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Child-Friendly Justice in Europe: Participation and Restorative Justice: Online event – 12 May 2020

Statement by Ms Thea Tsulukiani, Vice Prime Minister, Minister of Justice, Georgia

Opening remarks

Your Excellences,

Distinguished Colleagues,

Ladies and gentlemen,

Let me start by expressing our appreciation towards the Council of Europe as it continues to play an important role in upholding human rights, rule of law and democracy within *l'ordre public européen*. It is natural then that child-friendly justice has come into focus of the Georgian Presidency of the Council of Europe.

Our national experience with child-friendly justice is about taking a holistic way whereby restorative justice serves as an important building block of the environment that is constantly adapted to the needs and interests of children.

I believe to offer stocktaking of what we did and how we did it might be valuable for our partners, members of the Council of Europe.

First and the most important lesson that we have learned from the reforms since 2012 is that change in institutions needs to be complemented by change in institutional culture.

In turn, change in institutional culture is brought about by change of ideas and attitudes.

That is why breaking away with the zero-tolerance in the juvenile justice system highlighting criminal sanctions and massive use of detention rather than non-custodial alternatives, prevalent in Georgia before 2012, was a single biggest challenge that we encountered.

Adoption of a separate Juvenile Justice Code in June 2015 served both for changing institutions and changing the institutional culture – the Code introduced entirely new philosophy of Juvenile Justice where application of the non-custodial measures to children in conflict with law was made a default and criminal sanction an exceptional rule. In 2019, only 10 accused juveniles were placed in the penitentiary system of Georgia (while in 2010 and 2011 their number was 31 and 46 respectively). The tangible results are visible in case of convicted juveniles as well - here the number in 2019 was 37 (compared to 2010 and 2011 - 160 and 146 respectively).

At present, social workers, restorative justice programs, services and resocialization define measures for reintegrating child into a normal life.

Second, the Code came to existence as a result of the “democratic law-making” whereby law is drafted through an inclusive process with involvement of government agencies, international organizations and NGOs and therefore attains high level of participation and legitimacy before being submitted to the Parliament of Georgia.

Third, shared understanding reached among the actors of “democratic law-making” has helped in producing specialized body of professionals through a re-training process supported and funded by UNICEF and EU. These efforts contributed to embedding child-friendly values into the institutional culture of judges, prosecutors and social workers not least by providing for their continued professional development and certification.

Fourth, implementation of the Code is as much important as the text of the Code is built around the core principle of best interests of the child. Immediately after the adoption of the Juvenile Justice Code in 2015, a Multidisciplinary Working Group of relevant state agencies, civil society and international organizations was created to identify challenges in implementing the Code. Accordingly, the reports of the Group are being used to draft amendments to the Code to further refine and improve it.

Fifth, we are making maximum use of diversion and mediation for children and young people under the Code whereby juveniles are dealt without resorting to judicial proceedings or trial with human rights and legal safeguards respected. The number of juveniles engaged in diversion/mediation programs has been increased more than twofold since 2014 (204 juveniles) to 2019 (437). Further, the results of successfully closed cases through the mediation process were increased threefold, which in 2019 reached 55% (while in 2014 it was only 18%).

It is an encouragement offered to young people in conflict with the law to return to law-abiding life without punishment nor conviction, in exchange of voluntary participation in the programs tailored to their needs.

More than that – this arrangement also involves an independent and neutral person – a mediator, to help to forge dialogue between parties. Mediators help parties in dispute resolution process, including compensation for damages.

Hence interests of both parties are met – for the child in conflict with the law to better ascertain the consequences of his/her actions while due attention is had to the interests of victim. As of 2019, only 9% of juveniles, previously involved in diversion/mediation programs until 2018, committed crime anew.

Sixth, creation and starting of the operation of a Child Referral Mechanism and Referral Center in January 2020 was an important step forward in realizing the philosophy of child-friendly justice – the mechanism provides non-criminal responses to offenders under 14 whereas it plays a role of first and second degree crime prevention for those above this age.

Major competences of the Child Referral Centre are:

- Coordination of the identification process of children with difficult/antisocial behaviour by different agencies and relevant procedures;
- Assessment of child conditions and individual needs;
- Creation of family-type school;
- Inclusion of child in the relevant programs/services;
- Monitoring and supervision of participation of a child in the appropriate services/programs.

The Referral Center offers the following services for juveniles with antisocial behaviour:

- The individual consultancy of the social worker and psychologist;

- Creating the individual support plan based on the evaluated necessities of the juvenile;
- Training Programs: Developing Communication Skills, Developing Conflict Resolution Skills; Enhancing Emotional Competencies and Anger Management Skills; Developing Critical Reasoning; Training on Personal Development; Training on Healthy lifestyle;
- Projects: Professional Orientation and Career Management Program; the Program on Developing Social Responsibilities; Movie Club and other cultural entertainment activities;
- The consultancy of parents/caregivers regarding parenting styles and managing challenging behaviour of the juveniles.

The holistic approach to child-friendly justice also involves introduction of *micro prisons (family-type, home-type prisons)* by the Ministry of Justice of Georgia that provide better and diversified opportunities for resocialization services. For this purpose, several houses (with due consideration of the regional coverage) will be procured and at least 2 micro prisons for young offenders should be in place by the end of 2021.

To conclude, child-friendly justice is an open-ended project requiring constant involvement, review and adaptation. To continue down this path, we need a firm commitment and resolve in realization of the best interests of child.

Reaffirming this commitment and resolve is my last but perhaps the most significant point that I offer to all our partner-countries within the *ordre public européen*.

Thank you very much!