of Georgia No 968 of 30 December 2008 – LHG I, No, №41, 30.12.2008, Art.340*

*Law of Georgia No 1779 of 13 December 2013 – website, 28.12.2013*

#### **Article 20 – Form of reporting**

A public lawyer, including a lawyer registered in the registry, is obliged to submit a report on the rendered legal aid to an appropriate Legal Aid Bureau, Provider or Consultation Centre in the established form and within the set time.





## Chapter IV – Involvement of Public Lawyers in Proceedings

### Article 21 – Involvement of public lawyers in proceedings and remuneration for their labour

1. Legal Aid Bureaus, Providers, or Consultation Centres ensure the involvement of a public lawyer in criminal proceedings:

- a) based on an application of an accused, convicted and/or acquitted person or his/her representative or close relative;
- b) based on an application of a body conducting proceedings according to the procedure established by the legislation of Georgia.

2. An accused, convicted and/or acquitted person must be given an opportunity to get in contact with a public lawyer and invite him/her. A body conducting proceedings is obliged to ensure the unimpeded involvement of a public lawyer in the proceeding and the exercise of powers defined by the legislation of Georgia by the lawyer.

2<sup>1</sup>. Legal Aid Bureaus, Providers or Consultation Centres ensure the involvement of a public lawyer in civil and administrative proceedings:

- a) based on the application of a person or his/her legal representative that requests legal aid;
- b) based on a reasoned judgement of the court.

3. A Legal Aid Bureau, a Provider or a Consultation Centre immediately considers the application of a person with respect to civil and administrative cases; it finds out whether the application meets criteria established by this Law and other legal acts and within two working days decides to appoint a public lawyer or refuse to appoint him/her. The Legal Aid Unit is obliged to comply with the court judgement to appoint a lawyer at the expense of the State.

4. The refusal to render legal aid must be reasoned. The decision to refuse to render legal aid may be appealed to the Director of the Unit. The refusal to satisfy an appeal may be appealed to the court according to the procedure established by the legislation of Georgia.

5. The procedure for involving a public lawyer in the proceedings shall be defined by the Statute of the Unit.

6. A public lawyer involved in the proceedings is obliged to immediately commence to exercise the rights and duties defined by this Law, the Statute of the Unit and the procedural law.

7. A public lawyer employed by the Legal Aid Unit receives a salary for rendering legal aid on criminal, civil and administrative cases; and the legal aid rendered by an invited public lawyer is remunerated according to the rule on the Amount of Remuneration of Labour and Its Payment approved by the Council.

*Law of Georgia No 968 of 30 December 2008 – LHG I, No, №41, 30.12.2008, Art.340*

*Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art.332*

*Law of Georgia No 1779 of 13 December 2013 – website, 28.12.2013*

*Law of Georgia No 3013 of 26 December 2014 – website, 31.12.2014*

### Article 21<sup>1</sup> – Guarantees of public lawyers' independence

A public lawyer conducts his/her activity independently. It is inadmissible to interfere in the professional activity of a public lawyer, or to apply a sanction or threaten to apply a sanction against him/her for activities that are not in conflict with the legislation of Georgia and the lawyers' ethics code.

*Law of Georgia No 1779 of 13 December 2013 – website, 28.12.2013*

## Chapter V – Financial Guarantees of the Unit Activity

*Law of Georgia No 968 of 30 December 2008 – LHG I, No, №41, 30.12.2008, Art.340*

### Article 22 – Financing sources of the Unit

1. Financing sources of the Unit are

- a) special purpose funds allocated from the State budget of Georgia;
- b) donations and grants;
- c) other income permitted by the legislation of Georgia.



2. The State funding of the Unit is defined by the annual State Budget Law.

3. The draft budget of the Unit is submitted to the Ministry of Finance of Georgia with the agreement of the Council and based on consultation with the Parliament of Georgia under the procedure established by the Budget Code of Georgia.

*Law of Georgia No 1779 of 13 December 2013 – website, 28.12.2013*

#### **Article 22<sup>1</sup> – Reduction of the budget of the Unit**

Reduction of the budget of the Unit within the amount provided under the Economic Classification article of the State Budgetary Expenditures compared to the respective data of the previous year is possible only with the consent of the Council.

*Law of Georgia No 968 of 30 December 2008 – LHG I, No, №41, 30.12.2008, Art.340*

### **Chapter VI – Transitional Provisions**

#### **Article 23 – Measures to be implemented with respect to entry of this Law into force**

1. (Deleted)

2. (Deleted)

3. (Deleted)

4. Before 1 January 2009, legal aid is provided in criminal proceedings under the procedure established by this Law regardless of the property status of a suspect, accused, defendant and convicted person.

*Law of Georgia No 968 of 30 December 2008 – LHG I, No, №41, 30.12.2008, Art.340*

#### **Article 23<sup>1</sup> – Temporary rules for the provision of legal aid**

1. Legal aid (representation in court) with respect to civil and administrative legal proceedings, considering the importance and complexity of a case, shall be provided to an insolvent person from 15 April 2015 to 1 January 2018 if the case refers to issues related to Book Five and Book Six of the Civil Code of Georgia; the law of Georgia on Social Aid; the law of Georgia on State Pension; the law of Georgia on State Compensation and State Academic Scholarship; the law of Georgia on Health Care; the law of Georgia on Patient Rights; the law of Georgia on War and Military Veterans; the law of Georgia on Internally Displaced Persons – Refugees from the Occupied Territories of Georgia; the law of Georgia on Social Protection of the Families of Persons Fallen, Missing in Action, or Dead from Injuries Received in the Fight for Territorial Integrity, Freedom and Independence of Georgia; the law of Georgia on Recognition of the Citizens of Georgia as Victims of Political Repressions and Social Protection of the Repressed Persons; the law of Georgia on Social Protection of Persons with Disabilities, and based on the above laws and the issues related to the subordinate normative acts issued to implement them.

2. The Council may further define the issues from 15 April 2015 to 1 January 2018 that are not included in paragraph 1 of this article and with respect to which the Unit has to provide legal aid (representation in court) considering the insolvency of a person and the importance and complexity of a case.

3. If a civil or administrative case refers to an issue that is not included in paragraph 1 of this article or is not in the list of issues further defined by the Council, legal aid (representation in court) with respect to the case shall be provided from 15 April 2015 to 1 January 2018 if the case can be considered in court by way of consolidation of claims. If a case is separated, legal aid (representation in court) shall be provided only in relation to the issue that is included in paragraph 1 of this article, or in the list of issues further defined by the Council.

*Law of Georgia No 3013 of 26 December 2014 – website, 31.12.2014*

#### **Article 24 – (Deleted)**

*Law of Georgia No 968 of 30 December 2008 – LHG I, No, №41, 30.12.2008, Art.340*

### **Chapter VII – Final Provisions**

#### **Article 25 – Invalid normative acts**

Order No 308 of 17 February 2005 of the Minister of Justice of Georgia on Establishment of the Legal Entity under Public Law – the Public (Treasury) Lawyer’s Service shall be considered invalid upon entry of this Law into force.



## **Article 26 – Entry of the Law into force**

1. This Law, except for the case provided in paragraph 2 of this article, shall enter into force upon its promulgation.
2. This Law shall enter into force from 15 April 2015 in the part of representation in court with respect to civil and administrative cases, except when conducting defence at the expense of the State and defence of victims of domestic violence provided by the Administrative Procedure Code of Georgia. This Law shall enter into force in the part of drawing up legal documents on any issue with respect to civil and administrative cases upon its promulgation.
3. This Law shall enter into force from 1 March 2011 when conducting defence at the expense of the State in cases provided by Code of Administrative Offences of Georgia.
4. This Law shall enter into force from 1 January 2016 in the part of representation in an administrative body, except for the proceedings for disciplinary violations committed by accused/convicted persons provided by the Imprisonment Code and cases of conducting defence of victims of domestic violence.

*Law of Georgia No 325 of 7 October 2008 – LHG I, No 24, 20.10.2008 Art. 163*

*Law of Georgia No 4112 of 17 December 2010 – LHG I, No 75, 27.12.2010, Art.484*

*Law of Georgia No 4254 of 25 February 2011 – website, 1.3.2011*

*Law of Georgia No 6400 of 5 June 2012 – website, 19.6.2012*

*Law of Georgia No 2700 of 17 October 2014 – website, 31.10.2014*

*Law of Georgia No 3013 of 26 December 2014 – website, 31.12.2014*

**President of Georgia**

**M. Saakashvili**

**Tbilisi,**

**19 June 2007**

**No 4955– IS**

