



**USAID**  
FROM THE AMERICAN PEOPLE



# MID-TERM PERFORMANCE EVALUATION OF THE PROMOTING RULE OF LAW IN GEORGIA ACTIVITY

**July 2018**

This publication was produced at the request of the United States Agency for International Development. It was prepared independently by ME&A, Inc.

# MID-TERM PERFORMANCE EVALUATION OF THE PROMOTING RULE OF LAW IN GEORGIA ACTIVITY

This publication was produced at the request of the United States Agency for International Development under Contract/Task Order Number: AID-I14-I-13-00001/72011418F00005.

It was prepared independently by:

Mary Noel Pepys, Team Leader  
Maksymilian Fras, Civil Society Specialist  
Roland Gjoni, Legal Education Specialist  
John Porter, Bar Association Specialist  
Levan Nanobashvili, Local Legal Specialist

**Contractor:**

ME&A  
4350 East-West Highway, Suite 210  
Bethesda, MD 20814  
Tel: 240-762-6296  
<http://www.meandahq.com/>

**Cover photo:** Public presentation of the Monitoring Report of the High Council of Justice of Georgia, held in Tbilisi on June 28, 2018. Photo provided by PROLoG.

**DISCLAIMER**

The authors' views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

# CONTENTS

- EXECUTIVE SUMMARY ..... i
- 1.0 EVALUATION BACKGROUND, PURPOSE, AND QUESTIONS..... 1
  - 1.1 Evaluation Purpose..... 1
  - 1.2 Evaluation Questions ..... 1
- 2.0 PROJECT BACKGROUND ..... 2
- 3.0 EVALUATION METHODS AND LIMITATIONS..... 3
  - 3.1 Evaluation Methodology..... 3
  - 3.2 Evaluation Limitations..... 5
- 4.0 FINDINGS AND CONCLUSIONS..... 7
  - 4.1 EQ 1: How does having multiple work streams of supply and demand under one mechanism enable (or pose an obstacle for) the partner to deliver? What are the advantages and disadvantages of combining work with government stakeholders and support to civil society advocacy under one umbrella? What are the abilities of local civil society partners/NGO Coalition for an Independent and Transparent Judiciary to continue engaging in advocacy for better reforms in justice system without PROLoG’s (or similar instrument) close technical support and guidance?..... 7
  - 4.2 EQ 2: Considering the major areas of engagement (judicial reform, civil society advocacy, implementation of human rights), are there areas where PROLoG has been more or less successful in meeting the project’s anticipated results? Considering the political context, were there areas where the activity/partner should have focused more efforts or resources to achieve better results from the start of the project to date? ..... 15
  - 4.3 EQ 3: How effective has the partner been in achieving anticipated results related to university-level legal education system development under PROLoG? What is the potential of university law schools to sustain results without donor support in the areas of clinical legal education, interactive teaching, teaching of lawyering skills through practical training and moot courts, sustain new courses in gender, human rights, etc. created with PROLoG’s assistance, and continue developing on their own? ..... 24
  - 4.4 EQ 4: How successful has PROLoG been in achieving anticipated results related to Georgian Bar Association (GBA) development? What is the potential of GBA to sustain results to date without donor support and continue developing on its own? How strong are GBA’s internal structure and governing bodies? Is GBA capable of maintaining progress to date in terms of bar examination, application of legal ethics, implementation of Continuous Legal Education, and implementation of internship system?..... 32
  - 4.5 EQ 5: How effective has PROLoG been in coordinating efforts with other donors active in rule of law sector of Georgia? What are the best methods for coordination that were successfully applied during PROLoG implementation? ..... 37
- 5.0 RECOMMENDATIONS..... 41
  - 5.1 EQ 1: Multiple Work Streams Under One Umbrella and CITJ’s Abilities ..... 41
  - 5.2 EQ 2: Major Areas of Engagement..... 42
  - 5.3 EQ 3: University Legal Education System..... 42
  - 5.4 EQ 4: Georgia Bar Association ..... 43

5.5 EQ 5: Coordination with other Rule of Law Donors .....	43
<b>ANNEXES</b> .....	<b>43</b>
Annex 1: Evaluation Scope of Work .....	44
Annex 2: Work Plan .....	53
Annex 3: Evaluation Design Matrix.....	62
Annex 4: List of Interviewees.....	69
Annex 5: List of Documents Reviewed .....	74
Annex 6: Schedule of Evaluation Team.....	77
Annex 7: Detailed Description of PROLoG Activities.....	86
Annex 8: Data Collection Tools.....	102

## **LIST OF TABLES**

Table 1: PAD Goal, Purpose, Sub-Purposes, and Intended Results.....	2
Table 2: Key Informants Interviewed.....	5
Table 3: FGD Participants.....	5
Table 4: Mini-Survey Respondents .....	5
Table 5: Advantages and Disadvantages of the Supply/Demand Design.....	9

## **LIST OF FIGURES**

Figure 1: Respondents Opinions of PROLoG’s Success in Using the Supply/Demand Design .....	11
Figure 2: CITJ Members’ Opinions About Whether the Coalition Can Continue Advocacy Without PROLoG Support .....	12
Figure 3: CITJ Steering Committee Members’ Opinions About Whether the Coalition Can Continue Advocacy Without PROLoG’s Support .....	13
Figure 4: Respondents’ Opinions About Whether PROLoG Has Been Successful in Managing the Justice System Institutions.....	17
Figure 5: Respondents’ Opinions About PROLoG’s Success in Increasing the Capacity of Legal Professionals.....	18
Figure 6: Respondents’ Opinions About Whether PROLoG Has Been Successful in Strengthening the Legal Framework Relating to Human Rights and Due Process Protection Through Government Institutions and CSOs .....	21
Figure 7: Respondents’ Opinions About Whether PROLoG Has Been Successful in Coordinating Efforts with Other Donors Active in the Rule of Law Sector in Georgia.....	40

# ACRONYMS

ALFG	Association of Law Firms of Georgia
AmCham	American Chamber of Commerce in Georgia
ATSU	Akaki Tsereteli State University
BAS	Bar Association Specialist
CITJ	Coalition for an Independent and Transparent Judiciary
CLE	Continuing Legal Education
COE	Council of Europe
COP	Chief of Party
Council	Gender Equality Council, Parliament of Georgia
CPC	Civil Procedure Code
CRPD	United Nations Convention on the Rights of Persons with Disabilities
CRRC	Caucasus Research Resource Center
CSO	Civil Society Organization
CSS	Civil Society Specialist
DCOP	Deputy Chief of Party
EMC	Human Rights Education and Monitoring Centre
EPF	Eurasia Partnership Foundation
EQ	Evaluation Question
ET	Evaluation Team
EU	European Union
EWMI	East-West Management Institute
FGD	Focus Group Discussion
Free Uni	Free University of Tbilisi
GBA	Georgian Bar Association
GDI	Georgian Democratic Initiative
GEL	Georgian Lari
GIPA	Georgian Institute of Public Affairs
GIZ	German Society for International Cooperation
GOG	Government of Georgia
GYLA	Georgian Young Lawyers' Association
HCOJ	High Council of Justice
HR	Human Rights
HRBA	Human Rights-Based Approach
HSOJ	High School of Justice
IDFI	Institute for the Development of Freedom of Information
Ilia Uni	Ilia University
IRMS	IT, Research & Metadata Solutions
IT	Information Technology
JAG	Judges Association of Georgia
JILEP	Judicial Independence and Legal Empowerment Project
KI	Key Informant
KII	Key Informant Interview
LAS	Legal Aid Services
LES	Legal Education Specialist
LMS	Legal Market Study
LOE	Level of Effort
LOEs	Law on Entrepreneurs

LOM	Law on Mediation
M&E	Monitoring and Evaluation
MOJ	Ministry of Justice
MP	Member of Parliament
NCADR	National Center for Alternative Dispute Resolution
NGO	Non-Governmental Organization
NIHR	National Institute of Human Rights
NVU	New Vision University
NWUSL	Northwestern University School of Law
OSGF	Open Society Georgia Foundation
PAD	Project Activity Document
PDO	Public Defender's Office
PHR	Partnership for Human Rights
PJRWG	Parliamentary Judicial Reform Working Group
PO	Program Observation
PROLoG	Promoting the Rule of Law in Georgia
RFTOP	Request for Task Order Proposal
RIA	Regulatory Impact Assessment
ROL Project	Rule of Law Project
SOW	Scope of Work
TIG	Transparency International Georgia
TSU	Tbilisi State University
U.S.	United States
UNDP	United Nations Development Programme
UOJ	Unity of Judges
USAID	United States Agency for International Development
USG	United States Government
WG	Working Group
Work Plan	Work Plan & Evaluation Research Design
WUSL	Washburn University School of Law

# EXECUTIVE SUMMARY

## EVALUATION PURPOSE

Under a Task Order from United States Agency for International Development (USAID)/Caucasus, a team assembled by ME&A conducted a mid-term performance evaluation of the Promoting Rule of Law in Georgia (PROLoG) Activity. The evaluation's purposes are threefold:

1. Determine how effective the Independent and Professional Application of the Rule of Law Project (ROL Project) and PROLoG have been in achieving their intended results;
2. Examine if PROLoG was implemented according to the intention of the ROL Project design to develop the rule of law system in Georgia; and
3. Provide recommendations on where USAID should concentrate its efforts in 2019 and beyond.

The ROL Project was designed to achieve the following anticipated results:

1. Legal Framework Strengthened;
2. Management of Justice System Institutions Improved;
3. Capacity of Legal Professionals Enhanced; and
4. Access to Justice of Marginalized Groups Improved.

In designing the ROL Project, USAID consolidated the achievements of PROLoG's predecessor project, the Judicial Independence and Legal Empowerment Project (JILEP), particularly the legislative reforms to increase judicial independence, the creation of the Coalition for an Independent and Transparent Judiciary (CITJ), the improvement of the Georgian Bar Association (GBA) bar examination, and the advancement of legal education.

Predicated on the development hypothesis that the justice system in Georgia can be strengthened through improving the: a) legal framework, b) management of justice sector institutions, c) capacity of legal professionals, and d) access to justice for marginalized populations, USAID created PROLoG as the ROL Project to achieve the same anticipated results described in the Project Activity Document (PAD) and capitalize upon JILEP's success by working concurrently with the judiciary as well as civil society to strengthen the Georgian justice system so that citizens of Georgia can fully enjoy their fundamental rights. The PAD described the goal, purpose, sub-purposes, and intended results of the ROL Project, which, but for some minor differences, are the same for PROLoG.

The evaluation is intended to inform USAID of PROLoG's actual progress toward achieving its key anticipated results and identify accomplishments, delays, and challenges, as well as their impact on the project. The evaluation's findings, conclusions, and recommendations will be used by USAID/Caucasus to: 1) improve ongoing interventions in the area of rule of law by focusing on the activities that are the most meaningful and critical for developing a more independent and efficient judiciary in Georgia as well as strong Civil Society Organizations (CSOs) that work in rule of law; and 2) contribute to the design of USAID's next generation of support to the rule of law.

## PROJECT BACKGROUND

PROLoG was created as the successor to JILEP to utilize the Supply/Demand Design providing PROLoG the same flexibility as JILEP to adjust its assistance to the judiciary and CSOs, given the changing political environment in Georgia over the past 20 years. By continuing the Supply/Demand Design with PROLoG, USAID recognized that economies of scale result from technical assistance that is provided directly to the judiciary while also benefiting CSOs to advocate more effectively for judicial reforms. Lastly, the Supply/Demand Design provides PROLoG *"an invaluable advantage to access multiple sources of information, which allows it to nurture and facilitate exchange of ideas between the two sides: support civil society to generate*

*ideas from one side and support the government institutions to develop systems that would provide an adequate response to the demand,”* according to the PAD.

PROLoG has four main objectives:

1. Strengthen the legal framework relating to human rights and due process protections through governmental institutions and CSOs;
2. Improve the management of essential justice institutions, such as the High Council of Justice (HCOJ), the High School of Justice (HSOJ), the courts, the GBA, and Legal Aid Services (LAS);
3. Enhance the capacity of Georgian legal professionals by further strengthening legal education at the university level through practice-oriented training, promoting new teaching methods, and providing more opportunities for continuing legal education (CLE) for current judges and lawyers; and
4. Improve access to justice for marginalized citizens, women, and ethnic minorities.

## **EVALUATION DESIGN, METHODS, AND LIMITATIONS**

The essence of the evaluation design was to allow the evaluation team (ET) to engage in methods that minimize bias while providing strong evidence to respond to each of the five evaluation questions (EQs) for the purpose of determining whether PROLoG made progress toward achieving its anticipated results. The ET used a mixed-methods design, a variety of data collection and analysis methods, both quantitative and qualitative, which were administered to a diverse set of PROLoG’s stakeholders, partners, and beneficiaries.

The qualitative data collection instruments included an extensive document and literature review together with in-depth key informant interviews (KIs) with PROLoG’s beneficiaries, partners, and stakeholders in PROLoG’s activities and focus group discussions (FGDs) with PROLoG’s beneficiaries. The quantitative data collection instruments included mini-surveys with PROLoG’s beneficiaries. In all, the ET conducted 68 KIs, three FGDs, and two mini-surveys. The selection and sampling strategies ensured representation of women, where appropriate. All research instruments were developed in English and, after approval by USAID, translated into Georgian, when necessary.

The ET specifically conducted interviews with USAID and PROLoG staff, as well as United States (U.S.) Embassy staff, and KIs with partners, beneficiaries, and stakeholders, such as: the HCOJ; the HSOJ; the Parliament; the GBA; the Ombudsman; judges from the Supreme Court, Court of Appeals, and the City Courts; the CITJ; Georgian Young Lawyers’ Association (GYLA); Transparency International Georgia (TIG); the American Chamber of Commerce in Georgia (AmCham); lawyers, law professors, and law students from the five beneficiary law schools; and international donors. To obtain qualitative data and provide context and background information gained through KIs, the ET conducted FGDs with CITJ non-Steering Committee members, attorneys, and law students. The ET also conducted two mini-surveys with law students and attorneys. The ET retained the services of IT, Research & Metadata Solutions (IRMS) to assist in conducting the mini-surveys and FGDs, which were recorded, transcribed, and coded using a qualitative data analysis software.

There are several limitations that are inherent to the evaluation design, such as the biases in data collection methodologies, recall bias, attribution difficulties, and halo bias, all fully described in the report. The ET was mindful of each of these biases and engaged in mitigation measures by: triangulating evidence from different qualitative and quantitative data sources that served to increase the credibility of findings; collaborating closely with USAID and PROLoG to facilitate the identity of key stakeholders as well as beneficiaries of PROLoG’s activities and their knowledge of the goal of PROLoG, its intended results, and the purpose of the evaluation; conducting systematic data analysis using well-established analysis methods supported by advanced data analysis software employed by IRMS; and providing all written materials in the language spoken by the KI, FGD, and mini-survey respondents, while also providing a skilled translator for oral interviews.

## FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

Findings	Conclusions	Recommendations
<p><b>EQ 1:</b> How does having multiple work streams of supply and demand under one mechanism enable (or pose an obstacle for) the partner to deliver? What are the advantages and disadvantages of combining work with government stakeholders and support to civil society advocacy under one umbrella? What are the abilities of local civil society partners/NGO Coalition for an Independent and Transparent Judiciary to continue engaging in advocacy for better reforms in the justice system without PROLoG's (or similar instrument) close technical support and guidance?</p>		
<p>The Supply/Demand Design was created to enable the ROL Project to deliver major reforms in the justice system. PROLoG utilizes the design to support both civil society and the judiciary in achieving judicial reforms in Georgia.</p> <p>In KIs and FGDs, stakeholders mentioned six advantages and four disadvantages of the Supply/Demand Design. KIs opined that other models, such as separating the Supply and Demand sides or having a single-track Supply model, would not be more effective than the current design.</p> <p>Of the representatives of the HCOJ, the HSOJ, the Parliament, judges from the Supreme Court and Court of Appeals,<sup>1</sup> CITJ members, and donors who were asked to respond to the statement whether “PROLoG has been successful in utilizing the Supply/Demand Design to promote the rule of law in Georgia,” an overwhelming majority (11 key informants, or 84 percent) responded positively.</p>	<p>The Supply/Demand Design enabled PROLoG to advocate for and provide technical assistance to achieve major judicial reforms that were adopted by the Third and Fourth Waves of reform.</p> <p>KIs with stakeholders indicated that the advantages of the Supply/Demand Design outweigh the disadvantages, and that other models, such as separating the Supply and Demand sides or having a single-track Supply model, would not be more effective.</p> <p>Based on these opinions and PROLoG's accomplishments to date, the ET believes the Supply/Demand Design is currently the most suitable model to achieve major reforms in the justice system in Georgia.</p>	<p>USAID should continue the Supply/Demand Design with PROLoG's successor.</p>
<p>PROLoG supports the CITJ by providing expertise and funding grants to its main civil society partners, GYLA and TIG, and to three Working Groups within the CITJ, and by operating a technical secretariat to assist in preparing and reviewing documents and statements and convening Coalition meetings.</p> <p>PROLoG staff have engaged in numerous attempts to enhance CITJ members' capacity, but there are resource issues among individual members that</p>	<p>PROLoG's support to the CITJ has enabled it to carry out advocacy campaigns, monitor the judiciary, and conduct studies related to legislation.</p> <p>PROLoG's main partners, GYLA and TIG, have a high capacity to engage in advocacy and research activities, but the remaining CITJ members are substantially less capable. These members lack capacity in many regards, including expertise in judicial matters and the ability to absorb grant funds.</p>	<p>PROLoG should increase its oversight function of the content and delivery of CITJ's critical analyses of the judiciary in order to enhance its effectiveness. Practical implementation of this recommendation would require close cooperation with all PROLoG activity managers to assess the impact of CITJ outputs on the effectiveness of reform. Additionally, PROLoG could work with the CITJ to initially provide its reports directly to the judiciary rather than publishing them, and to try</p>

<sup>1</sup> It should be noted that when referring to judges on the Supreme Court and Court of Appeal, it does not include those Supreme Court and Court of Appeal judges who are members of the HCOJ.

<p>hinder the process, notably a lack of qualified staff and research expertise. Among the judiciary, judges, and judge members of the HCOJ, as well as representatives of the Parliament and the Ombudsman, there is a general perception that the CITJ and CSOs need to develop their research capacities and expertise in judicial matters, including the inner workings of the judicial system.</p> <p>During KIIs with CITJ Steering Committee members of the CITJ, six out of 11 members conceded that the CITJ could not continue its advocacy for enhanced reforms in the justice system without PROLoG's close technical support and guidance.</p> <p>TIG and GYLA, however, reported they have the capacity to continue engaging in and advocating for judicial reforms without PROLoG's financial or technical support.</p>	<p>In KIIs and FGDs, most CITJ respondents disagreed or strongly disagreed that the CITJ can continue advocacy without PROLoG support.</p> <p>Therefore, the absence of PROLoG's support would lead to an overall weakening of CITJ's ability to engage in and advocate for reforms in the justice system.</p>	<p>and resolve issues before publication.</p> <p>PROLoG should modify its approach in providing direct assistance to the judiciary to ensure it is viewed by the judiciary as an independent advisor and is not perceived as a biased supporter of the CITJ. PROLoG's continued assistance to the CITJ should focus on enhancing its sustainability.</p> <p>As the two main civil society partners (GYLA and TIG) have vast research and advocacy capacities already, PROLoG should intensify its efforts to build the capacity of all CITJ members, and empower them to intensify their advocacy and research work.</p> <p>USAID should encourage other donors to support the CITJ not only to give it broader donor support, but also to diminish the perception that PROLoG is aligned with the CITJ.</p>
<p><b>EQ 2:</b> Considering the major areas of engagement (judicial reform, civil society advocacy, implementation of human rights), are there areas where PROLoG has been more or less successful in meeting the project's anticipated results? Considering the political context, were there areas where the activity/partner should have focused more efforts or resources to achieve better results from the start of the project to date?</p>		
<p>PROLoG utilized a five-prong approach to strengthen the legal framework, improve management of justice system institutions, and enhance the capacity of legal professionals. This involved providing direct staff assistance, engaging international experts to provide advice, working with the CITJ, collaborating with donors, and receiving support from USG institutions.</p> <p>In KIIs and FGDs, all 44 respondents representing the judiciary, the Parliament, CITJ members, and donors expressed appreciation for PROLoG's work in judicial reform. In particular, KIIs appreciated the high quality of the technical assistance provided by PROLoG staff, the advice and guidance provided by international experts, and a study trip to the U.S., which some participants were initially unaware was funded by</p>	<p>PROLoG has been successful in pursuing judicial reform, and in increasing the capacity of legal professionals.</p> <p>While PROLoG's civil society advocacy was praised by CITJ, further efforts are needed to increase levels of civil society advocacy, including increasing the outreach of advocacy campaigns and the constituency base of CSOs. The ET believes there are important areas for improvement, notably in communication and presentation of CSO inputs that could improve the effectiveness of PROLoG's work. PROLoG's human rights advocacy and work on conforming Georgia's human rights legislation to international standards and best practices was well-received. PROLoG's work in human rights legislation is well-planned and executed, and thus</p>	<p>In order to ensure a better chance of success with the Fourth Wave, USAID should engage the USAID Mission Director and the U.S. Ambassador as partners in pursuing the set of judicial reforms suggested by the U.S. Embassy.</p> <p>Given the overwhelming recognition, appreciation, and impact of international expertise, PROLoG should capitalize upon its success with some of its international experts as PROLoG's partners, and engage them for longer periods of time covering broader areas of judicial reform.</p> <p>As a result of the highly-praised attention given to judges rather than justice institutions alone, and the perception that PROLoG only cares about individual judges, PROLoG should focus resources, funds permitting, and more attention, to enhancing the capacity of judges at all levels by dealing directly</p>

<p>PROLoG.</p> <p>PROLoG engaged in several activities to strengthen civil society awareness, monitoring, and oversight of the justice system. During a FGD with CITJ members, all eight participants agreed that PROLoG’s work on civil society advocacy is effective, but that further efforts are needed to increase levels of civil society advocacy, including increasing the outreach of advocacy campaigns and the constituency base of CSOs.</p> <p>PROLoG engaged in several activities to conform human rights legislation to international standards and best practices, for example by supporting the government’s Human Rights Council, developing anti-discrimination legislation, and increasing the quality of gender equality legislation. This work was universally praised in all KIs.</p> <p>PROLoG and CITJ documents indicate a worsening political climate and consistent challenges to the political will to reform the judiciary in Georgia. All 11 CITJ members attribute the Third Wave’s partial backsliding to a highly influential group of judges that successfully blocked or slowed down any attempts by the Government of Georgia (GOG) and Parliament to limit judicial independence and increase transparency and accountability.</p>	<p>highly effective.</p> <p>PROLoG’s activities met with resistance due to the challenging political context of work with judicial reform in Georgia. From the start of the project to date, PROLoG focused its efforts and resources on the appropriate areas—those that had a reasonable chance of success given the political context.</p> <p>Several judicial reform measures in the Fourth Wave supported by PROLoG remain to be implemented (as the Fourth Wave was in its early stages at the time of the evaluation).</p>	<p>with the courts.</p> <p>Individual judges provided a number of recommendations for future PROLoG assistance, including: a) creating an Association of Women Judges; b) improving case management systems in each court; c) creating a system whereby judges’ opinions in simplifying civil procedures in certain areas of the law are provided to the Parliament and incorporated into amendments of the Civil Procedure Code (CPC); and d) teaching mediation skills and employing mediation to a greater extent in civil proceedings, among others.</p>
<p><b>EQ 3:</b> How effective has the partner been in achieving anticipated results related to university-level legal education system development under PROLoG? What is the potential of university law schools to sustain results without donor support in the areas of clinical legal education, interactive teaching, teaching of lawyering skills through practical training and moot courts, sustain new courses in gender, human rights, etc. created with PROLoG’s assistance, and continue developing on their own?</p>		
<p>PROLoG supported five university law schools with several legal education activities to achieve the anticipated result of preparing university-level legal education system graduates with practical skills and knowledge, while addressing legal ethics, human rights, and barriers to justice for women and other marginalized groups.</p>	<p>PROLoG has been effective in achieving most anticipated results of preparing university-level legal education system graduates with practical skills and knowledge.</p> <p>Moot courts, summer schools, and short-term courses aimed at teaching of practical lawyering skills have been successful. Clinical legal education</p>	<p>Due to long-term investment of PROLoG (and JLEP), future assistance to the moot courts, summer schools, and short-term courses that PROLoG currently supports can be gradually decreased in tandem with the demonstrated capacity of the law schools to sustain these activities.</p>

<p>PROLoG attempted to create legal education activities that law schools could sustain and develop without donor support, but sustainability of interventions varies across law schools.</p> <p>Legal writing and reasoning skills are still a major weakness warranting further programmatic support.</p> <p>Free University of Tbilisi (Free Uni) has the potential to achieve and maintain the results and continue to develop the human rights clinic and organize moot courts; however, internal difficulties may continue to hamper its ability to deliver and threaten the legacy of USAID’s prior interventions. At present, proactive engagement of PROLoG with Free Uni is essential to achieve results and preserve the legacy.</p> <p>The Georgian Institute of Public Affairs (GIPA) has the potential to maintain its improved courses on human rights but further development of results is questionable due to unwillingness to commit its institutional resources. Tbilisi State University (TSU) appears to have the potential to sustain the results achieved and the National Center for Alternative Dispute Resolution (NCADR) can function without further PROLoG support.</p> <p>At present, Ilia University (Ilia Uni) Law School demonstrates the highest potential to sustain and further develop PROLoG’s results.</p>	<p>programs have also been successful, but further assistance is necessary to establish a fully-fledged live client human rights clinic at Ilia Uni.</p> <p>PROLoG’s assistance in introducing new courses in gender, human rights, and legal ethics through the establishment of “Chairs” raised the profile of these subjects in select law schools and demonstrated better ways of teaching law through interactive teaching methods.</p> <p>Despite PROLoG’s positive results, longer-term sustained efforts and government-level policy reforms in legal education are required to expand the use of interactive teaching methodologies in law schools.</p> <p>The potential to sustain and develop results achieved with PROLoG’s assistance varies across law schools depending on the institutional commitment and professional profile of the academic staff.</p> <p>At present, proactive engagement of PROLoG with Free Uni is essential to achieve results and preserve its legacy.</p>	<p>In addition to supporting university-level interventions to create positive models of interactive teaching, USAID should advocate government-level policy reforms to incorporate interactive teaching methods in the national standards of legal education that law schools need to adhere to for accreditation and authorization of their law programs.</p> <p>The legacy and sustainability of PROLoG’s assistance can be reinforced through a more active approach in analyzing the impact of legal education interventions, and in documenting and showcasing the results and lessons learned.</p> <p>PROLoG’s future programmatic interventions should bolster the Legal Writing and Reasoning Courses in law schools either through competitive grant proposal or multi-law school collaborative projects between Tbilisi and regional law schools under the guidance of PROLoG’s international partners.</p> <p>Legal Writing and Reasoning Courses should incorporate international best practices taught in U.S. and European Union (EU) law schools, and include a strong applied component to enable students to practice drafting of various legal acts (judicial, prosecutor, and legal) in the Georgian legal system.</p>
<p><b>EQ 4:</b> How successful has PROLoG been in achieving anticipated results related to the GBA’s development? What is the potential of the GBA to sustain results to date without donor support and continue developing on its own? How strong are the GBA’s internal structure and governing bodies? Is the GBA capable of maintaining progress to date in terms of bar examination, application of legal ethics, implementation of Continuous Legal Education, and implementation of internship system?</p>		
<p>PROLoG’s activities in fulfillment of its anticipated results have increased the quality and effectiveness of the GBA programs necessary to its development.</p> <p>PROLoG has supported continuing legal</p>	<p>PROLoG is making progress in achieving its anticipated results by developing the GBA programs related to the Bar Exam, CLE, Internship Program, and Legal Ethics, but substantial obstacles to and weaknesses of the GBA have caused progress to vary among programs.</p>	<p>PROLoG should communicate and deal with the new GBA leadership to consolidate progress and self-sufficiency in its programs.</p> <p>PROLoG should ensure that its grant support is used to strengthen programs and not to build</p>

<p>education programs for judges and lawyers that address issues related to the ethics, human rights law, and barriers to justice for women and other marginalized groups.</p> <p>The GBA is capable of sustaining the results of the bar exam to date without donor support but other programs are not yet sustainable without further support.</p> <p>PROLoG has improved cooperation among justice system institutions by supporting bench-bar meetings.</p> <p>The aftermath of the December 2017 election of new leadership has called into question the strength of the GBA's internal structure and governing bodies.</p> <p>The GBA has maintained progress to date in all areas of its work but the ability of new leadership to continue progress is still uncertain.</p>	<p>The CLE, Internship, and Ethics Programs cannot be sustained and continue to develop at this time without donor support, but PROLoG has successfully achieved its anticipated results related to the Bar Examination Program.</p> <p>Independence of the GBA programs from bar politics is necessary in order to strengthen its internal structure and governing bodies.</p> <p>Despite the ultimate outcome of the December election dispute, the issues caused by new GBA leadership will continue to impact all PROLoG programs.</p>	<p>political support for the GBA leadership.</p> <p>Assistance to the bar examination should be discontinued at the end of PROLoG's grant period.</p> <p>A comprehensive development plan for the GBA Training Center should be developed, indicating the measures and timelines for rendering the CLE program self-sustaining.</p> <p>Support by PROLoG for the Bench-Bar program should continue after resolution of the funding suspension.</p>
<p><b>EQ 5:</b> How effective has PROLoG been in coordinating efforts with other donors active in the rule of law sector of Georgia? What are the best methods for coordination that were successfully applied during PROLoG implementation?</p>		
<p>PROLoG actively coordinated with other donors in the rule of law sector in Georgia using several methods, such as discussing annual plans with donors, holding periodic donor meetings, and jointly working on and financing activities.</p> <p>Various factors contribute to the effectiveness of coordination, such as the shared values and goals of donors, the challenging environment for donors, the immense need for rule of law assistance, and local staff who know each other well and have experience working together.</p>	<p>PROLoG has been very effective in coordinating its efforts with other donors in the rule of law sector in Georgia.</p> <p>PROLoG successfully applied several methods for coordination with other donors; however, no single method was identified as being more effective than the others.</p>	<p>Given the excellent coordination among international donors, PROLoG's and other donors' effectiveness could be increased if a high-level representation of all donors, such as the U.S. ambassador and USAID Mission Director, as well as high-level European representatives of other donors, engaged more frequently with the GOG and the judicial institutions in pursuing judicial reform in Georgia.</p>

# I.0 EVALUATION BACKGROUND, PURPOSE, AND QUESTIONS

## I.1 EVALUATION PURPOSE

The United States Agency for International Development (USAID)/Caucasus engaged ME&A to conduct a mid-term performance evaluation of the Promoting Rule of Law in Georgia (PROLoG) Activity implemented by the East-West Management Institute (EWMI). Launched in March 2015, PROLoG is a human rights and justice support program aimed at: 1) strengthening the justice system; and 2) ensuring due process protections, judicial independence, and human rights protection by working with state and non-state partners to address key challenges and capitalize on opportunities for accelerated rule of law and justice sector reforms in Georgia.

The purpose of the evaluation of PROLoG was to:

1. Determine how effective the Rule of Law Project (ROL Project) and PROLoG have been in achieving their intended results;
2. Examine if PROLoG was implemented according to the intention of the ROL Project design to develop the rule of law system in Georgia; and
3. Provide recommendations on where USAID should concentrate its efforts in 2019 and beyond.

The evaluation was implemented between April 23 and May 16, 2018 by a team of five experts, including: Ms. Mary Noel Pepys (Team Leader), Mr. Maksymilian Fras (Civil Society Specialist), Mr. Roland Gjoni (Legal Education Specialist), Mr. John Porter (Bar Association Specialist), and Mr. Levan Nanobashvili (Local Expert).

The evaluation team's (ET) findings, conclusions, and recommendations will be used by USAID/Caucasus to: 1) improve ongoing interventions in the area of rule of law by focusing on the activities that are the most meaningful and critical for developing a more independent and efficient judiciary in Georgia as well as strong civil society organizations (CSOs) that work in rule of law; and 2) contribute to the design of USAID's next generation of support to the rule of law.

## I.2 EVALUATION QUESTIONS

The Statement of Work (SOW) for the mid-term performance evaluation of the PROLoG and the ROL Project sets forth the following evaluation questions (EQs) to be answered in order to elicit the results of PROLoG to date:

1. How does having multiple work streams of supply and demand under one mechanism enable (or pose an obstacle for) the partner to deliver? What are the advantages and disadvantages of combining work with government stakeholders and support to civil society advocacy under one umbrella? What are the abilities of local civil society partners/Coalition for an Independent and Transparent Judiciary (CITJ) to continue engaging in advocacy for better reforms in justice system without PROLoG's (or similar instrument) close technical support and guidance?
2. Considering the major areas of engagement (judicial reform, civil society advocacy, implementation of human rights), are there areas where PROLoG has been more or less successful in meeting the project's anticipated results? Considering the political context, were there areas where the activity/partner should have focused more efforts or resources to achieve better results from the start of the project to date?
3. How effective has the partner been in achieving anticipated results related to university-level legal education system development under PROLoG? What is the potential of university law schools

to sustain results without donor support in the areas of clinical legal education, interactive teaching, teaching of lawyering skills through practical training and moot courts, sustaining new courses in gender, human rights, etc. created with PROLoG’s assistance, and continue developing on their own?

4. How successful has PROLoG been in achieving anticipated results related to the Georgian Bar Association (GBA) development? What is the potential of the GBA to sustain results to date without donor support and continue developing on its own? How strong are the GBA’s internal structure and governing bodies? Is the GBA capable of maintaining progress to date in terms of bar examination, application of legal ethics, implementation of Continuing Legal Education (CLE), and implementation of the internship system?
5. How effective has PROLoG been in coordinating efforts with other donors active in the rule of law sector of Georgia? What are the best methods for coordination that were successfully applied during PROLoG implementation?

## 2.0 PROJECT BACKGROUND

USAID/Caucasus prepared the Project Appraisal Document (PAD) in October 2014 to respond to Intermediate Result 1.3: Independent and Professional Application of the Rule of Law under Development Objective 1: Democratic Checks and Balances and Accountable Governance Enhanced; Justice System Strengthened to Ensure Due Process, Judicial Independence, and the Protection of Human Rights. The PAD described the goal, purpose, sub-purposes, and intended results of the ROL Project as indicated in the chart below which, but for some minor differences, are the same for PROLoG.

**Table 1: PAD Goal, Purpose, Sub-Purposes, and Intended Results**

<b>Goal: Democratic checks and balances and accountable governance enhanced</b>			
<b>Project Purpose: Justice system strengthened to ensure due process, judicial independence, and the protection of human rights.</b>			
<b>Sub-Purpose 1: Legal framework strengthened.</b>	<b>Sub-Purpose 2: Improved management of justice system institutions.</b>	<b>Sub-Purpose 3: Capacity of legal professionals enhanced.</b>	<b>Sub-Purpose 4: Access to justice of marginalized groups improved.</b>
<p>1.1 Select legal framework conforms to international standards and best practices.</p> <p>1.2 Civil society is effectively engaged in the legislative development process.</p>	<p>2.1 Management systems in justice sector institutions improved.</p> <p>2.2 Cooperation among justice system institutions improved.</p> <p>2.3 Civil society awareness, monitoring, and oversight of the justice system strengthened.</p>	<p>3.1 University-level legal education system prepares graduates with practical skills and knowledge.</p> <p>3.2 Self-governance of legal professionals strengthened.</p> <p>3.3 Performance of legal professionals complies with international ethical standards.</p>	<p>4.1 Legal aid to marginalized individuals and communities increased.</p> <p>4.2 Awareness of legal professionals of roles and responsibilities in ensuring equality before the law increased.</p> <p>4.3 Civil society awareness of and advocacy for justice for marginalized populations improved.</p>

In designing the ROL Project, the PAD consolidated the achievements of the Judicial Independence and Legal Empowerment Project (JILEP), particularly the legislative reforms to increase judicial independence, creation of the CITJ, improvement of the GBA bar examination, and advancement of legal education.

Predicated on the development hypothesis that the justice system in Georgia can be strengthened through improving the: a) legal framework, b) management of justice sector institutions, c) capacity of legal professionals, and d) access to justice for marginalized populations, USAID created PROLoG as the ROL Project to achieve the same anticipated results as the PAD and capitalize upon JILEP's success by working concurrently with the judiciary as well as civil society to strengthen the Georgian justice system so that citizens of Georgia can fully enjoy their fundamental rights. By continuing the Supply/Demand Design with PROLoG, USAID recognized that economies of scale result from technical assistance that is provided directly to the judiciary while also benefiting CSOs to advocate more effectively for judicial reforms. Lastly, the Supply/Demand Design provides PROLoG *“an invaluable advantage to access multiple sources of information which allows it to nurture and facilitate exchange of ideas between the two sides: support the civil society to generate ideas from one side and support the government institutions to develop systems that would provide an adequate response to the demand,”* according to the PAD.

PROLoG has four main objectives:

1. Strengthen the legal framework relating to human rights and due process protections through governmental institutions and CSOs;
2. Improve the management of essential justice institutions, such as the High Council of Justice (HCOJ), the High School of Justice (HSOJ), the courts, the GBA, and Legal Aid Services (LAS);
3. Enhance the capacity of Georgian legal professionals by further strengthening legal education at the university level through practice-oriented training, promoting new teaching methods, and providing more opportunities for CLE for current judges and lawyers; and
4. Improve access to justice for marginalized citizens, women, and ethnic minorities.

## 3.0 EVALUATION METHODS AND LIMITATIONS

### 3.1 EVALUATION METHODOLOGY

The evaluation methodology was carefully designed to respond to the five EQs and to determine whether PROLoG made progress toward achieving its anticipated results. The ET used a mixed-methods design, combining qualitative and quantitative data collection instruments, which were administered to a diverse set of project stakeholders.

The qualitative data collection instruments included an extensive document and literature review together with in-depth key informant interviews (KIIs) and focus group discussions (FGDs) with representatives of important project stakeholder groups. The quantitative data collection instruments also included mini-surveys with a representative sample of lawyers and law students in the beneficiary law schools. Selection and sampling strategies ensured representation of women, where appropriate. All research instruments were developed in English and, after approval by USAID, translated into Georgian, when necessary.

The ET conducted interviews with USAID and PROLoG staff as well as United States (U.S.) Embassy staff, and KIIs with partners, beneficiaries, and stakeholders, such as: the HCOJ; the HSOJ; the Parliament; the GBA; the Ombudsman; judges from the Supreme Court, Court of Appeals, and the City Courts; the CITJ; the Georgian Young Lawyers' Association (GYLA); Transparency International Georgia (TIG); the American Chamber of Commerce in Georgia (AmCham); lawyers, law professors, and law students from the five beneficiary law schools; and international donors.

To obtain qualitative data and provide context and background information gained through KIIs, the ET conducted FGDs with CITJ non-Steering Committee members, attorneys, and law students. The ET also

conducted mini-surveys with law students and attorneys. The ET retained the services of IT, Research & Metadata Solutions (IRMS) to assist in conducting the mini-surveys and the FGDs. The mini-surveys were conducted online and their results produced and analyzed in Microsoft Excel. The FGDs were recorded, transcribed, and analyzed using NVivo, a qualitative research software.

### **3.1.1 Evaluation Methods Applied to Each Evaluation Question**

The KIIs, FGDs, and mini-surveys were designed to ensure the ET elicited essential and relevant information to respond fully to each of the five EQs.

For EQ 1, the ET used the baseline indicators for PROLoG as the foundation of PROLoG's work in order to assess its progress toward achieving its anticipated results. By conducting 24 KIIs with representatives on the supply side and 13 representatives on the demand side, as well as with rule of law donors who have worked collaboratively with PROLoG on its judicial reform activities, the ET was able to gauge the advantages and disadvantages of including multiple streams of work under one mechanism. The ET was also able to assess the extent to which PROLoG applied a comprehensive approach in advancing reforms at both the government and civil society levels, while coordinating its work with other rule of law donors.

For EQ 2, the ET concentrated its KIIs and one FGD with stakeholders, partners, and beneficiaries who were in a position to provide the ET with sufficient information in order to identify the judicial reforms where progress has been achieved on meeting the anticipated results due to PROLoG's Supply/Demand Design, and the areas where not only are judicial reforms essential, but also where backsliding on achieving the anticipated results seems to have taken place. Through the same KIIs and one FGD, the ET obtained significant insights into whether the anticipated results were achieved in civil society advocacy and implementation of human rights.

For EQ 3, the ET focused its KIIs and FGD on law professors and law students associated with the five beneficiary law schools to assess whether PROLoG's intervention in improving the legal education system since JILEP has made progress toward achieving PROLoG's anticipated results. The ET also interviewed representatives from three law schools not directly benefitting from PROLoG activities to collect their views on the current situation of Georgian legal education and future assistance needs. A comprehensive review of program documents, the KIIs, the FGD, and one mini-survey with law students provided the ET with sufficient information and insight to evaluate the potential of the five beneficiary law schools to sustain their results without donor support in the areas of clinical legal education, interactive teaching, teaching of lawyering skills through practical training and moot courts, and courses in gender and human rights.

For EQ 4, the ET, faced with the recent GBA elections that resulted in USAID partially suspending PROLoG's activities with the GBA, broadened the net of potential key informants (KIs) to include those who were formerly associated with the GBA, in order to obtain a broader perspective of whether PROLoG has made progress toward achieving the sub-purpose of strengthening the self-governance of legal professionals. Through this wider net of respondents, which included current and former leadership of the GBA, members of the GBA, and leaders of the GBA training center, the ET was able to ascertain by conducting KIIs, one FGD, and one mini-survey the progress made not only with relation to the self-governance of the GBA, the strength of its internal structure and governing bodies, but also the progress and sustainability of activities with regard to the bar examination, application of legal ethics, implementation of CLE, and the internship system.

For EQ 5, the ET conducted 14 KIIs with all major rule of law donors, the CITJ, and representatives of the judiciary to evaluate the effectiveness of PROLoG's coordination of judicial reform activities with other donors, and to determine the best methods for coordination that were successfully applied.

The Evaluation Design Matrix (Annex 3) highlights the approach and sequence of tasks the ET undertook in implementing the evaluation by applying specific data sources, methodology, and data analysis to each of the five EQs.

**Table 2: Key Informants Interviewed**

Category	Women	Men	Total
<b>Justice Institutions</b>			
HCOJ – Current Judges and Non-Judge Members	3	1	4
HSOJ	2	0	2
Parliament	2	0	2
Ombudsman	1	1	2
Supreme Court Judges	5	0	5
Court of Appeal Judges	1	2	3
City Court Judges	5	2	7
<b>Total</b>	<b>19</b>	<b>6</b>	<b>25</b>
<b>Other</b>			
CITJ Members	7	6	13
Other CSOs	0	1	1
GBA Employees	2	3	5
Lawyers	6	4	10
Expert Consultant	0	1	1
Law Professors	11	7	18
Law Students	1	0	1
Donors	5	2	7
PROLoG	6	4	10
USAID	2	0	2
<b>Total</b>	<b>43</b>	<b>29</b>	<b>68</b>

**Table 3: FGD Participants**

Category	Women	Men	Total
CSOs	3	5	8
Lawyers	1	2	3
Law Students	3	1	4
<b>Total</b>	<b>7</b>	<b>8</b>	<b>15</b>

**Table 4: Mini-Survey Respondents**

Category	Women	Men	Total
Law Students	37	66	103
Lawyers	2	1	3
<b>Total</b>	<b>39</b>	<b>67</b>	<b>106</b>

### 3.2 EVALUATION LIMITATIONS

There are several limitations inherent to the proposed evaluation design.

- I. **Biases in data collection methodologies:** To identify key stakeholders and beneficiaries, the ET relied on assistance from USAID and PROLoG staff. Although there was the risk of selection bias, the ET did not discover any intentional omission of individuals with whom it wanted to meet on the list of proposed meetings provided by USAID and PROLoG. In fact, just the opposite occurred. When the ET approached USAID and/or PROLoG for meetings with individuals who were not listed, both willingly provided assistance. PROLoG was especially helpful in providing the ET with background information on some KIs that gave context to the information s/he provided, thereby enhancing the ET's understanding of the issues. A few KIs declined to be interviewed

citing irrelevancy, while others who agreed were not forthcoming with information, perhaps due to their affiliation with a stakeholder.

To answer EQs 3 and 4, the ET initially intended to hold four focus groups, two with law students and two with lawyers. However, due to no-shows from confirmed participants, only two focus groups were held—one with four law students and one with three lawyers. The ET would have benefited from discussions with a larger sample of law students and lawyers, but, due to time constraints, organizing more FGDs was not possible.

2. **Recall bias:** Since a number of questions raised during the interviews dealt with activities that occurred under PROLoG's predecessor project, JLEP, and are still continuing, recall bias could not be excluded. This is further exacerbated by the fact that, except for direct beneficiaries and grantees, other stakeholders tend to attribute everything that is done in certain areas either to USAID or to the contractor, EWMI. As several PROLoG activities are similar to JLEP, some respondents found it difficult to discern what was accomplished during PROLoG and accurately compare situations before and after the project.
3. **Attribution difficulties:** Due to the presence of multiple technical assistance projects by the European Union (EU), the United Nations Development Programme (UNDP), the Council of Europe (COE), and the German Society for International Cooperation (GIZ), it was difficult for some KIs to clearly distinguish the contribution of PROLoG. During the KII, the ET mitigated this limitation as well as the recall bias limitation by describing in full PROLoG's activities so that the KI could attribute the activity under discussion to PROLoG, rather than to other donors, USAID, or EWMI.
4. **Halo bias:** There is a known tendency among respondents to underreport socially undesirable answers and alter their responses to what they perceive either as the social norm or what they think the ET expects to hear. The extent to which respondents were prepared to reveal their true opinions varied, depending upon the question asked, which, on a few occasions, denied the ET insight into the assessment of PROLoG's work particularly as it relates to judicial reforms, given the political context which surrounds PROLoG's work in this area. The vague answers offered could have been the result of respondents not wanting to provide information that appears to assess the performance of their colleagues or, despite promises to the contrary by the ET, perceptions that it would not be kept confidential.
5. **Difficulty assessing sustainability:** The evaluation was implemented while many of the examined interventions were ongoing, which made it difficult for the ET to determine whether reported/observed outcomes are likely to continue once support ends. This is particularly the case with PROLoG's activities, which were recently launched and have lagged time effects that affect any determination on their sustainability.

The ET was mindful of each of these biases and engaged in mitigation measures by: triangulating evidence from different qualitative and quantitative data sources that served to increase the credibility of findings; collaborating closely with USAID and PROLoG to identify key stakeholders, as well as beneficiaries of PROLoG's activities, and their knowledge of PROLoG's goals and intended results and the purpose of the evaluation; conducting systematic data analysis using well-established analysis methods supported by advanced data analysis software employed by IRMS; and providing all written materials in the language spoken by the KII, FGD, and mini-survey respondents, while also providing a skilled translator for oral interviews.

# 4.0 FINDINGS AND CONCLUSIONS

## 4.1 EQ 1: HOW DOES HAVING MULTIPLE WORK STREAMS OF SUPPLY AND DEMAND UNDER ONE MECHANISM ENABLE (OR POSE AN OBSTACLE FOR) THE PARTNER TO DELIVER? WHAT ARE THE ADVANTAGES AND DISADVANTAGES OF COMBINING WORK WITH GOVERNMENT STAKEHOLDERS AND SUPPORT TO CIVIL SOCIETY ADVOCACY UNDER ONE UMBRELLA? WHAT ARE THE ABILITIES OF LOCAL CIVIL SOCIETY PARTNERS/NGO COALITION FOR AN INDEPENDENT AND TRANSPARENT JUDICIARY TO CONTINUE ENGAGING IN ADVOCACY FOR BETTER REFORMS IN THE JUSTICE SYSTEM WITHOUT PROLOG'S (OR SIMILAR INSTRUMENT) CLOSE TECHNICAL SUPPORT AND GUIDANCE?

In responding to EQ 1, the ET was tasked with determining how effective the ROL Project and PROLoG have been in achieving their anticipated results by focusing specifically on the design of the ROL Project and PROLoG with regard to having supply and demand work streams under one mechanism (Supply/Demand Design) to achieve the four sub-purposes of the PAD.

USAID concurred that the ET is not in a position to evaluate the Supply/Demand Design in a theoretical sense, but only in its practical application in Georgia, and agreed that the response to the first two sub-questions of EQ 1 will reflect PROLoG's effectiveness in achieving its anticipated results as a result of utilizing the Supply/Demand Design. If the ET determines through document review, KIIs, and FGDs that PROLoG was effective in achieving its anticipated results as a result of utilizing the Supply/Demand Design, then it stands to reason that the Supply/Demand Design of the ROL Project described in the PAD is also effective.

### 4.1.1 Findings

#### **I. The Supply/Demand Design was created to enable the ROL Project to deliver major reforms in the justice system, which PROLoG was able to accomplish.**

The PAD written for Intermediate Result 1.3: Independent and Professional Application of the Rule of Law under Development Objective 1: Democratic Checks and Balances and Accountable Governance Enhanced; Justice System Strengthened to Ensure Due Process, Judicial Independence, and the Protection of Human Rights describes the ROL Project to achieve the following anticipated results:

1. Legal Framework Strengthened;
2. Management of Justice System Institutions Improved;
3. Capacity of Legal Professionals Enhanced; and
4. Access to Justice of Marginalized Groups Improved.

In designing the ROL Project, the PAD consolidated the achievements of JILEP, particularly the legislative reforms to increase judicial independence; the creation of the CITJ, which is an informal network of Georgian CSOs formed in April 2011; the improvement of the GBA bar examination; and the advancement of legal education.

Predicated on the development hypothesis that the justice system in Georgia can be strengthened through improving the: a) legal framework, b) management of justice sector institutions, c) capacity of legal professionals, and d) access to justice for marginalized populations, USAID created PROLoG as the ROL Project to achieve the same anticipated results as the PAD and capitalize upon JILEP's success by working concurrently with the judiciary as well as civil society to strengthen the Georgian justice system so that citizens of Georgia can fully enjoy their fundamental rights.

The foundation of PROLoG is based on the Supply/Demand Design utilized by JILEP which, when implemented properly, provides the flexibility to adjust assistance to the judiciary and CSOs, given the

changing political environment in Georgia over the past 20 years. Additionally, the PAD recognized that economies of scale can result from the technical assistance that is provided directly to the judiciary while also benefiting CSOs to enable them to advocate more effectively for judicial reforms. Lastly, the intent of the Supply/Demand Design, according to the PAD, is to provide PROLoG *“an invaluable advantage to access multiple sources of information, which allows it to nurture and facilitate exchange of ideas between the two sides: support the civil society to generate ideas from one side and support the government institutions to develop systems that would provide an adequate response to the demand.”*

### **Major Judicial Reforms Utilizing the Supply/Demand Design**

In conducting KIs with representatives of the HCOJ, the HSOJ, the Parliament, judges from the Supreme Court, Court of Appeals, and City Courts, the CITJ members, and donors, the ET heard an unanimity of opinion on the important role that civil society plays in the judicial reform process. According to the KIs, CSOs have a rich history in Georgia of being a watchdog over the judiciary and are essential to the process of developing an independent and accountable judicial system.

According to PROLoG’s documents, specifically the Quarterly and Annual Reports, provided to the ET by the CITJ, GYLA, and TIG, and confirmed by KIs mentioned above, there were major judicial reforms whose success can be attributed to the Supply/Demand Design implemented by PROLoG.

The Third Wave of reforms adopted by the Parliament in February 2017 incorporated many revisions recommended by the international experts provided by PROLoG, specifically revisions related to judicial appointment and selection, judicial discipline, judicial transfers, and the transparency of the HCOJ. The CITJ’s advocacy efforts of public fora and a public campaign supporting the legislative amendments contributed to the adoption of the Third Wave.

The CITJ participated in the Judicial Strategy Development Committee in 2017, supported by PROLoG, which resulted in the drafting of the National Judicial Strategy and Action Plan. The National Judicial Strategy, which provides an assessment of the challenges the judiciary confronts and judicial reform objectives, and the Action Plan were approved by the HCOJ in May 2017.

The current Fourth Wave of reforms were the result of the CITJ “Justice Demands” campaign in Spring 2016, which publicly highlighted the problems within the justice system, previously discussed only among legal and judicial professionals. With an increased awareness of the major issues challenging the judiciary in becoming independent and accountable due to CITJ’s campaign, the Parliament, through the Legal Affairs Committee, initiated, with support from PROLoG, a working group to consider additional legislative amendments not addressed in the Third Wave of reforms. According to one high level KI, *“all major reforms in the Fourth Wave were initiated by the CITJ and CSOs.”*

PROLoG also supported the CITJ’s HCOJ monitoring reports, which provided several recommendations, one of which was to provide greater public awareness of its meetings. As a result of these reports, the HCOJ began including video recordings of its meetings on its website.

PROLoG actively used the Supply/Demand Design to facilitate the inclusion of the CITJ and individual CSOs in the judicial reform process. In addition to the major judicial reforms stated above, and with PROLoG’s support, the CITJ and CSOs have also engaged with the Human Rights Council, provided recommendations for the Human Rights Action Plan, advocated for improved regulations on witness interrogation, engaged with the judiciary and the Ministry of Justice (MOJ) on legislative amendments governing hearsay evidence, and provided recommendations to the Constitutional Commission regarding judicial appointments based on criteria of competency and integrity. (See Annex 7 for a comprehensive description of PROLoG’s support of the CITJ’s and CSOs’ involvement in the judicial reform process.)

### **Advantages and Disadvantages of the Supply/Demand Design**

During interviews and FGDs, stakeholders mentioned a number of advantages and disadvantages of the Supply/Demand design. The positive comments (e.g., advantages) include that the design: unites the voice

of civil society within one platform—CITJ; reinforces the voice of civil society within judicial reform processes; gives civil society a place at the reform table; gathers research based on CSOs’ work; strengthens the credibility of CSOs and their work; and allows civil society and the judiciary to interact and cooperate in judicial reform.

On the other hand, they also made a few negative comments (e.g., disadvantages) about the Supply/Demand Design, including: perceptions that PROLoG is biased because it is influenced by the Coalition and civil society at large and its staff, including the Chief of Party (COP), were CSO members in the past; perceptions that PROLoG lacks diligence because it supports unsubstantiated allegations against the judiciary; and slower work/a larger bureaucratic burden because civil society’s outputs are moderated by PROLoG’s editing and fact-checking requirements. These advantages and disadvantages are summarized in Table 5 below, which shows that the advantages of the Supply/Demand Design outweigh the disadvantages.

**Table 5: Advantages and Disadvantages of the Supply/Demand Design**

Advantages	Disadvantages
Unites the voice of civil society in one platform – CITJ	Perception of bias (PROLoG is influenced by the Coalition and civil society at large)
Reinforces the voice of civil society within judicial reform processes	Perception that there is a lack of diligence (perception that PROLoG supports unsubstantiated allegations against judiciary)
Provides civil society a place at the reform table	Slower work/bureaucratic burden (civil society work/outputs moderated by PROLoG’s editing and fact-checking requirements)
Gathers research based on CSOs’ work (mostly CITJ)	PROLoG staff, including the COP, were members of CSOs in the past, which taints the perception of their independence.
Strengthens the credibility of CSOs and their work	
Allows civil society and the judiciary to interact and cooperate in judicial reform	

**2. PROLoG made the best possible use of the Supply/Demand design to achieve its anticipated results and to meet the goals of the PAD.**

The essential advantage of the Supply/Demand Design is proven by the results demonstrated in the previous finding. According to the same KIs referred to in the previous finding, PROLoG is operating in a politically challenging environment in trying to implement judicial reforms and is benefitting from the role CITJ plays in monitoring court performance and publicizing its results. During the KIs, the ET heard several relevant comments about CITJ’s effectiveness, such as: *“CITJ’s involvement has effectively contributed to the waves of judicial reforms.”* *“CITJ is doing half of the job of pursuing judicial reforms.”* *“CITJ contributed to the Parliament being engaged and has influenced the Parliament and justice institutions.”* *“CITJ plays an essential role in raising awareness and educating the public and the press.”*

While the demand initiated by the CITJ is intended to help PROLoG implement judicial reforms, inherent in the Supply/Demand Design is a conflict which can emerge when the Demand side criticizes the Supply side. While one KI opined that *“healthy criticism is crucial for a government to function well,”* there was a consensus of opinion expressed by a majority of representatives of the HCOJ, HSOJ, Parliament, and judges from the Supreme Court, Court of Appeals, and City Courts that CITJ misuses its power of advocacy.

These KIs believe that CITJ:

- Does not always produce accurate reports;

- Unnecessarily personalizes the problems within the judiciary by naming and shaming judges;
- Has lost sight of its goal to inform and inspire judicial reforms by being subjective and focusing only on criticism of the judiciary and judges; and
- Irresponsibly uses the public domain to issue its reports rather than present them in a private setting with the relevant governmental institution.

It should be noted that the tension between civil society and the government/judiciary is inherent to reform processes and is not a negative phenomenon as such. On the contrary, criticism of civil society is often a testimony of its strength and significance. It should also be noted that the ET did not have the time or resources to fully evaluate the accuracy of all comments received in this regard.

All 13 KI members of CITJ believe that the CITJ's contribution to judicial reforms is overwhelmingly positive. All 11 Steering Committee KIs were supportive of the current policy of open criticism of judiciary, stating that it is only an instance of last resort, as *"everything else has been tried and did not work,"* according to one Steering Committee member. The Steering Committee KIs also revealed the belief that the main obstacles of judicial reform are lack of political will, the political establishment's ties to justice system management, and a group of influential judges standing in the way of developing an independent and transparent judiciary. Non-Steering Committee members overwhelmingly agree with the statements and activities pursued by the CITJ: nine out of 10 are supportive of it; only one non-Steering Committee member voiced their reservations by attributing the openly critical approach of the stance of a single Steering Committee member organization.

Given the KIs' reaction to CITJ's comments, reports, and videos concerning the judiciary, PROLoG's reputation suffers by association. According to KIs with key PROLoG staff members, while the activity works very hard to present a neutral stance, provide technical assistance and international experts when asked, and not advocate for reforms nor align itself with the CITJ, the common reaction from seven KIs, particularly judges who have been, in their minds, unfairly criticized, is that PROLoG is biased towards the views of the CITJ, pointedly citing PROLoG's funding of the CITJ and two CSOs.

While a number of non-CITJ KIs, notably those representing the judiciary, expressed serious concerns about the content and delivery of CITJ's reports, they recognize the importance of CITJ's involvement in the judicial reform process, and provided suggestions for mitigating the conflict and creating a healthier environment between the CITJ and justice institutions:

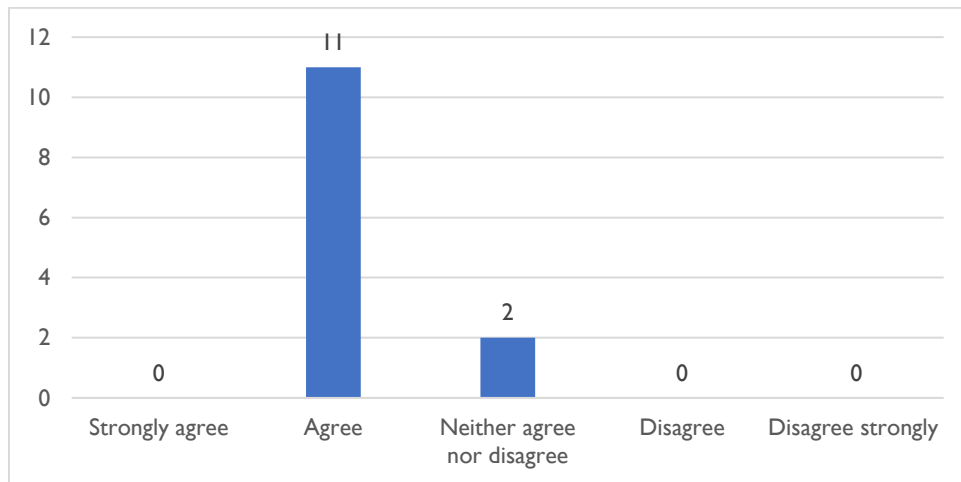
1. Rather than only criticize the judiciary, which evokes resistance rather than cooperation, include the judicial achievements that have been made over the years;
2. Provide reports that focus on the laws, rules, and regulations needing revision rather than the personalities;
3. Meet with representatives of the Parliament and the HCOJ on a regular basis to resolve issues set forth in the documents before publicizing them; and
4. Shadow judges to develop a deeper understanding of the workings of a court and the daily demands upon judges.

In responding to the suggestions of the KIs and to solidify its neutral stance, KIs suggested that PROLoG take a more proactive approach to ensure that CITJ's documents are *"fair and balanced,"* begin facilitating discussions between the CITJ and judicial institutions and organize meetings between the CITJ and judges to discuss issues of common concern.

The idea of separating PROLoG's Supply and Demand sides did not find decisive support among any of the KIs. Regardless of the Supply/Demand Design, a KI stated: *"it's not tragic when a civil society reform does not translate into law; if not now, it will later."*

According to relevant KIs, representatives of the HCOJ, the HSOJ, the Parliament, judges from the Supreme Court and Court of Appeals,<sup>2</sup> CITJ members, and donors who were asked to respond to the statement whether “PROLoG has been successful in utilizing the Supply/Demand Design to promote the rule of law in Georgia,” an overwhelming majority of the KIs responded positively as shown in the chart below.

**Figure 1: Respondents Opinions of PROLoG’s Success in Using the Supply/Demand Design**  
n = 13



Source: ET KIs

### 3. The CITJ has limited ability to continue engaging in advocacy for better reforms in the justice system without PROLoG’s close technical support and guidance

The CITJ currently unites 40 CSOs and is governed by a Steering Committee composed of nine CSOs, including a chair and deputy chair organization. At the time of the evaluation, TIG chairs CITJ and the Georgian Democratic Initiative (GDI) is vice-chair. PROLoG provides technical support and guidance to CITJ at three levels by:

- Providing expertise and funding grants to two partner organizations, GYLA and TIG (both CITJ Steering Committee members);
- Providing expertise (e.g., expert assistance in editing documents) and funds to three Working Groups (WGs) within the CITJ (Court Administration WG, with 12 member-organizations; Criminal Law Reform WG, with 13 member-organizations; and Minority Rights and Gender Equality WG, with eight member-organizations); and
- Operating a technical secretariat within PROLoG to assist in preparing and reviewing documents and statements and convening Coalition meetings.

The CITJ is an informal structure of different levels of support which complement each other, with synergies produced by cooperation among members, contributions of other donors supporting member organizations and pro bono contributions of member organizations to various initiatives, making a clear-cut evaluation of CITJ itself (rather than its member or donor support) a complex undertaking.

PROLoG provided both partners, GYLA and TIG, sub-awards to carry out advocacy campaigns aimed at improving justice system-related legislation and policy. Both partners also engaged in flagship judicial system monitoring and oversight work: court monitoring (implemented by GYLA) and HCOJ monitoring (jointly implemented by TIG and GYLA).

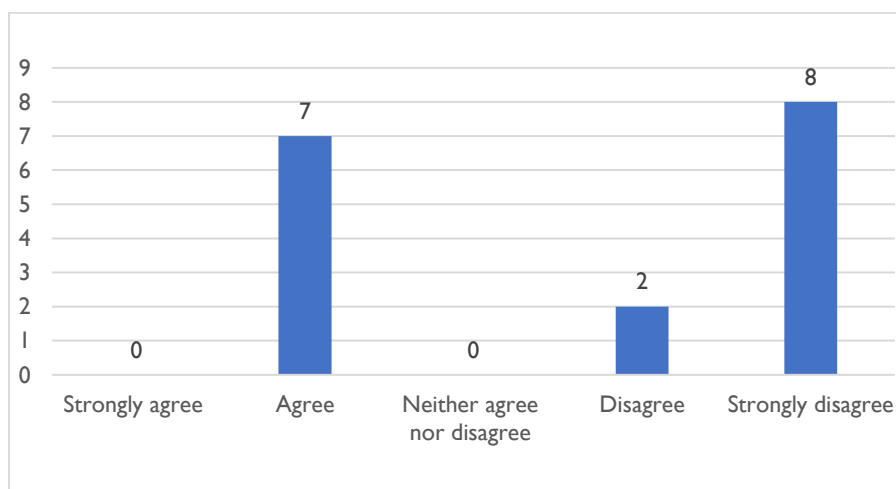
<sup>2</sup> It should be noted that when referring to judges on the Supreme Court and Court of Appeal, it does not include those Supreme Court and Court of Appeal judges who are members of the HCOJ.

All three CITJ Working Groups carried out studies through grant-funded projects supported by PROLoG. A project by TIG, GYLA, and the Human Rights Education and Monitoring Centre (EMC) analyzed the state of the judicial system in light of the legislative changes carried out since 2012. A CITJ Steering Committee member, the Institute for the Development of Freedom of Information (IDFI), implemented a project that aims to increase access to court decisions by improving the legal framework and practical approaches to disclosing judicial decisions. IDFI carried out this project with the pro bono involvement of EMC and Open Society Georgia Foundation (OSGF); they jointly developed a paper that analyzed the relevant practices. IDFI also studied international approaches by considering regulations and practices prevalent in different countries and at the European Court of Human Rights, and developed a report based on this research.

According to project documents, CITJ is very active in elaborating and issuing joint statements on judicial reform. With PROLoG’s technical support, it issued a total of 54 statements between April 2015 and May 2018, an average of almost five statements per calendar quarter.

During KIs with 11 Steering Committee members of the CITJ, all respondents stated that PROLoG’s support for the CITJ is vital. Having an international donor as a sponsor provides the CITJ with increased credibility, which enhances the success of its advocacy efforts. These same respondents stated that the preferred mode of operation is to be supported by a secretariat within PROLoG. Other formats, such as a secretariat independent of PROLoG or full legal recognition (registration of CITJ as a legal entity/association of CSOs), were dismissed by the respondents and have yet to gain any traction among other members of the CITJ.

**Figure 2: CITJ Members’ Opinions About Whether the Coalition Can Continue Advocacy Without PROLoG Support**  
n=17



Source: ET’s KIs and FGDs

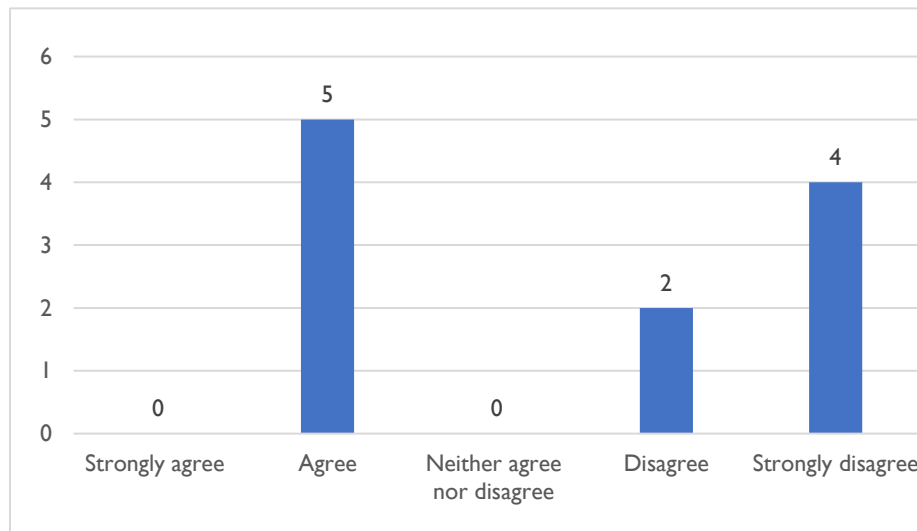
KIs with PROLoG technical staff reinforced the CITJ’s preference for PROLoG’s close technical support and guidance. While PROLoG staff has engaged in numerous attempts to enhance CITJ members’ capacity, there are resource issues among individual members that hinder the process, notably a lack of qualified staff and research expertise. An FGD with eight Non-Steering Committee members of the CITJ provided a self-assessment of the participants’ lack of expertise in judicial matters and their limited administrative capacities while they concurrently expressed deep appreciation for the guidance they receive from the CITJ and the services that PROLoG renders to them.

Ironically, even when PROLoG provided an opportunity to CITJ members for financial support via a \$25,000 grant in 2015, the offer was met with a modicum of interest and only five organizations—all

members of the Steering Committee—applied, four of whom received grants. In 2017, PROLoG increased the grant amount to \$50,000 and, to date, only three CITJ organizations have received grants, while one grant application is under consideration. In some regard, this is not surprising, as one KI stated, “CITJ members lack absorptive capacity.”

**Figure 3: CITJ Steering Committee Members’ Opinions About Whether the Coalition Can Continue Advocacy Without PROLoG’s Support**

n=11



Source: ET’s KIs

During KIs with the CITJ Steering Committee members, six out of 11 members conceded that the CITJ could not continue its advocacy for enhanced reforms in the justice system without PROLoG’s close technical support and guidance. Non-Steering Committee members of the CITJ who participated in the FGD voiced their concerns to an even greater degree. Four out of six members strongly disagreed with the statement that “CITJ can continue engaging in advocacy for better reforms in the justice system without PROLoG’s close technical support and guidance” while two agreed. In sum, 10 out of 17 (59 percent) CITJ respondents, and six out of 11 (55 percent) CITJ Steering Committee members, disagreed or strongly disagreed that the CITJ can continue its advocacy work without PROLoG’s support.

Among the judiciary, judges, and judge members of the HCOJ, as well as representatives of the Parliament and the Ombudsman, there is a general perception that the CITJ and CSOs need to develop their research capacities and expertise in judicial matters, including the inner workings of the judicial system. One judge commented that staff members of CSOs should shadow a judge for one day in order to develop an understanding of the challenges judges face on a daily basis. According to the six non-Steering Committee members of the CITJ who participated in the FGD, CSOs do not enjoy high levels of recognition and trust by Georgian citizens. A KI with a civil society platform confirmed this perception and acknowledged that while the CITJ is well-regarded within the judicial sector, it lacks credibility among actors in other sectors.

PROLoG’s main two civil society partners, TIG and GYLA, reported that they have the capacity to continue engaging in and advocating for judicial reforms without PROLoG’s financial or technical support.<sup>3</sup> TIG is the most prominent member of CITJ, having been a Chair of the CITJ as well as a Steering Committee member, and having been a significant contributor to published reports and flagship campaigns, such as the *Past Reforms and Future Perspectives* Report and the “Make Courts Trustworthy” Campaign. In

<sup>3</sup> Please note the ET did not have the time or resources to verify this claim.

a KII with TIG, participants felt the organization can engage in judicial reforms without PROLoG support for the following reasons:

- TIG has ample financial resources, with four million Lari;
- By TIG's own admission "*donors love us*" and "*we can successfully fundraise;*"
- TIG has an experienced and committed staff; and
- TIG has a good "brand" concerning judicial reform in Georgia.

PROLoG also provides grant support to CSOs outside the CITJ for ROL and Human Rights-related programming, but this section of the report only focuses on the CITJ's work.

#### **4.1.2 Conclusions**

Like its predecessor JILEP, PROLoG utilizes a Supply/Demand Design to support both civil society and the judiciary in achieving judicial reforms in Georgia. The design is flexible, allowing for assistance to be adjusted, and it benefits from economies of scale and takes advantage of multiple sources of information. Under the model, PROLoG advocated for and provided technical assistance to achieve major judicial reforms that were adopted by the Third and Fourth Waves of reform. Thus, a majority of KIs in the HCOJ, HSOJ, Parliament, Supreme Court, Court of Appeals, CITJ, and donor organizations agreed that PROLoG has been successful in utilizing the Supply/Demand Design to promote the rule of law in Georgia.

Furthermore, KIs opined that other models, such as separating the Supply and Demand sides or having a single-track Supply model, would not be more effective than the current design. In KIIs and FGDs, stakeholders mentioned six advantages and four disadvantages of the Supply/Demand Design, and indicated the advantages outweigh the disadvantages. Based on these opinions and PROLoG's accomplishments to date, the ET believes the Supply/Demand Design is currently the most suitable model to achieve major reforms in the justice system in Georgia.

Nonetheless, pointing to PROLoG's funding of the CITJ, KIs in the judiciary believe the activity is biased toward the demand side. They criticize the CITJ for allegedly misusing its power of advocacy by, for example, using the public domain to issue reports, personalizing problems within the judiciary (naming and shaming judges), and focusing solely on criticism of the judiciary and judges. In addition, KIs in the judiciary felt the accuracy of CITJ's reports was not always consistent. The ET was unable to explore the accusations against the CITJ but believes its tension with the judiciary/government is normal and attests to the strength of civil society. This tension also identifies opportunity for future discussions and meetings between the CITJ and judicial institutions/judges for stakeholders to discuss issues of common concern.

PROLoG's support to the CITJ has enabled it to carry out advocacy campaigns, monitor the judiciary, and conduct studies related to legislation. Although the activity also sought to build the capacity of CITJ members, the ET found capacity is still lacking in many regards, including expertise in judicial matters and ability to absorb grant funds. PROLoG's main partners, GYLA and TIG, have a high capacity to engage in advocacy and research activities, but the remaining CITJ members are substantially less capable. In KIIs and FGDs, most CITJ respondents disagreed or strongly disagreed that CITJ can continue advocacy without PROLoG support. Given these findings, the ET concludes the absence of PROLoG's support would lead to an overall weakening of CITJ's ability to engage in and advocate for reforms in the justice system.

## **4.2 EQ 2: CONSIDERING THE MAJOR AREAS OF ENGAGEMENT (JUDICIAL REFORM, CIVIL SOCIETY ADVOCACY, IMPLEMENTATION OF HUMAN RIGHTS), ARE THERE AREAS WHERE PROLOG HAS BEEN MORE OR LESS SUCCESSFUL IN MEETING THE PROJECT’S ANTICIPATED RESULTS? CONSIDERING THE POLITICAL CONTEXT, WERE THERE AREAS WHERE THE ACTIVITY/PARTNER SHOULD HAVE FOCUSED MORE EFFORTS OR RESOURCES TO ACHIEVE BETTER RESULTS FROM THE START OF THE PROJECT TO DATE?**

To comprehensively respond to EQ 2, the ET collected information from a variety of sources. Beginning with a desk review of the PAD and PROLoG’s reports, during fieldwork the ET obtained additional documents from PROLoG as well as documents provided by the CITJ, TIG, and GYLA, which it reviewed. Additionally, the ET conducted 24 KIs with representatives of the HCOJ, the Parliament, the HSOJ, and judges from the Supreme Court, Court of Appeals, and City and District Courts. The ET also conducted 11 KIs with CITJ Steering Committee members as well as two KIs with non-CITJ members and conducted one FGD with eight CITJ non-Steering Committee members. Lastly, the ET conducted seven KIs with representatives of donor organizations in addition to meeting with PROLoG’s staff, USAID, and U.S. Embassy personnel.

### **4.2.1 Findings**

#### **I. PROLoG engaged in a five-prong approach to achieve the project’s anticipated results by strengthening the legal framework, improving management of justice system institutions, and enhancing the capacity of legal professionals**

In working toward achieving the anticipated results, PROLoG focused its work with the HCOJ, Parliament, Government of Georgia (GOG), HSOJ, and judges to achieve the project’s anticipated results by: 1) providing direct staff assistance to the institutions; 2) providing advice and guidance from international experts; 3) working in cooperation with the CITJ and CSOs; 4) collaborating with international donors; and 5) receiving support from the U.S. Government (USG), specifically USAID and the U.S. Embassy.

#### **Consistent Praise for PROLoG’s Judicial Reform Activities**

Throughout all KIs with 31 respondents representing the HCOJ, HSOJ, Parliament, Ombudsman, judges from the Supreme Court, Court of Appeals, and City Courts, and international donors, the ET sought the respondents’ opinions concerning the quality of assistance PROLoG has provided in pursuing its various judicial reform activities.

Five out of seven CITJ Steering Committee members asked about PROLoG’s success in pursuing judicial reform said they agreed PROLoG was successful, and two said they neither agreed nor disagreed.

*“PROLoG staff is competent and knowledgeable but find themselves constantly in a crossfire criticized by both CSOs and the government for being biased towards the ‘other side’”* (CITJ Steering Committee member), which caused the ET to ponder whether this is the ultimate compliment for PROLoG.

Considering the fact that the Supply/Demand Design is the most suitable model for pursuing reform, the crossfire is a price worth paying. However, the crossfire can be reduced if PROLoG has greater control over the accuracy and delivery of the CITJ reports and if it works with the judiciary in a way that presents PROLoG as supportive of judges, such as responding to their specific needs in the courts. Additionally, the crossfire can also be reduced if PROLoG utilizes fewer, but longer-term, American experts, including the current Deputy Chief of Party (DCOP), to interface with the judiciary.

CSO KIs also stated that *“We [CSOs] are getting very good support—without such support acting for judicial reform would be impossible”* (CSO FGD participant) and that *“under political circumstances PROLoG is doing well”* (CITJ non-Steering Committee member).

The ET heard consistent praise for the high quality of technical assistance provided by PROLoG's local staff and the advice and guidance provided by the international experts. A few notable quotes are: "We have exemplary cooperation with PROLoG." "PROLoG's work with us is flawless." "PROLoG's local staff has a deep understanding of the problems that exist, an excellent analytical approach to resolving the problems, and a willingness to respond to all requests for technical assistance."

The discussions with KIs covered PROLoG's work in: improving the judicial selection and promotion process; enhancing judicial discipline and accountability; supporting legislative amendments; developing the National Judicial Strategy and Action Plan; supporting the development of the rules of operation of the HCOJ; supporting the judicial qualification examination; developing effective communication skills for the HCOJ; supporting a feasibility study concerning the number of courts, judges, and staff; supporting an audit of information technology (IT) infrastructure and software asset management; assisting the HCOJ Independent Inspector; assisting HSOJ management; and supporting judicial study trips and exchanges (see Annex 7 for a summary and a detailed presentation of these PROLoG judicial reform activities).

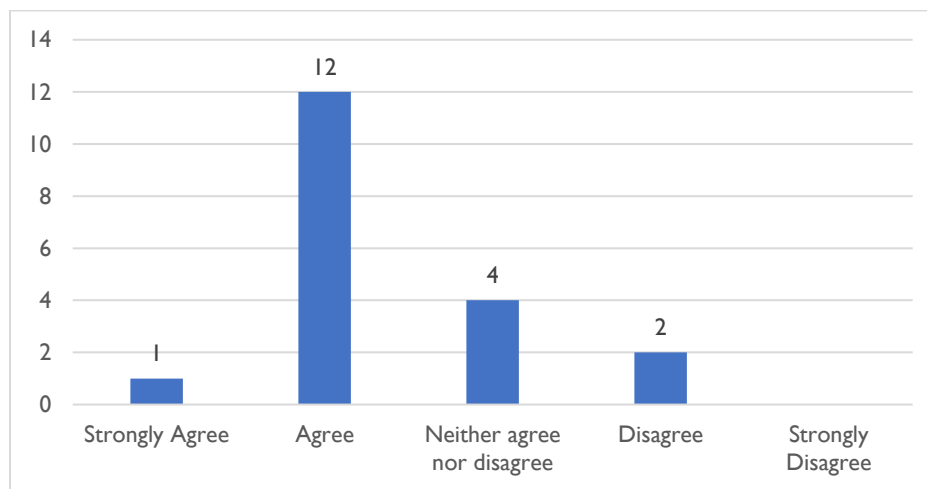
All 44 respondents representing the judiciary, the Parliament, CITJ members, and donors expressed appreciation for PROLoG's engagement in the vast array of judicial reforms. Interestingly, almost all respondents referred to the type of assistance (e.g., technical local assistance and expert international advice and guidance) rather than the specific judicial reform activity that PROLoG supported, although when certain local staff and international experts were named, their involvement with a specific judicial reform activity was also mentioned. Thus, PROLoG's involvement in the judicial appointment, selection, promotion, and discipline process as well as the judicial qualification examination, which were incorporated into the Third Wave of judicial reforms, were often mentioned according to the international expert who provided assistance (10 respondents), as was PROLoG's assistance in developing the National Judicial Strategy and Action Plan (eight respondents).

Two respondents also mentioned the support PROLoG provided to the HCOJ, with the assistance of international experts, on developing effective communication skills, supporting a feasibility study of judicial needs, and creating the Independent Inspector. One respondent expressed appreciation for PROLoG's collaboration with other donors, EU4Justice, GIZ, and COE, to financially support an IT audit for the purpose of creating a system to publish judicial decisions. While PROLoG has provided significant assistance in supporting amendments to the Law on Entrepreneurs, the Civil Procedure Code, and the framework Law on Mediation (LOM), none of these laws were mentioned. In the opinion of the ET, it was not due to a lack of appreciation, but rather due to the fact that the KIs focused on the major challenges facing the judiciary.

In 19 KIs with members of the judiciary, CITJ Steering Committee members, and donors, the ET asked whether PROLoG was successful in improving the management of justice system institutions. All three respondents representing the judiciary agreed; six out of 13 CITJ Steering Committee members agreed, one strongly agreed, four did not have an opinion, and two disagreed; and all three donor KIs agreed.

**Figure 4: Respondents' Opinions About Whether PROLoG Has Been Successful in Managing the Justice System Institutions**

n=19



Source: ET's KIIs

With regards to increasing the capacity of legal professionals, PROLoG's assistance to the HSOJ was discussed with nine KIIs, two associated with the HSOJ, six judges, and one KI who provides assistance to the HSOJ. PROLoG has worked with the HSOJ to conduct thematic courses for judges, who, according to two KIIs, have little competency and weak capacity. According to three KIIs, the HSOJ enjoys significant support from numerous donors, so many donors, in fact, that the HSOJ is compelled to conduct coordination meetings with all donors to avoid overlapping, which is HSOJ's main concern. Indeed, the HSOJ has so many donors that JILEP's assistance and PROLoG's assistance were mentioned interchangeably. While the HSOJ appreciated PROLoG's assistance, it appeared to the ET that the HSOJ was simply accommodating PROLoG as it is trying to do with all donors, rather than meet the training needs of the judges. According to one KI, the HSOJ is "all talk and no action," which was inexcusable to the KI, given that the HSOJ has a staff of 33 individuals, including gardeners, drivers, and cleaning ladies, for 300 judges, compared to an exemplary judicial training center in a similarly-situated country with eight staff responsible for training 560 judges.

Given its uniqueness compared to other PROLoG activities and that it was a recent occurrence, PROLoG's study trip to the U.S. for eight first instance civil and administrative judges was frequently mentioned by senior officials, as well as four judges who participated in the first study trip, and two judges who will participate in the second study trip, as being a welcome and beneficial judicial reform activity. The judges collectively stated the study trip was well organized with excellent meetings and translators. They were profuse in their compliments, particularly regarding the substantive knowledge they gained by having numerous meetings with judges, other judicial personnel, and attorneys while also observing a trial. While they were familiar with the U.S. justice system, it was not until they saw it "in action" that they were able to truly understand the independence of a judge, and the respect the government, the bar, and citizens have for judges.

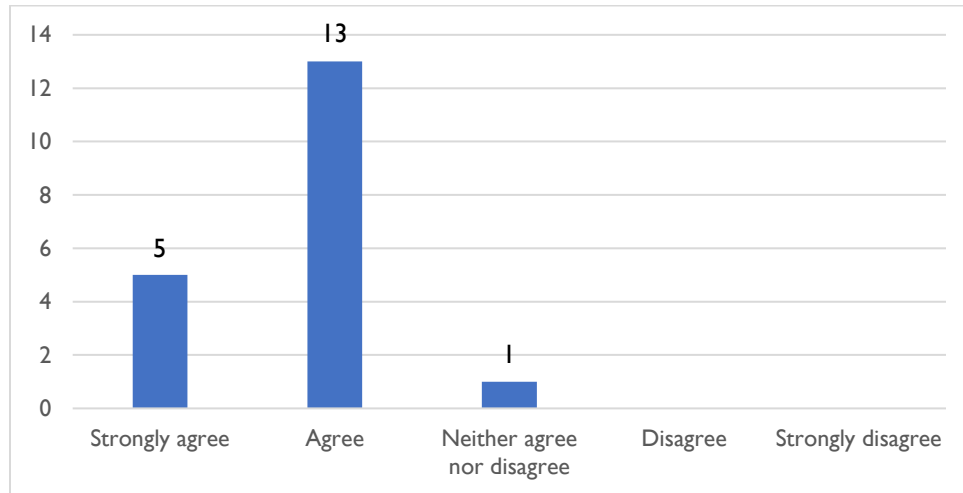
While one of the main reasons for instituting the study trip was to provide Georgian judges exposure to the U.S. judicial system and its judges, one KI opined that it would be helpful if the American experts who advised the HCOJ and the Parliament would also conduct workshops at the local courts.

Interestingly, during all six KIIs with those who have gone or will be going on the U.S. study trip, KIIs did not know about PROLoG, per se. Even those who had attended a HSOJ course sponsored by PROLoG were not familiar with PROLoG. Google was their means of obtaining information about PROLoG, and

only then did they learn of PROLoG’s work with the Parliament, assistance to the HCOJ, and help with the four waves of judicial reform.

**Figure 5: Respondents’ Opinions About PROLoG’s Success in Increasing the Capacity of Legal Professionals**

n=19



Source: ET’s KIIs with the Judiciary, CITJ, and Donors

In 19 KIIs, the ET asked whether PROLoG was successful in increasing the capacity of legal professionals. All five respondents representing the judiciary agreed while also expressing great appreciation for PROLoG’s new study trip activities. Eleven (11) out of 13 members of CITJ Steering Committee agreed, with four respondents strongly agreeing and one neither agreeing nor disagreeing. One donor KI strongly agreed.

Throughout most KIIs, the support of international experts was overwhelmingly praised by respondents. While certain experts were named more often than others, it appeared to the ET that it was the result of consistent involvement by certain experts since the inception of PROLoG, while other experts who were not mentioned have been less frequently engaged with PROLoG. According to one KI who summarized the sentiments the ET heard from other respondents well, “*the judiciary (HCOJ, HSOJ, and courts) prefers working with international experts as they are not only viewed as equals, but also they are professionals who respect the judiciary and judges.*” There was criticism, albeit minimal, from five respondents about some international experts (whose names were not provided to the ET) who were reportedly not well-versed in the specifics of the Georgian justice system and, as a result, provided irrelevant advice.

While the Fourth Wave has recently begun, the U.S. Embassy provided a document to the Parliament suggesting major Fourth Wave judicial reforms to pursue, which was highly praised in KIIs with donors as a needed stimulant to the GOG. The document was largely based on PROLoG’s international and local expert inputs. Indeed, all KIIs with donors suggested the need to elevate judicial reforms to international senior officials not only of the USG, but also of the other major rule of law donors, the EU, COE, GIZ, and UNDP. The sentiments of high-level KIIs can be summarized as follows: “*When USAID and the U.S. Embassy speak, we listen.*”

## **2. PROLoG engaged in several activities to achieve the project’s anticipated results by engaging civil society in the legislative development process and strengthening civil society awareness, monitoring, and oversight of the justice system.**

### **PROLoG’s civil society activities**

PROLoG supported CITJ members in engaging in the legislative development process. This included support to CITJ advocacy campaigns aimed at improving justice system-related legislation and policy; studies by CITJ members and its WGs (described under EQ 1); updating and improving CITJ court monitoring methodology (building on JILEP’s experiences); supporting HCOJ and court monitoring conducted by CITJ members; providing grant support to monitor and report on the Human Rights Strategy (see below) in areas such as physical security and liberty, the right to fair trial, the right to due process, and the prohibition of torture [GDI and Institute for Democracy and Safe Development (IDSD)], freedom of expression, freedom of assembly, the right to equality, and minority rights (Women’s Initiatives Supportive Group and Sapari and EMC) and women’s rights; gender equality; efforts to combat domestic violence; the rights of the child; and the rights of peoples with disabilities [EMC, GYLA, and Partnership for Human Rights (PHR)]. PROLoG, together with OSGF, also worked on developing *unified monitoring methodology* that should serve as an important tool for others interested in monitoring similar action plans in the future.

### **Recognition of civil society’s crucial role in judicial reform processes**

Throughout all KIs with 44 respondents (24 judiciary, seven donors, and 13 CSOs) representing the HCOJ, the HSOJ, the Parliament, the Ombudsman, judges from the Supreme Court, Court of Appeals, and City Courts, and international donors, the ET sought the respondents’ opinions concerning the quality of assistance PROLoG has provided to civil society awareness, monitoring, and oversight of the justice system.

Six out of nine KIs from the judiciary (HCOJ and judges) confirmed that civil society’s engagement in judicial reform is important; stated reasons for this include that “CSOs act as an intermediary [between the public and stakeholders]” and that “CSOs do good research work [on judicial reform].” Judicial KIs also stated that they “value CSO reports and their criticism,” that “courts welcome CSO interventions,” and that “CSOs are not as strong as they should be.”

Four out of nine members of judiciary management KIs contended that some of the CITJ’s criticism is not properly substantiated and that CSOs are biased and/or politically motivated in their work on judicial reform. Alleged reasons for this included “channeling views of the political opposition,” “populism is used to criticize judiciary,” and that “the relationship between CSOs and judiciary is not good.”

During donor KIs, six out of seven interviewees agreed that PROLoG does a very good job in terms of civil society advocacy, but that its record is affected by a perception of civil society bias within PROLoG, notably among justice institutions. Donors also stated that a “combination of civil society and donors” are the best recipe for judicial reform, “Russian propaganda against CSOs is a real issue,” and that Western donors should act together for judicial reform.

All 13 members of the CITJ were highly positive about PROLoG’s work on civil society advocacy. One Supreme Court member contended that the “CITJ is the main actor in agenda-setting in judicial reform.” Others stated that “CSOs think they know the answer about how to make the judiciary independent,” and that more work on civil society involvement in judicial reform is needed, including through “awareness work with youth,” “skills development” for CSO staff, and “working with other stakeholders, including academia and media.”

During the FGD with CITJ members, all eight participants agreed that PROLoG’s work on civil society advocacy is effective, but that further efforts are needed to increase levels of civil society advocacy,

including increasing the outreach of advocacy campaigns and the constituency base of CSOs, as “civil society has lower [confidence] rankings than the Prosecutor’s Office” and that “civil society needs to become more active.”

### **3. PROLoG engaged in several activities to achieve the project’s anticipated results by conforming human rights legislation to international standards and best practices.**

#### *PROLoG’s Human Rights Activities*

PROLoG’s support to human rights activities was multi-dimensional. First and foremost, PROLoG provided support to the main human rights body, the government’s Human Rights Council and Effective Implementation of the Human Rights Strategy and Action Plan, including support for the institutional development of the Human Rights Council and its Secretariat, as well as for the process of effectively implementing the 2014-2020 Human Rights Strategy and subsequent annual action plans. Second, PROLoG aided the development of Anti-Discrimination Legislation through support to the Ombudsman, the Public Defender’s Office (PDO), particularly its Equality Department. Third, PROLoG promoted gender equality, including commissioning a study of Gender and the Law in Georgia (conducted by PHR).

PROLoG worked with PHR, the Human Rights Secretariat, and representatives of the Parliament’s Gender Equality Council (Council) to develop an approach by which the Gender and Law study would result in legislative initiatives to be submitted to Parliament. Authors of the study prepared documents indicating whether and how the study’s recommendations were already reflected in the legislative package submitted to the Parliament by the government. PHR and the Council identified priority areas and developed briefs. The documents were used by the Council’s Secretariat to draft concrete legislative initiatives. Preparing the legislative initiatives on these issues was part of the Council’s 2017 Action Plan.

PROLoG continued efforts to strengthen gender equality and the regulatory framework governing women’s rights by supporting the Council. At the request of the Council, PROLoG supported (together with UNDP) the first comprehensive study on the fulfilment of Georgia’s international recommendations in the area of gender equality and women’s rights. The work on the study by a U.S. expert and local experts continued in the reporting period and a number of activities were undertaken. Preliminary findings of the study were presented by the local experts at a meeting of the Council. Furthermore, thematic consultation meetings were conducted to ensure an in-depth discussion of the study before it was finalized. The PROLoG expert met with MPs from the ruling and opposition parties, as well as with government representatives and non-governmental organizations (NGOs). The expert shared the report’s main recommendations and assisted the Council’s Secretariat with updating the State Concept on Gender Equality. Furthermore, PROLoG organized a working meeting with the Council’s Secretariat and the expert to review the initial draft of the State Concept. With this meeting, a State Concept drafting process was launched. The presentation of the baseline study is planned.

PROLoG also supported a meeting of the Council to present its 2017 activity report, together with UNDP and the National Democratic Institute (NDI). During the meeting, the Council’s 2018-2020 Action Plan, drafts of the Gender Equality State Concept, and the Council’s communication strategy were also discussed. Both the Action Plan and Concept were drafted based on the findings of the baseline study developed by the PROLoG expert. The baseline study was presented at the conference, which had high-level attendance from the GOG, Parliament, and civil society. Apart from the study, the Council presented its Action Plan and Strategy for discussion. Both documents were assessed by the PROLoG expert, who provided recommendations on how to better align Georgia’s gender-related legislation with international standards and best practices.

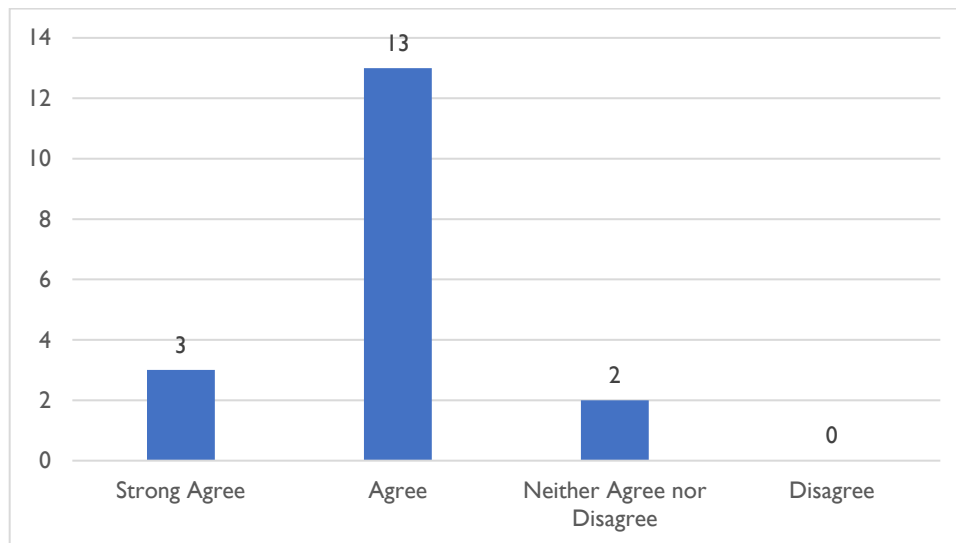
#### **Praise for progress on human rights issues and PROLoG’s work in the field**

PROLoG’s work on human rights implementation was universally praised in all KIIs and received the fewest critical comments during KIIs and FGDs, compared to all other areas of PROLoG’s activity.

All four members of the judiciary who were asked about PROLoG’s record in developing human rights legislation agreed that PROLoG has been successful in strengthening the legal framework relating to human rights and due process protection through governmental institutions and CSOs.

**Figure 6: Respondents’ Opinions About Whether PROLoG Has Been Successful in Strengthening the Legal Framework Relating to Human Rights and Due Process Protection Through Government Institutions and CSOs**

n=18



Source: ET’s KIs

During the FGD with CITJ members, they noted that the Georgian government considers the CITJ a source of expertise in human rights matters. They added that PROLoG’s work is essential to upholding human rights in Georgia and that its activities contribute to solidifying support for human rights in the country and the fight against human rights abuses, including homophobia, xenophobia, and hate speech, which is used as a weapon against “anti-western propaganda” (dismissive of human rights) in Georgia.

Two out of seven donor KIs spontaneously praised PROLoG’s human rights work, one stated that its *“Human Rights Handbook is considered very high quality.”*

All four parliamentary/ombudsman KIs were highly appreciative of PROLoG’s work with human rights, notably its work in the field of gender equality, both with the Parliament and Ombudsman’s office. One KI stated that the Parliament enjoyed *“Very good cooperation with PROLoG in [human rights-related] legislative changes.”*

The above-quoted examples of PROLoG’s work with the Human Rights Council, anti-discrimination legislation, and gender equality matters, all involving the CITJ, show that PROLoG’s assistance to the CITJ led to developing key expertise that is being used by government and judiciary management actors.

**4. PROLoG met with resistance from the start of the project to date, given the political context.**

Throughout KIs with all 44 respondents representing the HCOJ, HSOJ, Parliament, Ombudsman, judges from the Supreme Court, Court of Appeals, and City Courts, CITJ, and international donors, the ET sought the respondents’ opinions on PROLoG’s performance in the current political context.

Based on PROLoG’s documents and documents provided by the CITJ, an overall picture of judicial reform was built, indicating a worsening of political climate and consistent challenges with political will to reform

the judiciary in Georgia. This is illustrated by the four successive waves of judicial reform. The **First Wave** of judicial reform was initiated after the October 2012 elections. On the basis of civil society reports and its own manifesto, the newly-elected government drafted amendments to three laws on common courts, disciplinary proceedings for judges, and the HSOJ. The main changes instituted by the First Wave included: limiting the power of the Chief Justice and reducing the influence of top judges in administrative positions (by banning heads of courts from HCOJ membership and introducing a limit on the number of HCOJ seats for heads of chambers—three out of eight seats); increasing the role of the self-governing body of judges to influence all judicial administrative bodies by allowing direct participation of individual judges in the selection of HCOJ judge-members and other bodies through a secret ballot; removing MPs from the HCOJ and allowing the Parliament to nominate six members of the HCOJ from civil society, the GBA, and academia; reforming the disciplinary committee by separating it from the HCOJ; requiring publication of decisions of the Disciplinary Committees at the Supreme Court and HCOJ; banning the Chief Justice from presiding over the HSOJ Council; and requiring courts to carry out audio and video recordings of trials. No negative comments or reservations to this wave have been received by any of the KIs or FGDs.

The **Second Wave**, adopted in November 2013, mainly concerned the organic law on common courts and focused on allowing the appointment of judges-for-life with a three-year probation period. The law stipulated that all judges (except Supreme Court judges) must undergo a three-year probation, including annual HCOJ monitoring. According to PROLoG documents, civil society contended that the probationary period can influence judicial independence and gives the HCOJ the ability to exercise influence and gauge loyalty to its leadership; the CITJ proposed an open and transparent recruitment process that would make probation unnecessary, but this was not on the government's agenda. According to one CITJ Steering Committee member it was *“not as successful as the First Wave.”*

The **Third Wave** of judicial reform, launched in December 2013, was the most protracted (final measures adopted only after the October 2016 election) and focused on the selection and appointment of judges. Successful reform measures included:

- Unified appointment procedures for both former and new judges, including a points-based system, and creating conflict of interest rules to be used by the HCOJ when evaluating judicial candidates;
- A requirement that the HCOJ post information about upcoming sessions and agendas at least seven days prior to a meeting, a direct reflection of the CITJ's pressure to keep the HCOJ's work transparent and open, as well as increasing monitoring opportunities by Georgian civil society and international organizations;
- Giving all Supreme Court members the right to nominate heads of Supreme Court chambers, and opening Plenum sessions to the public, further satisfying the CITJ's demands to strengthen self-governance and transparency of judiciary;
- Clarifying competences of court chairs, making them “first among equals” and not administrators;
- Limiting the transfer of judges without their consent, only allowing for a judge to be transferred if no alternative candidate can be found for their position; furthermore, transfers are limited in time (one to two years) and a single transfer in 10 years per judge;
- Clarifying that only the Disciplinary Collegium can issue sanctions against judges, and that sanctions can only be issued after full consideration of a case; and
- Introducing random electronic case assignment, starting with a pilot at Rustavi City Court in July 2017.

The above-mentioned list included revisions recommended by the international experts provided by PROLoG, specifically those pertaining to judicial appointment and selection, judicial discipline, judicial transfers, and the transparency of the HCOJ.

During the elaboration of Third Wave proposals, the Minister of Justice, Tea Tsulukiani, met with 160 judges, including the HCOJ Secretary. After the meeting, the Minister provided a list of issues that were

initially envisaged by Third Wave draft laws but were removed at the request of judges. The Minister also stated that a number of changes proposed by the Supreme Court Chair would be revised due to judges' disagreement. In the end, two changes argued for by judges were adopted, namely: 1) an increase in the influence of judges holding top administrative positions by raising the total number of seats that heads of chambers could hold at the HCOJ (from three to four); and 2) allowing appointment of heads of the courts by the HCOJ, instead of allowing election of heads of the courts by judges of these courts. Two out of 11 CITJ Steering Committee members interviewed indicated that **despite notable successes, the Third Wave also allowed for partial backsliding in reform**, as it *“created an environment giving more power to judges—judges closed ranks, said they were under attack by both politicians and media.”*

All 11 CITJ members attribute the Third Wave's partial backsliding to a highly influential group of judges that successfully blocked or slowed down any attempts by the GOG and Parliament to limit judicial independence and increase transparency and accountability. Four out of 24 justice institution and government KIs also made references to the so-called “clan” of judges behind this. During an FGD with eight CITJ members, the HCOJ and the powerful judges controlling it were indicated as main political obstacles to further judicial reform.

Evidence from PROLoG documents on the **Fourth Wave** of reforms, currently in progress, supports the concerns raised by PROLoG (see below) and the CITJ during the Third Wave implementation. According to one high level KI, *“all major reforms in the Fourth Wave were initiated by the CITJ and CSOs.”*

According to PROLoG's own documents, pursuing further reform encounters increased political challenges. In 2015, PROLoG reported that it was persuading the MOJ and judiciary that more changes are required to make the judicial branch a well-functioning, modern, and independent institution, including: the HCOJ governance structure and rules of procedure; judicial selection and appointment; the law establishing the judicial disciplinary mechanisms; and clear and proper grounds for complaint consideration and complaint procedures in general.

In 2016, PROLoG reported that the tone of certain public awareness products created by the CITJ irritated some HCOJ members, who reacted through aggressive public statements directed against CITJ members.

In 2017, PROLoG pointed out the highly powerful judicial leadership with guaranteed life-terms has been opposing the comprehensive legislative reforms discussed within the Parliamentary Justice Reform Working Group (PJRWG) and hindering the adoption of positive changes in the next stage of judicial reform, most notably, the rules of operation of the HCOJ. Later in 2018, PROLoG repeated the same concerns about highly powerful judicial leadership.

Given this political context, PROLoG engaged all aspects of assistance relying upon the five-prong approach (see EQ 1) its local staff, international experts, civil society involvement, donor collaboration, and USG support.

Despite this five-prong approach, there remains serious difficulty in implementing an essential judicial reform: The Rules of Operation of the HCOJ, which will ultimately limit the unfettered powers of the HCOJ by providing specificity to their decision-making process in selecting, promoting, and disciplining judges. According to over a quarter of KIs (12 out of 44 KIs with judicial institutions and CSOs), political will remains a key obstacle in implementing any judicial reform.

#### **4.2.2 Conclusions**

PROLoG engaged in a five-prong approach to strengthen the legal framework, improve the management of justice system institutions, and enhance the capacity of legal professionals in Georgia. This involved providing direct staff assistance, engaging international experts to provide advice, working with the CITJ, collaborating with donors, and receiving support from USG institutions. In sum, PROLoG's work on reforming the judicial system, developing the capacity of legal professionals, engaging civil society, and

conforming human rights legislation to international standards was well-received.

In KIs and FGDs, most respondents agreed that PROLoG has been successful in pursuing judicial reform, and an overwhelming majority also agreed or strongly agreed that the activity has been successful in increasing the capacity of legal professionals. In particular, KIs expressed appreciation for the high quality of the technical assistance provided by PROLoG staff, the advice and guidance provided by international experts, and a study trip to the U.S., which some participants were initially unaware was funded by PROLoG. In the ET's view, PROLoG's work in building the capacity of legal professionals has been highly effective and conducive to judicial reform overall. The ET found that, while there are still some opportunities to further highlight PROLoG's successes and create further synergies (such as with the study trip participants), PROLoG's reform and capacity development efforts are largely recognized and appreciated.

PROLoG also sought to achieve anticipated results by engaging civil society in the legislative development process and strengthening civil society awareness, monitoring, and oversight of the justice system. While PROLoG's work on civil society advocacy was praised, many KIs also pointed to the fact that further efforts are needed to increase levels of civil society advocacy, including increasing the outreach of advocacy campaigns and the constituency base of CSOs. The ET believes there are important areas for improvement, notably in communication and presentation of CSO inputs that could improve the effectiveness of PROLoG's work.

PROLoG engaged in several activities to achieve anticipated results by conforming human rights legislation to international standards and best practices. The most notable examples include strengthening support to the government's Human Rights Council, developing anti-discrimination legislation, and increasing the quality of gender equality legislation. It is the ET's understanding that PROLoG's work in human rights legislation is well-planned and executed, and thus highly effective.

PROLoG's activities met with resistance due to the challenging political context of work with judicial reform in Georgia. The ET strongly believes that, from the start of the project to date, PROLoG focused its efforts and resources on the appropriate areas—those that had a reasonable chance of success given the political context. Several judicial reform measures in the Fourth Wave supported by PROLoG remain to be implemented (as the Fourth Wave was in its early stages at the time of the evaluation).

This next stage of judicial reform, most notably the rules of operation of the HCOJ, will occur in a heightened environment (e.g., tone of/public statements about CITJ products, lack of political will) with opposition from significant constituencies (judicial leadership with guaranteed life-terms). As such, the ET believes PROLoG's five-prong approach and previous successes in strengthening the legal framework, improving the management of justice system institutions, enhancing the capacity of Georgian legal professionals, engaging and strengthening civil society, and conforming human rights legislation to international standards and best practices will be helpful in trying to overcome the serious difficulties faced in the reform process.

#### **4.3 EQ 3: HOW EFFECTIVE HAS THE PARTNER BEEN IN ACHIEVING ANTICIPATED RESULTS RELATED TO UNIVERSITY-LEVEL LEGAL EDUCATION SYSTEM DEVELOPMENT UNDER PROLOG? WHAT IS THE POTENTIAL OF UNIVERSITY LAW SCHOOLS TO SUSTAIN RESULTS WITHOUT DONOR SUPPORT IN THE AREAS OF CLINICAL LEGAL EDUCATION, INTERACTIVE TEACHING, TEACHING OF LAWYERING SKILLS THROUGH PRACTICAL TRAINING AND MOOT COURTS, SUSTAIN NEW COURSES IN GENDER, HUMAN RIGHTS, ETC. CREATED WITH PROLOG'S ASSISTANCE, AND CONTINUE DEVELOPING ON THEIR OWN?**

To comprehensively respond to EQ 3, the ET collected information from a variety of data sources. Beginning with a desk review of the PAD and PROLoG reports, during fieldwork the ET obtained several documents relating to PROLoG's support to legal education and conducted 22 KIs with three deans of

the five beneficiary university law schools, which PROLoG refers to as partner law schools, 18 Georgian, and four international law professors, and a law student. The ET also conducted one FGD with four students<sup>4</sup> and an online mini-survey with 103 law students (37 male, 67 female).<sup>5</sup>

### 4.3.1 Findings

**PROLoG supported five university law schools with several legal education activities to achieve the anticipated result of preparing university-level legal education system graduates with practical skills and knowledge, while addressing legal ethics, human rights, and barriers to justice for women and other marginalized groups.**

Based on the documents reviewed by the ET and Kils with PROLoG staff, the ET learned that PROLoG's legal education activities have been guided by the knowledge and experience accumulated during the implementation of the JILEP project (2010-2015), and empirical research on the legal market and legal ethics commissioned or conducted by the project in 2016.<sup>6</sup> A Legal Market Study (LMS) identified a considerable employability gap for the huge number of law students (close to 10,000, combining bachelor's and master's-level law students) enrolled in over 33 higher institutions of legal education, given the limited needs of the market (approximately 500 per year).<sup>7</sup> The LMS also found significant skill gaps between what is taught in Georgian law schools and the set of skills required to join the legal professions. Due to the overwhelming reliance of higher education institutions on imparting theoretical knowledge to their students and providing little or no opportunities for practical skills building, employers reported that entry-level lawyers lack lawyering skills, legal writing skills, and a sense of professional responsibility.<sup>8</sup>

PROLoG's legal education activities involve several years of work and coordination with law schools in Tbilisi and the regions, as well as its international resources partner in the U.S. and the EU. Five partner law schools [Tbilisi State University (TSU), Free University (Free Uni), Ilia University (Ilia Uni), Georgian Institute for Public Affairs (GIPA), and New Vision University (NVU)] have been direct beneficiaries of most of PROLoG's activities aimed at enhancing the opportunities for clinical legal education, the use of interactive teaching, and strengthening lawyering skills through clinical education programs and moot court competitions, as well as introducing new model courses in gender, human rights, and legal ethics.

The ET found very broad consensus among law professors (17 out of 22) and students (five out of five) that PROLoG's interventions in law schools are helping to improve teaching methodologies and increasing opportunities for students to gain practical skills. Immediate results vary across partner law schools, as several activities were only recently implemented, and some are still ongoing. Results achieved in each of these areas are summarized in the sections below.

#### **Activities on improving teaching methods are showing positive results**

PROLoG's activities to expand interactive teaching methods in law schools have been focused on delivering faculty development workshops on interactive teaching methodologies and supporting the development of training resources (teaching materials and textbooks) developed collaboratively by Georgian and U.S. law professors.

Since 2015, PROLoG supported various workshops led by Washburn University School of Law (WUSL) and Northwestern University School of Law (NWUSL) professors on topics related to teaching methodology (e.g., class assessment, active teaching, multi-modal classroom presentation, case-based learning, and exam designing tools). Professors in Tbilisi, Kutaisi, Batumi, Borjomi, and other cities have attended interactive teaching of human rights. In the fall of 2016, three Georgian human rights professors conducted a week-long visit to NWUSL, where they experienced how human rights courses are taught

---

<sup>4</sup> Two FGDs were initially organized but, since only one student appeared for the first one (despite 13 confirmations), the FGD was cancelled.

<sup>5</sup> An electronic survey was sent to 184 students from the five partner law schools and 103 students sent responses.

<sup>6</sup> PROLoG's Annual Report Year Two October 1, 2015 – September 30, 2016.

<sup>7</sup> Legal Market Study (2016), pp. 28-32.

<sup>8</sup> Legal Market Study (2016), pp. 53-57.

at one of the leading U.S. law schools, engaged in peer-to-peer experience sharing with U.S. law professors, and presented on women's rights issues in Georgia to the law school community. The three professors who participated in teaching methods workshops with U.S. professors reported them to be very beneficial in introducing participants to various aspects of active and multi-modal classroom presentation, skills, and techniques of teaching human rights in a clinical setting.

Although participating professors were positive about PROLoG's support to improve law teaching methodologies, the ET was not able to explore the extent to which law professors who took part in PROLoG activities are applying the skills and lessons learned in their own law school. Yet, all four participants in the law student FGD stated that, despite notable improvements, most law professors in most law schools are still reticent to change old teaching practices. Similarly, seven out of eight professors who commented on teaching methodologies recognized the need to further improve teaching methodologies and enhance practice-oriented courses to better equip students with the practical skills they need to join the legal profession.

In light of an older generation of professors who are less inclined to innovate their law teaching, the impact of PROLoG's investment in this area may be lagging. As one professor pointed out, *“Significant change of existing practices of law teaching will take place when [the] younger generation of professors exposed to more interactive teaching methodologies become a critical mass in our law schools.”*

### **Too early to assess results of teaching resources (textbooks and manuals)**

In addition to teaching workshops, numerous teaching resources (guidebooks, textbooks, and manuals), completed or still in process, are supported by PROLoG through various grants.<sup>9</sup> PROLoG supported the Human Rights Chair at GIPA to compile a Teaching Manual for Human Rights designed to improve the quality of human rights teaching and writing in Georgian law schools. The Teaching Manual is a collection of basic teaching materials, such as class plans, case-based teaching techniques, and other instructional guidelines helping human rights lecturers to better teach their classes. An Academic Writing Manual that PROLoG supported sets academic writing and citation standards for law school students and scholars engaged in academic research. Five hundred copies of the manual were published and distributed with PROLoG's support in December 2017. A Guidebook of Teaching Methodology Courses for Ph.D. Programs in Law was drafted collaboratively by Georgian experts engaged by PROLoG and WUSL professors who provided advice and guidance. The Guidebook was disseminated in February 2018 and is intended to be used at Tbilisi-based universities, where teaching methodology courses at Ph.D. programs in law is a mandatory course.

A model course on “Introduction to Law” is being developed jointly by Free Uni and Ilia Uni in the framework of a PROLoG grant to Free Uni. The purpose of this activity is to design a unified introduction to law course, which is a mandatory subject for incoming first-year students in most Georgian law schools. Since 2016, PROLoG has supported Free Uni's efforts to develop a Legal Writing Textbook aimed at addressing the critical lack of legal writing and reasoning skills that the LMS identified.<sup>10</sup> The textbook is a collection of guidelines designed to serve as a useful resource to law professors to improve the teaching of legal writing courses and help students to sharpen their legal drafting skills. Due to several delays caused by the academic staff changes and the accreditation process at the Free Uni, both the Introduction to Law and the Legal Writing Textbook have been delayed several times, as professors and local experts involved have not been able to adhere to the established deadlines.<sup>11</sup>

Except for the Teaching Manual for Human Rights, which was reported by four law professors to be widely used by human rights lecturers across various law schools in Tbilisi and the regions, the ET found it difficult to assess the results of other PROLoG-supported teaching resources due to several reasons. First, the

---

<sup>9</sup> This list includes only some of the most important resources as PROLoG is also supporting other law journals, annual yearbooks of law, and legal commentaries in cooperation alone or in cooperation with GIZ.

<sup>10</sup> Legal Market Study (2016), pp. 11 and 45.

<sup>11</sup> PROLoG's Annual Report of PROLoG 2017, pp. 52.

Guidebook of Teaching Methodology Courses for Ph.D. Programs in Law and Writing Manual were completed in the last three or four months, making it—as of yet—difficult to assess their usefulness to professors and students. Second, the Legal Writing Textbook and the Introduction to Law Model Course have yet to be completed and shared with other interested professors. Third, even if all resources were produced on time, results have considerable lag effects and may only materialize years after such resources are widely used and integrated into the law schools’ teaching processes.

### **Practical skills building interventions are showing positive results.**

Major interventions to strengthen lawyering skills have included moot court competitions, clinical legal education, and summer school opportunities in the areas of constitutional law and human rights and other short-term courses. PROLoG reports that a total of 446 students (302 female and 144 male) have participated in these practical skills-building activities.<sup>12</sup>

### **Moot Court Competitions**

PROLoG has continuously supported various moot court competitions to increase students’ skills and knowledge in different areas of law. Currently, PROLoG is supporting nine moot court competitions, several of which are part of well-known international competitions of law students (see Annex 7 for the details and nature of PROLoG’s assistance). Several moot courts have been either launched by or significantly supported by JILEP in the past, but, with PROLoG’s support, are attracting an increasing number of teams from law schools in Tbilisi and the regions. While the quality and reputation of moot courts varies across law schools, many of the competitions supported by PROLoG have become traditional events of the legal academic year. Focus group participants praised the moot courts supported by USAID (both under PROLoG and JILEP) as higher quality and better organized competitions. The Free Uni’s Human Rights Moot Court Competition and the Domestic Violence Moot Court Competition organized by TSU’s Gender and Law Chair have generated high interest, involving 53 teams and 75 teams, respectively. The first moot court competition on legal ethics is expected to take place in the framework on the Legal Ethics Chair activities within 2018.

Six professors and five students who commented on moot courts stated that PROLoG-supported moot court competitions have attracted very high participation and have been beneficial to the learning process in two main ways: 1) in sharpening their legal analytical and persuasive skills; and 2) opening new possibilities for participating in international contests, which students find academically enriching. Mini-survey data appears to corroborate these findings, as over 80 percent of the 103 law students who responded to the survey judged the quality of moot court competitions to be “good” or “very good.”

### **Clinical Legal Education**

To improve law students’ practical skills building, PROLoG supported the Free Uni’s Constitutional Law Clinic and its National Institute of Human Rights (NIHR). At the TSU, PROLoG supported the National Center for Alternative Dispute Resolution (NCADR) established under the JILEP project. More recently, PROLoG awarded a grant to Ilia Uni to establish a Human Rights Clinic and another grant to the NVU to add a legal ethics clinical component to its existing legal clinic.

At Free Uni, PROLoG provided technical assistance through WUSL professors to help the students enrolled in the Constitutional Law Clinic draft four amicus curiae briefs for real cases pending in the Constitutional Court of Georgia. To date, 31 third- and fourth-year students have participated in researching and writing of the amicus curiae briefs. PROLoG also channeled considerable support to Free Uni’s NIHR, which is very active in the human rights week held annually in December and has organized annual human rights conferences and summer schools for students and young legal professionals, as well as a Human Rights Moot Court Competition.<sup>13</sup> Due to personnel changes, NIHR activities to develop

---

<sup>12</sup> PROLoG’s Work at a Glance: June 2015-September 2017.

<sup>13</sup> Created with support from JILEP in March 2014.

research papers on selected human rights issues have been delayed several times and were not accomplished before the end of the grant's time period.<sup>14</sup>

During 2017, PROLoG provided another six-month targeted grant to the TSU's NCADR to conduct a series of public lectures and training programs aimed at raising awareness of law students and lawyers on mediation in Kutaisi, Tbilisi, Telavi, and Batumi. More than 100 lawyers and 150 representatives of academia, students, judges, and other interested stakeholders attended the public events and trainings organized by the NCADR. The grant was completed in 2017.

At the end of 2017, PROLoG provided a targeted grant to support Ilia Uni's plan to establish a live client Human Rights Clinic. The initiative for creating the Human Rights Clinic is led by the Human Rights Chair established through a competitive grant by PROLoG, which ended in November 2017. The clinical program will focus on human rights issues, including anti-discrimination and gender, combining public lectures, research, and clinical practice components to enable students to work on real human rights cases under the mentorship of the Human Rights Chair and a clinical supervisor. The Human Rights Clinic is scheduled to open in the coming academic year 2018-2019.

PROLoG is also supporting the Legal Aid Clinic at NVU based on the latter's commitment to add a legal ethics direction into the existing clinic. NVU is currently revising course materials and undertaking other steps outlined in the grant requirement with a view to having the legal ethics component of the clinic operational during the academic year 2018-2019. The goal of the Chair is to incrementally move from the simulated legal ethics cases and attract live clients by cooperating with other legal clinics, as well as with the GBA Ethics Commission.

While activities are underway in Ilia Uni and NVU, the ET learned from law professors (17 out of 22) and students (five out of five) that PROLoG's support to clinical legal education has been successful in three main aspects. First, through its partnership with WUSL and NWUSL, PROLoG has created opportunities for best practice sharing between U.S. and Georgian law schools through which law professors can develop their clinical teaching skills. Guidance from U.S. partners has been vital because Georgian law schools are not yet able to run large-scale faculty development programs for law professors engaged in clinical programs. Second, the continuous assistance provided by PROLoG (and previously JLEP) to Free Uni's Constitutional Law Clinic and TSU's NCADR created positive models that other schools are trying to emulate. Such findings are supported by the mini-survey data, which show that 86.7 percent of the TSU students and 59.4 percent of Free Uni students judged the clinical education courses to be of good quality, a much higher percentage compared to respondents from GIPA (38.5 percent), NVU (33.6 percent), and Ilia Uni (29 percent). Third, legal clinics are increasing students' opportunities to apply theoretical knowledge in practice, which all five students interviewed reported to be of great educational value.

### **Summer Schools and Short Courses**

In 2016 and 2017, PROLoG supported several competitive entry summer schools and short-term courses for students on comparative aspects of religious freedom in the U.S., the EU, and Georgia; social and economic rights; and freedom of religion and expression. Students participating in the FGDs report that Free Uni's Summer School on Human Rights is a very high-quality academic event. Ilia Uni is planning to launch a separate summer course on social and economic rights.

On the other hand, the ET found that one of the areas where PROLoG should aim to achieve more results is the development of legal research and reasoning skills. Lack of legal research skills among law graduates remains one of the major challenges for Georgia's legal education system. The findings of the LMS are confirmed by the four of five students who reported the poor legal drafting and reasoning skills as one of major shortcomings of their legal training. These statements are supported by the mini-surveys conducted with law students, as 20.4 percent of respondents reported that the legal writing and reasoning skills is

---

<sup>14</sup> PROLoG's Annual Report Year 3, pp. 44-45.

one of the areas of legal education that needs great improvement, coming second only to legal internships, identified by 23.1 percent of respondents as the top priority for improvements.

### **Courses have raised the profile of and improved teaching of gender, human rights, and legal ethics.**

Since 2016, PROLoG has contributed to and supported the introduction of new courses in gender, human rights, and legal ethics. While initial plans were to establish at least one Chair in Tbilisi, Kutaisi, and Batumi, due to the competitive nature of the grants, all four Chairs were established in Tbilisi-based law schools.<sup>15</sup> Based on competitive proposals, PROLoG awarded four grants to TSU, Iliia Uni, GIPA, and NVU to create Chairs in Gender and the Law, Human Rights, and Legal Ethics. The Chair is not a formal structure within Georgian law schools, but rather was designed as framework to support individual professors through personalized grants awarded for a period of up to 18 months. Chairs were financially supported to undertake the following activities: a) develop and teach model courses; b) conduct professor workshops to promote their work through peer-learning opportunities; c) engage in research and writing to advance gender, law, human rights, and ethics scholarship; d) participate in public lectures and roundtables; and e) build strategic partnerships to promote awareness in the areas of gender, human rights, and legal ethics (see Annex 7 for details on the results).

KIIs with 12 professors and administrators from partner law schools revealed that new courses in human rights, gender, and ethics enhanced these disciplines within legal education and demonstrated better ways of teaching such subjects through case-based interactive teaching methodologies. Three professors reported that there has been interest in adopting model courses at other law schools in Tbilisi and in the regions.

### **PROLoG attempted to create legal education activities that law schools could sustain and develop without donor support, but sustainability of interventions varies across law schools.**

As interventions in each law school are at different stages of implementation, the ET could not assess the sustainability of the PROLoG's activities collectively. Sustainability prospects vary in each law school, but the most important factors determining sustainability appear to be the institutional commitment and professional profile of the professors in the recipient law school.

Free Uni is considered to have one of the leading law schools in Georgia and the assistance provided by PROLoG (and JILEP) is viewed by eight law professor KIIs as one of the major factors for its success. However, it has recently undergone a difficult transition leading to a series of top management personnel replacements. Professors and administrators confirmed to the ET that institutional commitment to maintain the results remains unchanged, but the ability of the law school to deliver on several PROLoG initiatives has faltered in the last two years. To preserve its legacy, PROLoG should insist on stricter implementation of grant deadlines and condition further support to Free Uni on its ability to deliver.

Based on KIIs with the dean and three professors, TSU is willing and able to continue its commitment to gender and law scholarship despite being a large, bureaucratic institution and slow to change its teaching practices. The Chair on Gender and the Law has institutional support and assistance to sustain the results and is also leveraging support from international counterparts to further develop gender studies and the moot court on domestic violence launched with PROLoG's grant.

According to KIIs with two professors and PROLoG's staff, GIPA's grant was completed on time but was not followed up with other interventions due to the unwillingness of GIPA leadership to commit administrative resources to ensuring effective financial management of the grant project. At present, the course materials and the teaching manual developed with PROLoG assistance are still in use, but GIPA does not seem interested in further developing the new courses. Even though the grant agreement

---

<sup>15</sup> Cooperative Agreement of USAID and EWMI concluded on April 2, 2015, pp. 28.

included language obliging GIPA to continue to develop results achieved with PROLoG's assistance, the management of the school did not seem willing.

Presently, Iliia Uni is well able to maintain the results achieved with PROLoG's assistance. The Human Rights Chair has institutional support and a clear plan to develop the results achieved under PROLoG. In KIIIs with three law professors and PROLoG staff, the ET found that the Chair has a long-term vision of developing the program into a flagship course on anti-discrimination issues and building a live clinic on family violence. As live client clinics are the most resource-intensive and difficult experiential training programs, Iliia Uni will require substantial assistance to achieve the anticipated results. Such assistance should focus on three main areas, namely: 1) faculty development programs for the law professors and lawyers engaged in the clinical practice; 2) student clinical practice skill instruction and student assessment techniques; and 3) legal clinic management.

Since many professors often come from a practitioner's background, law schools take it for granted that they possess the skills to effectively engage in clinical legal education.<sup>16</sup> However, the ET believes that PROLoG's further assistance in providing training to professors engaged in clinical practice should continue in a more sustained way to develop and strengthen their clinical teaching skills (including soft skills), student supervision skills, and the development and implementation of student assessment and feedback methods. Student clinical practice skills instruction should aim to develop client interviewing, client counselling, trial advocacy, and litigation skills, which are currently lacking in most law schools in Tbilisi and the regions. Finally, in addition to being important elements of practical skills building, clinical legal education programs require good administration and management skills, which Iliia Uni staff responsible for all administrative and operational aspects of the human rights clinic will need to develop. Assistance from NWUSL will be crucial to help Iliia Uni establish the various policies, protocols, forms, and manuals needed to successfully operate a law clinic with high academic standards that other law schools can emulate in the future.

NVU is new and the staff were interested to show positive results. However, it was hard to assess the sustainability of the PROLoG activities, as not enough time has passed to implement the curricular changes in the legal clinic program to operationalize the legal ethics direction added to the existing legal clinic.

Based on a review of the grant agreements and KIIIs with 17 law professors, the ET found that PROLoG has made significant efforts to ensure the sustainability of results. Grant agreements included sustainability provisions where recipient law schools agreed on retention and further development of PROLoG initiatives. Four law professors stated that the sustainability of interventions could have benefitted from a more active approach from PROLoG in ensuring stricter adherence to the timelines of grant implementation and showcasing the results of the legal education interventions to other law schools not directly benefitting from PROLoG's assistance. In general, results at partner law schools need to be monitored better. In the case of Free Uni, the lack of a more proactive approach, combined with internal difficulties and top management changes, have resulted in limited progress on effectively delivering the expected results of PROLoG assistance—particularly in completing the “Introduction to Law Model Course,” the Legal Writing Text Book, and the research output expected under the NIHR's grant.

Asked about the potential to sustain the model courses without PROLoG's assistance, representatives from all partner law schools (three deans and nine law professors directly involved in the PROLoG activities) agreed that PROLoG results will be sustained beyond PROLoG's assistance.

Regarding improving law teaching methodologies, 17 out of 22 KIIIs with law professors and all four students in the FGD reported that, despite PROLoG's positive results, more sustained efforts over a longer time span are required to expand the use of interactive teaching methodologies in law schools. Overall, departure from the entrenched practices of theory-based teaching of law and rote memorization

---

<sup>16</sup> A high number of law professors (eight who commented on legal clinics) did not consider faculty development programs as an essential part of the clinical legal education.

of laws and legal concepts has been slow across law schools in Tbilisi and the regions. While many seeds have been planted by PROLoG and its predecessors, resource constraints and entrenched teaching practices combine to stifle more systemic and faster change, thus necessitating continued donor support.

Due to the nature of the interventions, the sustainability of the teaching resources (textbooks and manuals) was not amenable to evaluation at this stage of the project life as results need time to materialize. However, 11 out of 18 law professors suggested the translation of law teaching resources and law books from prominent legal scholars into the Georgian language as areas where donor assistance can be helpful. In contrast, and presumably due to the better English-speaking skills of younger generations, only 4.9 percent of students who responded to mini-surveys identified translation of legal books from English into Georgian as an area where assistance is needed in the future.

Moot courts are one example where law schools reported that the interest and capacity to sustain the results achieved through PROLoG's assistance exist. Fourteen out of 22 KILs stated that, due to the facilitative nature of PROLoG's assistance and positive past results, most moot courts may continue to be held without PROLoG support. Despite this self-reported capacity, the ET finds it difficult to foresee if all of the moot court competitions will continue to be held with the same quality and frequency without donor assistance. While PROLoG's assistance is mainly logistical, many stakeholders see USAID's support as a quality assurance element. A student of the Free Uni participating in the FGDs singled out the importance of USAID-supported summer schools and moot courts by stating that *"When you know that USAID is financing, you are sure about quality."*<sup>17</sup>

Although it is difficult to predict the long-term viability of legal clinics in Georgia (or anywhere), the ET obtained sufficient information from two deans and five professors directly involved in legal clinics to conclude that the strong investment in the TSU's NCADR and Free Uni's Human Rights Clinic has enabled them to sustain the results beyond the life of PROLoG project.

Regarding areas of PROLoG's assistance that law schools consider essential, seven law professors stated that the peer learning and guidance from U.S. law professors is what will be missed the most due to a lack of financial resources to maintain the partnerships without support from PROLoG. As a law professor stated, *"PROLoG for us is a very important source of top-quality international expertise and mentoring from U.S. law professors."*

### **4.3.2 Conclusions**

PROLoG has been effective in achieving most of its anticipated results of in university-level legal education. Regarding teaching methodologies, the ET concludes that despite PROLoG's positive results, longer-term sustained efforts and government-level policy reforms in legal education are required to expand the use of interactive teaching methodologies in law schools. The ET collected sufficient information to state confidently that PROLoG's assistance in introducing new courses in gender, human rights, and legal ethics through the establishment of "Chairs" has raised the profile of these subjects in select law schools and demonstrated better ways of teaching law through interactive teaching methods.

The ET concludes that PROLoG activities geared towards practical skills building have been largely successful in sharpening law students' analytical and persuasive skills and making law teaching more academically enriching. Due to long-term investment by PROLoG (and JLEP), further support to moot courts and summer schools can be gradually decreased commensurate with law schools' demonstrated ability to sustain such activities in the coming years. Clinical legal education programs operating at Free Uni's Constitutional Law Clinic and TSU's NCADR have increased law students' opportunities to apply theoretical knowledge in a clinical setting, but the ET deems that PROLoG's focused assistance is still necessary to establish the planned fully-fledged live client clinic at Ilia Uni. Based on multiple and triangulated data sources, the ET concludes that teaching of legal writing and reasoning skill is still a major

---

<sup>17</sup> Statement of a Free Uni student while commenting about the quality of the extracurricular opportunities offered law schools to enhance law students' practical skills.

weakness in most law schools and further programmatic support is necessary.

On the question of sustainability, the ET is convinced that PROLoG is making significant efforts to ensure the sustainability of its interventions but the potential to sustain and develop results achieved with PROLoG's assistance primarily depends on the institutional commitment and professional profile of the academic staff. Additional efforts are needed to strengthen the sustainability of results in partner law schools in the remaining term of the project. The following conclusions can be made regarding the sustainability prospects in each of the partner law schools:

1. Despite Free Uni's solid reputation and positive results, the ET concludes that ongoing internal difficulties may continue to hamper its ability to deliver and threaten the legacy of USAID's prior interventions. PROLoG's proactive engagement with Free Uni is essential to accomplish ongoing activities and preserve the legacy of earlier interventions.
2. GIPA has the potential to maintain its improved courses on human rights but further development of results is questionable due to GIPA's unwillingness to commit its institutional resources.
3. TSU appears to have the potential to sustain the results achieved under the grants for establishing the Gender and Law Courses and the NCADR can function without further PROLoG support.
4. Iliia Uni has the institutional commitment and academic vision to develop PROLoG initiatives, but further support is required to establish the Human Rights Legal Clinic. At present, Iliia Law School demonstrates the highest potential to sustain and further develop PROLoG's results.
5. NVU's potential to deliver and sustain the results of PROLoG support is hard to assess, as not enough time has passed since the award of the grant.

#### **4.4 EQ 4: HOW SUCCESSFUL HAS PROLOG BEEN IN ACHIEVING ANTICIPATED RESULTS RELATED TO THE GEORGIAN BAR ASSOCIATION (GBA) DEVELOPMENT? WHAT IS THE POTENTIAL OF THE GBA TO SUSTAIN RESULTS TO DATE WITHOUT DONOR SUPPORT AND CONTINUE DEVELOPING ON ITS OWN? HOW STRONG ARE THE GBA'S INTERNAL STRUCTURE AND GOVERNING BODIES? IS THE GBA CAPABLE OF MAINTAINING PROGRESS TO DATE IN TERMS OF THE BAR EXAMINATION, APPLICATION OF LEGAL ETHICS, IMPLEMENTATION OF CONTINUOUS LEGAL EDUCATION, AND IMPLEMENTATION OF THE INTERNSHIP SYSTEM?**

In order to respond to EQ 4, the ET collected information from a variety of data sources. Beginning with a desk review of the PAD and PROLoG reports, during fieldwork the ET obtained an expert study and conducted 15 KIIs, including interviews with three Executive Officers, two leaders of the Training Center, three members of the Executive Board (and practicing lawyers) of the GBA, and seven practicing lawyers. The ET also conducted one FGD with three lawyers and a mini-survey of three lawyers, in addition to meetings with PROLoG staff and two visits to the GBA headquarters.

##### **4.4.1 Findings**

**PROLoG's activities in fulfillment of its anticipated results have increased the quality and effectiveness of GBA programs necessary to its development.**

PROLoG's Expected Result 3.2, The Self-Governance of Legal Professionals Strengthened, is the component covering the GBA. The GBA is the governing body in which membership is required for all practicing lawyers in Georgia. Membership is acquired by successfully passing a bar examination administered by the GBA and fulfilling an internship process overseen by the organization. Yearly dues must be paid and CLE requirements fulfilled.

The documents and KIIs show that PROLoG assisted the GBA with developing legal ethics, an internship program, bar examination procedures, CLE, and a bench-bar program.

The documents show that, beginning in April 2015, PROLoG first met with donors to discuss areas of future cooperation in the GBA's CLE and internship programs, along with improvement of the bar examination. Document review and five out of 15 KIIs reveal that the actual implementation of the internship program has been delayed by events following the election of new GBA leadership, including the drafting of legislative amendments that will become effective on January 1, 2019 and the development of a new system for selecting mentors and trainers that is questioned by respondents. The new GBA leadership is working on a system to select 300 attorneys as mentors and expects it to be operational in 2019. The Executive Board will select mentors via an interview process. KIIs of GBA employees did not reflect input from PROLoG in the planned selection process, but PROLoG has actively supported development of the internship program prior to the GBA election. Complaints about the planned selection process are made by political opponents of the new leadership, but it is not possible to judge whether the complaints are unfounded until the internship program becomes fully developed in 2019.

Documents and five KIIs show that, through the development of software and improvements in the scope and content of the bar exam, with PROLoG assistance, the exam has been strengthened and functions well. According to documents reviewed and three KIIs, criticism of the current exam goes only to its methodology. It is still multiple-choice and does not have an essay section to test analytical skills. PROLoG is pushing the GBA to add an essay section, and efforts continue to improve exam questions. According to documents and two KIIs, the exam software, but not the actual content of the exam, has now been adopted by the judiciary for its own examination and the prosecution is using the results of the GBA's exam to select prosecutorial candidates. The ultimate goal is to have one unitary examination for the entire legal profession, as in the United States. Documents and five KIIs indicate that the bar examination is the best-developed program supported by PROLoG and can continue successfully without PROLoG support. The latest bar exams were held in December 2017 at Free Uni. There were 982 candidates registered for the exam and 839 participated. Two hundred and twenty-eight (228) candidates successfully passed, of which 152 are women and 76 men. The passing rate has increased from 24 percent to 28 percent since the June 2017 exam. In prior years, the questions were published before the exam took place and the passing rate was expectedly high. No obstacles to the continuing success of the bar exam are apparent at this time.

Documents and three KIIs show that PROLoG provided extensive support to the GBA Ethics Committee during the 2016-2017 reporting period, including the controversy around the issue of publication of names of disciplined lawyers. The Ethics Committee, through a PROLoG grant, established a joint WG with the Disciplinary Collegium of the Supreme Court and developed amendments to the Law on Advocates to ensure the application of the law by Judges of Common Courts of Georgia when reviewing the GBA Ethics Committee disciplinary decisions against lawyers. The Legal Affairs Committee of the Parliament suspended hearings on the amendments to the Law on Advocates until the end of the GBA General Assembly and election of new governing bodies, but the amendments were submitted to Parliament in Fall 2017 and approved in the first quarter of 2018.

Four KIIs expressed criticism of the new leadership style and the GBA President's tendencies to control other internal structures of the association. Six KIIs pointed out that the ethics system's ability to function is impaired by the fact that the entire membership can change with an election, as occurred in December 2017. Further, the authority of the Ethics Committee to investigate complaints is generally limited to those brought by individuals, and it cannot in most circumstances initiate an investigation on its own.

The functioning of the Ethics Committee is being questioned as a result of its involvement and apparent inaction in investigating the December 2017 election events. Four KIIs accused the new President of attempting to control the Ethics Committee. The Committee will not be able to function properly until the situation changes. (See Annex 7 for the details and nature of PROLoG's activities). None of the respondents have blamed PROLoG for the issues arising out of the December election.

**PROLoG has supported CLE programs for judges and lawyers that address issues related to the ethics, human rights law, and barriers to justice for women and other marginalized groups.**

According to PROLoG documents reviewed, with PROLoG support, three CLE human rights courses were developed for lawyers during 2017: 1) Plea Bargaining and Human Rights; 2) Fair Trial and Access to Justice in Administrative Proceedings; and 3) Legal Writing for Practicing Lawyers. PROLoG documents also reveal that eight trainings have been held with 1,387 lawyers (710 males and 677 females) in attendance. In March 2018, the GBA announced a competition to select the trainers-to-be. In the following quarter, the model courses will be finalized, and PROLoG together with GBA is scheduled to organize the Training of Trainers (ToT) workshops. As a result of trainings, the GBA intends to have a pool of qualified trainers who will be able to teach the model courses to their colleagues.

Despite the efforts by PROLoG, the CLE program is subject to substantial criticism following the December 2017 election of new leadership. According to five KII respondents, the selection of CLE trainers is being tainted by the GBA leadership's attempts to put political supporters into training positions, even if not qualified. The uncertainty over the selection of trainers threatens to slow progress in the program. Other complaints from three KIIs targeted the selection of courses as not being broad enough to cover the interests of all lawyers. A small number of FGD respondents complained about the low-quality level of training in general and stated that the human rights training courses are too basic. It should be made clear that none of the respondents blame PROLoG for the issues with CLE training.

**To date, the GBA is capable of sustaining the results of the bar exam without donor support, but other programs are not yet sustainable without further support.**

Documents reviewed, mini-survey data, and two out of five KIIs with PROLoG show that the bar examination has made substantial progress and appears to be capable of operating without further donor support. CLE, internship, bench-bar activities, and ethics, however, will continue to require future support to develop. As the new GBA Chairman stated, *"We would like to make GBA financially sustainable without any financial support,"* but it is a *"work in progress."*

GBA employees (two out of two) neither agreed nor disagreed that the association has the ability to organize the bar exam, apply legal ethics, deliver the CLE, and implement the internship program, all without donor support. According to statistics from the GBA, furnished in a KII by a Training Center Officer, the bar exam generates a substantial profit, as each student pays 190 Georgian Lari (GEL) to take the exam and the cost to the GBA is only 6 GEL per student. The obvious conclusion is that the bar exam is profitable and self-sustaining—and thus needs no outside financial support. The generation of income is not the only consideration in determining sustainability, but two KIIs and all three GBA members surveyed confirm that PROLoG has strengthened the ability of the GBA to organize the bar exam. With sufficient income generated, the exam only requires periodic updating, and that is within the GBA's financial and administrative capacity. According to documents and two KIIs, PROLoG wants to add an essay section to the exam and further upgrade the questions. This can be done by the end of the grant period, at which time support can cease.

According to the documents reviewed and five KIIs, the CLE program is currently being offered free of charge. The GBA training center is the biggest CLE provider in Georgia, but universities are also able to provide CLE training and are encouraged by PROLoG to do so. However, the GBA needs to take further steps to ensure improvement of the system. According to three KIIs, donor support has not given the GBA incentives to raise the funds necessary for CLE training to become self-supporting. PROLoG has calculated the cost of one training at 50 GEL per person. Raising the cost of training met with membership resistance, but two KIIs point out that, as CLE is being taken by lawyers who are earning fees, they should have to support more of the cost. However, raising fees may drive more CLE takers to universities, thus offsetting the benefits of higher fees. In two KIIs, lawyers said that as CLE is free, participants do not have

much of an expectation of high-quality training. The issues of trainer qualification and selection, along with course content and fee issues, will require further donor action. KIIs questioning trainer qualification and selection expressed a lack of confidence in the new leadership to address these issues, and they are areas for further exploration with donor support or action.

With regard to the Ethics Committee, four KIIs stated that assistance is needed to closely monitor and engage efforts of the GBA leadership to control and influence the Ethics Committee's work. The actions of the Ethics Committee following the December 2017 election events indicate that donor support in the form of oversight and expert assistance is needed. According to one KII, the Ethics Committee is *"now driving a Mercedes but have to learn to handle it."*

As discussed above, the internship program has slowed due to issues of trainer and mentor selection, all of which are linked by four respondents to efforts by the new President to favor political supporters. Donor support and communication with leadership are necessary to ensure the progress of the program. As with the Ethics Committee situation, donor oversight and assistance will be necessary if current actions by the GBA leadership continue to erode progress in the program.

### **PROLoG has improved cooperation among justice system institutions by supporting bench-bar meetings.**

In the 2017 reporting period, documents reviewed show that the GBA, with support from PROLoG, organized six bench-bar meetings between judges and lawyers in Tbilisi, Kutaisi, and Batumi. Document review and six KIIs confirmed that, as a result of the December 2017 election events, USAID and PROLoG suspended support to the GBA for the bench-bar program until the case was properly investigated. This investigation has not happened. The effect of the suspension was noted in an interview with the GBA Chairman, who stated, *"frankly, suspending of bench-bar was not a good idea"* and goes on to state that *"other donors are willing to work with us on bench-bar issues."* However, three KIIs have approved of USAID cutting the funding. Respondents claim that bench-bar meetings allow the President to confirm legitimacy, and USAID should not resume them unless the *"election stain"* is removed.

### **The aftermath of the December 2017 election of new leadership has called into question the strength of the GBA's internal structure and governing bodies.**

Five KIIs criticized the new leadership and pointed out internal issues that have arisen regarding appointments to training and administrative positions, attempts to control the Ethics and Executive Committees, and diminished respect for the GBA leadership. These issues will remain even after the election dispute itself is resolved in some fashion.

Five KIIs confirmed that the chaotic election involved accusations of ballot-box stuffing and ballot irregularities carried out by supporters of the eventual winner of the presidency. Two KIIs said that the new President is adamant that he had nothing to do with the actions of some supporters, and the Executive Committee, now controlled by the President, has sent the matter to the Ethics Committee to investigate. In a KII, the newly elected head of the Ethics Committee says he cannot comment on the investigation. Neither the President nor the head of the Ethics Committee could furnish any estimate about the timeframe for a conclusion to the investigation and, in the meantime, no punishment has been meted out to two lawyers whom, according to four KIIs, have been identified by several witnesses as being in possession of additional ballots.

The list of complaints and suspicions voiced by KII respondents is lengthy and indicates the lack of confidence in the GBA leadership. Even if the election dispute is somehow resolved, the results of leadership actions in the future may threaten the progress of the PROLoG program. The complaints and criticisms of lawyers compiled from eight KIIs and an FGD include: 1) the selection mechanism of CLE trainers is vague; 2) the qualifications of trainers are low or suspect; 3) people loyal to the President are being appointed to administrative positions; 4) in the GBA, a special group of people is making decisions; 5) the GBA's reputation has been tarnished after the December 2017 elections; 6) the President is giving

instructions to the Ethics Committee; and 7) lawyers for the Executive Board are being paid more than the Ethics Committee lawyers.

Whether these comments reflect the truth or not, they indicate perceptions of the membership regarding the current leadership that will continue after the current election dispute is resolved in some manner. Given the uncertainty and the new President, one cannot conclude that stability will return to the GBA in the near future.

According to six KII, GBA elections are now conducted by paper balloting. In addition to opening the door to potential election fraud, as occurred in the December 2017 election, lawyers in the regions have to travel and queue up for hours in order to vote. Two respondents suggested that assistance by PROLoG to help modernize the internal election system of the GBA by electronic balloting should be considered as an incentive to resolve the current standoff among PROLoG, the GBA, and other donors. In a KII, the new President stated that he has created a special group to study the election mechanism that has been in use since 2006. He says that he personally thinks the GBA should introduce electronic voting.

**The GBA has maintained progress to date in all areas of its work but substantial obstacles and weaknesses of the GBA, including the uncertainty of new leadership, has caused variations in progress among its programs.**

As discussed above, the bar examination has been strengthened and is functioning well.

Four respondents indicated that the ethics system's ability to function is impaired by several structural shortcomings. The entire membership of the Ethics Committee can change with the election of new leadership, and the authority of the Committee to investigate complaints is generally limited to those brought by individuals; it cannot initiate an investigation on its own in most circumstances. Recommendations for staggered terms on the Ethics Committee were mentioned in two KIIs and an expert report. These respondents criticized the investigative process as being too rigid and supported broadening the scope of investigation beyond matters brought by individual complainants.

As more fully discussed above, CLE training is still being developed with the aid of PROLoG, but future progress is uncertain. Four respondents stated that the GBA should consider establishing fees for CLE participation and introducing differentiated training programs for senior lawyers and others interested in advanced specialized training.

Documents reviewed and two KIIs show that the establishment of the formal internship program has been delayed, primarily due to the failure of the GBA to complete preliminary matters before training of mentors could begin. A pilot program was completed for 15 interns in January 2018, but according to the GBA, the actual project will begin in 2019. According to two KIIs, the GBA is now working on a list of lawyers who could be mentors—although they will have to take an exam and then have some training in their duties. As previously stated, the exam will be an interview; and 300 attorney mentors will be selected by the Executive Board of the GBA. Mentors will be paid. Four respondents claim that the program is delayed because new leadership wants to put its own supporters in the mentor positions.

#### **4.4.2 Conclusions**

PROLoG is making progress in achieving its anticipated results by assisting in the development of the GBA programs related to the bar exam, CLE, internship program, and legal ethics, but substantial obstacles and weaknesses of the GBA, including the change of bar leadership, have caused variations in progress in the supported programs. Until the new leadership has had time to fully develop its method of governance, it will continue to be difficult to measure progress, and results may well exceed the present expectations of the critics.

The bar examination program has been successful and is functioning well. Although the CLE program is the largest in Georgia, the GBA faces competition from universities and is further hindered by a weak fee structure and internal issues regarding appointment of qualified trainers and course content. The

internship program is still in development under the new leadership and is subject to criticism related to selection of mentors and mentor training. Although the program has been approved by the Parliament, it will not begin operating until 2019, at which time it can be evaluated more thoroughly. The legal ethics system has been impaired by various structural shortcomings, and its image has been weakened by events following the December 2017 leadership election.

With regard to donor support, the ET found that only the bar exam is capable at this time of operating without financial or outside program assistance. The CLE program is currently not collecting the revenue necessary to defray costs. While this weakness could be corrected in the future by the new leadership, it is too early in the new administration to predict their approach to the issue. Both the internship and ethics programs are subject to criticisms regarding program structure that may require donor support or action, depending on future decisions of the new bar leadership. However, in the opinion of the ET, if the bar leadership makes a concerted effort to operate those programs in a transparent and fair manner, some of the criticism may be alleviated. As a result, the ET does not believe the CLE, internship, and ethics programs can be sustained and continue to develop at this time without donor support, but PROLoG has successfully achieved its anticipated results related to the bar examination program.

KIIs indicated a lack of confidence in leadership and, despite the ultimate outcome of the December 2017 GBA election dispute, the issues caused by new leadership will continue to impact all PROLoG programs. The December 2017 election involved accusations of ballot box stuffing and other voting irregularities, allegedly carried out by supporters of the new President. The election mechanism is being questioned and, until reforms are undertaken, the internal politics of the bar will continue to be questioned. The ET believes it is too early in the administration to predict the approach of the new leadership to resolving the outstanding political issues, but the independence of the GBA programs from bar politics is necessary in order to strengthen its internal structure and governing bodies.

#### **4.5 EQ 5: HOW EFFECTIVE HAS PROLOG BEEN IN COORDINATING EFFORTS WITH OTHER DONORS ACTIVE IN THE RULE OF LAW SECTOR OF GEORGIA? WHAT ARE THE BEST METHODS FOR COORDINATION THAT WERE SUCCESSFULLY APPLIED DURING PROLOG IMPLEMENTATION?**

In order to comprehensively answer EQ 5, the ET collected information from a variety of sources. Beginning with a desk review of the PAD and PROLoG reports, followed by documents received from donors, the ET conducted seven interviews with four key international rule of law donors. Additionally, during various KIIs with CITJ members and the judiciary, the ET asked questions regarding the effectiveness of donor coordination in the rule of law sector.

##### **4.5.1 Findings**

##### **PROLoG actively coordinates with other donors in the rule of law sector in Georgia.**

According to KIIs with the four major international donors, and after reviewing their program documents, the ET learned that the EU, COE, GIZ, and UNDP work in various areas in the rule of law sector of Georgia. The EU's assistance focuses on support to the justice sector and the protection of human rights.<sup>18</sup> The COE mainly supports the implementation of the judicial reform strategy and the improvement of standards of independence, transparency, and accountability of the judiciary in Georgia.<sup>19</sup> GIZ focuses on advisory services to the judicial system and the rule of law.<sup>20</sup> Jointly with the EU, UNDP is working on the

---

<sup>18</sup> For more detailed information please see <[https://eeas.europa.eu/delegations/georgia/1238/projects-georgia\\_en](https://eeas.europa.eu/delegations/georgia/1238/projects-georgia_en)> (visited May 26, 2018).

<sup>19</sup> For more detailed information please see <<https://www.coe.int/en/web/tbilisi/support-to-the-judicial-reform-in-georgia>> (visited May 26, 2018).

<sup>20</sup> For more detailed information please see <[https://www.giz.de/en/downloads/giz2016-en-Regional\\_Folder\\_with\\_Factsheets.pdf](https://www.giz.de/en/downloads/giz2016-en-Regional_Folder_with_Factsheets.pdf)> (visited May 26, 2018).

protection of the rights of minorities and vulnerable groups, internal and external oversight of law enforcement, labor rights, protection of privacy, and the freedom of expression.<sup>21</sup>

The October 2012 parliamentary elections were an important turning point for reforms in the rule of law sector and in the judicial system of Georgia.<sup>22</sup> As one KI stated, *“After the elections, the interest of donors increased as the new opportunities for the judiciary reforms emerged. Many donors renewed their agendas with the same priorities.”*

According to PROLoG reports and KIs with the four major donors, PROLoG implemented various activities jointly with the EU, COE, GIZ, and UNDP. As one KI stated, *“Collective support of donors is important. Donors can read and support each other’s research. Donors also support each other in dealing with the Government.”* This KI mentioned the example of the National Judicial Strategy, which was prepared with the involvement of the major rule of law donors and showed to the GOG that the Strategy is based on the common vision of donors.

PROLoG’s reports and KIs helped the ET identify various examples of donors’ collective coordination. For example, in cooperation with UNDP and GIZ, PROLoG supported the development of a draft framework LOM.<sup>23</sup> PROLoG’s involvement in this activity, in addition to sharing costs with other donors, included supporting a working group in the drafting of a framework LOM, inviting foreign experts to analyze the draft law, and supporting the organization of the international mediation conference in Tbilisi.<sup>24</sup> Moreover, PROLoG, the EU, GIZ, and COE jointly supported the creation of the National Judicial Strategy and the Action Plan for 2017-2018.<sup>25</sup> This strategy incorporated many recommendations prepared by PROLoG, such as introducing rules and processes for judicial selection and appointment, case assignment, and the operation of the HCOJ more in line with international standards of judicial independence, transparency, and accountability.<sup>26</sup> In addition to the above activities, PROLoG, the EU, GIZ, and COE shared the costs of the technical audit of the IT infrastructure of the judiciary in order to help in the creation of the searchable legal database of court decisions.<sup>27</sup>

The ET learned from program reports and KIs that PROLoG works individually with donors as well. For example, PROLoG and GIZ jointly organized workshops for the HCOJ.<sup>28</sup> Moreover, PROLoG worked with GIZ on the establishment of an online platform for the publication of the Civil Code Commentaries.<sup>29</sup> PROLoG and the EU Criminal Justice Reform Project jointly supported a workshop for the LAS management.<sup>30</sup> Together with UNDP, PROLoG organized various meetings and workshops regarding the 2016-2017 Human Rights Action Plan.<sup>31</sup> In cooperation with the COE, PROLoG developed a human rights course for judges.<sup>32</sup>

According to KIs and PROLoG reports, some donors’ programs are close in scope to PROLoG’s mandate, which results more in joint implementation than in competition. Such joint programs are the result of careful planning rather than of overlapping, proven by the fact that the ET did not find any areas of overlapping activities. Moreover, no KI from the CSO sector or the judiciary informed the ET of any overlapping activity among PROLoG and other donors. As one donor KI stated, *“We [donors] can overlap potentially, but, in reality, we do not overlap. We are lucky in terms of donor coordination.”* KIs indicated that

---

<sup>21</sup> For more detailed information please see

<[http://www.ge.undp.org/content/georgia/en/home/operations/projects/democratic\\_governance/human-rights-for-all/](http://www.ge.undp.org/content/georgia/en/home/operations/projects/democratic_governance/human-rights-for-all/)> (visited May 26, 2018).

<sup>22</sup> Project Activity Document (PAD), October 2014, p. 5.

<sup>23</sup> PROLoG Annual Report, Year 2, p. 23.

<sup>24</sup> Ibid, p. 24.

<sup>25</sup> PROLoG Annual Report, Year 3, p. 14.

<sup>26</sup> Ibid, p. 14.

<sup>27</sup> PROLoG Quarterly Report, Year 4, p. 11.

<sup>28</sup> PROLoG Quarterly Report 2016, Q2, p.4.

<sup>29</sup> Ibid, p. 19.

<sup>30</sup> PROLoG Quarterly Report 2015, Q1, p. 5.

<sup>31</sup> PROLoG Quarterly Report 2016, Q2, p.11, 12. Also, PROLoG Annual Report, Year 2, p. 5.

<sup>32</sup> PROLoG Annual Report, Year 3, p. 9.

this cooperation is partially due to the effective coordination of PROLoG with other donors. However, another reason may be immense need for rule of law assistance in Georgia.<sup>33</sup>

One KI summarized the views of all donors, including PROLoG, that effective coordination is the result of *“all donors sharing common goals: independent judges and independent judiciary, as well as judicial accountability. Another common goal is to help each other deliver development assistance in such a challenging environment.”*

As the ET learned during KIIs, another important factor contributing to the effectiveness of coordination is that most local staff working on donor-supported activities have been involved in the rule of law sector of Georgia for many years. One KI stated, *“We [personnel] are here for a long period. When local personnel are leading, this makes things easy.”* It became very apparent to the ET in conducting KIIs with all donors that local staff know each other well, have experience working together, and share the same values, which significantly contributes to the effectiveness of their coordination.

According to KIIs with the major donors, the high level of coordination helps PROLoG and other donors identify cases when several donors are asked for the same assistance, or when one donor refuses to provide certain assistance for good reason while another donor is approached with the same request. PROLoG and other donors share information regarding such requests and, for instance, if assistance is denied by any donor, the reasons for denial are shared. As one KI stated, *“Because of coordination, when one donor refuses, others are informed, which helps our effectiveness.”*

During KIIs with donors and the judiciary, the ET learned that the pooling of resources and joint financing of events, while reducing costs, has raised the problem of identification of PROLoG’s involvement in certain joint activities. Another issue is the difference of opinions provided by international experts who have been invited by various donors, which is inevitable as the experts come from countries with different legal systems. However, as one KI stated, *“We do not like some American international experts as they can confuse judges who hear differing opinions from European experts. PROLoG should communicate with other donors regarding the experts they intend to bring.”*

In response to the question of whether PROLoG is working effectively with other rule of law donors, six out of 14 KIs representing the donors, judiciary, and CITJ members strongly agreed, four of whom made the following key statements:

*“We [donors] exchange information regarding our activities. We know what each other is doing. This level of cooperation is difficult to achieve in other countries.”*

*“We are lucky in the terms of donor coordination. We have good cooperation with other donors.”*

*“Our [donor] coordination is very intense.”*

*“Donor coordination in Georgia has improved greatly over the last couple of years.”*

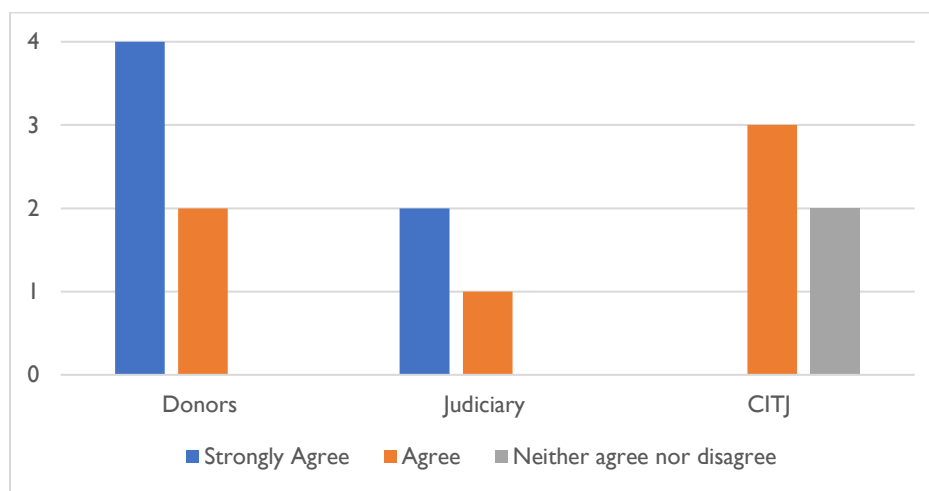
Six other respondents agreed with these assessments as well, although not as strongly, while the remaining two KIs neither agreed nor disagreed. No KI evaluated PROLoG’s coordination with other donors as ineffective.

---

<sup>33</sup> Project Activity Document (PAD), October, 2014, p. 25.

**Figure 7: Respondents’ Opinions About Whether PROLoG Has Been Successful in Coordinating Efforts with Other Donors Active in the Rule of Law Sector in Georgia**

n=14



Source: ET’s KIs

**PROLoG uses several methods of coordination with other donors that are successfully applied.**

According to KIs with major donors, PROLoG uses various methods for coordination. At the outset, PROLoG discusses its annual plans with donors, which helps the program avoid duplication of efforts and, at the same time, plan joint activities with other donors. As one KI stated, “We, donors, always discuss our plans for the following year so that we do not duplicate efforts.” According to another KI, “While we always share information regarding our activities, we do not share budgetary information.”

After the approval of its annual plans, according to KIs, PROLoG coordinates with other donors by conducting periodic meetings with project leaders and sharing information regarding daily activities among donor staff members. According to donor KIs, they use a Viber group “Justice Wave” to communicate, even in the evenings.

As the ET learned during the KIs, formal documents, such as Memoranda of Understanding, do not contribute significantly to the effectiveness of PROLoG’s coordination with other donors. PROLoG does not usually execute any formal agreements for coordination of its work with other donors. The exception is when PROLoG and other donors jointly finance certain activities.

One KI stated that assistance by different donors to individual judges sometimes results in minor conflicts. In one case, judges who went on a trip organized by PROLoG could not attend a local training organized by another donor. According to another KI, PROLoG and other donors often have different administrative procedures and sometimes this makes their coordination difficult.

Several donors stated that while they effectively coordinate among themselves, and even commiserate together, via Viber communications, their impact on judicial reform remains limited, given the challenges described in response to EQs 1 and 2. One of the major suggestions proffered to the ET during KIs with donors was the need to elevate the level of representation of the donors with the GOG. High-level USG representatives, such as the U.S. Ambassador and the USAID Mission Director, along with high-level representatives of the EU, COE, GIZ, and UNDP, could effectively capitalize upon the excellent coordination among the international donors, which could result in a greater influence on the implementation of judicial reforms in Georgia.

**4.5.2 Conclusions**

PROLoG has coordinated very well with other donors, namely the EU, COE, GIZ, and UNDP, working in the rule of law sector in Georgia. That donors have tended to “focus” on various areas in the rule of law sector of Georgia (e.g., the EU on support to the justice sector and the protection of human rights, GIZ on advisory services to the judicial system and the rule of law, etc.) has aided this coordination and enabled a variety of ways to support activities, collectively and individually. In some cases, PROLoG worked jointly with these donors to implement activities, such as developing the National Judicial Strategy or the framework LOM. In other cases, for example coordinating with GIZ to organize workshops for the HCOJ, PROLoG works with an individual partner. The ET found that PROLoG’s scope, which is similar to other donors’ programs, has also led to joint implementation rather than duplicate efforts.

The ET believes, and KIs with donors confirmed, that various factors have contributed to effective coordination. This includes the shared values and goals of donors, the challenging environment for donors, the immense need for the rule of law assistance, and local staff who know each other well and have experience working together. Donor KIs reported that the methods of coordination include discussing annual plans with fellow donors, holding periodic donor meetings, and interacting via a Viber message group. No single method was identified as being more effective than others. The ET believes the coordination factors and common vision of donors contribute to the reform environment and the GOG’s receptiveness (e.g., National Judicial Strategy).

While the ET found that pooling resources and jointly financing events created some complications for PROLoG (e.g., identification/visibility of PROLoG’s involvement in joint activities, differing opinions from various donors’ international experts, scheduling challenges among donor activities), these challenges are logistical in nature and thus manageable.

Overall, the ET believes that the high level of cooperation, coordination, and collaboration among donors working in the rule of law sector in Georgia is exceptional, resulting in the smooth implementation of various rule of law programs.

## 5.0 RECOMMENDATIONS

Based on the Findings and Conclusions of the PROLoG mid-term evaluation, the ET presents the following recommendations, organized by EQ.<sup>34</sup>

### 5.1 EQ 1: MULTIPLE WORK STREAMS UNDER ONE UMBRELLA AND THE CITJ’S ABILITIES

1. USAID should continue the Supply/Demand Design with PROLoG’s successor.
2. PROLoG should increase its oversight function of the content and delivery of the CITJ’s critical analyses of the judiciary in order to enhance its effectiveness.
3. PROLoG should modify its approach in providing direct assistance to the judiciary to ensure it is viewed by the judiciary as an independent advisor and is not perceived as a biased supporter of the CITJ. This could include: a) creating an Association of Women Judges; b) improving case management systems in each court; c) creating a system whereby judges’ opinions in simplifying civil procedures in certain areas of the law are provided to the Parliament and incorporated into amendments of the Civil Procedure Code (CPC); and d) teaching mediation skills and employing mediation to a greater extent in civil proceedings.
4. PROLoG’s continued assistance to the CITJ should focus on enhancing its sustainability.
5. As the two main civil society partners (GYLA and TIG) have vast research and advocacy capacities

---

<sup>34</sup> The ET is aware that USAID requested the Recommendations be presented in priority order by subject matter area. As there are 22 Recommendations, the ET struggled with prioritizing them. However, the first two Recommendations of EQ 2 are essential to enhancing PROLoG’s effectiveness in implementing judicial reforms.

already, PROLoG should intensify its efforts to build the capacity of all CITJ members and empower them to intensify their advocacy and research work.

6. USAID should encourage other donors to support the CITJ not only to give it broader donor support, but also to diminish the perception that PROLoG is aligned with the CITJ.
7. PROLoG should improve its marketing strategy regarding its assistance to judicial institutions and to individual judges to enhance its visibility and to overcome the perception that its implementation of the Supply/Demand Design is imbalanced towards the CITJ.

## **5.2 EQ 2: MAJOR AREAS OF ENGAGEMENT**

1. In order to ensure a better chance of success with the Fourth Wave, USAID should engage the USAID Mission Director and the U.S. Ambassador as partners in pursuing the set of judicial reforms suggested by the U.S. Embassy.
2. Given the overwhelming recognition, appreciation, and impact of international expertise, PROLoG should capitalize upon its success with some of its international experts as partners and engage them for longer periods of time covering broader areas of judicial reform.
3. As a result of the highly-praised attention given to judges rather than justice institutions as a whole, and the perception, albeit not based in reality, that PROLoG only cares about individual judges, PROLoG should focus more attention, resources and funds permitting, on enhancing the capacity of judges at all levels by dealing directly with the courts.

## **5.3 EQ 3: UNIVERSITY LEGAL EDUCATION SYSTEM**

1. Future assistance to the moot courts, summer schools and short-term courses that PROLoG is currently supporting should be gradually decreased *in tandem* with the demonstrated capacity of the law schools to sustain these activities.
2. In addition to supporting university-level interventions to create positive models of interactive teaching, USAID should advocate government-level policy reforms to incorporate interactive teaching methods in the national standards of legal education that law schools need to meet for accreditation and authorization of their law programs.
3. The legacy and sustainability of PROLoG's assistance can be reinforced through a more active approach in analyzing the impact of legal education interventions and in documenting and showcasing the results and lessons learned.
4. PROLoG's approach in monitoring for results, following up, and following through should be strengthened both during the grant implementation period and before any additional assistance measures are considered. Follow-up studies can include performance assessments or thematic evaluations of the five partner law schools to assess the extent to which interactive teaching methodologies, clinical education programs, and new courses are integrated in the learning process.
5. PROLoG's future programmatic interventions should bolster the Legal Writing and Reasoning Courses in law schools, either through competitive grant proposal or multi-law school collaborative projects between Tbilisi and regional law schools under the guidance of PROLoG's international partners.
6. Legal Writing and Reasoning Courses should incorporate international best practices taught in U.S. and EU law schools and include a strong applied component to enable students to practice drafting of various legal acts (judicial, prosecutor, and legal) in the Georgian legal system.

#### **5.4 EQ 4: GEORGIA BAR ASSOCIATION**

1. PROLoG should communicate and deal with the new GBA leadership to consolidate progress and self-sufficiency in its programs.
2. PROLoG should ensure that its grant support is used to strengthen programs and not to build political support for the GBA leadership.
3. Assistance to the bar examination should be discontinued at the end of PROLoG's grant period.
4. A comprehensive development plan for the GBA Training Center should be developed, indicating the measures and timelines for rendering the CLE program self-sustaining.
5. Support by PROLoG for the bench-bar program should continue after resolution of the funding suspension.

#### **5.5 EQ 5: COORDINATION WITH OTHER RULE OF LAW DONORS**

Given the excellent coordination among international donors, PROLoG's and other donors' effectiveness could be increased if high-level representation of all donors, such as the U.S. Ambassador and the USAID Mission Director, as well as high-level European representatives of other donors, engage more frequently with the GOG and judicial institutions in pursuing judicial reforms in Georgia.

# ANNEXES

**ANNEX I: EVALUATION SCOPE OF WORK**

## **I. EVALUATION PURPOSE AND USE**

Award No. AID-114-A-15-00004

Award Dates: 04/02/2015-04/01/2020 Funding: \$18,723,080

Implementing Organization: East-West Management Institute Contracting Officer's Representative (COR): Rusudan Tabatadze Alternate COR: Lina Panteleeva

The evaluation Contractor must provide non-personal services for a mid-term performance evaluation of the Promoting Rule of Law (PROLoG) Activity. The purpose of this mid-term performance evaluation is to: a) determine how effective Independent and Professional Application of the Rule of Law Project (project) and Promoting Rule of Law (PROLoG) Activity have been in achieving their intended results; b) examine if the project was implemented according to the intention of the project design to develop the rule of law system in Georgia; and c) provide recommendations on where USAID should concentrate its efforts in 2019 and beyond. The timeframe to be covered by the evaluation is from the start of the project in April 2015 through the initiation of this evaluation on/about April 2018.

The results of the evaluation will be used by USAID/Caucasus for improving ongoing interventions in the area of rule of law in Georgia in order to focus on the most meaningful and critical activities. The audience of the evaluation will be USAID and in particular its Democracy, Governance, and Social Development (DGSD) office, as well as Department of Justice and Political/Economic sections of the U.S. Mission in Georgia. In addition, the results of the evaluation will be used by USAID's current implementing partner to improve its interventions. With similar purpose, the results of the study may be shared with other stakeholders locally – High Council of Justice (HCOJ), Ministry of Justice (MOJ), Legal Issues Committee of the Parliament, High School of Justice (HSOJ), Georgian Bar Association (GBA), NGO Coalition for an Independent and Transparent Judiciary, and local university law schools and other donors working in the rule of law area.

## **II. SUMMARY OF SPECIFIC TECHNICAL REQUIREMENTS**

The evaluation Contractor must ensure that the evaluation team will complete the following tasks and provide the following deliverables within the terms defined by the contract.

- Teleconference with USAID/Caucasus to discuss the upcoming work.
- Provide a draft evaluation design and work plan to USAID for review and comment two weeks prior to the evaluation team's arrival in country.
- Incoming briefing with USAID management to present the detailed evaluation design.
- Conduct the evaluation in accordance with the USAID-approved evaluation design and work plan.
- Outgoing briefing with USAID management to present the preliminary findings of the Evaluation.
- Provide an evaluation report to USAID in accordance with Reporting Guidelines under Section 9 - Deliverables. The evaluation report should follow the "Criteria to Ensure the Quality of the Evaluation Report" of the USAID Evaluation Policy.
- Submit USAID-approved evaluation report to Development Experience Clearinghouse (DEC) within 30 calendar days following the acceptance of the report by the USAID Task Order Contracting Officer's Representative (TOCOR).
- Submit quantitative dataset in a machine-readable format to the Development Data Library (DDL) as part of the Open Data initiative.

## **III. KEY EVALUATION QUESTIONS TO BE ADDRESSED**

The evaluation must be based on the series of evaluation questions to elicit the results of the project to date. The evaluation report must provide evidence-based answers to the following questions:

- I. How having multiple work streams of supply and demand under one mechanism enables (or poses an obstacle for) the partner to deliver? What are the advantages and disadvantages of combining

work with government stakeholders and support to civil society advocacy under one umbrella? What are the abilities of local civil society partners/NGO Coalition for an Independent and Transparent Judiciary to continue engaging in advocacy for better reforms in justice system without PROLoG's (or similar instrument) close technical support and guidance?

2. Considering the major areas of engagement (judicial reform, civil society advocacy, implementation of human rights), are there areas where PROLoG has been more or less successful in meeting the project's anticipated results? Considering the political context, were there areas where the activity/partner should have focused more efforts or resources to achieve better results from the start of the project to date? Are there areas where the activity/partner should focus more effort or resources due to opportunities or anticipated barriers to success going forward?
3. How effective has the partner been in achieving anticipated results related to university-level legal education system development under PROLoG? What is the potential of university law schools to sustain results without donor support in the areas of clinical legal education, interactive teaching, teaching of lawyering skills through practical training and moot courts, sustain new courses in gender, human rights, etc. created with PROLoG's assistance, and continue developing on their own?
4. How successful has PROLoG been in achieving anticipated results related to Georgian Bar Association (GBA) development? What is the potential of GBA to sustain results to date without donor support and continue developing on its own? How strong are GBA's internal structure and governing bodies? Is GBA capable of maintaining progress to date in terms of bar examination, application of legal ethics, implementation of Continuous Legal Education, implementation of internship system?
5. How effective has PROLoG been in coordinating efforts with other donors active in rule of law sector of Georgia? What are the best methods for coordination that were successfully applied during PROLoG implementation?

#### **IV. EVALUATION DESIGN AND METHODOLOGY**

The Mission is looking for the Contractor to suggest the best methods that minimize bias and provide strong evidence.

The Contractor is expected to suggest the use of various data collection and analysis methods, both quantitative and qualitative, including document review, key informant interviews with project beneficiaries, the GOG, private sector, focus group discussions, survey instruments (if applicable), and others. The methodology for any evaluation process that involves the selection of participants (e.g., surveys, focus groups, interviews) must be clearly explained and justified. For example, for a survey or mini-survey (if proposed), the number of respondents and their selection process should be explained and justified. The same is true for key informants, focus group discussions, and other methods as well. Selected respondents should be representative of women, youth, and vulnerable groups, where appropriate. The Contractor must conduct a desk review of related documents and will help identify areas that merit closer attention once the team begins its fieldwork. Reading materials will be available to the team prior to their arrival.

The Contractor must develop a detailed evaluation design and a workplan, including data collection plan and drafts of data collection tools. A draft of the workplan and evaluation design must be shared with USAID TOCOR for review and comment prior to the evaluation team's in-country arrival. The plan will then be presented to the Mission during the in brief in more detail. The evaluation design must include the evaluation matrix (an illustrative evaluation matrix for this study is given below). The evaluation design must explain how the evaluation Contractor intends to conduct the study in detail, including a detailed description of one or more proposed methodologies as well as limitations of proposed methodologies. It

must explain in detail what methods will be used to obtain answers for each evaluation question. The design must also explain how the proposed methodology (mix of methods) to conduct the study generate evidence to ensure rigor and reliability of results; and how and why the proposed methodology will minimize bias. The evaluation design must also include the data analysis plan for each question, draft questionnaires (to be included as an attachment), and other data collection instruments or their main features, criteria for assessing responses to evaluation questions, known limitations, and a dissemination plan. The evaluation design must also include specific sub-questions for each evaluation question, where needed.

Again, the methods described herein are only illustrative and USAID expects that the Contractor will suggest the best methods that would generate most reliable and evidence-based answers to the key evaluation questions.

#	Research Question	Data Source	Methodology
1.	How having multiple work streams of supply and demand under one mechanism enables (or poses an obstacle for) the partner to deliver? What are the advantages and disadvantages of combining work with government stakeholders and support to civil society advocacy under one umbrella? What are the abilities of local civil society partners/NGO Coalition for an Independent and Transparent Judiciary to continue engaging in advocacy for better reforms in justice system without PROLoG's (or similar instrument) close technical support and guidance?	HCOJ, HSOJ, and Supreme Court, MOJ, Legal Issues Committee of the Parliament, PROLoG staff, Legal Rights NGOs, other international donors active in Rule of Law area  PROLoG progress reports and work plans, documents created by PROLoG grantees and other parties	Key informant interviews Focus groups Mini survey Document review
2.	Considering the major areas of engagement (judicial reform, civil society advocacy, implementation of human rights), are there areas where PROLoG has been more or less successful in meeting the project's anticipated results? Considering the political context, were there areas where the activity/partner should have focused more efforts or resources to achieve better results from the start of the project to date? Are there areas where the activity/partner should focus more effort or resources due to opportunities or anticipated barriers to success going forward?	HCOJ, HSOJ, and Supreme Court, MOJ, Legal Issues Committee of the Parliament, PROLoG staff, Legal Rights NGOs, Ombudsman of Georgia and its staff, Human Rights Secretariat of the Government of Georgia, other international donors active in Rule of Law area  Project documents. PROLoG progress reports and work plans, documents	Key informant interviews Focus groups Mini survey Document review

#	Research Question	Data Source	Methodology
	How effective has PROLoG been in coordinating efforts with other donors active in rule of law sector of Georgia? What are the best methods for coordination that were successfully applied during PROLoG implementation?	Donors active in the field, PROLoG staff	Document review Key informant interviews Focus groups

## V. WORK LOCATION

The Republic of Georgia and the U.S.

## VI. EVALUATION SCHEDULE

The timeline of activity provided below is illustrative with the exception of the June 29, 2018 deadline for submitting the final evaluation report to USAID. The deliverables associated with this contract must be completed and accepted by USAID/Caucasus. The team must provide both an in-brief upon arrival and an out brief prior to departure.

### *Illustrative Schedule of Evaluation*

Timing (Anticipated Months or Duration)	Proposed Activities
April 2-6, 2018	Preparation work and finalization of the evaluation design
April 9-20, 2018	USAID review of the work plan and final evaluation design
April 22-27, 2018	Travel and preparations for data collection
April 26, 2018	In-Briefing
April 24-May 15, 2018	Data collection (in Georgia)
May 15, 2018	Out-Briefing
May 21-June 8, 2018	Data analysis and report writing
June 11-22, 2018	USAID review of Draft Report
June 25-29, 2018	Incorporate USAID comments and prepare Final Report
June 29, 2018	Deadline for the Final Report

A six-day work week will be authorized in Georgia with no premium pay.

The following levels of effort are illustrative and should serve only as an example of the staff which may be mobilized under this Task Order. These levels may not reflect the actual level of effort contracted, and the Contractor will be expected to submit its own estimate of the level of effort needed to fulfill the objectives.

**Estimated Level of Involvement (LOE) in days by activity for a team of four**

Task	LOE for Expat Team Lead	LOE for Expat Legal Education Specialist	LOE for Expat Civil Society Advocacy Specialist	LOE for Expat Bar Associations Specialist	Locally Hired Expert	Evaluation Expert Expat	Total LOE in Days
Document review/desk review/work planning/meetings in Washington (evaluation design) + preparations for travel and data collection	5	3	5	3	5	2	23
In-Brief, evaluation design (including meetings with USAID)	1	1	1	1	1		5
Preparations for data collection (scheduling)					5		5
Data collection days	19	9	15	9	19		71
Out-Briefing	1	1	1	1	1		5
Data analysis	5	2	3	2	3		15
Draft Final Report	5	3	4	3	2	1	18
Final Report	3	1	1	1	1	1	8
<b>Totals</b>	<b>39</b>	<b>20</b>	<b>30</b>	<b>20</b>	<b>37</b>	<b>2</b>	<b>150</b>

**VII. PROJECT DOCUMENTS FOR REVIEW**

Relevant reports and other project documentation will be provided by USAID/Caucasus to the Contractor prior to travel to Georgia. The evaluation Contractor shall initiate U.S.-based work by reading reports and familiarizing him/herself with the project. These documents are:

- USAID/Caucasus CDCS;
- Rule of law PAD;
- PROLoG Activity description;
- Implementing Partner’s Quarterly/Annual Reports;
- Initial list of in-country contacts;
- Project results framework;
- PMP indicator tables;
- PROLoG M&E plan approved by USAID;
- Other deliverables (expert reports, publications) produced by partners; and
- Other documents as needed.

**VIII. LIST OF DELIVERABLES**

**I. Detailed Research (evaluation and/or assessment) design and Work Plan:** The evaluation design must be an integral part of each proposal and must explain in details methodologies that will be used to collect required information. For evaluations, the design must outline in detail what methods the contractor will use to get answers for each evaluation question. **The contractor should also comment on questions provided in the SOW and suggest revisions, if any.** The evaluation design must include a detailed evaluation matrix (including the key questions, methods, and data sources used to

address each question and the data analysis plan for each question), draft questionnaires and other data collection instruments or their main features, known limitations to the evaluation design, a work plan, and a dissemination plan. Methodology section in the proposal should address strengths and weakness of the proposed methodology, and how the latter will be mitigated. The refined design must be sent to the contract COR three days prior to research team's arrival in-country. This information together with the Mission's comments will be discussed in detail during the in-brief meeting with USAID and will be finalized per task order requirements.

The work plan must include the anticipated schedule and logistical arrangements and delineate the roles and responsibilities of members of the evaluation team.

The Dissemination of Results Plan must include the ways to reach the stakeholders with the evaluation results. These may be teleconferences, workshop, and briefings. Summary of charts, tables, and findings should be created to facilitate the design of future political process support projects.

2. **In-brief with the Mission:** Within three (3) days of arrival in country, the contractor must present a design plan and a work plan. This will be a maximum of 30-minute presentation of how the questions asked in SOW will be answered. Prior to in-brief research teams may have working meeting/s with the TOCOR and PROLoG AOR to agree upon all the details of the design.
3. **Mission Out-brief:** After completing the field work and prior to departure, the contractor must present an outline (in bullets, possibly in power point or as a handout) of the evaluation report with general findings, conclusions, and anticipated recommendations. This will be a maximum 30-minute presentation. Prior to out brief research teams may have working meeting/s with the TOCOR to agree all the details of the design.
4. **Outline of the report** (in bullets, possibly in power point or as a handout to be presented at the out brief) including findings, conclusions, and recommendations.
5. **Draft Report:** The evaluation final report should adhere to the [USAID Evaluation Report Requirements](#). The report will be peer reviewed utilizing the agencies [Criteria to Ensure the Quality of the Evaluation Report](#).

The contractor must submit a draft report within 14 working days of completing the out brief with USAID. This document should explicitly respond to the requirements of the SOW, should answer the evaluation questions, be logically structured, and adhere to the standards of the USAID Evaluation Policy of January 2011 and the criteria to ensure the quality of the evaluation report. The report should follow USAID's template attached (Attachment 5).

In accordance with the ADS, the contractor will make the final evaluation reports publicly available through the Development Experience Clearinghouse within three months of the evaluation's conclusion.

6. **A discussion** between the evaluation team and the USAID project team to formulate/finalize recommendations based on the evaluation team's findings and conclusions.
7. **Final Report:** The contractor must incorporate USAID's comments and submit the final report to USAID/Caucasus within five (5) working days following receipt of comments on the draft report. Final evaluation report should follow USAID's template, and should not exceed 35 pages, excluding executive summary and annexes. The contractor will make the final evaluation reports publicly available through the Development Experience Clearinghouse at <http://dec.usaid.gov> within 30 calendar days of final approval of the formatted report with USAID consent. In case it is determined that the full report includes sensitive information, sanitized version will be produced and submitted to DEC.
8. **All records from the evaluation** (e.g., interview transcripts and summaries, focus group transcripts, code books, etc.) must be provided to the TOCOR as requested.

All quantitative data (**datasets and supporting documentation such as code books, data dictionaries, scope, and methodology used to collect and analyze the data**) collected by the evaluation team must be provided in machine-readable, non-proprietary formats as required by USAID's Open Data policy (see ADS 579) and submitted to the USAID Development Data Library. The data should be organized and fully documented for use by those not fully familiar with the project or the evaluation. USAID will retain ownership of the survey and all datasets developed.

## IX. REPORTING GUIDELINES

The illustrative format for the final evaluation report is as follows:

1. Executive Summary—summarizes key points, concisely states the purpose, background of the project, main evaluation questions, methods, findings, conclusions, recommendations, and any lessons learned; should be sufficiently detailed, yet brief, to serve as a stand-alone product (3-5 pp);
2. Introduction—state the purpose, audience, and outline of the evaluation (1 pp);
3. Background—provide a brief overview of the project and the study implemented (1-2 pp);
4. Methodology—the evaluation methodology shall be explained in the report in detail. Limitations to the evaluation shall be disclosed in the report, with particular attention to the limitations associated with the evaluation methodology. Greater detail can be included in the appendices (2-3 pp);
5. Findings/Conclusions/Recommendations—explicitly answer each evaluation question; the report should distinguish between findings (the facts), conclusions (interpretation of the facts), and recommendations (judgments related to possible future programming) (10- 15 pp); however, it should be clear what is the link between them;
6. Lessons Learned (if not covered in findings, conclusions and recommendations) (2–3 pp);
7. Annexes—annexes must include this statement of work and its modifications (if any); any “statements of differences” regarding significant unresolved difference in opinion by funders, implementers, and/or members of the evaluation team; a glossary of terms; sources of information, properly identified and listed; clear documentation of schedules, meetings, interviews, and focus group discussions, and any tools used in conducting the evaluation, such as focus group scripts or questionnaires, checklists, and discussion guides used; and signed disclosures of conflict of interest. The evaluation design should also be attached to the report.

The report format should be presented in Microsoft Word and use 12-point type font throughout the body of the report, using page margins 1” top/bottom and left/right. The body of the report should ideally be within 20-25 pages, excluding the executive summary, table of contents, references and annexes. The final report must follow USAID branding and marking requirements.

Per the USAID evaluation policy, draft and final evaluation reports will be evaluated against the following criteria to ensure the quality of the evaluation report.

- The evaluation report should represent a thoughtful, well-researched, and well-organized effort to objectively evaluate what worked in the projects, what did not and why.
- Evaluation reports shall address all evaluation questions included in the statement of work.
- The evaluation report should include the statement of work as an annex.
- Evaluation methodology shall be explained in detail, and all tools used in conducting the evaluation such as questionnaires, checklists, and discussion guides will be included in an Annex in the final report.
- Evaluation findings will assess outcomes and impact on males and females.

- Limitations to the evaluation shall be disclosed in the report, with particular attention to the limitations associated with the evaluation methodology (selection bias, recall bias, unobservable differences between comparator groups, etc.).
- Evaluation findings should be presented as analyzed facts, evidence, and data and not based on anecdotes, hearsay, or the compilation of people’s opinions. Findings should be specific, concise, and supported by strong quantitative or qualitative evidence.
- Sources of information shall be properly identified and listed in an annex.
- Recommendations shall be supported by a specific set of findings.
- Recommendations shall be action-oriented, practical, and specific, with defined responsibility for the action.

## **X. LOGISTICS**

USAID/Caucasus will provide an initial list of in-country contacts prior to the team’s arrival but will not assist in the logistics of appointing meetings. Hence, the Mission will not be responsible for arranging logistics for the evaluation team. The Contractor must suggest how they plan to arrange translation, transportation, and logistical support to the evaluation team. The TOCOR, through USAID PROLoG AOR, will put the Contractor in contact with PROLoG implementing partner. While in Georgia, the Contractor will conduct meetings in Tbilisi. Some meetings will require traveling to regions outside Tbilisi to meet with PROLoG grant recipients, and municipal government authorities. PROLoG program implementing partner may assist with setting those meetings.

## **XI. OTHER REQUIREMENTS**

The evaluation team must be familiar with USAID’s Human Subject Protection Policy and USAID’s Evaluation Policy (<http://www.usaid.gov/evaluation>). The evaluation team must provide adequate training for its survey staff on survey methodology, USAID’s survey regulations, other relevant regulations, and the data collection plan.

The contractor has the responsibility to safeguard the rights and welfare of human subjects involved in the survey research supported by USAID. USAID has adopted the Common Federal Policy for the Protection of Human Subjects, Part 225 of Title 22 of the Code of Federal Regulations (<http://www.usaid.gov/policy/ads/200/200mbe.pdf>). Recipient organizations must familiarize themselves with the USAID policy and provide “assurance” that they will follow and abide by the procedures of the Policy.

All modifications to the scope of work, whether in technical requirements, evaluation questions, evaluation team composition, methodology, or timeline, need to be agreed upon in writing by the Contracting Officer.

**ANNEX 2: WORK PLAN**

## **I. INTRODUCTION**

The United States Agency for International Development (USAID)/Caucasus has engaged ME&A to conduct a mid-term performance evaluation of the Promoting Rule of Law in Georgia (PROLoG) Activity implemented by the East-West Management Institute (EWMI).

Launched in March 2015, PROLoG is a human rights and justice support program aimed at: 1) strengthening the justice system; and 2) ensuring due process protections, judicial independence, and human rights protection by working with state and non-state partners to address key challenges and capitalize on opportunities for accelerated rule of law and justice sector reforms in Georgia.

PROLoG has four main objectives:

1. Strengthening the legal framework relating to human rights and due process protections through governmental institutions and civil society organizations (CSOs);
2. Improving the management of essential justice institutions, such as the High Council of Justice (HCOJ), the High School of Justice (HSOJ), the courts, the Georgian Bar Association (GBA), and Legal Aid Services (LAS);
3. Enhancing the capacity of Georgian legal professionals by further strengthening legal education at the university level through practice-oriented training, promoting new teaching methods, and providing more opportunities for continuing legal education (CLE) for current judges and lawyers; and
4. Improving access to justice for marginalized citizens, women, and ethnic minorities.

### **I.1 PROLoG Mid-Term Evaluation**

The purpose of the mid-term performance evaluation is to:

1. Determine how effective the Independent and Professional Application of the Rule of Law Project (project) and PROLoG Activity (Activity) have been in achieving their intended results;
2. Examine if the Activity was implemented according to the intention of the project design to develop the rule of law system in Georgia; and
3. Provide recommendations on where USAID should concentrate its efforts in 2019 and beyond.

The main goal of evaluating the PROLoG Activity is to review actual progress toward achieving key expected results and identify accomplishments, delays, and challenges, as well as their impact on the project.

The evaluation team's (ET) findings, conclusions, and recommendations will be used by USAID/Caucasus to: 1) improve ongoing interventions in the area of rule of law by focusing on the activities that are the most meaningful and critical for developing more independent and efficient judiciary in Georgia as well as strong CSOs that work in rule of law; and 2) contribute to the design of USAID's next generation of support to the rule of law.

The purpose of this Work Plan & Evaluation Research Design (Work Plan) is to set forth in detail the three phases in which the mid-term evaluation will be implemented. The evaluation's three phases are described below:

## **Phase 1: Inception Phase**

During Phase 1, the ET will: 1) conduct a thorough desk review of documents and data generated by or about PROLoG, in addition to other documents, such as Justice Sector Strategies, National Human Rights Strategy and Action Plan, and data relevant to PROLoG and its operational context; and 2) engage in conversations with USAID/Caucasus on aspects related to the project and evaluation design. The objective of Phase 1 activities will be to reach an agreement with USAID/Caucasus on the evaluation design, including data collection methods and instruments, sampling plan, site visits, fieldwork logistics, data analysis plan, and the completion timeline.

## **Phase 2: Implementation Phase**

During Phase 2, the ET will implement the evaluation design agreed to during Phase 1. Phase 2 will begin with an in-brief with USAID/Caucasus to present the detailed Work Plan, offering the opportunity to make last-minute adjustments and to ensure that all logistical arrangements are in place for the fieldwork. Once revised and agreed upon, the Work Plan will be followed by fieldwork in Tbilisi and other regions of PROLoG's activities. Phase 2 will conclude with an out-brief with USAID/Caucasus to present the preliminary findings, conclusions, and recommendations, together with key issues arising from the mid-term evaluation.

## **Phase 3: Synthesis and Writing Phase**

During Phase 3, the ET will aggregate, synthesize, and analyze the data collected during Phase 2, and prepare the Draft and Final Evaluation Reports. These reports will comply with the guidelines of the USAID Evaluation Policy of 2011.

In the preparation of this Work Plan, the ET has followed the guidelines outlined in USAID's Request for Task Order Proposal and accompanying Scope of Work (SOW) (Annex 1), together with ME&A's Technical Proposal, for the mid-term performance evaluation of the PROLoG Activity. Annexes 2 to 7 include the: Evaluation Schedule, List of Interviewees, Evaluation Design Matrix, Illustrative Questions for Key Informant Interviews (KIIs) and Focus Group Discussions (FGDs), List of Documents Received and Reviewed, and Draft Outline of the Final Evaluation Report.

### **1.2 Evaluation Questions**

The fieldwork will focus on the following five evaluation questions (EQs) posed by USAID/Caucasus that will cover the duration of the PROLoG Activity from April 2015 to present:

1. How does having multiple work streams of supply and demand under one mechanism enable (or pose an obstacle for) the partner to deliver? What are the advantages and disadvantages of combining work with government stakeholders and support to civil society advocacy under one umbrella? What are the abilities of local civil society partners/NGO Coalition for an Independent and Transparent Judiciary to continue engaging in advocacy for better reforms in justice system without PROLoG's (or similar instrument) close technical support and guidance?
2. Considering the major areas of engagement (judicial reform, civil society advocacy, implementation of human rights),<sup>35</sup> are there areas where PROLoG has been more or less successful in meeting the project's anticipated results? Considering the political context, were there areas where the activity/partner should have focused more efforts or resources to achieve better results from the start of the project to date?

---

<sup>35</sup> Under "Implementation of Human Rights" the ET will focus on PROLoG's activities under its components 1 and partially 2—Human Rights Strategy and Action Plan, anti-discrimination law, work with the Human Rights' Secretariat under the Government of Georgia Administration, work with the office of Ombudsman of Georgia and the Parliament on human rights and gender equality issues. The ET will not cover PROLoG's 4<sup>th</sup> component—any legal aid or access to justice related activities. None of the legal aid activities are part of the evaluation.

3. How effective has the partner been in achieving anticipated results related to university-level legal education system development under PROLoG? What is the potential of university law schools to sustain results without donor support in the areas of clinical legal education, interactive teaching, teaching of lawyering skills through practical training and moot courts, sustain new courses in gender, human rights, etc. created with PROLoG's assistance, and continue developing on their own?
4. How successful has PROLoG been in achieving anticipated results related to the GBA's development? What is the potential of GBA to sustain results to date without donor support and continue developing on its own? How strong are the GBA's internal structure and governing bodies? Is the GBA capable of maintaining progress to date in terms of bar examination, application of legal ethics, implementation of CLE, implementation of the internship system?
5. How effective has PROLoG been in coordinating efforts with other donors active in rule of law sector of Georgia? What are the best methods for coordination that were successfully applied during PROLoG implementation?

## **2. EVALUATION TEAM**

The evaluation of PROLoG will be conducted by an ET of five experts: *Ms. Mary Noel Pepys* (Team Leader), *Mr. Maksymilian Fras* (Civil Society Specialist), *Mr. Roland Gjoni* (Legal Education Specialist), *Mr. John Porter* (Bar Association Specialist), and *Mr. Levan Nanobashvili* (Local Expert). In addition, the ET will be assisted by *Ms. Lisa Basishvili* with logistics and interpretation. *Ms. Pepys* will assume overall responsibility for the management of the evaluation in collaboration with USAID/Caucasus. In short, this encompasses all activities specified in the Evaluation Schedule (Annex 2) related to the evaluation mission, including pre-mobilization, on-site implementation, and end-of-assignment deliverables.

*Mr. Fras, Mr. Gjoni, Mr. Porter, and Mr. Nanobashvili* will contribute to the evaluation mission by supporting *Ms. Pepys* in carrying out research and assisting in the scheduling of meetings, conducting KIIs, FGDs, mini-surveys, and program observations (POs). Further, they will contribute to the preparation of the draft and final evaluation reports by drafting responses to the EQs that align with their expertise, as identified by the Team Leader. Finally, oversight of the evaluation mission will fall under the remit of *Ms. Mirela McDonald*, Manager of the Evaluation Mechanism Indefinite Quantity Contract (IQC), and *Ms. Naseema Noor*, Project Manager with ME&A.

## **3. EVALUATION TASKS AND SUB-TASKS**

### **3.1 Pre-Mobilization Activities**

#### **Conference Calls**

The Evaluation IQC Manager and Project Manager of ME&A conducted an introductory conference call with the ET on March 5, 2018. During the call, a summary of the PROLoG Activity was presented, and the overall responsibilities of the ET members were discussed. A preliminary schedule for the fieldwork was also discussed and, as a result, it was determined that all members of the ET should attend the out-brief with USAID on May 15, 2018. Thus, while the Team Leader and the Civil Society Specialist (CSS) will arrive in Georgia on April 22, 2018 and April 24, 2018, respectively, in order to attend the in-brief with USAID on April 25, 2018, the Legal Education Specialist (LES) and Bar Association Specialist (BAS), who have less level of effort (LOE), will arrive in Georgia on May 2, 2018. A separate in-brief with USAID will be scheduled for the LES and BAS.

As the teleconference with USAID/Caucasus scheduled for April 2, 2018 was cancelled because of the difficulty of finding a time that worked for all team members (who reside in California; London; Dublin; Virginia; and Tbilisi, Georgia), the ET prepared a list of written questions that were provided to USAID on March 30, 2018 for the purpose of giving the ET a clear understanding of USAID/Caucasus's

expectations for the evaluation. Follow-up questions were emailed on April 4, 2018. USAID/Caucasus's responses were incorporated into this Work Plan.

Prior to arriving in Georgia, the Team Leader will conduct one or more conference calls with the EWMI's home office in Washington, D.C. to gain an overview of the PROLoG Activity. The first conference took place during the week of April 9, 2018.

### **Email Communications**

Numerous email communications have been and will continue to be transmitted in the weeks prior to mobilization among the ET members, ME&A staff, EWMI home office, and USAID/Caucasus staff to coordinate the mobilization activities, particularly to begin scheduling meetings with key United States Government (USG) and Government of Georgia (GOG) officials during the first week of fieldwork.

### **Desk Study**

Upon receipt of documents from USAID relating to the Independent and Professional Application of the Rule of Law Project and the PROLoG Activity, such as PROLoG's Quarterly Reports, Annual Work Plans, Monitoring & Evaluation (M&E) Plan, and numerous other documents prepared by PROLoG's partners and grantees, the ET began reviewing them in order to develop a deep understanding of PROLoG's activities, successes, obstacles, and challenges so that it could evaluate PROLoG's results to date.

### **Work Plan & Evaluation Research Design**

This Work Plan was prepared by the ET in collaboration with ME&A staff. Following the in-brief with USAID/Caucasus in Tbilisi, the Team Leader revised the Work Plan to accommodate corrections and adjustments requested during the in-brief and will submit the final Work Plan to USAID/Caucasus by close of business on April 30, 2018.

## **3.2 In-Country Activities**

### **Initial Meetings**

As the Team Leader will be arriving in Georgia on April 22, 2018, she will conduct the first in-person team meeting with the Local Expert and Logistics Specialist/Interpreter on April 23, 2018, during which the local team members' responsibilities will be discussed and additional meetings will be scheduled. The CSS will arrive on April 24, 2018 and a second team meeting is scheduled for the afternoon of April 24, 2018 to discuss the CSS's responsibilities, this Work Plan, additional meetings to be scheduled and to prepare for the in-brief.

Beginning on April 25, 2018, the Team Leader, the CSS, and the Local Expert will meet with the PROLoG staff and will conduct KIIs with key USG officials and GOG officials on April 26 and 27, 2018. The same team will endeavor to meet with additional key informants (KIs) on April 28, 2018, focusing on international donors. Given that the Team Leader and the CSS are primarily responsible for EQs 1 and 2, they will continue to meet through May 2, 2018 with PROLoG's partners, stakeholders, and beneficiaries, as well as with a cross-section of other relevant individuals and organizations with an interest in PROLoG's activities and outcomes that relate primarily to the judiciary and civil society, as well as international donors, the subject of EQ 5.

The Team Leader, CSS, Local Expert, and Logistics Specialist/Interpreter will attend the in-brief with USAID/Caucasus on April 25, 2018, at 10:30 am. Afterwards, if possible, the ET will conduct KIIs with key staff of USAID.

The LES and BAS will arrive in the morning of May 2, 2018, and the entire ET will conduct a team meeting in the afternoon of May 2, 2018. As the LES is primarily responsible for EQ 3 and the BAS is primarily responsible for EQ 4, all ET members' responsibilities will be discussed, particularly as they will, undoubtedly, overlap with regards to each team member providing information for all the EQs.

## **Data Gathering**

The ET will conduct KIIs, FGDs, mini-surveys, and POs that will allow for a mixed-methods approach to authenticate the qualitative and quantitative data obtained through May 11, 2018

The key primary U.S. and international institutions and donors the ET intends to meet as soon as feasible are: USAID, U.S. Department of State, relevant U.S. and international donors, such as the Council of Europe (COE), the German Society for International Cooperation (GIZ), the European Union (EU), and the United Nations Development Programme (UNDP).

The ET also intends to conduct KIIs with members of key Georgian institutions and CSOs, such as the Supreme Court of Georgia, the Ministry of Justice (MOJ), the HCOJ, the HSOJ, the Judges Association of Georgia (JAG), Transparency International Georgia (TIG), the Georgian Young Lawyers' Association (GYLA), the Coalition for an Independent and Transparent Judiciary (Coalition), the GBA, Tbilisi State University (TSU), and the Free University of Tbilisi (Free-Uni).

## **Data Analysis**

Throughout the in-country evaluation, the ET will meet periodically to discuss the outcome of the day's activities. As the full ET will rarely attend the same KII, the ET will meet regularly to discuss and analyze data and information gathered during all KIIs, FGDs, POs, and mini-surveys. Such meetings and communications will help the ET develop findings, conclusions, and recommendations.

The ET will work closely with the local data collection subcontractor, IRMS, which will conduct the FGDs and mini-surveys. These will target "users" of a particular service or "clients" of a specific institution.

The mini-surveys will take approximately 20 minutes to complete and will be administered through Google Docs or other online tools. The ET contemplates that IRMS will conduct mini-surveys of the 36 members of the NGO Coalition, many of the 388 CLE participants (353 lawyers, 17 judges, and 18 court clerks), law professors of the five beneficiary law schools, and law school students of the five beneficiary law schools, as well as alumni. For this data collection, IRMS will use a special program to enter data (paper-based questionnaires or computer-assisted telephone/self-interviews). The program will also incorporate all logical controls in order to exclude data-entry bias. After the data is entered into the database, data is then exported and analyzed. IRMS will produce graphs and cross-tabulation in line with key indicators, which will be submitted to ME&A in specialized and MS Excel formats.

The FGDs will take IRMS approximately 1-1½ hours to conduct and will include select key members of the Coalition, members of the GBA, key CLE participants, key Georgian law professors, and key Georgian law students. For conducting the FGDs, IRMS will develop guides and registration forms (all documents will be available in both Georgian and English languages). All manuals and questionnaires will be circulated for any feedback before the documents are finalized. A digital voice recorder will be used to record each session. Recorded sessions will be transcribed and imported into a special software program (NVivo) for further analysis. Separate and merged analysis reports will be produced.

The exact number of FGDs and mini-surveys to be conducted by IRMS will be finalized after discussion with USAID/Caucasus and PROLoG staff.

### **3.3 End-of-Mission Activities**

#### **Out-Brief with USAID/Caucasus**

During the May 15, 2018 out-brief with USAID/Caucasus, the ET will present its initial findings, conclusions, and recommendations in summary format, together with key issues arising from the evaluation. At this stage, comments and/or suggestions offered by USAID/Caucasus will be acknowledged and addressed in the Draft Evaluation Report.

## **Completion and Submission of Draft Evaluation Report to USAID**

Upon completion of the fieldwork and following the Team Leader's return to home base, a Draft Evaluation Report will be prepared and submitted to USAID/Caucasus on Friday, June 8, 2018.

## **Final Evaluation Report Submitted to USAID with Integrated Comments**

No later than Monday, June 25, 2018, the Team Leader will receive USAID/Caucasus's comments for integration into the Final Evaluation Report, which will subsequently be re-submitted to USAID/Caucasus on Friday, June 29, 2018.

## **4. EVALUATION DESIGN MATRIX**

An illustrative Evaluation Design Matrix (see Annex 4) highlights the approach and sequence of tasks the ET will undertake in implementing the evaluation. ME&A's approach is to apply specific data sources, methodology, and data analysis to each of the five EQs.

## **5. METHODOLOGY**

The methodology will use a mixed-methods approach, including KIs, FGDs, mini-surveys, site visits, and POs. To conduct the data analysis, the ET will use a mix of quantitative and qualitative methods. Although the evaluation will be mainly qualitative given the nature of PROLoG, quantitative data will also be collected from a number of mini-surveys and FGDs conducted by IRMS. When analyzing data, the ET will use triangulation methods in order to increase the reliability and validity of its findings, as well as ensure the rigor and quality of the evaluation.

### **5.1 Qualitative Research and Analysis**

The qualitative evaluation will be conducted primarily through:

- A rigorous desk review of the documents related to PROLoG provided by USAID/Caucasus and PROLoG, as well as other documents the ET gathers, which will not only relate to PROLoG, but also to its partners and beneficiaries;
- KIs with EWMI staff in Washington, DC;
- KIs with USAID/Caucasus and PROLoG's staff;
- KIs with USG and GOG leaders;
- KIs with PROLoG's partners and beneficiaries;
- FGDs with small groups of individuals who will engage in an open discussion structured around predetermined questions led by a moderator. The FGDs will allow the ET to obtain qualitative data to provide context and background on the data obtained through the KIs and mini-surveys. The ET is contemplating FGDs with active members of the Coalition and active members within the legal community, law professors, and/or attorneys;
- POs of PROLoG activities to cross-check information obtained through the other methodological tools; and
- Site visits to Kutaisi, Kakheti, and Batumi for the ET to conduct KIs and IRMS to conduct FGDs with CSOs, lawyers, judges, law professors, and law students who have been participants in PROLoG's activities. (Please refer to Section 6 for a justification of the site visits.)

### **5.2 Quantitative Research and Analysis**

The quantitative research and analysis will be conducted through the following methods:

- Conducting mini-surveys with participants of PROLoG's activities, which will allow for a broader section of individuals to be included in the evaluation process. The ET is contemplating a mini-survey with all members of the Coalition, with members of the GBA, and perhaps with law students;

- Review of PROLoG outputs against objectives and performance indicators provided in the M&E Plan;
- Analysis of data sourced from performance reports and/or evaluations of implementing partners and beneficiaries;
- Analysis of data from the comprehensive baseline assessment conducted by the Caucasus Research Resource Center (CRRC) with PROLoG's sponsorship;
- Analysis of data from the GOG documents provided; and
- Analysis of data collected from KIIs, FGDs, POs, and site visit(s).

To obtain worthwhile and credible information, the ET will ensure participants of the KIIs, FGDs, and mini-surveys, of which the latter two will be conducted by IRMS, and POs of their anonymity.

### 5.3 Limitations

There are several limitations inherent to the design of this evaluation, which include:

**Selection bias:** As some key informants may decline to be interviewed, there is a possibility of selection bias. Those respondents who choose to be interviewed might differ from those who do not in terms of their attitudes and perceptions, affiliation with government/non-government structures, socio-demographic characteristics, and experience. This may apply to in-person interviews and mini-surveys as well. The ET will mitigate the selection bias by randomly choosing from a list of names provided by PROLoG or other entities, such as the GBA.

**Recall bias:** Since a number of questions raised during the KIIs will deal with issues that took place in the past, recall bias cannot be excluded. This is further exacerbated by the fact that, except for direct beneficiaries and grantees, other stakeholders tend to attribute everything that is done in a certain area to USAID and are not interested or able to discern its various projects. As several PROLoG activities are like its predecessor project, Judicial Independence and Legal Empowerment Project (JILEP), some respondents may find it difficult to discern what was accomplished during PROLoG, and accurately compare situations before and after the project. The ET will mitigate the recall bias by clearly identifying the activities that relate to PROLoG and differentiating them from JILEP's activities and will continually remind the respondents that the only activities being evaluated are those related to PROLoG.

**Attribution difficulties:** Due to the presence of multiple technical assistance projects by the EU, UNDP, COE, and GIZ, it might be difficult for recipient institutions to clearly distinguish the contribution of each donor. The ET will provide the interviewees with advance notice and details to mitigate attribution difficulties within USAID and across donor projects.

**Halo bias:** There is a known tendency among respondents to underreport socially undesirable answers and alter their responses to what they perceive as the social norm. The extent to which respondents will be prepared to reveal their true opinions may also vary for some questions that call upon the respondents to assess the performance of their colleagues or people on whom they depend for the provision of services. The ET will mitigate the halo bias by suggesting those respondents who are hesitant to state their opinion in front of others provide their opinions in writing, which will be unattributed.

**Difficulty assessing sustainability:** The evaluation will be implemented while many examined interventions are ongoing, which will make it difficult for the ET to determine whether reported/observed outcomes are likely to continue once PROLoG's support ends. This is particularly the case with PROLoG's interventions, which were recently launched and have lagged time effects that affect any determination of their sustainability. The ET will be mindful throughout the evaluation of the timing of PROLoG's implemented activities and will take such timing into consideration when evaluating each activity's sustainability.

## **6. PROPOSED SITE VISITS AND MEETINGS**

The ET will conduct some meetings as a full team; however, given the short time frame in Georgia and the specific expertise of ET members, particularly the CSS, LES, and BAS, most KIIs, POs, and the site visits will be conducted by at least two members of the ET so that a larger number of participants can be reached for their input. The FGDs and mini-surveys, conducted by IRMS, will have two members of the ET in attendance. The ET has scheduled several team meetings, as well as the in-brief with USAID, and has proposed several meetings for the first two weeks in-country (see Annex 2), many of which it will endeavor to schedule prior to its arrival.

The ET proposes site visits to Kakheti, Kutaisi, and Batumi to conduct an evaluation of PROLoG's activities that affect CSOs, judges, attorneys, law professors, and law students outside of the capital and away from its influence. It is essential to collect information from beneficiaries of PROLoG's activities in the regions as the effectiveness of such activities as well as the extent to which their impact is sustainable can differ from one region to the other. Additionally, the opportunity for the ET to conduct KIIs and IRMS to conduct FGDs with those who may not have benefited from such interventions can demonstrate the need or lack thereof for PROLoG's activities or, perhaps, a necessity to redesign the activities in order to fully address the country's needs.

## **ANNEX 3: EVALUATION DESIGN MATRIX**

**PROLoG Evaluation Matrix**

No.	Evaluation Questions and Sub-Questions	Data Source	Methodology	Data Analysis
<b>EQ 1: How having multiple work streams of supply and demand under one mechanism enables (or poses an obstacle for) the partner to deliver? What are the advantages and disadvantages of combining work with government stakeholders and support to civil society advocacy under one umbrella? What are the abilities of local civil society partners/NGO Coalition for an Independent and Transparent Judiciary to continue engaging in advocacy for better reforms in justice system without PROLoG's (or similar instrument) close technical support and guidance?</b>				
1.1	How having multiple work streams of supply and demand under one mechanism enables (or poses an obstacle for) the partner to deliver?	<ul style="list-style-type: none"> <li>• Project Documentation (Annual Implementation Report, M&amp;E plan, results framework, lessons learned and challenges sections of project reports, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• Review of PROLoG theory of change, baseline indicators, and project design, project progress reports, thematic reports on judiciary, due process protections, and human rights</li> </ul>	<ul style="list-style-type: none"> <li>• Analysis of targeted results, outputs, and outcomes of PROLoG's project components through the document review will determine how appropriate the design of PROLoG combining Supply and Demand under one mechanism has been and how the design has positively or negatively affected the capacity of PROLoG to deliver anticipated results</li> </ul>
1.2	What are the advantages and disadvantages of combining work with government stakeholders and support to civil society advocacy under one umbrella?	<ul style="list-style-type: none"> <li>• PROLoG Project staff</li> <li>• USAID staff</li> <li>• Key State Partners</li> <li>• Key Non-State Partners (GBA, TIG, GYLA)</li> </ul>	<ul style="list-style-type: none"> <li>• Review of stakeholder documents pertinent to PROLoG's streams of works (e.g., Justice Sector Strategy and Action Plan, National Human Rights Strategy and Action Plan, NGO Coalition progress reports, Strategic Litigation Reports, Legal Aid Grant Calls, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• Analysis of relevant PROLoG progress reports, targeted results, and actual outcomes achieved to determine areas where NGO coalition has achieved progress and areas where progress is insufficient</li> </ul>
1.3	What are the abilities of local civil society partners/NGO Coalition for an Independent and Transparent Judiciary to continue engaging in advocacy for better reforms in justice system without PROLoG's (or similar instrument) close technical support and guidance?	<ul style="list-style-type: none"> <li>• NGO Coalition for and Independent and Transparent Judiciary</li> <li>• Law School management and professors</li> <li>• Other international projects working with PROLoG</li> <li>• NGO Coalition Members</li> <li>• Other NGOs not participating in the NGO Coalition, <i>names to be provided by PROLoG</i></li> <li>• Leadership of key justice institutions</li> <li>• Other international projects working with PROLoG</li> </ul>	<ul style="list-style-type: none"> <li>• KII's with USAID, the PROLoG team, and other rule of law donors and beneficiaries</li> </ul> <p>Complemented by data from:</p> <ul style="list-style-type: none"> <li>• FGDs</li> <li>• Site Visits</li> </ul>	<ul style="list-style-type: none"> <li>• Analysis of the NGO Coalition reports, campaigns, results, and other documents generated that reveal information on its capacity to maintain advocacy efforts in the justice system without</li> </ul>

**PROLoG Evaluation Matrix**

No.	Evaluation Questions and Sub-Questions	Data Source	Methodology	Data Analysis
				support and guidance from external donors <ul style="list-style-type: none"> <li>• Coding and qualitative analysis of KII</li> <li>• Triangulation of the information obtained through desk review, KIIs, FGDs, and on-site visits in order to determine areas where further work is needed to enhance the prospects of the sustainability of the NGO Coalition's work</li> </ul>
<p><b>EQ 2: Considering the major areas of engagement (judicial reform, civil society advocacy, implementation of human rights), are there areas where PROLoG has been more or less successful in meeting the project's anticipated results? Considering the political context, were there areas where the activity/partner should have focused more efforts or resources to achieve better results from the start of the project to date?</b></p>				
2.1	Considering the major areas of engagement (judicial reform, civil society advocacy, implementation of human rights), are there areas where PROLoG has been more or less successful in meeting the project's anticipated results?	<ul style="list-style-type: none"> <li>• Project Documentation (Annual Implementation Report, Quarterly Reports, M&amp;E plan, results framework, lessons learned and challenges sections of project reports, etc.)</li> <li>• PROLoG Project staff</li> <li>• USAID staff</li> <li>• Key State Partners</li> <li>• Key Non-State Partners (GBA, TIG, GYLA)</li> <li>• NGO Coalition for and Independent and Transparent Judiciary</li> <li>• Law School management and professors</li> <li>• Other international projects working with PROLoG</li> </ul>	<ul style="list-style-type: none"> <li>• Project Documentation (Project monitoring data, Annual Implementation Report, Quarterly Reports, M&amp;E plan, results framework, lessons learned and challenges sections of project reports, etc.)</li> <li>• Desk review of relevant literature (e.g., Justice Sector Strategy and Action Plan, National Human Rights Strategy and Action Plan, NGO Coalition progress reports, Strategic Litigation Reports, Legal Aid Grant Calls, EU Reports on Georgia, Freedom House Reports, Civil Society Sustainability Index Reports for Georgia)</li> <li>• Desk review of stakeholder documents pertinent to political developments affecting PROLoG's streams of work (election observation reports, media</li> </ul>	<ul style="list-style-type: none"> <li>• Analysis of targeted results, outputs, and outcomes of PROLoG through review of project documentation</li> <li>• Verification of PROLoG reporting and stated results versus the actual results in each project component</li> <li>• Coding and qualitative analysis of KII data</li> <li>• Triangulation of PROLoG reporting through KIIs with USAID, justice institutions, NGOs, law schools, and other stakeholders in order to verify the reported progress versus actual results</li> </ul>
2.2	Considering the political context, were there areas where the activity/partner should have focused more efforts or resources to achieve better results from the start of the project to date?			

**PROLoG Evaluation Matrix**

No.	Evaluation Questions and Sub-Questions	Data Source	Methodology	Data Analysis
			<p>reports on political developments, CSO and expert analysis of the political context; EU Reports on Georgia, Freedom House Reports, Civil Society Sustainability Index Reports for Georgia)</p> <ul style="list-style-type: none"> <li>• KIs with USAID staff, PROLoG team, and leaders of key institutions of the justice system that PROLoG is assisting</li> </ul> <p>Complemented by data from:</p> <ul style="list-style-type: none"> <li>• FGDs</li> <li>• Site Visits</li> </ul>	<ul style="list-style-type: none"> <li>• Analysis and synthesis of notes of impressions obtained through on-site visits/direct observation</li> </ul>
<p><b>EQ 3: How effective has the partner been in achieving anticipated results related to university-level legal education system development under PROLoG? What is the potential of university law schools to sustain results without donor support in the areas of clinical legal education, interactive teaching, teaching of lawyering skills through practical training and moot courts, sustain new courses in gender, human rights, etc. created with PROLoG's assistance, and continue developing on their own?</b></p>				
<p>3.1</p> <p>3.2</p>	<p>How effective has the partner been in achieving anticipated results related to university-level legal education system development under PROLoG?</p> <p>What is the potential of university law schools to sustain results without donor support in the areas of clinical legal education, interactive teaching, teaching of lawyering skills through practical training and moot courts, sustain new courses in gender, human rights, etc. created with PROLoG's assistance, and continue developing on their own?</p>	<ul style="list-style-type: none"> <li>• PROLoG's Team</li> <li>• Law School management and professors</li> <li>• Students and alumni</li> <li>• Other rule of law donors</li> <li>• Key State Partners</li> <li>• Key Non-State Partners (GBA, TIG, GYLA)</li> </ul>	<ul style="list-style-type: none"> <li>• KIs with law school deans, professors, and students</li> <li>• FGDs with students</li> <li>• Mini-survey/Questionnaires with Student and Alumni (if possible)</li> <li>• Site Visits/Direct Observation at the five beneficiary law schools</li> </ul>	<ul style="list-style-type: none"> <li>• Analysis of targeted results, outputs, and outcomes of PROLoG in introducing new clinical programs, interactive teaching methods, new substantive courses in human rights and gender, supporting moot court opportunities, and improving legal writing and reasoning skills</li> <li>• Analysis of progress made by PROLoG and beneficiary law schools in achieving sustainability of new clinical programs, interactive teaching methods, new substantive courses in human rights and gender, supporting moot court opportunities, and</li> </ul>

**PROLoG Evaluation Matrix**

No.	Evaluation Questions and Sub-Questions	Data Source	Methodology	Data Analysis
				improving legal writing and reasoning skills <ul style="list-style-type: none"> <li>• Verification of PROLoG’s reporting with the actual results achieved and law school plans to take over budgetary and staff implications of maintaining and developing the progress achieved</li> <li>• Verification of PROLoG’s reporting with the actual results achieved</li> <li>• Coding and qualitative analysis of KIIs</li> <li>• Descriptive analysis of the quantitative data obtained through mini-surveys and questionnaires with students</li> <li>• Analysis and synthesis of notes of impressions obtained through on-site visits/direct observation</li> </ul>
<p><b>EQ 4: How successful has PROLoG been in achieving anticipated results related to the Georgian Bar Association (GBA) development? What is the potential of the GBA to sustain results to date without donor support and continue developing on its own? How strong are the GBA’s internal structure and governing bodies? Is the GBA capable of maintaining progress to date in terms of bar examination, application of legal ethics, implementation of Continuing Legal Education (CLE), and implementation of the internship system?</b></p>				
4.1	How successful has PROLoG been in achieving anticipated results related to the Georgian Bar Association (GBA) development?	<ul style="list-style-type: none"> <li>• USAID Mission</li> <li>• PROLoG’s Team</li> <li>• GBA leadership and members</li> <li>• GBA regional branch leadership and members</li> </ul>	<ul style="list-style-type: none"> <li>• Desk review of PROLoG’s bar development component, GBA on CLE, legal ethics and members discipline, internship system</li> <li>• Desk review of PROLoG’s documents and annual reports bar development component, GBA documents and plans on implementing CLE, legal ethics and members discipline, and internship</li> </ul>	<ul style="list-style-type: none"> <li>• Analysis of targeted results, outputs, and outcomes of PROLoG</li> <li>• Verification of PROLoG’s reporting with the actual results achieved in the field and the steps taken by the GBA to self-sustain results</li> </ul>
4.2	What is the potential of the GBA to sustain results to date without	<ul style="list-style-type: none"> <li>• Other rule of law donors</li> <li>• Key State Partners</li> </ul>		

**PROLoG Evaluation Matrix**

No.	Evaluation Questions and Sub-Questions	Data Source	Methodology	Data Analysis
4.3  4.4	donor support and continue developing on its own?  How strong are the GBA's internal structure and governing bodies?  Is the GBA capable of maintaining progress to date in terms of the bar examination, application of legal ethics, implementation of CLE, and implementation of the internship system?	<ul style="list-style-type: none"> <li>• Key Non-State Partners (GBA, TIG, GYLA)</li> <li>• Other rule of law donors</li> </ul>	system beyond PROLoG's support and guidance <ul style="list-style-type: none"> <li>• KIIs with GBA leaders, members, and staff, judges, court clerks, and NGO Coalition members</li> <li>• FGDs with CLE participants</li> <li>• Site Visits/Direct Observation in the GBA head office and regional branches</li> </ul>	and develop the programs further <ul style="list-style-type: none"> <li>• Analysis of online and offline GBA documents providing information on the sustainability prospects of the progress achieved</li> <li>• Coding and qualitative analysis of KII</li> <li>• Analysis and synthesis of notes of impressions obtained through on-site visits/direct observation in head office of the GBA and its regional branches</li> </ul>
<p><b>EQ 5: How effective has PROLoG been in coordinating efforts with other donors active in the rule of law sector of Georgia? What are the best methods for coordination that were successfully applied during PROLoG implementation?</b></p>				
5.1  5.2	How effective has PROLoG been in coordinating efforts with other donors active in the rule of law sector of Georgia?  What are the best methods for coordination that were successfully applied during PROLoG implementation?	<ul style="list-style-type: none"> <li>• USAID Mission</li> <li>• PROLoG's Team</li> <li>• Other rule of law donors, EU, EU-funded Rule of Law Project, GIZ, UNDP, and COE</li> <li>• Key State Partners</li> <li>• Key Non-State Partners (GBA, TIG, GYLA)</li> </ul>	<ul style="list-style-type: none"> <li>• Desk review of PROLoG's documents for a coordination strategy or plan and minutes of regular coordination meetings</li> <li>• Document review and interviews with PROLoG on joint implementation of project activities</li> <li>• Document review and interviews with PROLoG on leveraging funding of project activities or matching funds with other rule of law donors</li> <li>• KIIs with PROLoG's partners on perception of coordination with other stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>• Analysis of the effectiveness PROLoG's approach in coordinating with other donors in the rule of law sector in the Annual Reports and Quarterly Reports</li> <li>• Analysis of documents on joint initiatives or fund pooling with other donors in furthering project objectives</li> <li>• Verification of PROLoG's reporting with the actual results achieved through triangulation and cross-checking of data obtained from other partners</li> <li>• Coding and qualitative analysis of KIIs for evidence</li> </ul>

**PROLoG Evaluation Matrix**

<b>No.</b>	<b>Evaluation Questions and Sub-Questions</b>	<b>Data Source</b>	<b>Methodology</b>	<b>Data Analysis</b>
				of successful donor coordination efforts

**ANNEX 4: LIST OF INTERVIEWEES**

## Interviews Conducted by the PROLoG Evaluation Team

Agency	Name	EQs
USAID/Caucasus	Laura Berger, Democracy Governance and Social Development Office Director <i>While Laura attended the In-Brief, the ET did not conduct a separate KII with her.</i>	All EQs
	Rusudan Tabatadze, Rule of Law Program Management Specialist	All EQs
U.S. Embassy & Department of Justice	Dwight Nystrom, Political Section Chief <i>contacted but did not respond</i>	EQs 1, 2, 5
	Michael Grant, U.S. Department of Justice, Resident Legal Advisor	
	Nata Tsnoriashvili, Senior Staff Attorney, U.S. Department of Justice	
	Tata Patarai, Staff Attorney, U.S. Department of Justice <i>contacted but not available</i>	
PROLoG staff	Giorgi Chkheidze, PROLoG COP	All EQs
	Neil Weinstein, PROLoG DCOP	All EQs
	Inga Todria, Director, Judicial Legislative and Policy Reform	EQs 1, 2, 5
	Anna Jobava, Civil Society and Grants Advisor	EQs 1, 2
	Irina Lortkipanidze, Director for Institutional Development (GBA for the evaluation purposes)	EQs 4, 5, partially EQ 2
	Giorgi Vashakidze, Legal Education Component Leader	EQs 3, 5
	Mariam Vardosanidze, Legal Education Specialist	EQs 3, 5
	Nino Balanchivadze, Legal Education Coordinator	EQs 3, 5
	Mariam Gbedava, Research and Grants Management Specialist	EQs 1, 2
	Mark Deitrich, EWMI	All EQs
Supreme Court of Georgia	Nino Gvenetadze, Chief Justice, Ex Officio Chair of the HCOJ	EQs 1, 2, 5
	Nino Bakakuri, Justice	EQs 1, 2, 5
	Eka Gasitashvili, Justice	EQs 1, 2, 4, 5
	Mzia Todua, Justice, Deputy Chair	EQs 1, 2, 5
	Maia Vachadze, Justice, Head of the Disciplinary Chamber	EQs 1, 2, 5
HCOJ	Giorgi Mikautadze, HCOJ Secretary, Judge, Tbilisi City Court	EQs 1, 2, 5
	Dimitri Gvritishvili, Judge, Chair of Kutaisi Court of Appeals	EQs 1, 2, 5
	Anna Dolidze	EQs 1, 2, 5
	Nazi Janezashvili	EQs 1, 2, 5
	Tamar Sulakvelidze, Head of HR Department	EQs 2, 5

Agency	Name	EQs
High School of Justice	Lasha Magradze, Director <i>contacted but unavailable</i>	EQs 2, 5
	Ketevan Kvinikadze, Deputy Director	EQs 2, 5
	Aniko Parjiani Head of Analytical and International Relations Unit	EQs 2, 5
Ombudsman of Georgia Office	Giorgi Burjanadze, Deputy Public Defender	EQs 1, 2
	Keti Shubashvili, Head of Human Rights Department	EQs 2, 5
	Eka Popkhadze, Parliamentary Secretary (PROLoG expert in judicial reform issues)	EQs 1, 2
Judges (participants of PROLoG-funded training or other exchange activities)	Micheil Chinchaladze Chairman of Tbilisi Court of Appeals	EQs 1, 2, 4, 5
	Tamar Alania, Tbilisi Court of Appeals, Trainer at the High School of Justice	EQs 1, 2, 4, 5
	Levan Mikaberidze, Tbilisi City Court	EQs 1, 2, 4, 5
	Madi Chantladze, Tbilisi City Court	EQs 1, 2, 4, 5
	Khatuna Jinoria, Tbilisi City Court	EQs 1, 2, 4, 5
	Levan Murusidze, Tbilisi Court of Appeals	EQs 1, 2, 4, 5
	Mamuka Akhvlediani (Former Judge, Tbilisi City Court)	EQs 1, 2, 4, 5
Ministry of Justice of Georgia	Aleksandre Baramidze, Deputy Minister <i>Contacted but was unavailable</i>	EQs 1, 2, 5
Members of the Parliament	Eka Beselia, Chair of the Legal Issues Committee	EQs 1, 2, 5
	Tamar Chugoshvili, Vice-Speaker	EQs 1, 2, 5
GBA	Davit Asatiani, Chairman	EQs 1, 2, 4, 5
	Irakli Kandashvili, Member of the Executive Board	EQs 4, 5
	Giorgi Tchekhani, Executive Director	EQs 4, 5
	Zviad Kordzadze, Member of the Executive Board	EQs 1, 2, 4, 5
	Irakli Kordzakhia, Lawyer, Member of the Ethics Commission	EQs 1, 2, 4, 5
	Gia Tabliashvili, Chairman, Ethics Committee	EQ 4
	Ketevan Turazashvili, Director, Training Center	EQ 4
	Ekaterine Sisvadze, Coordinator, Training Center	EQ 4
Lawyers	Keti Kvartskhava, Lawyer	EQs 1, 2, 4, 5
	David Lanchava, Lawyer	EQs 3, 4
	Nino Lipartia, Lawyer	EQs 3, 4
	Tamara Khubuluri, Ethics Commission Lawyer	EQs 3, 4
	Anna Loria, Lawyer, Member of the Ethics Commission,	EQs 3, 4

Agency	Name	EQs
	James Moliterno, Expert Consultant	EQ 4
Law Schools	Natia Khantadze, Dean of Free University of Tbilisi Law School	EQs 3, 5
	Tamar Zarandia, Dean of Tbilisi State University Law School	EQs 3, 5
	Sopio Chachava, Ethics Chair, Law Professor, New Vision University	EQs 3, 5
	Tamar Gurchiani, Human Rights Chair, Law Professor, Ilia University	EQs 3, 5
	Eka Lomtadze, Law Professor, Free University	EQs 3, 5
<b>NGOs – Coalition for an Independent and Transparent Judiciary</b>		
Georgian Young Lawyers' Association (GYLA)	Sulkhan Saladze, Chairman	EQs 1, 2, 4, 5
	Eka Tsimakuridze, PROLoG Project Coordinator	EQs 1, 2
Transparency International Georgia (TI)	Eka Gigauri, Executive Director	EQs 1, 2, 4, 5
	Gia Gvilava, PROLoG Project Manager	EQs 1, 2
Human Rights Education and Monitoring Centre (EMC)	Sophio Verdzeuli, Rule of Law Direction Lead	EQs 1, 2, 4, 5
International Society for Fair Elections and Democracy – ISFED	Mikheil Benidze, Chair	EQs 1, 2, 4, 5
Institute for the Development of Freedom of Information – IDFI	Giorgi Beraia, Head of Rule of Law Program	EQs 1, 2
Georgian Democracy Initiative – GDI	Giorgi Mshvenieradze, Chair	EQs 1, 2, 4, 5
	Gvantsa Tsulukidze, Rule of Law Program Director	EQs 1, 2
Partnership for Human Rights – PHR	Anna Arganashvili, Chair	EQs 1, 2
Open Society Georgia Foundation – OSGF	Sopho Asatiani, Human Rights Program Coordinator	EQs 1, 2, 4, 5
Unity of Judges of Georgia (UOJ)	Maia Bakradze, Chair	EQs 1, 2, 4
American Chamber of Commerce	George Welton, Executive Director	EQs 1, 2
<b>NGOs – Others</b>		
EU Eastern Partnership Civil Society Forum	Lasha Tugushi, Deputy Chair	EQs 1, 2
National Democratic Institute (NDI)	David Magradze	

Agency	Name	EQs
<b>DONORS</b>		
EU-Funded Rule of Law Project	Maia Chochua, Deputy Head	EQs 1, 2, 5
	Nino Gogiberidze, Judicial Reform Adviser	EQs 1, 2, 5
GIZ	Shalva Papuashvili, Team Leader, GIZ Programme, Advice on Legal and Judicial Reform in the South Caucasus	EQs 1, 2, 4, 5
	Etuna Chachanidze, Senior Professional (legal education)	EQs 1, 2, 4, 5
	Tamar Zodelava, Senior Legal Adviser	EQs 1, 2, 4, 5
UNDP (on the support to GBA and work with Human Rights Secretariat)	Rusudan Tushuri, Program Coordinator, Human Rights and Access to Justice	EQs 2, 4, 5
	Kakha Tsikarishvili, Free Legal Aid/GBA expert	EQs 2, 4, 5
Council of Europe (COE)	Sophio Tsakadze, Senior Project Officer, “Support to the Judicial Reform in Georgia”	EQs 1, 2, 4, 5
EU Twinning Program with the High School of Justice	Solvita Kalina – Caune	EQs 2, 5

**ANNEX 5: LIST OF DOCUMENTS REVIEWED**

No.	Title of the Document	Date	Author
1	Project Appraisal Document for Intermediate Result 1.3: Independent and Professional Application of the Rule of Law Annex 2 of PAD Annex 3 of PAD Annex 4 of PAD	2014	USAID/Caucasus
2	Cooperative Agreement AID-114-A-15-00004	20-Apr-15	USAID
3	Implementation Plan: May 4, 2015 – Sept. 30, 2015	28-Apr-15	EWMI
4	Implementation Plan: Oct. 01, 2015 – Sept. 30, 2016	28-Sep-15	EWMI
5	Implementation Plan: Oct. 01, 2016 – Sept. 30, 2017	26-Sep-16	EWMI
6	Implementation Plan: Oct. 01, 2017 – Sept. 30, 2018	29-Sep-17	EWMI
7	Quarterly Report: Year One. Apr. 02, 2015 – June 30, 2015	30-Jun-15	EWMI
8	Quarterly Report: Year One. July 01, 2015 – Sept. 30, 2015	30-Oct-15	EWMI
9	Quarterly Report: Year Two. Jan. 01, 2016 – Mar. 31, 2016	28-Apr-16	EWMI
10	Quarterly Report: Year Two. Apr. 01, 2016 - June 30, 2016	26-Jul-16	EWMI
11	Quarterly Report: Year Two. Oct. 01, 2015 – Dec. 31, 2015	30-Jan-16	EWMI
12	Annual Report: Year Two. Oct. 01, 2015 – Sept. 30, 2016	31-Oct-16	EWMI
13	Quarterly Report: Year Three. Jan. 01, 2017 – Mar. 31, 2017	28-Apr-17	EWMI
14	Quarterly Report: Year Three. Apr. 01, 2017 - June 30, 2017	28-Jul-17	EWMI
15	Quarterly Report: Year Three. Oct. 01, 2016 – Dec. 31, 2016	30-Jan-17	EWMI
16	Annual Report: Year Three. Oct. 01, 2016 – Sept. 30, 2017	20-Oct-17	EWMI
17	Quarterly Report: Year Four. Oct. 01, 2017 – Dec. 31, 2017	24-Jan-18	EWMI
18	Quarterly Report: Year Four. Jan. 01, 2018 – Mar. 31, 2018	24-Apr-18	EWMI
19	PROLoG Performance Monitoring Plan	(Oct) 2017	EWMI
20	Legal Market Study	2016	Analysis and Consulting Team (ACT)
21	Teacher's Manual	2017	V. Menabde and K. Shubashvili
22	The Judicial System: Past Reforms and Future Perspectives	2017	Various authors (Ana Abashidze et al)
23	Academic Writing in Georgia	2017	Ana Dolidze
24	The Judicial System: Past Reforms and Future Perspectives	2017	Coalition for an Independent and Transparent Judiciary

No.	Title of the Document	Date	Author
25	Cases of Domestic Violence, Domestic Crimes, and Violence Against Women (Monitoring Report)	2017	GYLA
26	Human Rights Protection, Constitutional Reform, and Rule of Law in Georgia	2017	K. Korkelia (ed.)
27	Report: Women's Rights in Samtskhe-Javakheti and Kvemo Kartli	2017	Irakli Gvaramadze
28	The Evaluation and Lifetime Appointment of Judges on Probation	2017	GYLA (Ekaterine Tsimakuridze et al)
29	Monitoring Report of the High Council of Justice, No. 5	2017	TI
30	Review of Amendments to the Constitution of Georgia in Respect of Human Rights and Judiciary Matters	Mar-17	Sir Jeffrey Jowell
31	Working Report on Reasonable Accommodation under the GRPD: the Georgian context	May-17	Dr. Andrea Broderick
32	Strengthening the Principles of Equality of Arms and Adversarial Proceedings in the Process of Evidence Collection Instruction and Examination	2018	Association of Law Firms of Georgia
33	Analysis of Investigative System	2018	EMC
34	Gender Equality in Georgia: Barriers and Recommendations, Volume I	Jan-18	Lori Mann et al

**ANNEX 6: SCHEDULE OF EVALUATION TEAM**

**April 23, 2018 – May 16, 2018**

<b>Time</b>	<b>Organization</b>	<b>Title/Person</b>	<b>Evaluator(s)</b>
<b>Monday 04/23/2018</b>			
5:00 pm – 8:30 pm	Evaluation Team Meeting (Tbilisi)		Mary Noel Pepys George Giorgadze Levan Nanobashvili Lisa Basishvili
<b>Tuesday 04/24/2018</b>			
3:00 pm – 4:00 pm	Evaluation Team Meeting (Tbilisi)		Mary Noel Pepys Max Fras
4:00 pm – 5:00 pm	Evaluation Team Meeting (Tbilisi)		Mary Noel Pepys Max Fras Levan Nanobashvili
5:00 pm – 8:00 pm	Evaluation Team Meeting (Tbilisi)		Mary Noel Pepys Max Fras Levan Nanobashvili Lisa Basishvili George Giorgadze
<b>Wednesday 04/25/2018</b>			
10:30 am – 12:30 am	USAID In Brief (Tbilisi)	<b>USAID:</b> Tom Morris, Acting Mission Director Mark Mitchell, Program Office Director Lela Kerashvili, Program Office Irina Bakradze, Contracting Office Chuck Jesdits, Program Office Jim Keileher, Resident Legal Office Sarah Richardson, Program Office <b>DGSD Office:</b> Laura Berger, Activity Director Rusudan Tabatadze, Project Management Specialist	Mary Noel Pepys Max Fras Levan Nanobashvili George Giorgadze Lisa Basishvili
2:00 pm – 5:00 pm	PROLoG (Tbilisi)	George Chkheidze, COP	Mary Noel Pepys Max Fras Levan Nanobashvili George Giorgadze Lisa Basishvili
5:00 pm – 8:00 pm	Evaluation Team Meeting (Tbilisi)		Mary Noel Pepys Max Fras Levan Nanobashvili
<b>Thursday 04/26/2018</b>			
11:00 am – 12:10 pm	UNDP (Tbilisi)	Rusudan Tushuri, Project Coordinator Kakha Tsikarishvili, GBA Expert	Mary Noel Pepys Max Fras Levan Nanobashvili Lisa Basishvili
12:30 pm – 15:20 pm	Georgian Democratic Initiative (Tbilisi)	Giorgi Mshvenieradze, Chairman Gvantsa Tsulukidze, Rule of Law Program Coordinator	Mary Noel Pepys Max Fras Levan Nanobashvili Lisa Basishvili
3:00 pm – 4:00 pm	UOJ (Tbilisi)	Maia Bakradze	Mary Noel Pepys Max Fras

Time	Organization	Title/Person	Evaluator(s)
			Levan Nanobashvili Lisa Basishvili
4:30 pm – 6:00 pm	EMC (Tbilisi)	Sophio Verdzeuli, Rule of Law Direction Lead	Mary Noel Pepys Max Fras Levan Nanobashvili Lisa Basishvili
<b>Friday 04/27/2018</b>			
10:00 am – 11:30 am	COE (Tbilisi)	Sophie Tsakadze, Senior Project Officer	Mary Noel Pepys Max Fras Levan Nanobashvili Lisa Basishvili
2:00 pm – 4:15 pm	TI – Georgia (Tbilisi)	Eka Gigauri, Executive Director Gia Gvilava, PROLoG Project Manager	Mary Noel Pepys Max Fras Levan Nanobashvili Lisa Basishvili
4:30 pm – 6:30 pm	GYLA (Tbilisi)	Eka Tsimakuridze, PROLoG Project Coordinator	Mary Noel Pepys Max Fras Levan Nanobashvili
<b>Saturday 04/28/2018</b>			
11:30 am – 12:30 am	Evaluation Team Meeting (Tbilisi)		Mary Noel Pepys Max Fras Giorgi Giorgadze Levan Nanobashvili
12:30 am – 13:30 pm	EU Twinning Project (Tbilisi)	Solvita Kalnina, Director of the Latvian Judicial Training Centre	Mary Noel Pepys Max Fras Levan Nanobashvili
2:30 pm – 6:00 pm	PROLoG (Tbilisi)	George Chkhedize, COP Neil Weinstein, DCOP	Mary Noel Pepys Max Fras Levan Nanobashvili
<b>Monday 04/30/2018</b>			
10:00 am – 11:15 am	GIZ (Tbilisi)	Shalva Papuashvili, Team Leader	Mary Noel Pepys Max Fras Levan Nanobashvili Lisa Basishvili
11:30 am – 12:45 pm	IDFI (Tbilisi)	Giorgi Beraia, Head of Rule of Law Program	Mary Noel Pepys Max Fras Levan Nanobashvili Lisa Basishvili
1:00 pm – 2:30 pm	GYLA (Tbilisi)	Sulkhan Saladz, Executive Director	Mary Noel Pepys Max Fras Levan Nanobashvili Lisa Basishvili
3:00 pm – 6:00 pm	Evaluation Team Meeting (Data analysis) (Tbilisi)		Mary Noel Pepys Max Fras Levan Nanobashvili Lisa Basishvili
<b>Tuesday 05/01/2018</b>			
9:30 am – 11:00 am	HCOJ	Anna Dolidze, Non-Judge Member of HCOJ	Mary Noel Pepys Max Fras Levan Nanobashvili Lisa Basishvili
11:30 am – 2:30 pm	Evaluation Team Meeting (Tbilisi)		Mary Noel Pepys Max Fras

Time	Organization	Title/Person	Evaluator(s)
			Levan Nanobashvili
4:00 pm – 6:00 pm	Supreme Court of Georgia (Tbilisi)	Nino Gvenetadze, Chief Justice Maia Vachadze, Justice, Head of Disciplinary Chamber Eka Gasitashvili, Justice Mzia Todua, Justice, Deputy Chair Khatuna Charkviani, PR	Mary Noel Pepys Max Fras Levan Nanobashvili Lisa Basishvili
<b>Wednesday 05/02/2018</b>			
10:00 am – 11:30 am	HSOJ (Tbilisi)	Ketevan Kvinikadze, Deputy Director Aniko Pharjiani, Head of Analytical and International Relations Team	Mary Noel Pepys Max Fras Levan Nanobashvili Roland Gjoni
12:00 am – 1:45 pm	HCOJ (Tbilisi)	Giorgi Mikautadze, Secretary, Judge, Tbilisi City Court	Mary Noel Pepys Max Fras Levan Nanobashvili Roland Gjoni Lisa Basishvili
1:45 pm – 3:00 pm	HCOJ (Tbilisi)	Tamar Sulakvelidze, Head of HR Department	Mary Noel Pepys Max Fras Levan Nanobashvili Roland Gjoni Lisa Basishvili
3:30 pm – 5:30 pm	Tbilisi Appellate Court (Digomi)	Tamar Alania, Judge Trainer at the High School of Justice	Mary Noel Pepys Roland Gjoni Levan Nanobashvili Roland Gjoni Lisa Basishvili
<b>Thursday 05/03/2018</b>			
11:00 am – 5:00 pm	PROLoG (Tbilisi)	Giorgi Chkeidze, PROLoG COP Neil Weinstein, PROLoG DCOP Giorgi Vashakidze, PROLoG, Legal Education Inga Tordia, PROLoG, Judiciary Irina Lortkipanidze, PROLoG, GBA Ana Jobava, PROLoG, NGO	Mary Noel Pepys Max Fras Levan Nanobashvili Roland Gjoni John Porter
<b>Friday 05/04/2018</b>			
10:00 am – 11:00 pm	USAID – Georgia (Tbilisi)	Rusudan Tabatadze and Lela Kerashvili	Max Fras John Porter Roland Gjoni Max Fras Levan Nanobashvili
11:10 am – 12:10 pm	Department of Justice (Tbilisi)	Nata Tsnoriashvili, Senior Staff Attorney, U.S. Department of Justice	Max Fras John Porter Max Fras Roland Gjoni Levan Nanobashvili
12:30 am – 2:45 pm	Evaluation Team Meeting (Tbilisi)		Max Fras John Porter Max Fras Roland Gjoni Levan Nanobashvili

Time	Organization	Title/Person	Evaluator(s)
			Lisa Basishvili
12:30 am – 2:45 pm	Evaluation Team Meeting (Tbilisi)		Mary Noel Pepys Max Fras John Porter Roland Gjoni Levan Nanobashvili
3:00 pm – 4:00 pm	EU-Funded Rule of Law Project (Tbilisi)	Maia Chochua, Deputy Head Nini Gogiberidze, Judicial Reform Adviser	Mary Noel Pepys Levan Nanobashvili Roland Gjoni
4:10 pm – 5:30 pm	AmCham (Tbilisi)	George Welton, Executive Director	Max Fras John Porter
<b>Saturday 05/05/2018</b>			
10:30 am – 11:30 am	HCOJ (Tbilisi)	Nazi Janezashvili, Non-Judge Member of HCOJ	Mary Noel Pepys Max Fras Levan Nanobashvili
4:00 pm – 5:00 pm	Evaluation Team Meeting (Tbilisi)	Giorgi Giorgadze, IRMS	Mary Noel Pepys Max Fras Levan Nanobashvili Roland Gjoni John Porter Lisa Basishvili
5:00 pm – 7:00 pm	Evaluation Team Meeting (Tbilisi)		Mary Noel Pepys Max Fras Levan Nanobashvili Roland Gjoni John Porter Lisa Basisvhili
8:00 am – 10:00 pm	Dinner (Tbilisi)	James Moliterno, International Expert Irakli Kordzakhia, Member of Ethics Commission, GBA	John Porter
<b>Monday, 05/07/2018</b>			
09:30 am – 10:30 am	HCOJ (Tbilisi)	Dimitri Gvritishvili, Judge, Chair of Kutaisi Court of Appeals	Mary Noel Pepys Levan Nanobashvili Max Fras Levan Nonobashvili Lisa Basishvili
10:00 am – 12:00 pm	GBA (Tbilisi)	Irakli Kordzakhia, Lawyer, Member of Ethics Commission	John Porter Roland Gjoni
11:00 am - 1:00 pm	HCOJ (Tbilisi)	Public Hearing	Mary Noel Pepys Levan Nanobashvili Lisa Basishvili
11:00 am – 12:00 am	GIZ (Tbilisi)	Etuna Chachanidze, Senior Professional (legal education)	Max Fras Roland Gjoni
12:30 pm – 1:30 pm	ISFED (Tbilisi)	Mikheil Benidze, Chair	Max Fras
1:30 pm – 2:30 pm	GBA (Tbilisi)	Tamar Khubuluri, Lawyer, Ethics Committee Anna Loria, Member of Ethics Committee	John Porter Roland Gjoni

Time	Organization	Title/Person	Evaluator(s)
3:00 pm – 4:00 pm	GIPA (Tbilisi)	Vakhusti Menabde, GIPA, Legal Education	Roland Gjoni John Porter Lisa Basishvili
3:00 pm – 4:30 pm	Supreme Court of Georgia (Tbilisi)	Nino Bakakuri, Justice	Mary Noel Pepys Max Fras Levan Nanobashvili Roland Gjoni
5:00 pm – 6:00 pm	Tbilisi Appellate Court (Tbilisi)	Levan Murusidze, Head of Association of Judges	Mary Noel Pepys Max Fras Levan Nanobashvili Lisa Basishvili
<b>Tuesday, 05/08/2018</b>			
10:00 am – 11:00 am	PHR (Tbilisi)	Anna Arganashvili, Project Manager, PHR	Max Fras
12:30 am – 1:30 pm	Tbilisi	Keti Kvartskhava, Lawyer	John Porter Roland Gjoni Lisa Basishvili
2:00 pm – 3:00 pm	Tbilisi Appellate Court (Tbilisi)	Mikheil Chinchaladze	Mary Noel Pepys Max Fras
4:00 pm – 5:00 pm	Public Defenders of Georgia (Tbilisi)	Giorgi Burjanadze, Deputy Ombudsman	Mary Noel Pepys Levan Nanobashvili Max Fras
5:00 pm – 6:00 pm	Public Defenders of Georgia (Tbilisi)	Eka Popkhadze, Ombudsman Parliamentary Secretary Shorena Assistant	Mary Noel Pepys Max Fras Levan Nanobashvili
5:30 pm - 6:30 pm	Ilia Uni (Tbilisi)	Tamar Gurchiani, Professor	Roland Gjoni John Porter
<b>Wednesday, 05/09/2018</b>			
9:30 am– 10:30 am	PROLoG (Tbilisi)	Mark Dietrich Giorgi Chkheidze, COP PROLoG Neil Weinstein, DCOP PROLoG	Mary Noel Pepys Max Fras
11:00 am – 12:00 pm	NDI (Tbilisi)	David Magradze, Country Director, Sri Lanka, NDI	Mary Noel Pepys Max Fras Levan Nanobashvili
12:00 am - 1:00 pm	Civil Society Forum (CSF) (Tbilisi)	Lasha Tugushi, NGO Platform Deputy Chair	Max Fras Lisa Basishvili
1:00 pm – 2:00 pm	GIPA (Tbilisi)	Keti Shubashvili, Lecturer of Human Rights	Roland Gjoni John Porter
2:30 pm – 3:30 pm	Parliament of Georgia (Tbilisi)	Eka Beselia, Chair of the Legal Issues Committee	Mary Noel Pepys Max Fras Levan Nanobashvili Roland Gjoni Lisa Basishvili

Time	Organization	Title/Person	Evaluator(s)
<b>Thursday, 05/10/2018</b>			
9:30 am - 10:30 am	TSU (Tbilisi)	Levan Aleksidze, Professor	Roland Gjoni John Porter
10:00 am – 11:00 am	Supreme Court of Georgia (Tbilisi)	Nino Gvenetadze, Chief Justice	Mary Noel Pepys
11:00 am – 12:00 pm	NVU (Tbilisi)	Sopo Chachava, Chair of Legal Ethics	Roland Gjoni John Porter
12:30 pm – 1:30 pm	TSU (Tbilisi)	Tamar Zarandia, Dean Demetre Egnatashvili, Faculty Member and Head of Dean's Bureau	Roland Gjoni John Porter
2:00 pm – 4:00 pm	GBA (Tbilisi)	David Asatiani, Chairman Giorgi Tchekhani, Executive Director Gia Tabliashvili, Chairman, Ethics Committee	Mary Noel Pepys Levan Nanobashvili Roland Gjoni John Porter Lisa Basishvili
4:00 pm – 5:00 pm	Parliament Building (Tbilisi)	Tamar Chugoshvili, Vice-Speaker Legal Issues Committee Lana Chkhartishvili (assistant)	Mary Noel Pepys Levan Nanobashvili Max Fras
4:30 pm - 5:30 pm	Territory of the Agrarian University (Tbilisi)	Eka Lomtadze, Director of National Center of Human Rights	Roland Gjoni John Porter
5:30 pm – 6:30 pm	Free Uni (Tbilisi)	Natia Khuntadze, Dean	Roland Gjoni John Porter
5:45 pm – 6:45 pm	OSGF (Tbilisi)	Sophie Asatiani, Human Rights Coordinator	Max Fras
<b>Meeting on Friday 05/11/2018</b>			
10:00 am - 11:00 am	TSU (Tbilisi)	Natia Chitashvili, Legal Education	Roland Gjoni John Porter
10:30 am - 11:30 am	Evaluation Team Meeting (Tbilisi)		Mary Noel Pepys Max Fras
2:00 pm – 3:00 pm	International Black Sea University (Tbilisi)	Ekaterine Bakaradze, Associate Professor, Dean, Law Faculty Coordinator of MA Program “Comparative Commercial Law” Black Sea University Vakhusti Zurashvili, Law Professor	Roland Gjoni John Porter
3:30 pm – 4:30 pm	Lawyers for Independent Profession (Tbilisi)	David Lanchava, Chairman	Levan Nanobashvili Roland Gjoni John Porter
5:00 pm – 6:00 pm	Kordzadze Law Office (Tbilisi)	Zviad Kordzadze, Head of Law Firms Association, Lawyer	Roland Gjoni John Porter Lisa Basishvili
6:00 pm – 7:00 pm	Tbilisi	1 session of FGD with CSOs	Max Fras Roland Gjoni

Time	Organization	Title/Person	Evaluator(s)
7:00 pm – 8:00 pm	Judges on U.S. Trip (Tbilisi)	Levan Mikaberidze (Tbilisi) Maia Gigauri (Tbilisi) Nino Kanchaveli (Tbilisi) Dali Abzhandadze (Tbilisi)	Mary Noel Pepys Levan Nanobashvili John Porter
<b>Saturday 05/12/2018</b>			
11:00 am – 6:00 pm	Tbilisi	2 sessions of FGDs (Judges & CSO)	Mary Noel Pepys, Levan Nanobashvili
5:00 pm – 7:00 pm	Evaluation Team Meeting (Tbilisi)		Mary Noel Pepys Levan Nanobashvili Max Fras Roland Gjoni John Porter
<b>Sunday 05/13/2018</b>			
5:00 pm – 7:00 pm	Evaluation Team Meeting (Tbilisi)		Mary Noel Pepys Levan Nanobashvili Max Fras Roland Gjoni John Porter
<b>Monday 05/14/2018</b>			
10:00 am – 11:00 am	Discussion of Preliminary Findings (Tbilisi)		Rusudan Tabatadze Lela Kerashvili Mary Noel Pepys Max Fras Roland Gjoni John Porter Levan Nanobashvili
11:00 am – 12:00 am	Ilia Uni (Tbilisi)	Konstantine Vardzelashvili, Professor of Law	Roland Gjoni John Porter
12:30 pm – 1:30 pm	GBA (Tbilisi)	Ketevan Turazashvili, Head/Coordinator, Internship Program	Roland Gjoni John Porter Lisa Basishvili
1:00 pm – 2:00 pm	GBA (Tbilisi)	David Asatiani, Chairman of BAR	Mary Noel Pepys
1:35 pm – 2:10 pm	GBA (Tbilisi)	Eka Sisvadze, Responsible for Bar Examination	Roland Gjoni John Porter Lisa Basishvili
1:45 pm – 2:45 pm	University of Georgia (Tbilisi)	Ani Khurtsidze, Dean of the Law School	Roland Gjoni
2:00 pm – 3:00 pm	Tbilisi	Mamuka Akhveliani, Former Judge, former Chairman of Tbilisi City Court	Mary Noel Pepys Max Fras Levan Nanobashvili
2:30 pm – 3:30 pm	PROLoG (Tbilisi)	Irina Lortkipanidze, Director for Institutional Development	John Porter
3:00 pm – 4:00pm	Caucasus University (Tbilisi)	Sopho Shengelia, Director of Master Programs Archil Bojrazde, Law Professor	Roland Gjoni
3:30 pm – 4:30 pm	PROLoG (Tbilisi)	Ana Jobava	Max Fras
4:00 pm – 5:30 pm	PROLoG (Tbilisi)	PROLoG Legal Education Team	Roland Gjoni John Porter

Time	Organization	Title/Person	Evaluator(s)
6:30 pm – 7:30 pm	Tbilisi	1 session of FGD (students)	Roland Gjoni
<b>Tuesday 05/15/2018</b>			
10:30 am – 11:00 am	PROLoG Office (Tbilisi)	Out-brief PROLoG	Mary Noel Pepys, Levan Nanobashvili Max Fras Roland Gjoni John Porter
1:30 pm – 2:30 pm	USAID (Tbilisi)	Out-brief USAID Rusudan Tabatadze Lela Kerashvili Tom Morris Keti Bakrade 4 more people (no names known)	Mary Noel Pepys, Levan Nanobashvili Max Fras Roland Gjoni John Porter
4:00 pm – 5:00 pm	COE (Tbilisi)	Sophie Tsakadze, Senior Project Officer	John Porter Levan Nanobashvili
6:30 pm – 7:30 pm	GBA (Tbilisi)	1 session of FGD	John Porter Roland Gjoni

**ANNEX 7: DETAILED DESCRIPTION OF PROLOG ACTIVITIES**

## **EQ 1: PROLoG provided the following support to the CITJ and CSOs to ensure their inclusion at the table during the judicial reform process:**

1. Since 2016, PROLoG provided support to the Human Rights Council and Secretariat in order to empower the Council to carry out its mandate of protecting human rights in Georgia. The 2016-2017 Human Rights Action Plan incorporated a significant number of PROLoG's expert recommendations as well as recommendations of the CITJ that were submitted with PROLoG support.
2. During the same period, the CITJ used PROLoG support to advocate for improved regulations on witness interrogation that provide for equality of arms for both the prosecution and defense. As a result of these advocacy efforts and further engagement with the GOG, improved regulations were passed and adopted as law.
3. Furthermore, thanks to PROLoG's support, the CITJ was able to engage the judiciary and MOJ in working group meetings to prepare draft changes to the legislation governing hearsay evidence.
4. Between 2016 and 2017, GYLA was an active member of the Constitutional Commission, resulting in some of its recommendations being included in the draft amendments. For example, the clause prohibiting discrimination was worded as an open clause (the list of grounds of discrimination is not exhaustive), the principle of substantive equality was introduced, and the right to fair trial was defined according to the European Convention on Human Rights (ECHR) standards. The Commission did not adopt the CITJ's recommendation to include a provision requiring that judicial appointment decisions be substantiated; however, it adopted the CITJ proposal that judges be appointed based on the criteria of competence and integrity.
5. Most recently, GYLA together with the other members of the CITJ worked on the legislative proposals for the "Fourth Wave" reform process and lobbied to be included in the process. GYLA submitted legislative proposals and opinions to the Parliament both with the other NGOs as well as individually. The CITJ held meetings with Chief Justice Nino Gvenetadze and the Parliament's Legal Committee Chair Eka Beselia to raise the issue of including the CITJ in the "Fourth Wave" reform processes and also discuss recommendations for legislative changes based on the CITJ study *The Judicial System: Past Reforms and Future Perspectives*. At the December 16, 2017 meeting, Eka Beselia agreed to involve a CITJ representative in the Judicial Reform Working Group. Ms. Beselia also promised to share the legislative draft that aims to reduce the caseload in Georgian courts and the concept for reforming the disciplinary liability system.

## **EQ 2: Summary of PROLoG's Judicial Reform Activities**

### *Improving the Judicial Selection and Promotion Process*

The Third Wave of judicial reforms adopted by Georgia's parliament in February 2017 incorporated recommendations by PROLoG's international experts concerning judicial appointment and selection. Additionally, international experts assessed the rules and regulations affecting the promotion of judges and provided recommendations for creating a merit- and integrity-based judicial promotion system.

### *Enhancing Judicial Discipline and Accountability*

PROLoG engaged an international expert to provide advice and guidance to the HCOJ, facilitate a roundtable discussion on the recommendations contained in "How to Turn Georgia's Disciplinary System into an Effective Accountability Tool," and provide additional recommendations on judicial discipline that were incorporated into the Third Wave of judicial reforms.

### *Supporting Legislative Amendments*

PROLoG, in cooperation with the EU, COE, and GIZ, provided local technical assistance and international expert advice to support the Parliamentary Judicial Reform Working Group (PJRWG) on legislative

amendments addressing the backlog of cases and the timeframe for court proceedings, which during the Fourth Wave, were adopted by the Parliament. PROLoG also engaged in drafting:

1. The Law on Entrepreneurs (LOEs) in collaboration with GIZ and the EU. PROLoG contracted together with GIZ the ISET Policy Institute to conduct a regulatory impact assessment of the impact of the draft LOEs;
2. Revisions to the Civil Procedure Code (CPC). PROLoG supported the Association of Law Firms of Georgia (ALFG) to draft proposed changes to the CPC intended to make trial procedures more adversarial than inquisitorial; and
3. The Framework Law on Mediation (LOM) in collaboration with the United Nations Development Programme (UNDP) and with guidance from international experts. PROLoG staff participated in numerous drafting workshops and provided an international expert to evaluate the Tbilisi City Court Mediation Center and advise the HCOJ on introducing court mediation in selected common courts and establishing court mediation centers.

#### Developing the National Judicial Strategy and Action Plan

PROLoG staff and international experts, along with representatives of GIZ, COE, and the EU, and the CITJ joined GOG representatives and judges to participate in a year-long process of developing the National Judicial Reform Strategy, which incorporated major recommendations made by PROLoG and CITJ, and the 2017-2018 Action Plan.

#### Developing the Rules of Operation of the HCOJ

In order to develop a legal framework guiding the HCOJ's rules of operation, PROLoG awarded a grant to the Unity of Judges of Georgia (UOJ) to provide recommendations to the HCOJ and encouraged the HCOJ to develop, based on UOJ's recommendations, its own amendments to the Law on Common Courts. PROLoG also enlisted an international expert to develop detailed rules of operation for the HCOJ.

#### Supporting the Judicial Qualification Examination

PROLoG engaged an international expert with the National Conference of Bar Examiners to assess Georgia's current laws and regulations relating to the judicial examination administration, as well as to the content of the examination, who provided the HCOJ with detailed recommendations on improving the examination process and content. Additional international experts were enlisted, in the context of the Third Wave amendments, to emphasize the importance of improving the technical security of the judicial examination and selection software, involve the National Assessment and Examination Center, and improve regulation N. 308 regarding judicial appointments N. 308. As a result of the recommendations made by PROLoG's international experts, the HCOJ prepared amendments to their internal regulations. Lastly, to help the HCOJ assess the current state of the judicial qualification examination and provide recommendations on developing subject matter outlines and sample questions, PROLoG enlisted an international expert who suggested training test writers, developing a substantive law section of the exams, and creating a section assessing aptitude with analytical questions.

#### Developing Effective Communication Skills of the HCOJ

With local technical assistance, PROLoG provided training in Effective Communications for the members of the HCOJ, Speaker Judges, and HCOJ staff responsible for public communications. Following the training PROLoG assisted the HCOJ in identifying the key strategic areas of communication, while HCOJ members began developing a HCOJ Communications Strategy.

### Supporting the Feasibility Study of the Number of Courts, Judges, and Staff

PROLoG engaged an international expert to provide recommendations to the HCOJ that set forth a methodology and techniques to assess the distribution and allocation of judicial resources in Georgia by reviewing the current distribution of courts, judges, and court staff in Georgia by measuring the work of judges and court staff and by collecting and analyzing court performance data and budgeting data.

### Supporting the Audit of IT Infrastructure and Software Asset Management

PROLoG, EU4Justice, GIZ, and COE are jointly sharing the cost of an IT audit to be conducted by the ICT Business Council to provide clear guidance and recommendations on how to build a system for the publication of judicial decisions and create a searchable e-database using the existing system.

### Assisting the HCOJ Independent Inspector

PROLoG engaged an international expert to assist the HCOJ Independent Inspector to improve the internal processes for reviewing and investigating complaints against judges and drafting reports to the HCOJ by providing recommendations on enhancing the institutional and functional independence of the Inspector and by conducting intensive trainings for Independent Inspectors staff.

### Supporting Judicial Study Trips and Exchanges

Upon the receipt of additional funds to further strengthen the professional capacity of individual civil and administrative judges in Georgia, PROLoG organized the first of three judicial study trips to the U.S. in April 2018 for eight first instance judges who had a full schedule of relevant judicial activities in New York and Washington, DC. The second study trip for Court of Appeals judges will take place in July 2018 to San Francisco and Washington, DC. The third trip in September 2018 for Supreme Court judges will include a visit to the U.S. Supreme Court. PROLoG will also provide Georgian judges the opportunity to attend a course on Leadership for Judges at the National Judicial College in Reno, Nevada, as well as opportunities for secondment to a court in the U.S. Lastly, PROLoG has arranged for U.S. judges to travel to Georgia for two weeks to shadow and advise Georgian civil and administrative judges.

## **EQ 2: Detailed Description of PROLoG's Judicial Reform Activities**

### *Improving the Judicial Selection and Promotion Process*

The so-called “Third Wave” of judicial reform, adopted by the Georgian Parliament in February 2017, incorporated many revisions recommended by PROLoG's experts, including recommendations on judicial appointment and selection. PROLoG and its expert, Jim Baland, also assisted in developing regulation of the HCOJ aimed at developing more detailed, objective and fair process of judicial promotion. Furthermore, PROLoG engaged international expert Aleš Zalar to assess the current rules and regulations on the promotion of judges. In 2018, PROLoG engaged Mr. Zalar again to provide a set of recommendations for creating a merit- and integrity-based system of promotion of judges. Mr. Zalar also traveled to Georgia to present the recommendations and moderate a roundtable discussion with stakeholders from the HCOJ, Parliament, and international donors.

### *Enhancing Judicial Discipline and Accountability*

Building on the one-page set of recommendations entitled “*How to turn Georgia's Disciplinary System into an Effective Accountability Tool*,” reflected in the Third Wave judicial reform package, PROLoG engaged judicial accountability expert Victoria Henley to provide technical assistance to the HCOJ and facilitate a roundtable where aspects of the draft legislative changes defining the grounds for judicial discipline and HCOJ analytical paper were debated with the participation of stakeholders. Ms. Henley developed additional recommendations that were incorporated into the Third Wave package of judicial reform.

### *Supporting Legislative Amendments*

PROLoG (in cooperation with the EU, COE, and GIZ) supported a meeting of the Parliamentary Judicial Reform Working Group (PJRWG) to discuss draft legislative amendments to address the backlog of cases and improve the handling of certain cases, and to review materials gathered from multiple sources regarding grounds for establishing judicial misconduct. The Georgian Parliament later adopted legislative amendments to the *Civil and Administrative Procedural Codes* that were drafted and proposed by the PJRWG.

### *Commercial Law Reform and Company Law Reform*

In the area of Commercial Law Reform, PROLoG engaged in: 1) drafting the Law on Entrepreneurs (LOEs) in collaboration with GIZ and the EU, (please note that PROLoG also refers to this law as the Company Law); 2) drafting the Law on Mediation in collaboration with UNDP and with guidance from international experts, Aleš Zalar and Marilyn Zelin; and 3) drafting revisions to the Civil Procedure Code (CPC).

In 2017, draft Framework Mediation Law was prepared with PROLoG's support and accepted by the Ministry of Justice (MOJ) as a priority reform initiative. PROLoG also engaged mediation and legal development expert Marilyn Zelin (U.S.) to evaluate the Tbilisi City Court Mediation Center and advise the HCOJ on introducing court mediation in selected regional courts and establishing regional court mediation centers.

PROLoG and GIZ supported the interagency Private Law Reform Council within MOJ to finalize the LOEs and provide the draft law to MOJ. What is more, PROLoG supported the MOJ working group on the LOEs and contracted (together with GIZ), the ISET Policy Institute to conduct a regulatory impact assessment (RIA) to evaluate the impact of the draft LOEs.

### *Civil Procedure Law Reform*

PROLoG supported the ALFG, within their mandate provided by MOJ, to draft proposed changes to the CPC intended to make civil procedure more adversarial, and to tackle weaknesses in the Code. The finalized text of the draft was presented to the MOJ for further consideration and public discussion and was published in the ALFG journal for public discussion purposes. MOJ then formed a special working group to consider more extensive revisions to the CPC.

### *Developing the Framework Mediation Law and the HCOJ Regulations on Court-Annexed Mediation Procedures*

In 2016 PROLoG (in cooperation with UNDP) supported a working group (WG) created by the mediation associations and the National Center for Alternative Dispute Resolution (NCADR) to draft a framework law on mediation. PROLoG representatives took part in numerous drafting workshops. PROLoG also cooperated with the HCOJ, which plans adoption of regulations covering procedures for court-annexed mediation according to the relevant provisions of the CPC. PROLoG contracted Mr. Zalar to analyze the draft mediation law and HCOJ regulations and prepare a report that will address matters such as compliance of the drafts with the notions of the EU Mediation Directive, the United Nations Commission on International Trade Law (UNCITRAL) Model Law on International Commercial Arbitration, and other relevant EU recommendations/guidelines, as well as its feasibility in the Georgian context. PROLoG also engaged Ms. Zelin to advise the HCOJ with respect to further improvements to the management and operations of the Mediation Center at Tbilisi City Court, and the introduction of court-annexed mediation in selected regional courts.

### *Developing the National Judicial Strategy and Action Plan*

Georgia's Judicial Strategic Committee approved the final text of the National Judicial Reform Strategy and the 2017-2018 Action Plan, both of which were developed through a year-long process that actively involved representatives of state organizations, the NGO Coalition, and international experts, including PROLoG (as well as GIZ, COE, and the EU). The Strategy incorporates major recommendations from PROLoG.

### *Supporting the Parliamentary Judicial Reform Working Group*

PROLoG continued supporting the “Fourth Wave” of judicial reform process within the framework of PJRWG by extending contracts with two local experts and engaging Ms. Henley again. With this expert support, the PJRWG prepared a set of legislative amendments to the procedural codes (aimed at speeding-up court proceedings and reduce the caseload of judges) which were adopted by the Parliament.

### *Developing the Rules of Operation of the HCOJ*

PROLoG awarded a grant to the Unity of Judges (UOJ) to develop a legal framework guiding the HCOJ’s operation and encouraged the HCOJ to develop its own version of necessary amendments. The UOJ then provided their set of suggestions regarding the operation of the HCOJ. Judge Baland also prepared proposed amendments to the Organic Law on Common Courts that set up detailed rules of operation of the HCOJ. The expert’s recommendations were shared with Chair of Parliament’s Legal Affairs Committee.

### *Supporting the Judicial Qualification Examination*

PROLoG invited Bar Examination expert Jean Gaskil to help the HCOJ assess the current state of the Judicial Qualification Examination and provide recommendations on developing subject matter outlines and sample questions. Mr. Gaskil’s recommendations and report were then submitted to the Chair of the HCOJ. PROLoG thereafter resubmitted its suggestion of technical support for reform of the judicial qualification system to the HCOJ leadership, and again offered support in the following areas: training of the test writers; developing the substantive law part of the tests; and creating an aptitude section of the tests by the National Assessment and Examinations Center, including analytical questions. PROLoG will work with the HCOJ leadership to implement the suggested technical assistance during the upcoming year. To further support the judicial examination reform, PROLoG contracted U.S. expert Kelly Early, Chief Operating Officer at the National Conference of Bar Examiners, to assess Georgia’s current laws and regulations relating to judicial exam administration, as well as the content of the exam, and provide the HCOJ with detailed recommendations on how to improve the examination process and content.

Kelly Early’s recommendations were presented to HCOJ and discussed in the context of the Third Wave amendments, with an emphasis on the importance of involving the National Assessment and Examination Center (NAEC) and the necessity of improving the technical security of the judicial examination and selection software. PROLoG also presented recommendations developed with the assistance of judicial appointment expert Tim Baland, with an emphasis on the improvement of regulation of judicial appointment N. 308. As a result, the HCOJ prepared amendments to their internal regulations that took into consideration the Third Wave amendments and recommendations by PROLoG’s experts; the draft amendments were presented at HCOJ sessions.

### *Developing Effective Communication Skills of the HCOJ*

PROLoG arranged training in Effective Communications for the members of the HCOJ in June 2016, together with the Speaker Judges and HCOJ staff responsible for public communications. At the end of the training, the HCOJ members agreed on further steps to be taken, including the development of a new HCOJ Communications Strategy. In August 2016, PROLoG hired another local consultant, Tornike Guruli, to assist the HCOJ in identifying the key strategic areas/directions of communication, as well as plan and coordinate pilot activities together with the HCOJ members and staff. The expert also arranged focus group interviews and met with HCOJ leadership, representatives, and staff.

### *Supporting the Feasibility Study of the Number of Courts, Judges, and Staff*

PROLoG engaged international expert Jesper Wittrup to assess the feasibility of conducting a full study on assessing the distribution and allocation of judicial resources in Georgia, with a recommended methodology for completing such a report. The expert reviewed the current distribution of courts, judges, and court staff in Georgia, and the method for allocating such resources. The expert also reviewed current

methods for measuring the work of judges and court staff, any available court performance data, and related budgeting data. The expert traveled to Georgia and met with the HCOJ and other judicial leaders to advise them concerning the best existing models/techniques for assessing the allocation of courts, judges, and court staff based on needs. Based on these discussions and a review of current data, and how it is collected and used, the expert developed preliminary recommendations for conducting a full study. PROLoG submitted the expert's written report with findings and recommendations for how to complete a full assessment of the allocation of court resources to the HCOJ.

#### *Supporting the Audit of IT Infrastructure and Software Asset Management*

PROLoG and other donor organizations (EU4Justice, GIZ, and COE) consider that the current infrastructure and resources may not be able to support a database to publish online decisions, and that more effort must be made to assess the situation. The HCOJ Chair and the Secretary have both approved this approach, and a call for applications was jointly announced by the partner donor organizations in January 2018. A selection committee was created, and, after a competitive bidding process, ICT Business Council was identified as the winner. The cost of the IT audit will be shared among the four donor organizations, including PROLoG. The study will provide clear guidance and recommendations on how to build a system for the publication of decisions and a searchable e-database on the existing system.

#### *Assisting the HCOJ Independent Inspector*

Through an expert, Ms. Henley, PROLoG provided assistance to the HCOJ Independent Inspector and her new office to improve the internal processes for reviewing and investigating complaints against judges and drafting reports for the HCOJ. Ms. Henley provided recommendations on how to enhance the institutional and functional independence of the Inspector and conducted intensive trainings for the Independent Inspector's staff, sharing the best U.S. practices regarding the inquiry and investigation of disciplinary complaints.

#### *Engaging in a Judicial Exchange and Mentoring*

PROLoG received additional funds from USAID to further strengthen the professional capacity of individual civil and administrative judges in Georgia in late 2017. The goal of the proposed activities is to enable Georgian civil and administrative judges to have more direct interactions with U.S. judges, administrators, and judicial educators to further the capacity of the Georgian judiciary. These new activities complement PROLoG's existing programs with the HCOJ, Supreme Court, and HSOJ. PROLoG prepared application forms, selection criteria, guides to the U.S. judicial system for Georgian judges traveling to the U.S., guides to the Georgian justice system for U.S. judges traveling to Georgia, pre-trip and post-trip surveys, memoranda of understanding, and other related documents. PROLoG also formally launched its new exchange activities at the Georgian judiciary's annual Conference of Judges. PROLoG announced its first judicial exchange opportunity—a study trip for first instance civil and administrative judges to New York and Washington, DC in April 2018. Despite a short deadline, PROLoG received 124 applications for the eight openings, a reflection of the high level of interest in the exchange. The second set of judicial exchange opportunities is designed for civil and administrative judges with a reasonably high level of English. Two different types of opportunities were announced: a course on Leadership for Judges at the National Judicial College (NJC) in Reno, Nevada, and two opportunities for secondment with a court in the U.S. PROLoG also made arrangements for its first visit of a high-level U.S. judge to Georgia. Judge Allyson K. Duncan of the U.S. Fourth Circuit Court of Appeals will visit Georgia in June 2018. PROLoG also began planning for a July 2018 study trip for second instance judges to Washington, DC and San Francisco, CA and a September 2018 study trip for Supreme Court judges that will include a visit to the U.S. Supreme Court as well as arranging for U.S. judges to travel to Georgia for approximately two weeks to shadow and advise Georgian civil and administrative judges.

## **EQ 2: Detailed Description of PROLoG’s Support to Civil Society**

### *Engage Civil Society in the Legislative Development Process*

PROLoG provided both GYLA and TI sub-awards to carry out advocacy campaigns aimed at improving justice system-related legislation and policy. Coalition WGs carried out studies through grant-funded projects supported by PROLoG. A project by TI-Georgia, GYLA, and the Human Rights Education and Monitoring Center (EMC) aimed at analyzing the state of the judicial system in light of the legislative changes carried out since 2012.

The Institute for the Development of Freedom of Information (IDFI) implemented a project which aims to increase access to court decisions by improving the legal framework and practical approaches to disclosing judicial decisions. The IDFI is carrying out this project with the *pro bono* involvement of the EMC and the Open Society Georgia Foundation (OSGF)—they jointly developed a paper which analyzes the practices. The IDFI also studied international approaches by considering regulations and practices prevalent in different countries and at the European Court of Human Rights, and developed a report based on this research. In addition, the IDFI took part in discussions organized by the Personal Data Protection Inspector on the pending amendments to the Law on Personal Data Protection. The project team prepared recommendations for legislative changes and shared them with the Personal Data Inspector.

### *Support Civil Society Capacity to Raise Awareness, Monitor, and Provide Justice System Oversight*

At first, PROLoG engaged GYLA in a discussion of how it could update and improve its court monitoring methodology under PROLoG.

*GYLA and TI engaged in HCOJ Monitoring and GYLA engaged in Court Monitoring and produced regular reports for both HCOJ and courts.*

Both TI and the GYLA continued to monitor the HCOJ by regularly attending HCOJ meetings, viewing its website, and reviewing HCOJ decisions. They developed a detailed document which outlines themes and methodological approaches to HCOJ monitoring. In addition to the areas of HCOJ work that they have monitored over the last three years, TI and GYLA plan to monitor the process the HCOJ is using to assess the three-year probation judges as well as the way the HCOJ is handling disciplinary complaints. The PROLoG team provided feedback on the updated methodology.

GYLA continued monitoring criminal cases while at the same time drafting a concept paper outlining some of the adjustments it intends to make in its monitoring methodology. The adjustments will allow GYLA to gather data showing how the courts are treating vulnerable groups—defined as women, juveniles, victims of domestic violence, ethnic minorities, and foreign nationals.

PROLoG worked to *strengthen civil society’s monitoring and reporting* on the Human Rights Strategy and Action Plan (as provided by PROLoG Expected Result 1.2: Civil Society is Effectively Engaged in the Legislative Development Process). Together with the OSGF, PROLoG awarded three grants, each with a different focus, on monitoring and reporting in a systemic manner on the Human Rights Strategy and Action Plan, as well as other connected GOG strategies and action plans. The grant to monitor topics such as the right to physical security and liberty, the right to fair trial, the right to due process and the prohibition of torture was awarded to the Georgian Democracy Initiative (GDI) and its partner, the Institute for Democracy and Safe Development (ISDS); the grant to monitor freedom of expression, freedom of assembly, right to equality, and minority [ethnic, religious, and lesbian, gay, bi-sexual, transgender, and queer (LGBTQ)] rights was awarded to the Women’s Initiatives Supportive Group (WISG) and its coalition members Safari and the EMC; and the grant to monitor women’s rights, gender equality, efforts to combat domestic violence, the rights of the child, and the right of peoples with disabilities was awarded to the EMC together with GYLA and Partnership for Human Rights (PHR). A webpage that will enable the public to track the progress of the implementation and findings of the monitoring in an engaging visual format has been finalized. PROLoG, together with OSGF, also worked

closely with the grantees on developing *unified monitoring methodology* which should serve as an important tool for others interested in monitoring similar action plans in the future. To build the capacity of the grantees and improve the monitoring methodology so that it results in high quality monitoring reports, a two-day *Workshop on the Human Rights-Based Approaches (HRBA)*, led by local expert Tamar Gvaramadze, was organized. The workshop gave participants the opportunity to learn more about HRBA, and how to determine, through interactive methods, whether it has been reflected by the GOG in its action plans. The workshop resulted in participants adding elements to the unified monitoring methodology with the help of Ms. Gvaramadze, who, with PROLoG and UNDP support, attended the training “Justice Sector Reform: Applying Human Rights-Based Approaches,” held at the National University of Ireland, Maynooth in 2016. The workshop was a follow-up to Ms. Gvaramadze’s participation in the course.

## **EQ 2: Detailed Description of PROLoG’s Support to the Implementation of Human Rights**

### *Support to the HR Council and Effective Implementation of the HR Strategy and Action Plan*

PROLoG provided support for the institutional development of the Human Rights Council and its Secretariat, as well as for the process of effectively implementing the 2014-2020 Human Rights Strategy and subsequent annual action plans. PROLoG, together with UNDP, retained Maggie Nicholson, former Deputy Head of the Office of the United Nations High Commissioner for Human Rights, to develop a first-of-its-kind implementation report on Georgia’s Human Rights Strategy and Action Plan. As a part of this process, Ms. Nicholson held meetings with an array of stakeholders and produced a “*Report on Progress in the Implementation of the National Strategy for the Protection of Human Rights in Georgia, 2014-2020, and Recommendations as to Future Approaches.*” In addition to general recommendations, the expert made specific recommendations in relation to justice, penitentiary systems and the prevention of torture and ill-treatment, the right to privacy, freedom of expression, assembly and demonstration, minority rights, the rights of the child, persons with disabilities, internally displaced persons, migrants, gender equality, and the right to work. Priorities for further action were also identified. Ms. Nicholson took part in multiple meetings with state and non-state actors. The expert had a special meeting with the Prime Minister where she presented the major findings of her report. A major, high-level conference was held to present the report. Apart from the conference, thematic WG meetings were organized on gender equality, violence against women, domestic violence, minority rights, and criminal justice. These meetings enabled representatives of state institutions and civil society organizations (CSOs) to have in-depth discussions about the experts’ recommendations, take stock of the progress made, and identify remaining challenges and necessary future steps.

PROLoG continued to support the Human Rights Secretariat’s internal development work plan and three-year strategy that sets out general rules of operation for the Secretariat and overall management standards to improve the Secretariat’s ability to efficiently implement the Human Rights Action Plan. The Synergy Group facilitated meetings with all stakeholders and conducted meetings with the staff of the GOG Administration and the Secretariat to develop a draft Strategy and Action Plan from one-year and three-year perspectives. The final documents were presented to the staff of the GOG Administration. PROLoG also retained the local expert Rusudan Mikhelidze to advise both the Human Rights Secretariat and NGOs on effective protocols of engagement and cooperation. For this purpose, Ms. Mikhelidze performed desk research and conducted numerous interviews resulting in the report entitled “*Towards Inclusive Human Rights Policies in Georgia: Efficient CSO Engagement in Policy Planning, Implementation and Monitoring.*” The report forward practical proposals and recommendations to help the Human Rights Secretariat, CSOs and other stakeholders build a better framework for dialogue on human rights issues. The recommendations were addressed to the Secretariat, NGOs, and the donor community. Following a recommendation by Ms. Mikhelidze, the Secretariat developed a timeline that provides clarity over the Action Plan process and provides more opportunities for CSO involvement from the beginning of the process. Other recommendations are also expected to be piloted during the drafting process of the new Action Plan. To ensure their implementation, during the last quarter PROLoG, together with UNDP,

organized a working meeting with the Secretariat. As a result of the meeting, individual measures were identified that would guarantee the measures on an institutional level. The meeting also enabled PROLoG to tackle the issues impeding the work of the Human Rights Inter-Agency Council (HR Council) and WGs and discuss in detail the new Action Plan drafting process and PROLoG's possible assistance with this.

#### *Anti-Discrimination Legislation*

PROLoG provided ongoing support to the Ombudsman, the Public Defender's Office (PDO), particularly its Equality Department. A key component of this support was inviting an international expert to develop suggestions for improved anti-discrimination legislation and practices to ensure that international and regional human rights standards are observed, and train PDO staff so they can better perform their functions. The expert provided written recommendations for improving Georgia's anti-discrimination legislation and practices. The report was shared with the PDO's Equality Department, which intends to use the report to further develop and advocate for important legislative amendments package with newly-elected members of the Parliament.

PROLoG also helped the PDO to tackle the issue of reasonable accommodation as a possible ground for discrimination. The absence of the concept of denial of reasonable accommodation in Georgian legislation is a core issue that impedes the work of the PDO's Equality Department. PROLoG contracted Professor Andrea Broderick of Maastricht University to analyze and provide an interpretation of the concept of reasonable accommodation contained in the United Nations Convention on the Rights of Persons with Disabilities (CRPD). Professor Broderick conducted meetings with the PDO, as well as representatives of the GOG, Parliament, judiciary, and NGOs, to discuss the situation in Georgia with regard to discrimination against persons with disabilities and reasonable accommodation. Based on the outcomes of the meetings, Professor Broderick developed recommendations to help the GOG determine the legislative changes needed to bring Georgia in compliance with its obligations under the CRPD. Professor Broderick also advised on measures and activities that should be considered before implementing the reasonable accommodation duty in Georgia. These efforts will enable the Equality Department to adjudicate cases related to reasonable accommodation, and to gain much-needed experience in investigating cases and applying the CRPD in the Georgian context.

Last but not least, PROLoG, together with the PDO's Equality Department and EU Project on Combating All Forms of Discrimination in Georgia, announced a call for a local expert for the analysis of the existing case law of the Georgian common courts on discrimination. In addition, a one-pager on draft amendments to the Law on Antidiscrimination that the PDO initiated in 2015, but on which no action has been taken, was prepared to assist the PDO with advocating for changes to the law.

#### *Gender Equality*

PROLoG (in consultation with the Heinrich Boll Foundation) contracted PHR, a CITJ member, to conduct a study of Gender and the Law in Georgia. The study, which provides a gender analysis of Georgia's legislative instruments in civil, administrative, and criminal law, was presented at a conference in the Parliament. Having attended the conference, the Parliamentary Deputy Speaker predicted that the study would result in legislative initiatives within the Gender Equality Council that would then be submitted to Parliament.

PROLoG worked with PHR, the Human Rights Secretariat, and representatives of Parliament's Gender Equality Council (Council) to develop an approach by which the Gender and Law study would result in legislative initiatives to be submitted to the Parliament. Authors of the study prepared documents which showed whether and how the study's recommendations were already reflected in the legislative package submitted to the Parliament by the GOG which is currently pending (related to the ratification of the "Istanbul Convention"). PHR and the Council identified priority areas and developed briefs. For each selected topic, the authors compiled the current regulations, problem statement, international standards, and recommendations. The issues include the necessary changes to the Law on Gender Equality and Family

Law, as well as regulation of femicide. The documents will be used by the Council's Secretariat to draft concrete legislative initiatives. Preparing the legislative initiatives on these issues is also part of the Council's 2017 Action Plan, which aims to improve the legislative framework on gender equality and women's rights.

PROLoG continued efforts to strengthen gender equality and the regulatory framework governing women's rights by supporting the Council. At the request of the Council, PROLoG supported (together with UNDP) the first comprehensive study on the fulfilment of Georgia's international recommendations in the area of gender equality and women's rights. The work on the study by U.S. expert Lori Mann and local experts continued in the reporting period and a number of activities were undertaken. The local experts presented preliminary findings of the study at a meeting of the Council. Furthermore, thematic consultation meetings were conducted to ensure an in-depth discussion of the study before it was finalized. PROLoG expert Lori Mann met with Members of Parliament (MPs) from the ruling and opposition parties, as well as representatives from the executive branch, PDO, Inter-Agency Commission on Gender Equality, Violence Against Women, and Domestic Violence, and NGOs. The aim of the visit was to share the report's main recommendations and to assist the Council's Secretariat with updating the State Concept on Gender Equality. For the latter purpose, a working meeting with the Council's Secretariat and Ms. Mann was organized at which the initial draft of the State Concept was reviewed, and Ms. Mann provided advice. With this meeting a State Concept drafting process was launched. The presentation of the baseline study is planned.

PROLoG [together with UNDP and the National Democratic Institute (NDI)] supported a meeting of the Gender Equality Council to present its 2017 activity report. During the meeting, the Council's 2018-2020 Action Plan, drafts of the Gender Equality State Concept, and the Council's communication strategy were also discussed. Both the Action Plan and Concept were drafted based on the findings of the baseline study developed by PROLoG expert Lori Mann, who was contracted by PROLoG and UNDP. The baseline study was presented at the conference, which had high-level attendance from the GOG, Parliament, and civil society. Apart from the study, the Council presented its Action Plan and Strategy for discussion. Both documents were assessed by PROLoG expert Lori Mann, who provided recommendations on how to better align Georgia's gender-related legislation with international standards and best practices.

## **EQ 2: Detailed Description of the Political Context**

The **First Wave** of judicial reform initiated after the October 2012 elections. On the basis of civil society reports and its own manifesto, the newly elected government drafted amendments to three laws on: common courts, disciplinary proceedings for judges, and the HSOJ. The main changes instituted by the First Wave included: limiting the power of Chief Justice and reducing the influence of top judges in administrative positions (by banning heads of courts from HCOJ membership and introducing a limit on the number of HCOJ seats for heads of chambers—three out of eight seats); increasing the role of the self-governing body of judges to influence all judicial administrative bodies by allowing direct participation of individual judges in the selection of HCOJ judge-members and other bodies through a secret ballot; removing MPs from HCOJ and allowing the Parliament to nominate six members of HCOJ from civil society, the GBA, and academia; reforming the disciplinary committee by separating it from HCOJ; requiring publication of decision of the Disciplinary Committees at the Supreme Court and HCOJ; banning the Chief Justice from presiding over the HSOJ Council; and requiring a course to carry out audio and video recordings of trials.

The **Second Wave** was adopted in November 2013. It mainly concerned the organic law on common courts and focused on allowing the appointment of judges-for-life with a three-year probation period. The law stipulated that all judges (except Supreme Court judges) must undergo a three-year probation including annual HCOJ monitoring. According to civil society, the probationary period can influence judicial independence and gives HCOJ the ability to exercise influence and gauge loyalty to its leadership.

The Coalition proposed an open and transparent recruitment process that would make probation unnecessary, but this was not on the government's agenda.

The **Third Wave** of judicial reform, allegedly triggered by civil society criticism of the judiciary, was launched after the October 2016 elections. It focused on the selection and appointment of judges. Specific measures included: unified appointment procedures for both former and new judges, including a points-based system and creating conflict of interest rules; a requirement that the HCOJ post information about upcoming sessions and agenda at least seven days prior to a meeting; giving all Supreme Court members the right to nominate heads of Supreme Court chambers; opening the Supreme Court Plenum session to the public; clarifying competences of court chairs making them "first among equals" and not administrators; limiting the transfer of judges without their consent; clarifying that only the Disciplinary Collegium can issue sanctions against judges; and introducing random electronic case assignment.

Together with all of the above positive reforms, the Third Wave caused some backsliding in reform efforts.

During the elaboration of Third Wave proposals, the Minister of Justice, Tea Tsulukiani, met with 160 judges including the HCOJ Secretary. In addition to the meeting, the Minister provided a list of issues that were initially envisaged by Third Wave draft laws but were removed on the request of judges. The Minister also stated that a number of changes proposed by the Supreme Court Chair would be revised due to judges' disagreement.

In the end, two changes argued for by judges were adopted, namely: 1) it increased the influence of judges holding top administrative positions by raising the total number of seats that heads of chambers could hold at the HCOJ (from three to four); and 2) it allowed heads of courts to hold seats at the HCOJ again. Those changes have been interpreted as an expression of support of the government towards the dominant informal group of judges, increasing their influence on the judicial system.

## **EQ 2: Challenges to Implementing Judicial Reforms Reported by PROLoG**

### **2015**

Persuading the MOJ and judiciary that more changes are required to make the judicial branch a well-functioning, modern and independent institution including: the HCOJ governance structure and rules of procedure; judicial selection and appointment; the law establishing the judicial disciplinary mechanisms; and clear and proper grounds for complaint consideration and complaint procedures in general.

In the area of CITJ outreach, the same few organizations are still handling most of the analytical work and the human resources of these organizations are being stretched to the limit.

### **2016**

The tone of certain public awareness products created by the Coalition caused irritation among the members of the HCOJ, which reacted through aggressive public statements directed against the members of the Coalition.

### **2017**

The highly powerful judicial leadership with guaranteed life-terms has been opposing the comprehensive legislative reforms discussed within the PJRWG and hinders the adoption of positive changes in the next stage of judicial reform (most notably, the rules of operation of the HCOJ).

### **2018**

The highly powerful judicial leadership with guaranteed life-terms keeps opposing the comprehensive legislative reforms discussed within the PJRWG and allegedly hinders the adoption of positive changes in the next stage of judicial reform (most notably, the rules of operation of the HCOJ).

### EQ 3: PROLoG-SUPPORTED MOOT COURT COMPETITIONS

- **Annual Trial Advocacy Competition**. Initially organized by JILEP in 2011. Organized by Free Uni since 2015 but PROLoG annually funds some logistical cost.
- **National Client Counselling Competition**. Introduced by JILEP in 2012 but organized by Free Uni in 2015. PROLoG funds logistical costs for the national competition and registration and travel expenses for the Georgian team participating in the International Client Counselling Competition.
- **National Competition on Representation in Commercial Mediation**. Launched by JILEP in 2012 and organized by TSU's NCADR.
- **Annual Commercial Law Moot Court Competition**. Launched by JILEP in 2012 and organized by Free Uni since 2012. PROLoG funds catering costs, trophies, and certificates.
- **Moot Court Competition on Domestic Violence**. Launched by PROLoG in 2016 and organized by the TSU Gender and Law Chair since 2016 with some funding by PROLoG.
- **Annual Moot Court Competition in Human Rights Law**. Launched by PROLoG in 2016 and organized by Free Uni's National Institute of Human Rights (NIHR) in 2016. PROLoG funds catering costs, trophies/award packages, travel, and accommodation for regional student teams. Competition of 2017 was delayed due to personnel changes at Free Uni.
- **Tbilisi Pre-Moot Preparations for the Willem C. Vis International Commercial Arbitration Moot Competition**. Launched by JILEP in 2013 and organized by Arbitration Initiative Georgia. PROLoG provided funding for accommodation and travel costs for participants to the Willem C. Vis International Commercial Arbitration Moot.
- **Jean Pictet Competition in International Humanitarian Law**. The 29th session of Jean Pictet Competition in International Humanitarian Law 2017 was held in Georgia and PROLoG supported part of the accommodation expenses.
- **Hugo Sinzheimer Labor Law Moot Court Competition**. Organized annually by the International Labor Organization (ILO). PROLoG annually supports the travel and accommodation costs of the Georgian team to the competition and in 2018 supported a pre-moot for Hugo Sinzheimer Labor Law Moot Court Competition to prepare students for international competition.
- **First Moot Court Competition in Legal Ethics**. To be organized by NVU under PROLoG's grant support.

### EQ 3: PROLoG'S PARTNER LAW SCHOOLS' LIST OF DELIVERABLES

#### Free University Tbilisi<sup>36</sup>

- Amicus brief project for students (4 briefs); Academic Conference on Human Rights (2); Human Rights Summer School for students on (2); Moot Court Competitions - Client Counseling (3); Trial Advocacy (2); Commercial Law (2); Human Rights (2); Series of Public Lectures on Human Rights (4); Legal Writing and Law Teaching Workshops in Tbilisi, Kutaisi, and Batumi (3); CLE workshops for the GBA on Human Rights (2); Human Rights Law Week related to Human Rights Day (3); Alternative Report on Human Rights Situation in Occupied Regions of Abkhazia, Georgia and Tskhinvali Region, Georgia for the UN Treaty Body – Committee for the Elimination of Racial Discrimination (CERD Committee)

<sup>36</sup> The numbers in captions indicate the total number of activities.

(prepared by students); Capacity Building of NGO representatives on RIA – Training of NGO representatives and development of a guidebook on RIA; Research papers on selected human rights issues – Right to Privacy in a comparative perspective (in progress); and Elaboration of “Introduction to Law” Course – developing model teaching materials for selected topics and relevant teaching methodology (in progress).

## **TSU**

- (NCADR) Training in representation in mediation for lawyers in Tbilisi, Kutaisi, Batumi, Telavi, Zugdidi, and Akhaltsikhe (6); Public lectures on mediation in Tbilisi, Kutaisi, Batumi, Telavi, Zugdidi, and Akhaltsikhe (6); National Mediation Representation Competition for students (1); Training course developed in family mediation (1); Training in family mediation (1); Training in mediation for Kutaisi Akaki Tsereteli State University (ATSU) professors and students (1); and Mediation Clinic founded and integrated in legal aid clinic of ATSU (1).
- Gender and the Law Chair established within the TSU International Law Institute; Model course and syllabus on Gender and Law developed and shared with interested professors; Public outreach activities (public lectures and workshops) (4); Workshop for professor to share the model course; Conferences on Gender and Law (2); and Moot courts on Gender and Domestic Violence for students (2).
- TSU Annual Yearbook “Human Rights Protection, Constitutional Reform and Rule of Law in Georgia” published in 2015, 2016, and 2017.

## **Iliia State University**

- Human Rights Chair established; Model MA course on Human Rights Law developed and shared with interested human rights (HR) professors; A human rights law library established with up to 35 local and international HR books; Research papers edited and published on HR topics; Public outreach activities (public discussions and lectures) in Tbilisi, Telavi, Gori, Batumi, and Kutaisi conducted (12); A professor workshop to share the model course conducted; Strategic partnerships built among the Iliia Uni and other stakeholders (10); National Student Selection for Hugo Sinzheimer Moot Court conducted; Human Rights and Constitutional Law Clinic established (in progress); and Human Rights Colloquium developed (in progress).

## **New Vision University**

- Legal Ethics Chair established; First academic legal ethics conference organized; Public lectures on legal ethics issues (2); Legal ethics model course developed (in progress); and Research papers on legal ethics organized (in progress).

## **GIPA**

- Human Rights Chair established; Model BA course on Human Rights Law developed; Teacher’s Manual for HR course developed; Student conference on HR organized; Two significant scholarly articles edited and published on HR topics; public lectures and discussions on HR organized (5); and Professor workshops organized to share the model course and the teacher’s manual (2).

## **EQ 4: PROLoG’s ACTIVITIES IN FULFILLMENT OF ANTICIPATED RESULTS**

The GBA internship program was set up by the GBA with PROLoG’s active assistance, but implementation has been delayed. In 2016, with the support of PROLoG, the GBA developed an initial concept paper on a possible internship system. In August 2017, the GBA selected the first group of interns, composed of 20 first year lawyers and 10 current interns (22 female and eight male) for the three-month training course at the GBA. The presentation of the pilot internship system was launched on September 2017 and the

first model training was organized. The mandatory three-month theoretical training component of the internship program included 90-hour courses in civil and criminal law specialization, and 114 hours for general specialization. Following the pilot program, a study was finalized and submitted to the GBA in September 2017. It included recommendations on creation of a unified platform of registered lawyers/law firms wishing to have interns, a unified list of skills each intern should possess upon completion of a one-year program, training of mentor lawyers, and intern selection and training criteria.

According to PROLoG documents, the latest bar exams were held in December 2017 at Free Uni. There were 982 candidates registered for the exam and 839 participated. Two hundred and twenty-eight (228) candidates successfully passed, of which 152 are women and 76 men. The passing rate has increased from 24 percent to 28 percent since the June 2017 exam. In prior years, the questions were published before the exam took place and the passing rate was expectedly high.

The Ethics Committee, through a PROLoG grant, established a joint working group with the Disciplinary Collegium of the Supreme Court and developed amendments to the Law on Advocates to ensure the application of the law by Judges of Common Courts of Georgia when reviewing the GBA Ethics Committee disciplinary decisions against lawyers. The Legal Affairs Committee of the Parliament suspended hearing of the amendments to the Law on Advocates until the end of the GBA General Assembly and election of new governing bodies, but the amendments were submitted to the Parliament in Fall 2017 and approved in the first quarter of 2018.

PROLoG facilitated a discussion among the GBA's governing bodies on the publication of names. The participants agreed that in cases where disciplinary sanctions are imposed, decisions will be published with the name and GBA membership number of the disciplined lawyer for three years after the decision enters legal force. After this, the personal data of a lawyer would be removed. The participants agreed to make relevant amendments to the Regulation on Disciplinary Proceedings Against Lawyers and adopt the amendments at the General Assembly in 2018.

### **PROLoG Has Supported CLE Programs**

During the reporting period, 30 cascade trainings were conducted by the GBA on the above subjects. PROLoG continues to support the GBA to develop model courses on the following CLE courses for the GBA: "Persuasive Legal Writing," "Role of Fair Trial in Protection of Property Rights," and "European Court of Human Rights Case-law Concerning Georgia." The GBA's new leadership needs to: a) improve the selection process of trainers (e.g., revise the selection criteria); b) have supervisors for each new module to make sure the course is regularly updated; c) introduce short CLE roundtables and lectures to address the current needs efficiently (more cost-efficient); and d) improve evaluation mechanisms of trainers.

### **GBA is Capable of Sustaining the Results of the Bar Exam**

The bar exam is given twice a year with approximately 900 participants. Two hundred (200) students at a time can take the exam which is given at one university that furnishes 200 computer consoles. The rent paid by the GBA per day is 1,200 Georgian Lari (GEL), total. Each student pays 190 GEL to take the exam and they also get a free printout of legislation. The exam lasts six hours so only one is given each day. The GBA respondent agrees that the actual cost to the GBA is only 6 GEL per student if 200 can be tested for 1,200 GEL. In addition, the GBA runs preparatory courses for students prior to the exam, at a cost of 500-600 GEL. Grant assistance assured the participation of leading Georgian universities in the development of subject matter outlines for civil, criminal, and general examinations.

### **Bench-Bar Meetings**

Although common in the U.S. and other countries, bench-bar meetings are new to Georgia. The topics for the bench-bar meetings were selected through an opinion survey conducted by the GBA among its members, and included application of preventive measures, admissibility of evidence, procedures for

evidence collection, problematic issues in pre-trial hearings, practical issues of covert investigative actions, court mediation, first appearances in court, domestic violence, and protection of rights of victims.

### **December 2017 Election**

In the aftermath of the December 2017 election, USAID and PROLoG suspended some grant support. CLE, internship, and bar examination support was continued, but bench-bar meeting support was curtailed along with a conference on legal ethics. In addition, the COE began holding back some requested funding. PROLoG states that it has to know the status of the situation in order to consider annual plans for funding.

In addition to the GBA investigation, two out of 15 KIIs indicate that several court cases have been filed with no predictable outcome. It should be noted that the new President expresses the GBA's need for support from USAID and PROLoG but makes no apology and has no suggestions for resolving the matter other than to leave it up to the Ethics Committee to make findings about the matter.

**ANNEX 8: DATA COLLECTION TOOLS**

## **KEY INFORMANT INTERVIEWS (KIIs)**

### **KIIS WITH USAID AND PROLoG:**

#### **EQ 1: PROJECT DESIGN AND NGO COALITIONS CAPACITY AND SUSTAINABILITY**

1. To what extent is PROLoG's work confirming the hypothesis and the theory of change it was premised on?
2. Is the combination of central government and CSO activities under one mechanism working as planned? If not, why?
3. What are the other formats or platforms with separate work streams (supply and demand) and where government stakeholders and civil society actors work separately?
4. What is the level of coordination and complementarity of the several streams of work in planning and execution of its activities? Are the different components producing synergies or coordination challenges?
5. How is the NGO Coalition performing now?
  - To what extent has their capacity been improved? What still needs to be done?
  - Are they fulfilling their advocacy role? To what extent? If not, what are the impediments?
  - What is the feedback from CSOs or justice institutions about whether the Coalition is playing its desired roles?
  - What are the prospects for sustainability of the NGO Coalition?
  - What plans does PROLoG have in place to strengthen sustainability in the remaining term?
  - How do other CSOs (non-members) engage with the justice sector reform?
  - What are the advantages of working under this design? What are the disadvantages? Considering the political context and sensitivities of working on the supply and demand sides at the same time, do the advantages outweigh the disadvantages or vice versa?

#### **EQ 2: JUSTICE INSTITUTIONS**

1. What are some of the successes of PROLoG in working with government and justice institutions, HSOJ, MOJ, Supreme Court?
2. What is the modus operandi of PROLoG? Is it providing support and advice—or do you have to do the work for the institutions?
3. What interventions are not showing sufficient progress and why is this case? To what extent do political developments enable or impede PROLoG's work and how does this happen?
4. Are there areas where the activity/partner should focus more effort or resources due to opportunities or anticipated barriers to success going forward?

#### **EQ 3: LEGAL EDUCATION**

1. How has the work with law school progressed?
2. Are changes in the curricula, course syllabus, and teaching methods formalized? Are they budgeted for?
3. Are the law schools showing ownership to implement the assistance?
4. What has worked and what is not working at the law schools?
5. What are PROLoG's plans to strengthen the sustainability of its efforts? Are the schools responding to PROLoG's advice?

#### **EQ 4: BAR DEVELOPMENT**

1. What aspects of work with the GBA are making progress? Are there any challenges?
2. How are the internal structures working now? What tangible impact has PROLoG achieved? What are some of the causes of success or the lack thereof?
3. To date, is the GBA capable of maintaining progress in terms of the bar examination, application of legal ethics, implementation of Continuing Legal Education, and implementation of the internship system?
4. Does PROLoG have any transitional plan to enable the GBA to take over and develop the initiatives supported by the project?
5. Is the GBA showing ownership to take over?
6. Will the result of the hotly contested bar leadership election in December 2017 affect the ability of PROLoG to work with the GBA?

#### **EQ 5: DONOR COORDINATION APPROACH AND GOOD PRACTICES**

1. How effective is PROLoG at working with other rule of law donors?
2. Is donor coordination formalized? If so, are there Memoranda of Understanding or other agreements that acknowledge the division of labor and/or joint implementation of activities?
3. To what degree do donors pool their funds and/or expertise?
4. What methods for coordination among donors were successful? Why?
5. What challenges did PROLoG face in coordinating with other donors?
6. What remedies could be applied in the future?

#### **PROLoG'S FUTURE ACTIVITIES**

1. What activities should USAID focus on in the coming years? What activities should PROLoG focus on during the remainder of their project? What areas still need to be strengthened? What capacity building efforts still need to be made?
2. Should PROLoG focus more on justice institutions? The NGO Coalition? The GBA? What is the future of the legal aid grant program?
3. What resources need to be allocated and what programmatic changes are necessary to maximize project/activity impact in the remaining term?

#### **KIIs WITH GOG AND JUSTICE INSTITUTIONS**

1. What assistance have you received from PROLoG to help you achieve your objectives? What is the quality and timeliness of the assistance?
2. What laws and policies on judicial system, due law protections, and human rights have been drafted and/or adopted with assistance from PROLoG?
3. What laws and policies on improving access to justice for women and minorities have been drafted and/or adopted with assistance from PROLoG?
4. What assistance have you received in the field of judicial examination, selection, and appointment?
5. In your opinion, what has PROLoG's assistance to other justice institutions accomplished?
6. To what extent has your capacity been improved? What capacity can be almost exclusively attributed to PROLoG's assistance? What still needs to be done?

7. In your opinion are you fulfilling your mandates? To what extent? If not, what are the impediments? What do you need to help you achieve them? What can PROLoG do to help?
8. What is your opinion of the other interventions of PROLoG in terms of their strengths and weaknesses and what is the overall opinion on the project performance?
9. What are the prospects for sustainability of the assistance you have received thus far? Are you receiving advice on planning for more sustainability?
10. In your opinion, what has PROLoG's assistance to the NGO Coalition accomplished?
11. In your opinion, what has PROLoG's assistance to the law schools accomplished?
12. In your opinion, what has PROLoG's assistance to the GBA accomplished?
13. What is your opinion on PROLoG's cooperation with other donors?
14. Considering the major areas of engagement (judicial reform, civil society advocacy, implementation of human rights), are there areas where PROLoG has been more or less successful in meeting the project's anticipated results?
15. Considering the political context, were there areas where the activity/partner should have focused more efforts or resources to achieve better results from the start of the project to date?

### **EQ 3: LEGAL EDUCATION**

#### **KIIs WITH LAW SCHOOL MANAGEMENT AND PROFESSORS**

##### **I. GENERAL QUESTIONS**

1. How many students (approximately) enroll in your law program annually?
2. How many Bachelors? Masters? Doctoral?
3. Have you received any assistance from PROLoG? Please describe briefly the type of assistance?

##### **II. CURRICULAR CHANGES**

1. Have you introduced changes in the curricula with PROLoG's assistance? Please describe briefly the type of changes?
2. Does your law school offer legal writing and analysis courses?
3. Does your law school offer legal ethics courses?
4. Has your law school established "chairs" in human rights, gender studies, and/or legal ethics?
5. What are the benefits of such curricular changes to the students?
6. Are these changes sustainable?

##### **III. CLINICAL LEGAL PROGRAMS**

1. Does your school have a clinical legal program?
2. Did you receive any assistance from PROLoG in establishing a clinical program?
3. Is the legal clinic mandatory or elective?
4. How many students enroll usually?
5. How many credits are allocated?
6. Is the professor an academic or practitioner?

7. Did the professors involved receive tailored staff development training for clinical legal education purposes?
8. Does the law school have a budget dedicated for the clinical legal education program?
9. What steps have been taken to ensure sustainability of the legal clinic?
10. What else can be done within project life to strengthen the sustainability?
11. Has the GBA been helpful in implementing CLE programs?

#### **IV. LEGAL INTERNSHIP**

1. Do you have an internship system in place for your students? What kind of assistance did you receive from PROLoG in setting up this system?
2. How is the internship offered, semester-based or annually?
3. How many students do the internships?
4. Is the internship mandatory or elective?
5. How many credits does it have?
6. How is the internship program (if you have one) organized and how is student performance evaluated?
7. Who monitors the implementation?
8. Has the GBA been helpful in implementing the internship program?

#### **V. LEGAL WRITING AND REASONING/LEGAL DRAFTING**

1. Are you offering legal writing and reasoning courses? What assistance did you receive from PROLoG in introducing these courses?
2. Are they mandatory or elective? How many credits?
3. Are these courses taught by practitioners (judges, lawyers, prosecutors) or academics?
4. How are these courses assessed?
5. Are the students interested? How many enroll annually?

#### **VI. NEW COURSES**

1. Have you introduced new courses on human rights and gender?
2. What assistance did you receive from PROLoG in introducing these courses/scholarships?
3. Do you have a scholarship program on these subjects?
4. What is the level of student interest? Why?

#### **VII. TEACHING METHODS**

1. What assistance have you received from PROLoG in introducing new teaching methods?
2. Can you describe any staff development plan adopted with PROLoG's assistance?
3. What is the general situation with new/interactive teaching methods in your law school and in Georgia more generally?

## **VIII. SUSTAINABILITY**

1. What are the capacities of the school to maintain and develop the PROLoG interventions in your law school?
2. What are the staffing and financial implications of PROLoG's interventions in your school and how will they be affected by the end of PROLoG's assistance?
3. Does your school have a plan for sustaining PROLoG's assistance?
4. What can be done to sustain PROLoG's intervention during the remaining life of the project?

## **POTENTIAL SITE VISITS TO LAW SCHOOLS**

### **KII WITH LAW PROFESSORS**

1. Free University Law School
2. Tbilisi State University Law School
3. Ilia State University Law School
4. New Vision University Law School
5. Georgia Public Administration Institute
6. International Black Sea University
7. Georgia American University

### **KII QUESTIONS FOR GBA OFFICERS AND MEMBERS**

1. What kind of services are you receiving as a member of the GBA? Are they relevant to your practice?
2. What do you consider to be the current organizational and financial autonomy of the GBA?
3. What was your understanding of the reasons behind the recent strongly contested election of officers of the GBA? How will this affect future programs of the GBA?
4. Will the new officers cooperate with PROLoG and USAID in carrying out future programming?
5. What do you consider to be the strengths and weaknesses of the GBA?
6. Is the internship program effectively assisted by the GBA? How could it be improved?
7. How is the CLE program working? Is it effective? How could it be improved?
8. Is the bar examination fairly administered? Is it effective in identifying unqualified applicants? How could it be improved?
9. How is the disciplinary program operating? Is it fair and effective? Are you aware of any disciplinary actions that have taken place?
10. Are all members encouraged to participate in GBA activities?
11. What type of USAID assistance has been effective or ineffective and why?
12. What is your opinion of PROLoG's assistance?
13. Does the GBA actively support the interests of its members by advocating legislation on behalf of the bar? Can PROLoG be helpful in such an effort?
14. Is the GBA supportive of the GYLA? How is the support given?

15. Are Bench-Bar meetings arranged by the GBA? How often and are they useful?

## **EQ 5: DONOR SUPPORT**

### **KIIS WITH DONORS**

1. How effective is PROLoG working with other rule of law donors?
2. Is donor coordination formalized? If so, are there Memoranda of Understanding or other agreements that acknowledge the division of labor and/or joint implementation of activities?
3. To what degree do donors pool their funds and/or expertise?
4. What methods for coordination among donors were successful? Why?
5. What challenges did PROLoG face in coordinating with other donors?
6. What remedies could be applied in the future?

### **FGD WITH LAW PROFESSORS**

1. What do you perceive to be the strengths and weakness of the legal education system? What are the career development efforts in the law school?
2. What kind of assistance have you received from PROLoG? What are the results?
3. What opportunities for expanding clinical education at the law school has PROLoG supported?
4. What opportunities to improve the research capabilities at the law school has PROLoG supported?
5. What is PROLoG doing to improve teaching methods in your school?
6. Do you have an operating legal clinic? Are there student volunteers in the legal clinics? How many? How are they recruited? How are they trained? Are the students given academic credit for their clinic experiences?
7. What do you see as the current obstacles that impede development in legal education?
8. What components of the current activities must be expanded, replicated, or scaled up? Which should be discontinued? What are the gaps and duplications in the overall effort of legal education?
9. What obstacles exist for achieving sustainability in suggestions proposed?
10. What measures should be taken to increase sustainability?
11. What new strategies would you recommend that could overcome these obstacles?

### **FGD WITH LAW STUDENTS**

1. Why did you decide to study law? What career plans do you have after graduation?
2. Describe your classroom experience at the law school?
3. Are you receiving training on improving practical skills? Are they offered by practitioners or academicians?
4. What courses are being offered on enhancing legal research and writing skills? Are they offered by practitioners or academicians?
5. Is the school offering legal internships or legal practice?
6. Does the school have a functioning legal clinic? What is your experience with the legal clinic?

7. What is your overall impression of the legal education you are receiving? Does it prepare you to join the legal professions after graduation?
8. How would you improve law school effectiveness?
9. Do you have additional comments that would assist the law school?
10. Has the GBA been supportive of the legal clinic program?

#### **EQ 4: BAR DEVELOPMENT**

##### **FGD WITH CLE PARTICIPANTS**

1. Have you participated in any GBA training supported by PROLoG?
2. How do you rate the quality of training provided to you in general?
3. What, in your opinion, were the best aspects of the training? What could be done better in terms of content or method of delivery?
4. How effective was the training on human rights and gender issues?
5. Is the knowledge you received in training assisting you in your daily job? In what ways?
6. Have PROLoG's trainings and technical assistance benefited you?
7. What are your suggestions to improve the CLE in the future?

##### **FGD WITH MEMBERS OF THE GBA**

1. What is your opinion on the current activity of the GBA? What kind of services is the GBA currently offering you as a member? Are they relevant to your practice?
2. Are members interested in strengthening the regional branches?
3. How do you consider the current level of organizational and financial autonomy of the GBA?
4. What is your assessment of the PROLoG's assistance so far?
5. What type of USAID assistance has been effective or ineffective and why?
6. What are the strengths and weaknesses of the GBA?
7. How is the bar examination being organized? How would you improve it?
8. How is the CLE program working? Is it effective? How would you improve it?
9. How is the internship system operating? How should it be improved?
10. Is the GBA promoting legal ethics? What is the performance of its disciplinary mechanisms? Are the mechanisms fair and effective?
11. Are you personally aware of any disciplinary actions that have taken place?
12. What kind of future support is needed from USAID to ensure efficient service delivery to members?
13. In your view, in what ways would USAID assistance to the GBA become sustainable in the longer term?
14. Does the GBA actively support the interests of its members by advocating legislation on behalf of the legal profession? Can PROLoG be helpful in these efforts?
15. Is the GBA supportive of the GYLA? How is the support given?

## FGD WITH GBA REGIONAL BRANCH MEMBERS

1. How active is your regional chamber?
2. How often is the Regional Assembly meeting?
3. What services are you offering to members?
4. Do you maintain up-to-date records of membership fee payments?
5. Do you have a system in place for training needs assessment in your region?
6. How is the legal assistant/law interns program run?
7. Does your branch have its own source revenues or any revenues?
8. In your opinion, what are the results of PROLoG's assistance to the GBA? What about challenges?
9. How can the GBA and regional chambers become more active and sustainable?

## Mini-Survey with NGO Coalition Members

<b>Organization name:</b>		
<b>Location(s):</b>		
<b>Name and title of person filling out form:</b>		
#	Question	Answer
1	Did your organization receive direct funding or assistance from the PROLoG program?	YES    NO
a.	If so, describe the entire amount of funding, period, and the date it started.	Amount:  Time Period:  Date Funding Started:
2	Has your organization participated in any advocacy campaigns with other CSOs for new government policies, laws, or regulations to improve access to justice for vulnerable groups organized by PROLoG? When? Please provide detail:	
3	Did your organization receive any legal technical capacity building training or tools from the PROLoG program? Please provide detail on frequency, content, and dates.	Trainings from PROLoG received:

		Tools developed with PROLoG support:
a	Was the training effective for the needs of your organization? How were the skills or knowledge acquired beneficial to your work? Please provide examples of how new knowledge or skills were applied by CSO staff trained?	
4	Will you be able to secure financial support for your work once PROLoG is finished?	
a	Do you have support from other donors?	
b	What is the most likely source for future financial support for your organization?	