



Programmatic Cooperation Framework for
Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine and Belarus

Funded
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JUDICIAL NEEDS ASSESSMENT

QUANTITATIVE STUDY FINDINGS

Survey conducted by the Applied Research Company (ARC)

Description of the Survey

The judicial needs assessment survey has been conducted among judges within the framework of EU/CoE joint program “Application of the European Convention of Human Rights and Harmonization of National Legislation and Judicial Practice in Line with European Standards – Georgia”.

The purpose of the survey was to assess what the judges needed for better application of the ECHR and the ECtHR case law in their judgments.

The survey has been conducted via the electronic mail using the SurveyMonkey software. The questionnaire has been developed in close cooperation with the project team and CoE consultant Nana Mchedlidze. The questionnaire consists of 53 questions, including 52 closed (multiple-choice questions) and an open question.

In the course of the data processing, the open question answers and comments were coded and categorized.

The survey was conducted from July 11 to September 26, 2016, among judges from Tbilisi, Batumi and Kutaisi courts.

The survey data have been processed using the SPSS software. Frequency analysis and cross tabulation have been applied for statistical analysis of the data. Data between groups were compared using the following variables:

1. Court instance
2. City
3. Gender
4. Experience in the court system
5. Years of practice of judges
6. Experience in the judicial system
7. Age
8. Knowledge of foreign languages
9. Academic degree
10. Participation in CoE's trainings
11. Participation in trainings dedicated to European human rights standards
12. Self-assessment of computer skills

Obstacles

Lack of access to judges' contact information was the main obstacle for the survey. The High Council of Justice could not provide personal information on judges (phone numbers, e-mail addresses) to the project team in line with their personal information protection rules, and offered their assistance in questionnaire administration instead. A link to the electronic questionnaire was disseminated via the internal network, and completion of the questionnaire was delayed. Moreover, only one Supreme Court judge participated in the survey. Hence, respondents' distribution by categories has been done only for the city courts and courts of appeals.

Respondent Information

Tables 1-6 contain information on respondents' distribution by city, court instance, age, gender, academic degree and years of practice.

Table 1 Respondents Distribution by City

City	Q-ty	%
Tbilisi	116	75.3
Kutaisi	24	15.6
Batumi	14	9.1
Total	154	100

Table 2 Respondents Distribution by Court Instance

Instance	Q-ty	%
Supreme Court	1	.6
Courts of Appeal	46	29.9
City courts	107	69.5
Total	154	100

Table 3 Respondents Distribution by Age

Age	Q-ty	%
30-45 years	106	68.8
46-55 years	41	26.6
56-65 years	7	4.5
Total	154	100

Table 4 Respondents Distribution by Gender

Gender	Q-ty	%
Men	87	56.5
Women	67	43.5
Total	154	100

Table 5 Respondents Distribution by Academic Degree

Degree	Q-ty	%
Master of Laws (LL.M)	20	13.0
Equal to LL.M	125	81.2
Doctor of Law (J.D)	6	3.9
Equal to J.D	3	1.9

Table 6 Respondents Distribution by Years of Practice

Years	Q-ty	%
Up to 1 year	23	14.9
2-5 years	15	9.7
6-10 years	58	37.7
11-15 years	38	24.7
16-25 years	20	13.0

Survey Findings

Knowledge of Foreign Languages and Self-Assessment of Computer Skills

More than a half of the respondents know the Russian language and only one third know English; 61% know more than one foreign language; 33.8% of respondents know only Russian and 3% only English. There is a difference between the age groups in terms of their knowledge of English: 64.2% and 36.6% say they know English, respectively, in the age groups of 30-45 years and 46-55 years. The percentage is lower (14.3%) among the respondents aged 56-65. There is no significant gender-related difference in terms of the English knowledge.

Diagram 1 Knowledge of Foreign Languages

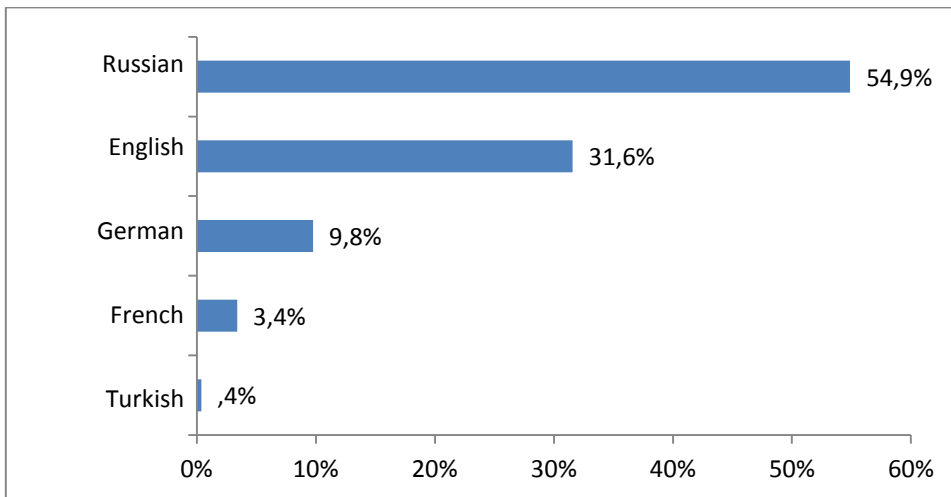


Diagram 2 How many foreign languages do you know?

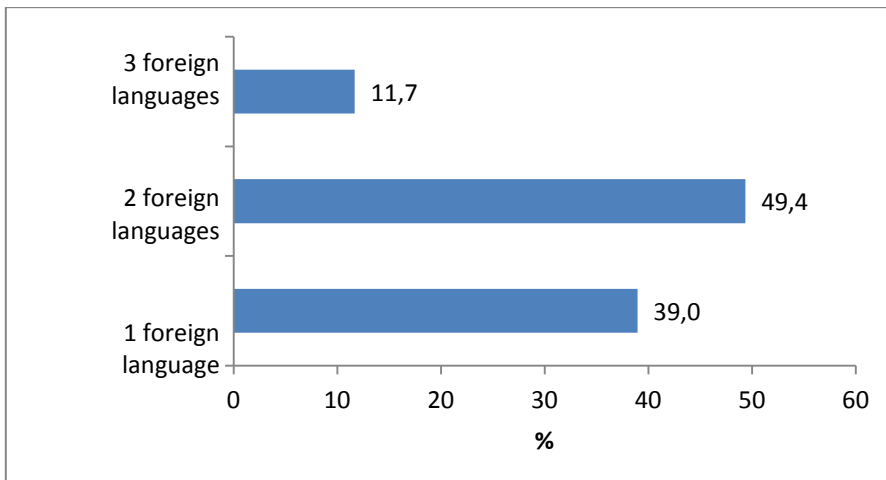


Diagram 3 Self-assessment of foreign language knowledge, by age

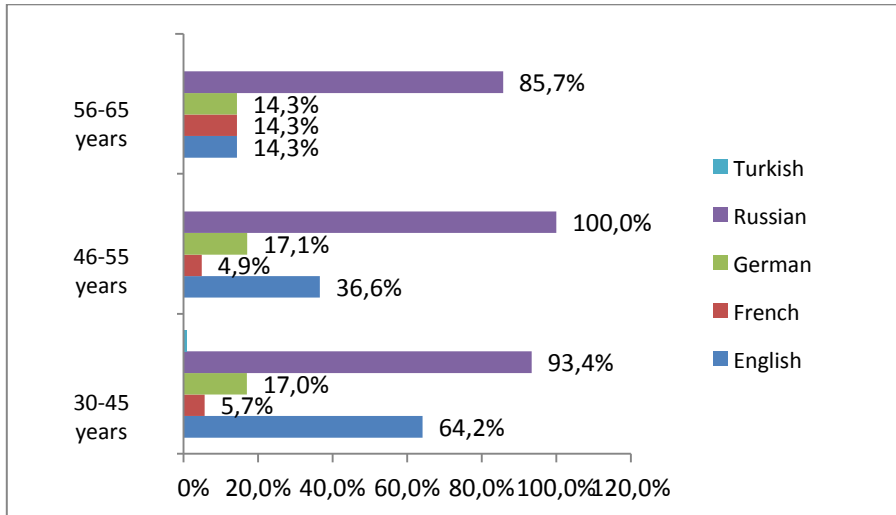
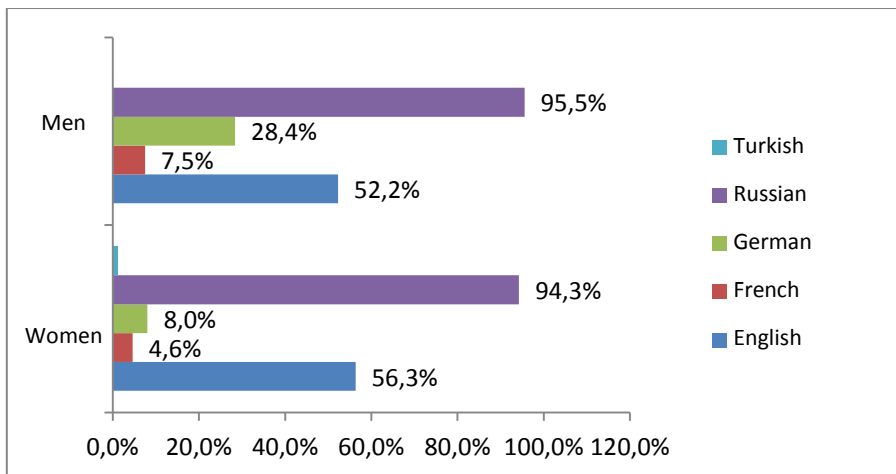


Diagram 4 Self-assessment of foreign language knowledge, by gender



English speaking and reading skills were assessed on a five-point scale. More than a half of the respondents said they had basic English reading skills (could read separate phrases and words). Only 1.9% of the respondents (3 respondents) can read difficult professional texts in English. About one third (34.3%) of the respondents said they could speak at the elementary level, while 40.9% assessed their speaking skills as medium. Only 3.2% of respondents (5 persons) can speak English fluently at the professional level. The level of the English knowledge is associated with the respondents' age. Younger respondents speak and read better. Only respondents aged 30-45 years can read and speak English at the professional level.

Diagram 5 Self-assessment of English reading skills

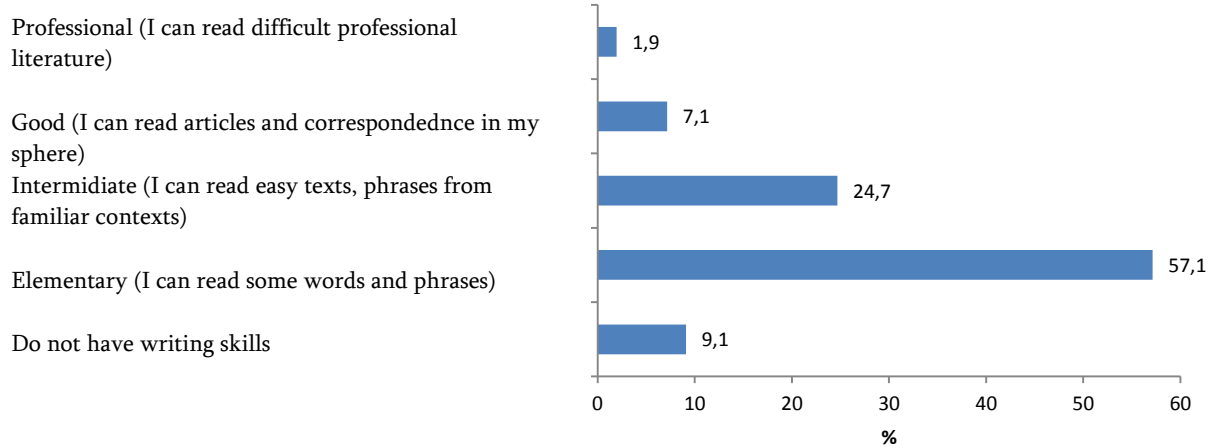


Diagram 6 Self-assessment of English speaking skills

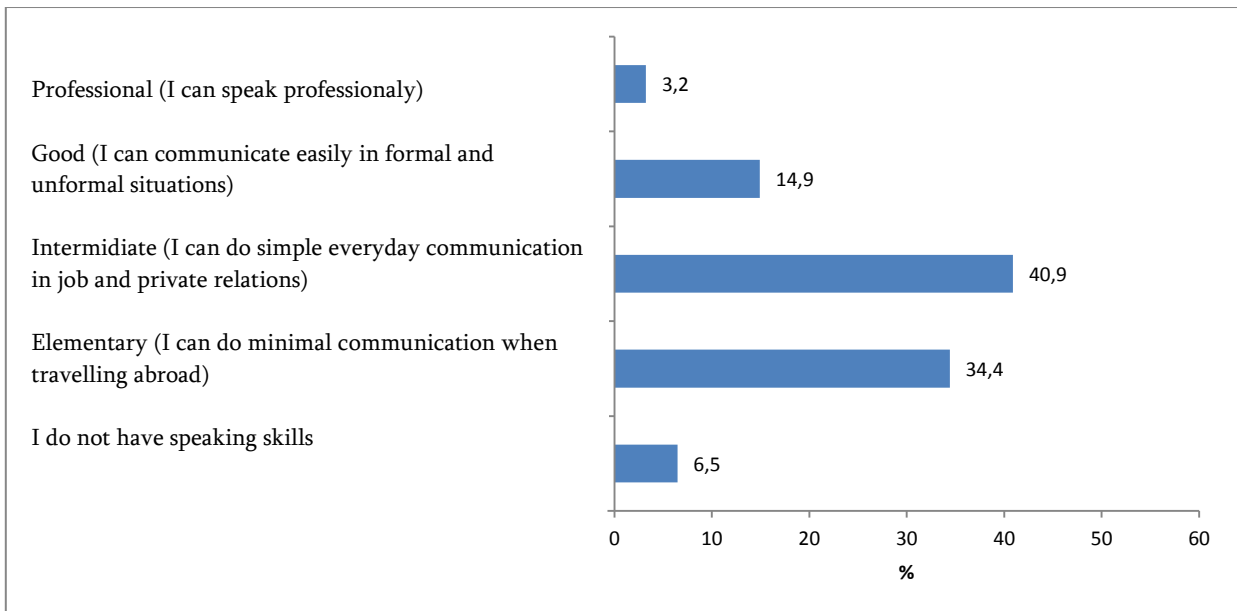


Diagram 7 Self-assessment of English speaking skills, *by age*

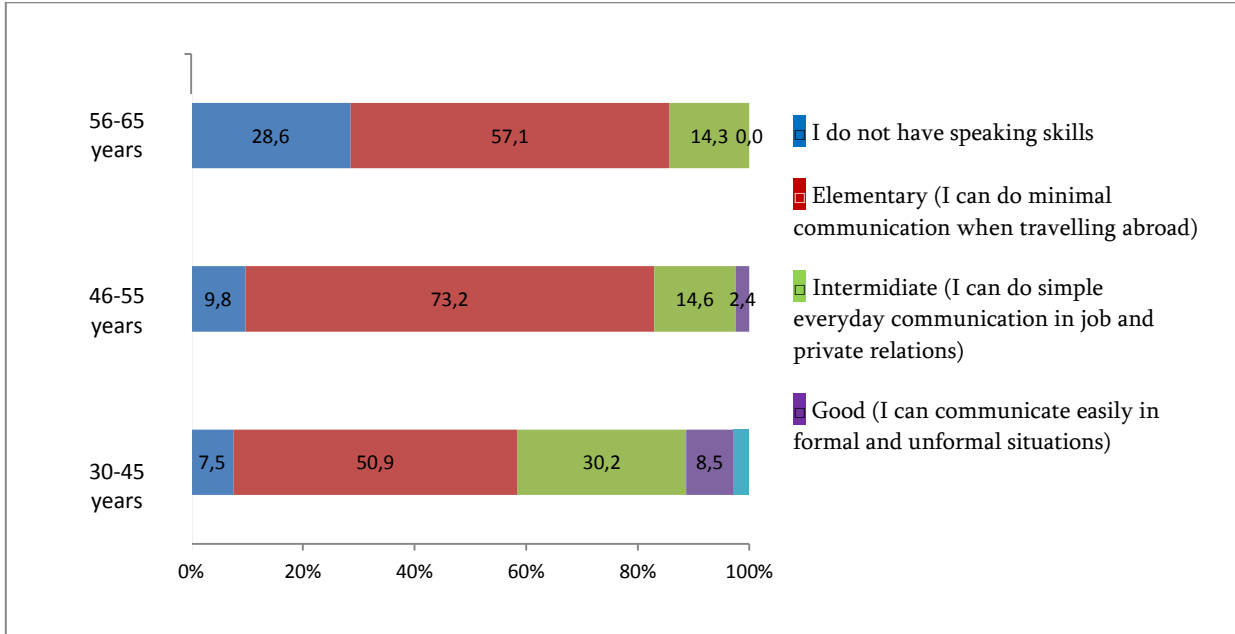
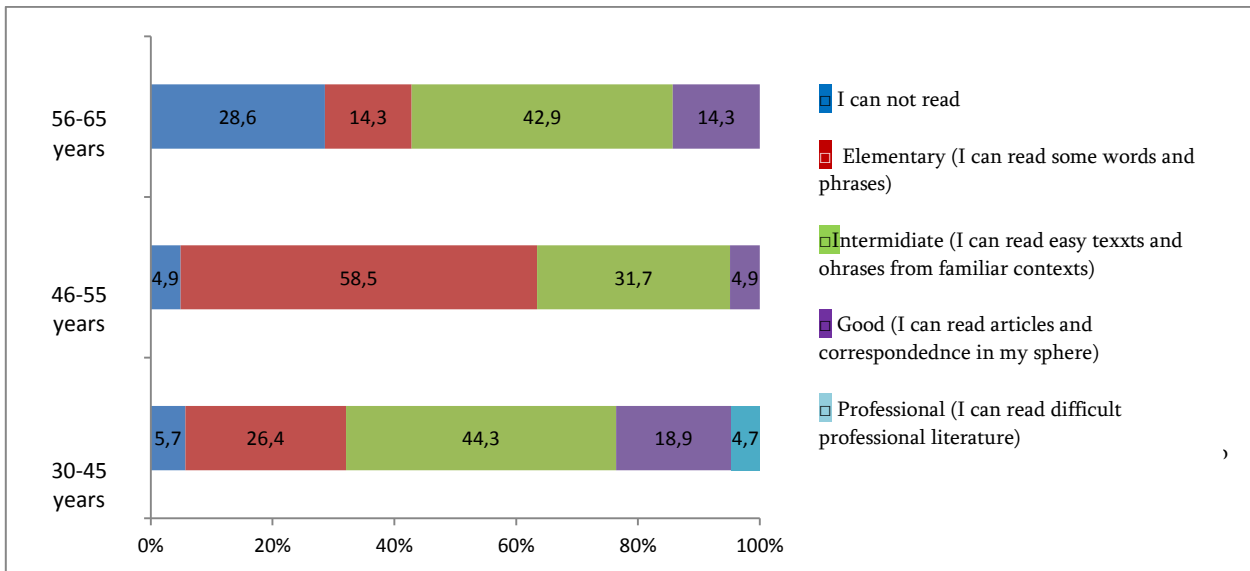


Diagram 8 Self-assessment of English reading skills, *by age*



Most of the respondents assess their computer skills as above average or very good. Computer skills also correlate with the respondents' age.¹ Younger judges have better knowledge of office programs, as well as copying, typing, scanning and online communication skills than their older colleagues do, both generally and in the court system.

There was no statistically significant difference in computer skills by gender.²

Diagram 9 Self-assessment of computer skills

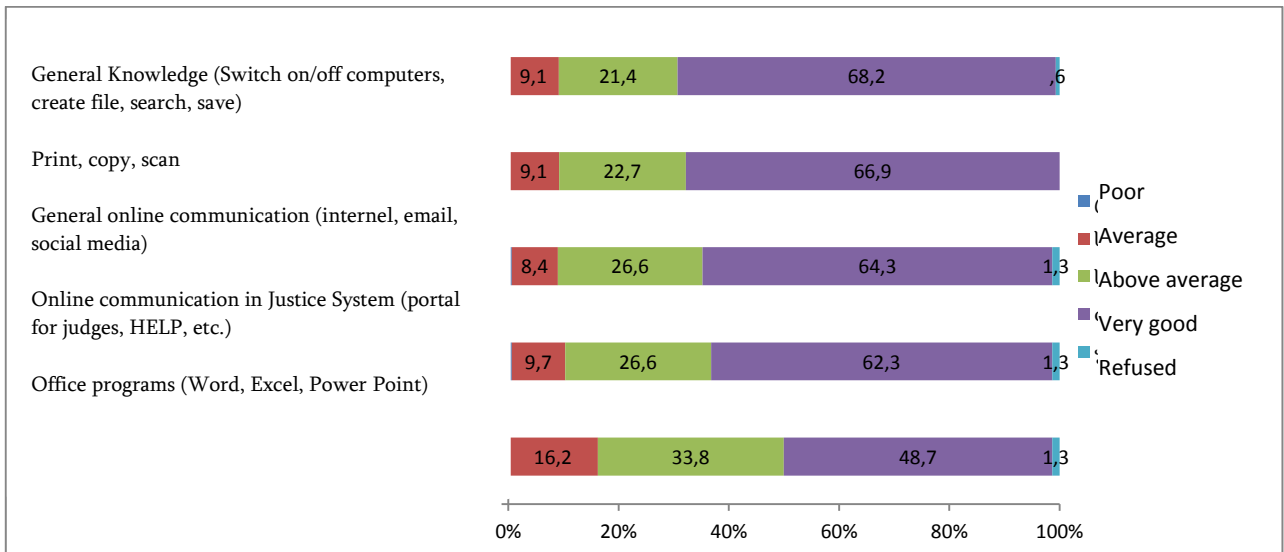
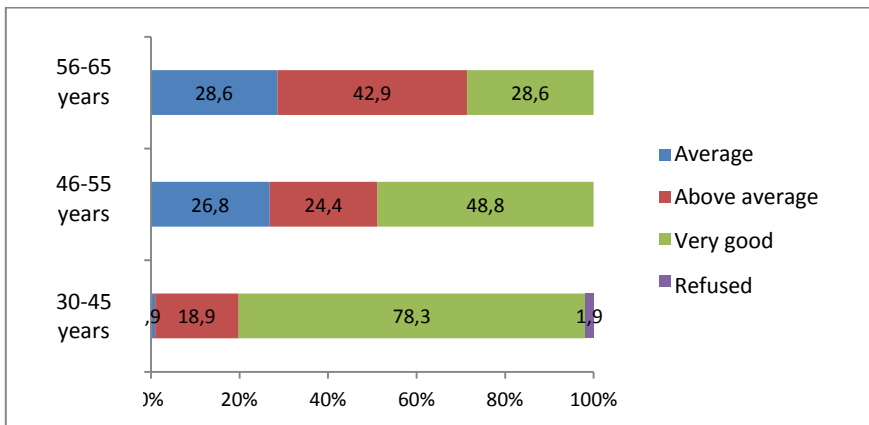


Diagram 10 General computer skills, by age



¹ The assessment has been conducted using statistical analysis system ANOVA.

² T-test for independent groups has been used for statistical analysis.

Diagram 11 Office program knowledge, *by age*

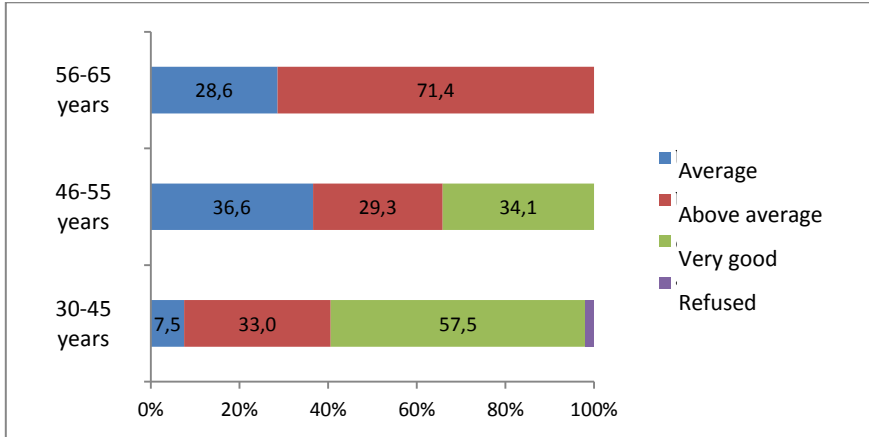


Diagram 12 Printing, copying and scanning skills, *by age*

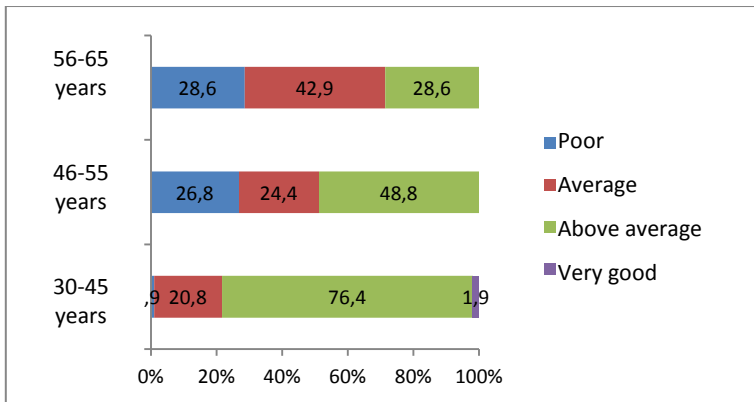


Diagram 13 General on-line communication skills, *by age*

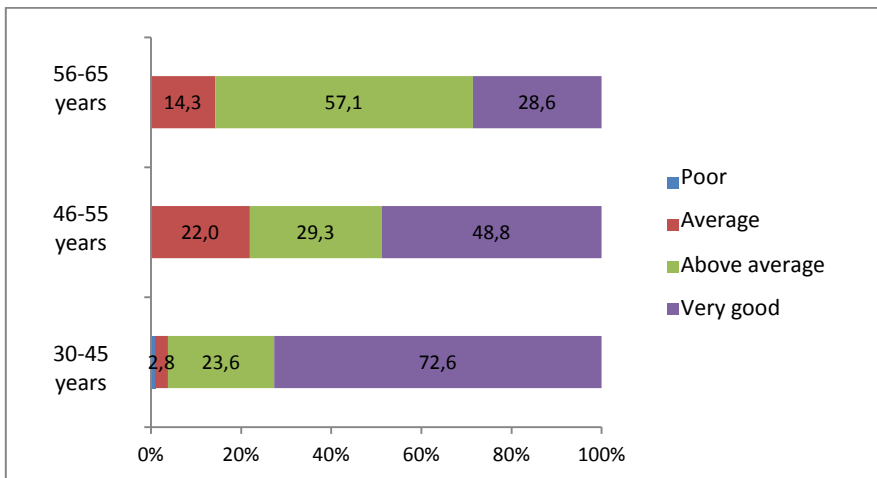
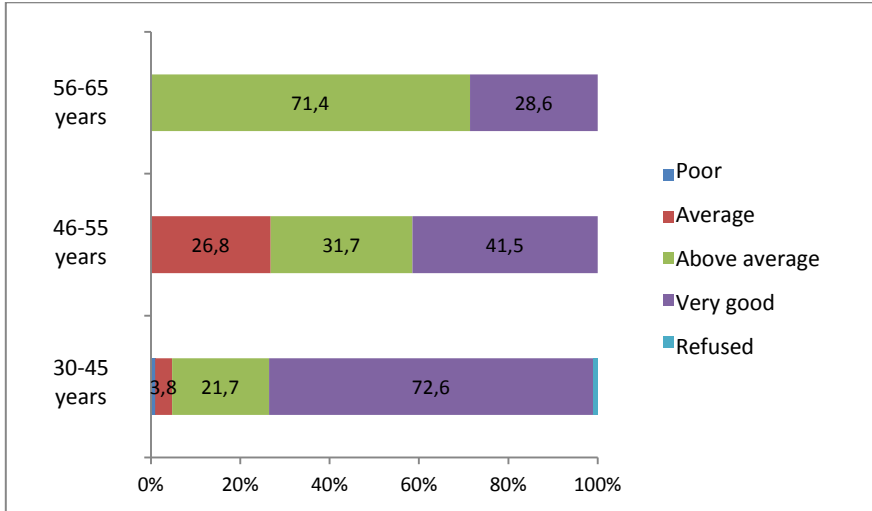


Diagram 14 Online communication in the Court System, *by age*



Participation in Trainings

Most of the respondents (80%) have participated in trainings organized by the Council of Europe. Data analysis by city show that 57.1% of judges from Batumi, 82% of judges from Tbilisi and 87.5% of judges from Kutaisi courts have participated in such trainings. No significant difference has been recorded as regards judges' participation in CoE-organized trainings by court instances; 74.4% of city court judges and 82.6% of courts of appeals judges have participated in such trainings. Data analysis by age shows that 90.2% of judges aged 46-55 years and only few judges aged 56-65 years have participated in CoE trainings. There is no significant difference in training participation by gender, experience in the courts system and years of practice of judges.

Diagram 15 Participation in CoE trainings

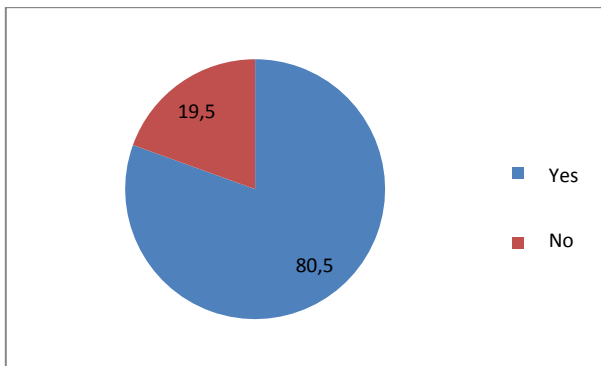


Diagram 16 Participation in CoE trainings, by city

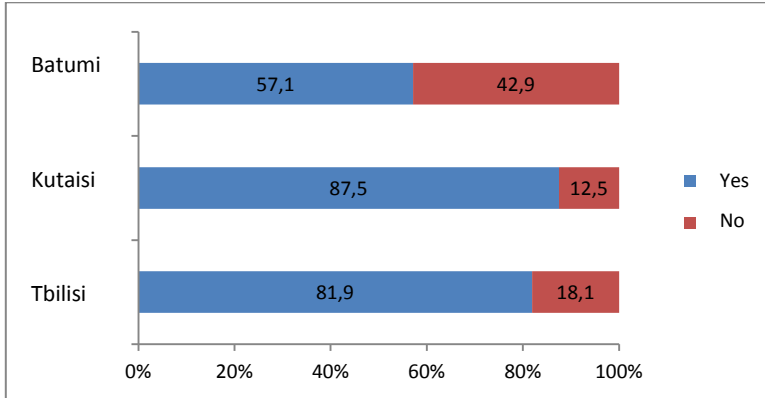


Diagram 17 Participation in CoE trainings, by instance

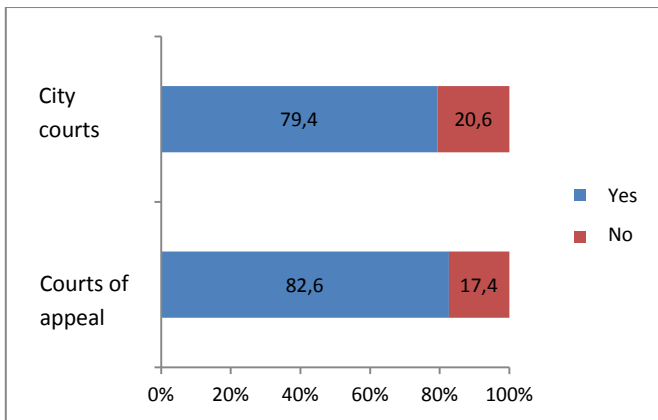
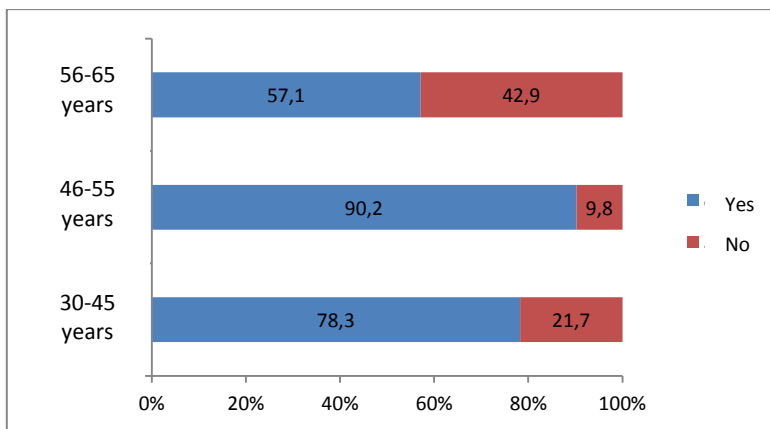
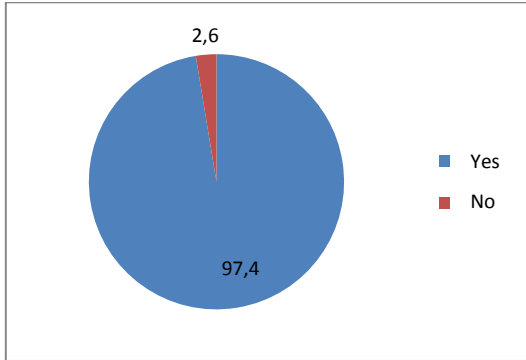


Diagram 18 Participation in CoE trainings, by age



Absolute majority of respondents, with exception of 2.6% (4 respondents), have participated in trainings on European human rights standards.

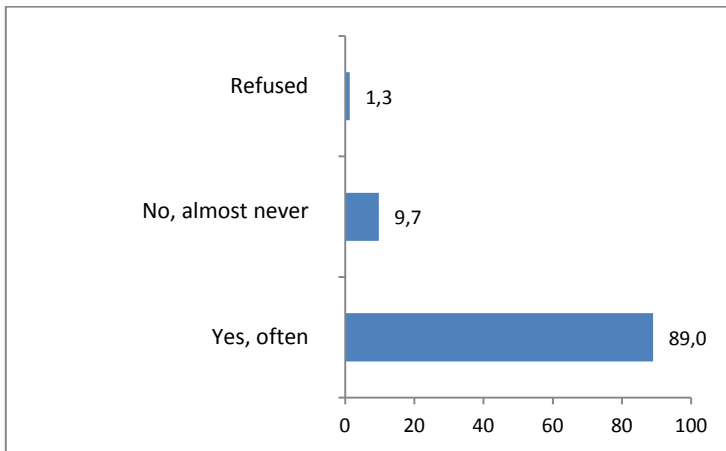
Diagram 19 Participation in trainings on European human rights standards



Application of international normative acts in judgments

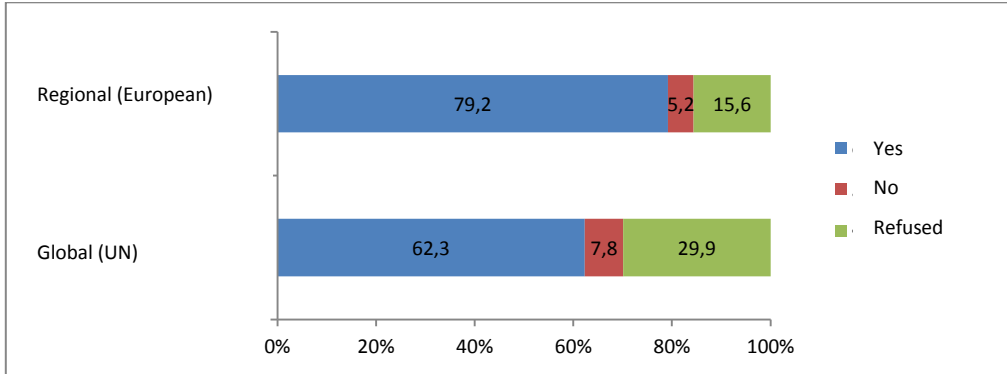
The majority of the respondents (89%) said they used international normative acts in their judgments. Eleven out of fifteen judges who do not use the acts believe that it is necessary to use international norms, while two respondents see no such need since the Georgian legislation is sufficient to support a judgment.

Diagram 20 Application of international acts in judgments



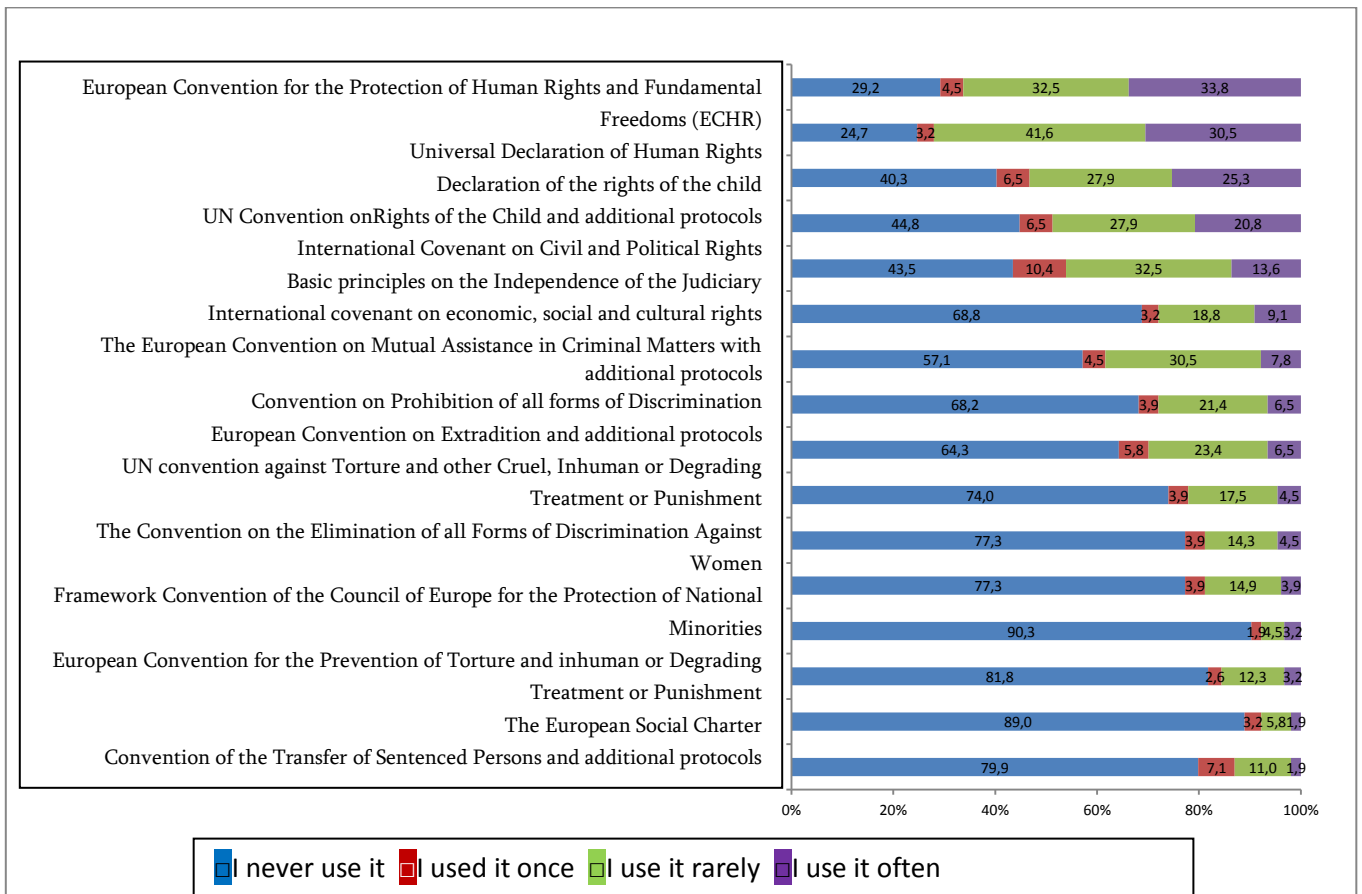
When asked which human rights protection system they knew, 62.3% of respondents mentioned the global (UN) system, while 79.2% mentioned the regional (European) system; 57.1% of respondents had information about either of the systems, while 27.3% knew both.

Diagram 21 Which human rights systems do you know?



The respondents were asked how often they used human rights instrument in their practice. The most frequently used instrument were European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the Universal Declaration of Human Rights. Declaration of the Rights of the Child is the third most frequently used international instrument.

Diagram 22 How often do you use the following human rights instruments?



The survey showed that 3.9% of the respondents often use CoE resolutions, 35.1% use them rarely, while 50% do not use them (11% of respondents refused to answer). As to the CoE recommendations, 7.8% of the respondents use them often, 42.2% use them rarely, while 39% do not use them at all. Data analysis by court instance shows that city court judges use (often or have used at least once) CoE resolutions and recommendations more frequently than courts of appeals judges. Data analysis by gender shows that male judges use CoE resolutions and recommendations more frequently than their female colleagues. Respondents in the age group of 46-55 years use the mentioned documents more frequently than other age groups.

Diagram 23 How often do you use other international CoE instruments?

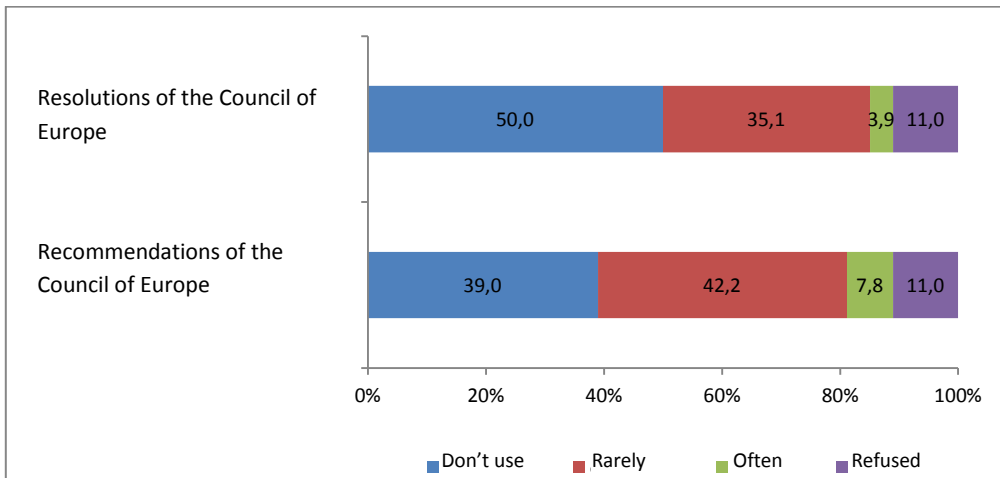


Diagram 24 How often do you use CoE Resolutions? *by instance*

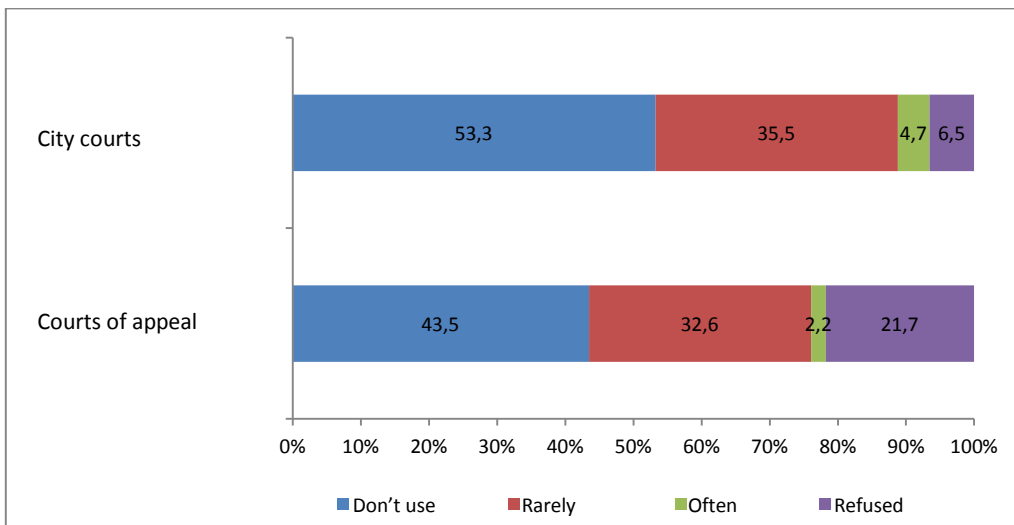


Diagram 25 How often do you use CoE Recommendations? *by instance*

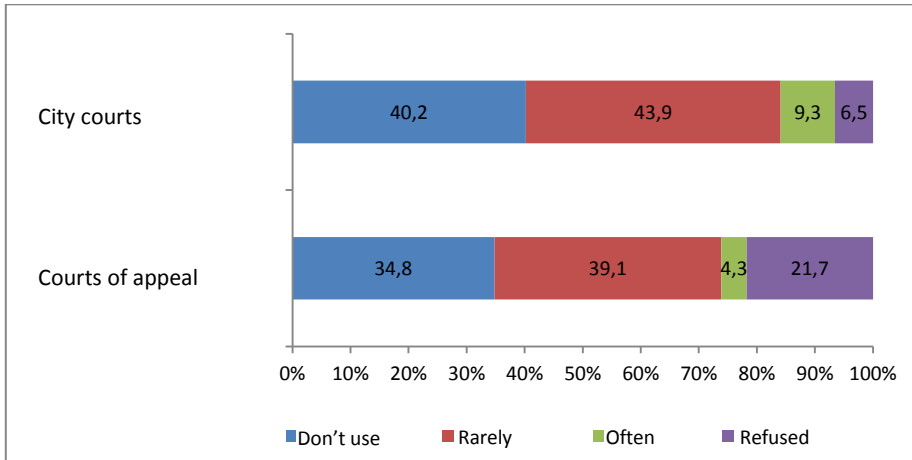


Diagram 26 How often do you use CoE Resolutions? *by gender*

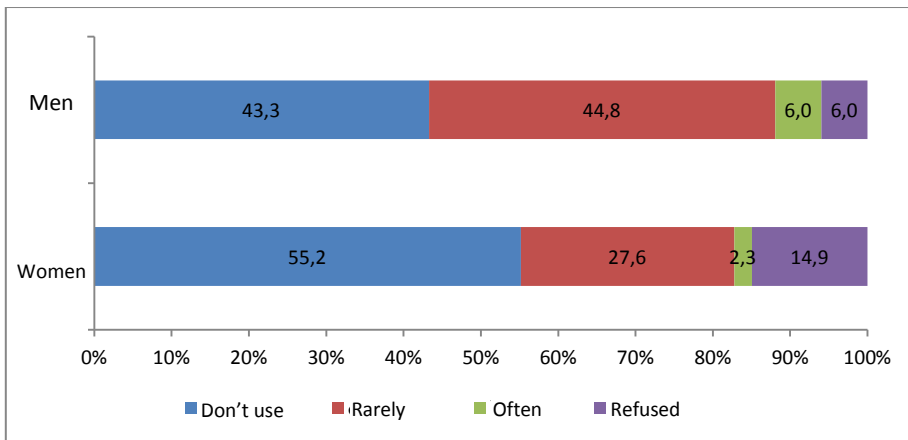


Diagram 27 How often do you use CoE Recommendations? *by gender*

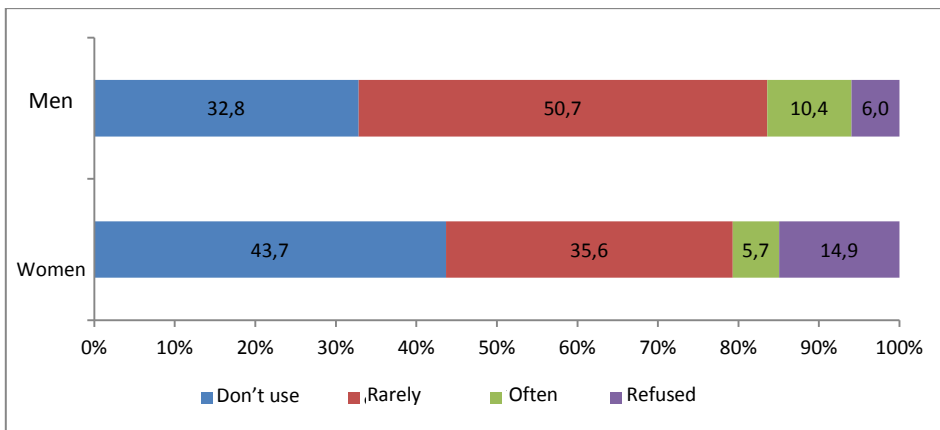


Diagram 28 How often do you use CoE Resolutions? *by age*

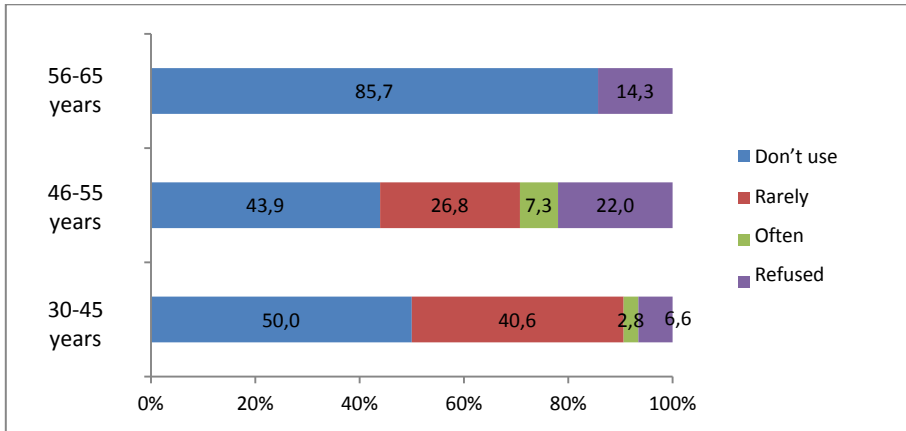
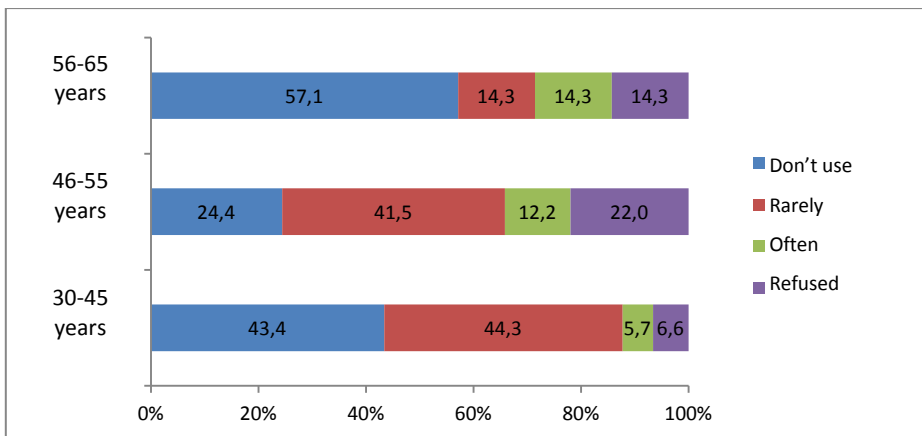


Diagram 29 How often do you use CoE Recommendations? *by age*



According to the survey results, 33.1% of the respondents often use ECtHR judgments in their own practice, while 52.6% of respondents use them occasionally. City court judges use ECtHR judgments in their practice more frequently than their colleagues from courts of appeals. Judges aged 56-65 years use ECtHR judgments the least frequently, while their colleagues in the age of 30-45 years use them the most frequently (92.5% use them often or occasionally). Male judges use ECtHR judgments more frequently than their female colleagues.

The respondents, who use ECtHR judgments occasionally, complained of insufficiency of ECtHR judgments translated into Georgian and Russian and commented that it would be desirable to have a more comprehensive database of ECtHR judgments with an effective search system. They also noted they used ECtHR judgments on case-by-case basis, if there were any defects in a corresponding national legislation, or in order to make better-supported judgments.

Diagram 30 Do you use ECtHR judgments in your practice?

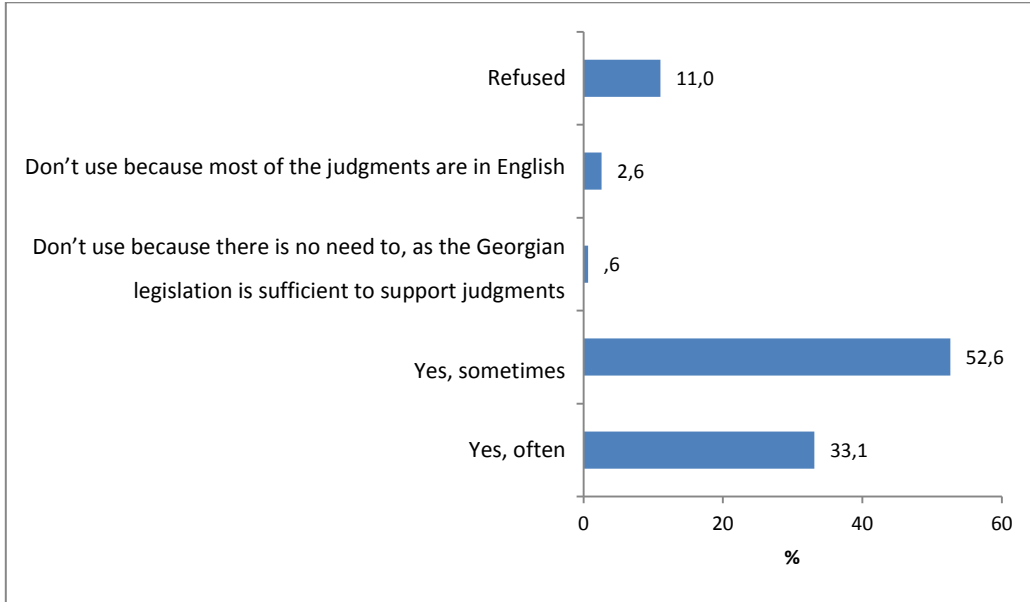


Diagram 31 Do you use ECtHR judgments in your practice, *by instance*

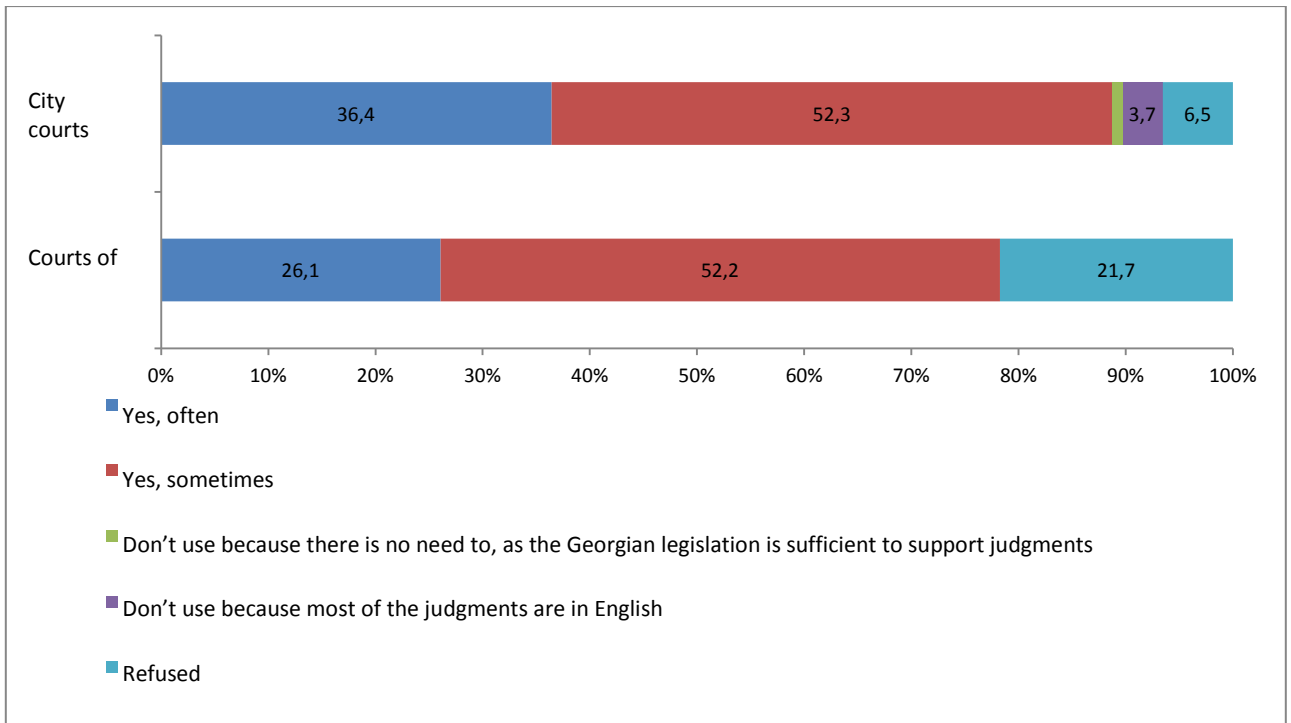


Diagram 32 Do you use ECtHR judgments in your practice, *by age*

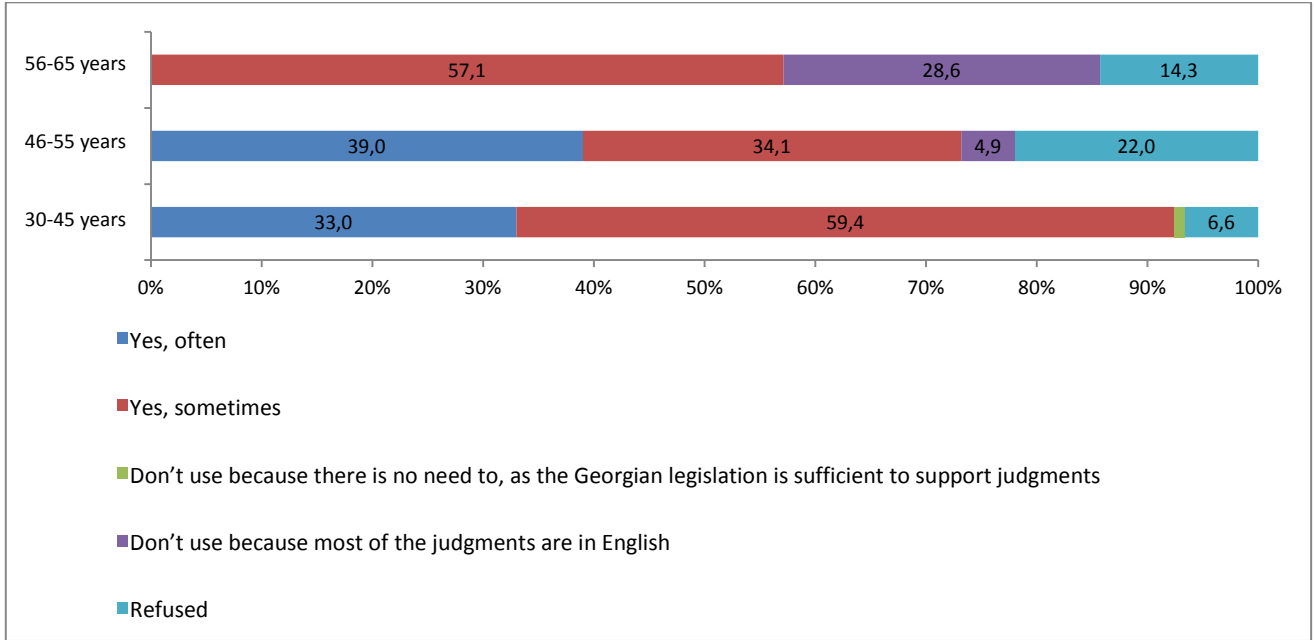
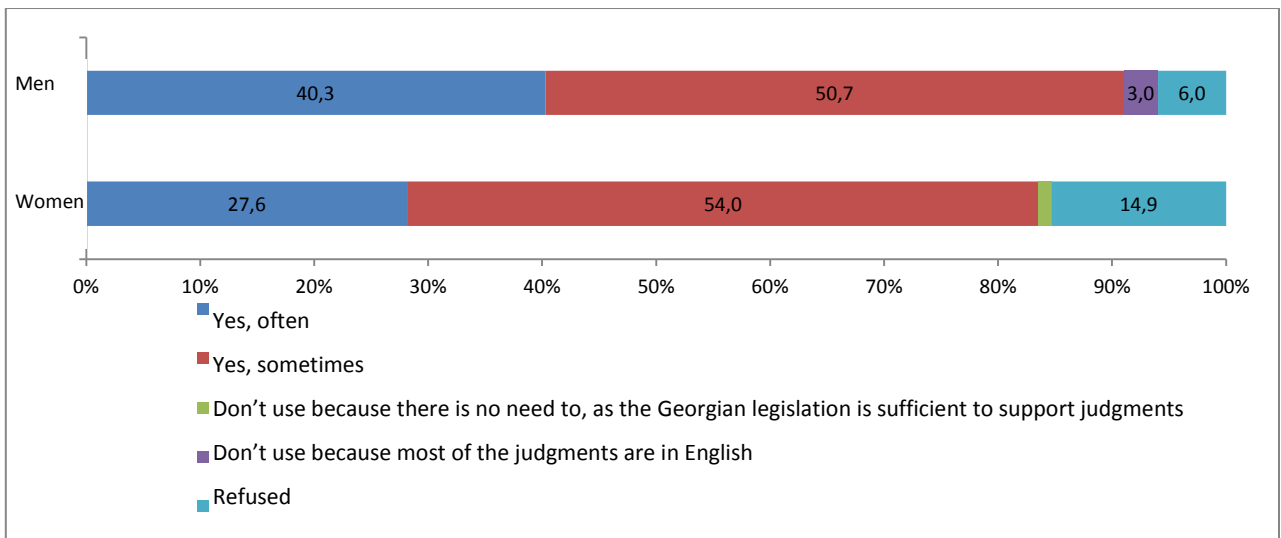


Diagram 33 Do you use ECtHR judgments in your practice, *by gender*



About one third (31.8%) of the respondents believe that it is necessary to use ECtHR judgments in their practice. More than a half believe that their use is necessary in some cases. Most of city court judges believe that using ECtHR judgments is necessary. Comparison of responses on the by-city basis shows that the number of judges of Tbilisi courts, who consider the use of ECtHR judgments necessary, is higher than the number of their colleagues from Batumi and Kutaisi. By-age data analysis shows no

significant difference in responses. Analysis of responses by gender shows that 43.3% of male judges and 23% of their female colleagues consider the use of such judgments in their practice necessary.

Diagram 34 Do you think it's necessary to use ECtHR judgments in your practice?

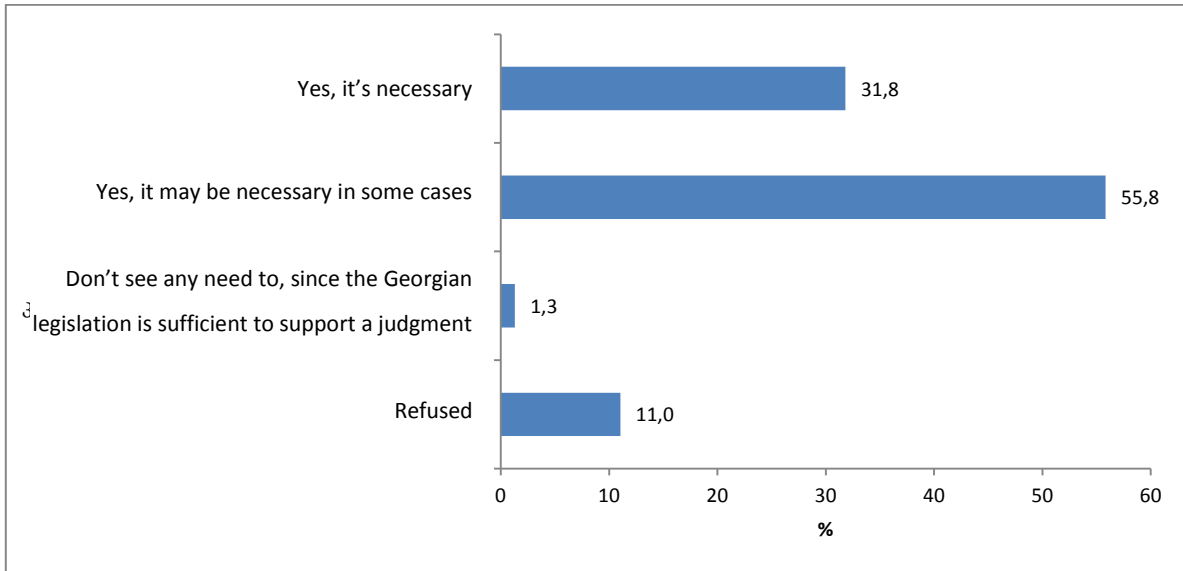


Diagram 35 Do you think it's necessary to use ECtHR judgments in your practice? by instance

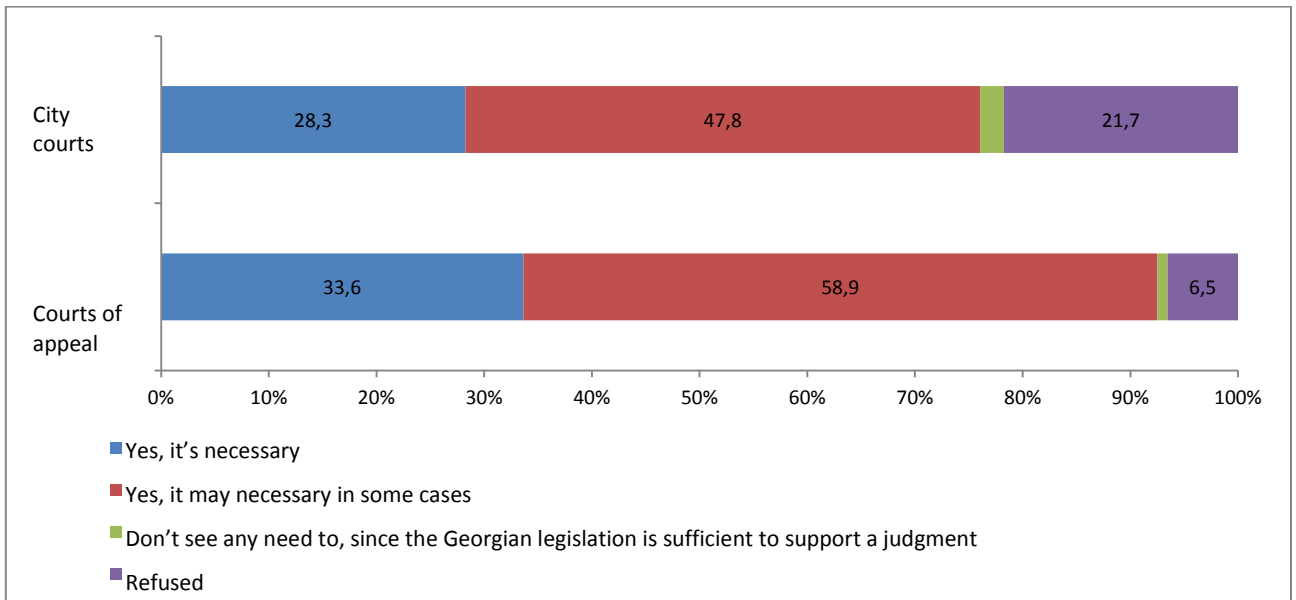


Diagram 36 Do you think it's necessary to use ECtHR judgments in your practice? *by city*

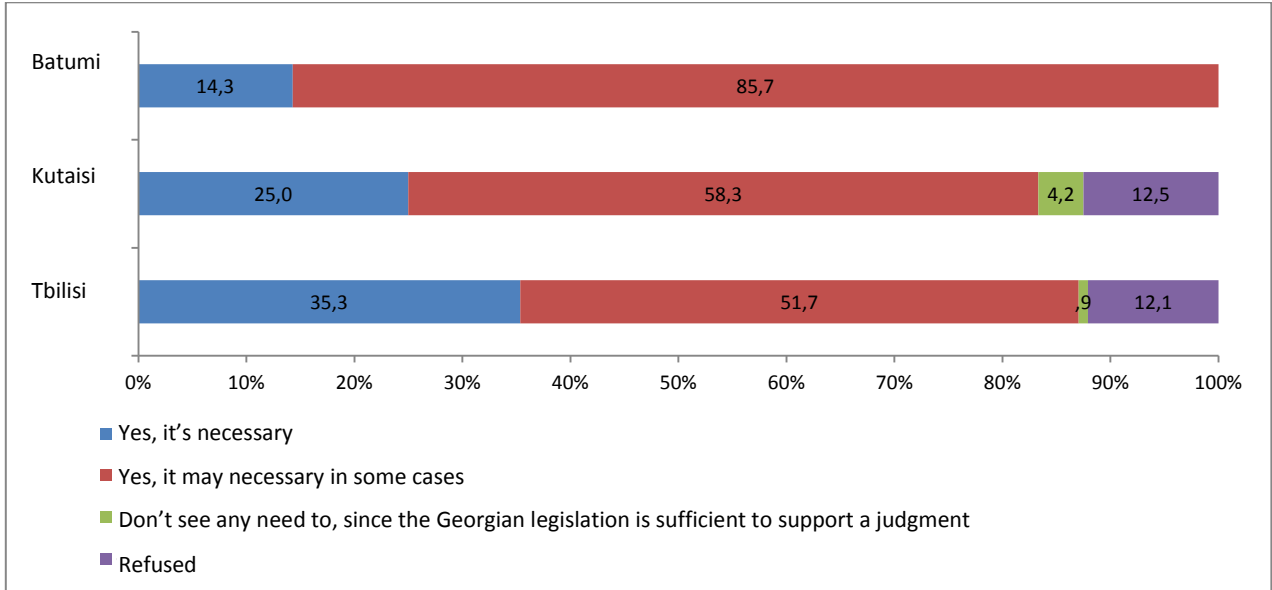


Diagram 37 Do you think it's necessary to use ECtHR judgments in your practice? *by age*

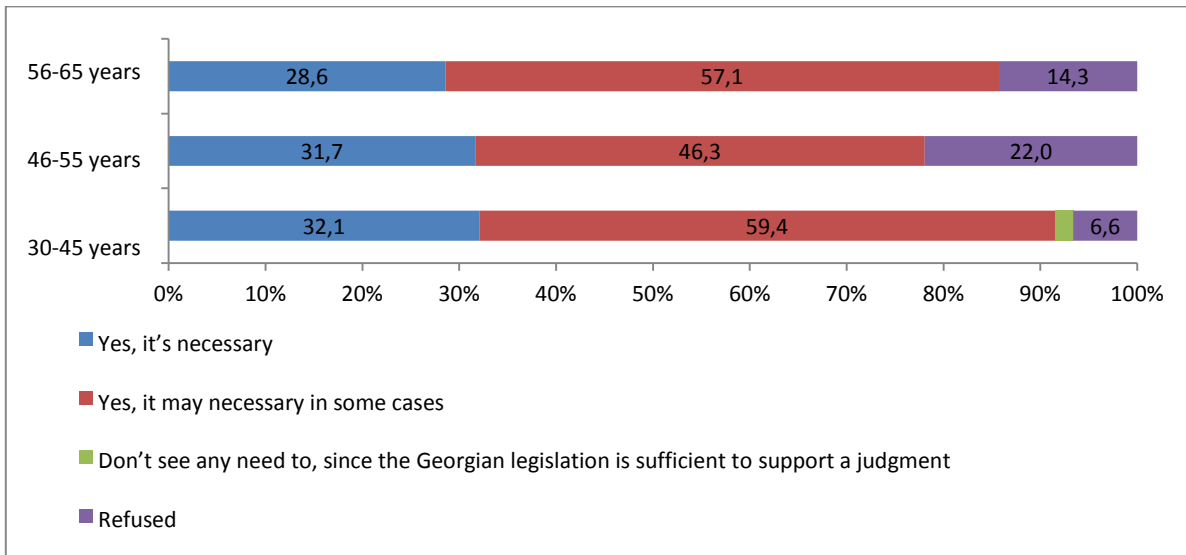
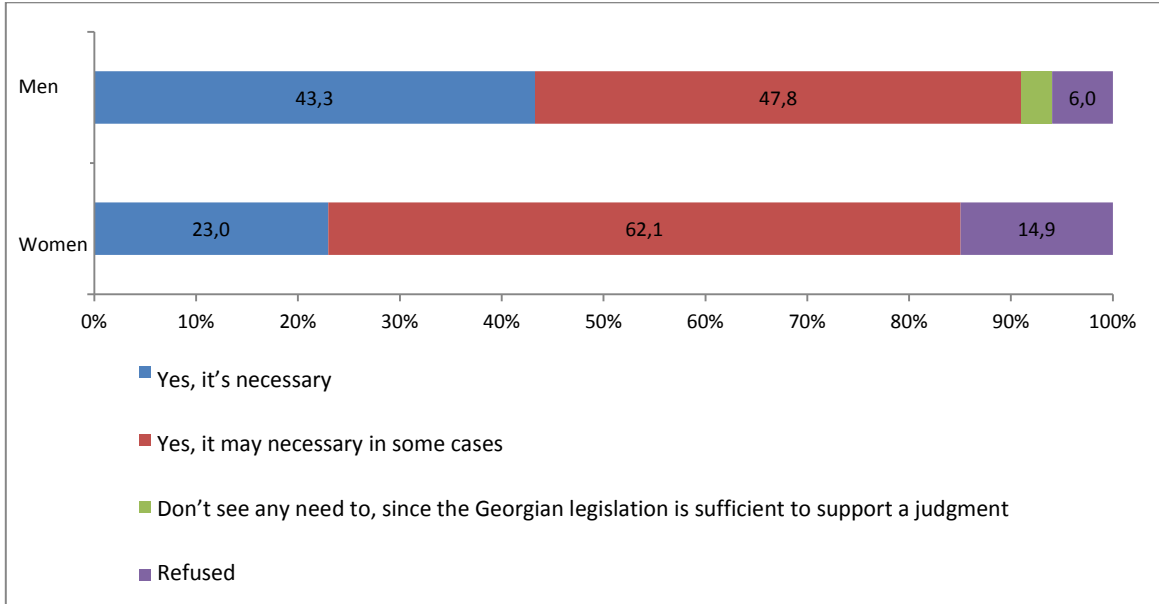


Diagram 38 Do you think it's necessary to use ECtHR judgments in your practice? *by gender*



Two thirds of the respondents (76.6%) often read reference literature and reports on international or recent studies available at the Supreme Court's webpage. The absolute majority of them read the reports in Georgian, while 14.8% prefer reading them in English.

Diagram 39 Do you read reports on international or recent studies available from the Supreme Court's system

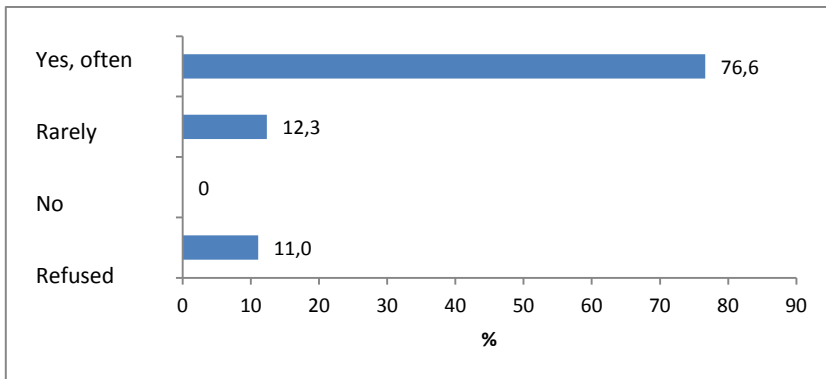
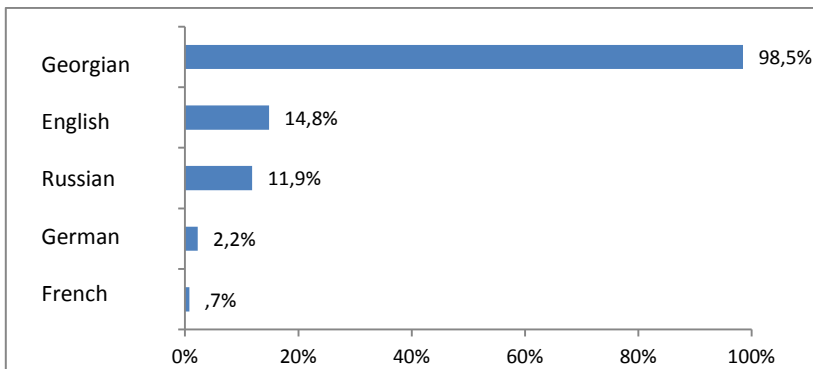


Diagram 40 In which language do you read reference literature available from the Supreme Court's system?



A large part of the respondents are unaware about the existence of an analytical department/analysts in their respective court. Only 39.6% responded that there was such a department/analysts in their court. According to available data, 30.4% of city court judges and 43.9% of court of appeals judges know that there is an analytical department/analysts in their court. On by-city basis, Kutaisi judges have proven to be the least informed on this issue. As for the by-gender data analysis, 46.3% of male and 34.5% of female judges know about the existence of such department/analysts in their courts.

Only 24.6% of those who had an analytical department/analyst in their court (i.e. 9.7% of the total number of the respondents) noted that they often appealed to the department/analyst by phone in order to obtain information about international human right standards; 68.9% (27.3% of the total number of the respondents) said they rarely appealed to them by phone; 6.6% (2.6% of the total number of the respondents) said they preferred to do it via email.

In connection with appealability to the analytical department, the respondents made the following comments:

- The system does not operate properly
- When I need it, I appeal to the department personally
- I appeal to the department rarely, as I work on those issues late at night
- The analytical department mainly works on criminal cases

Diagram 41 Do you have an Analytical Department/Analysts in your court?

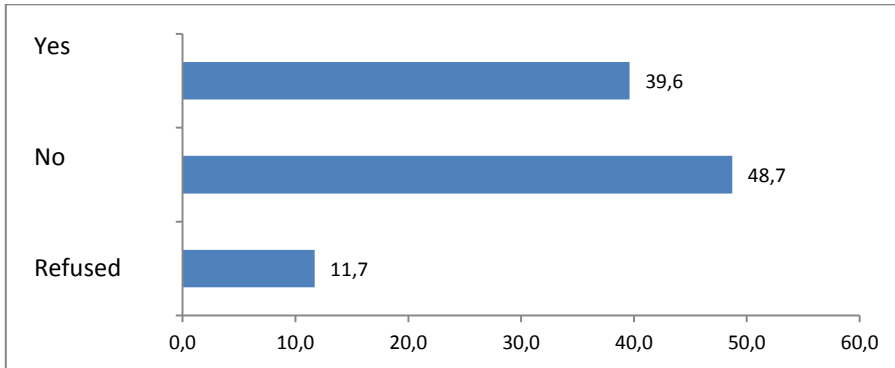


Diagram 42 Do you have an Analytical Department/Analysts in your court? *by city*

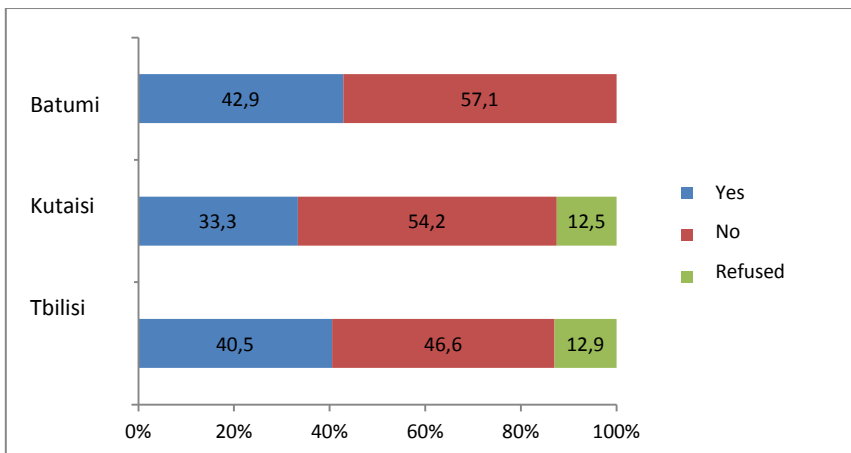
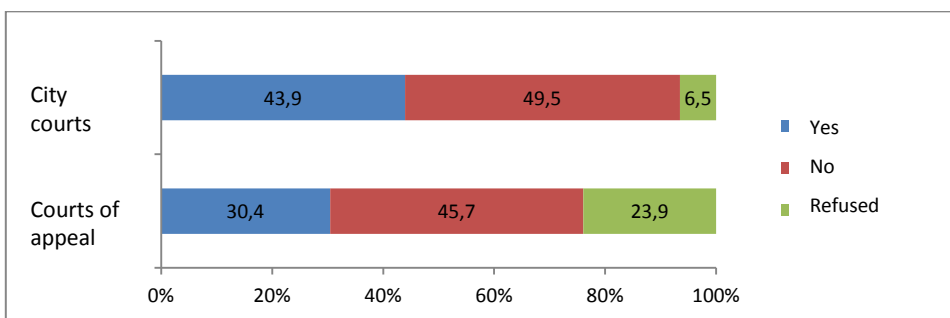


Diagram 43 Do you have an Analytical Department/Analysts in your court? *by instance*



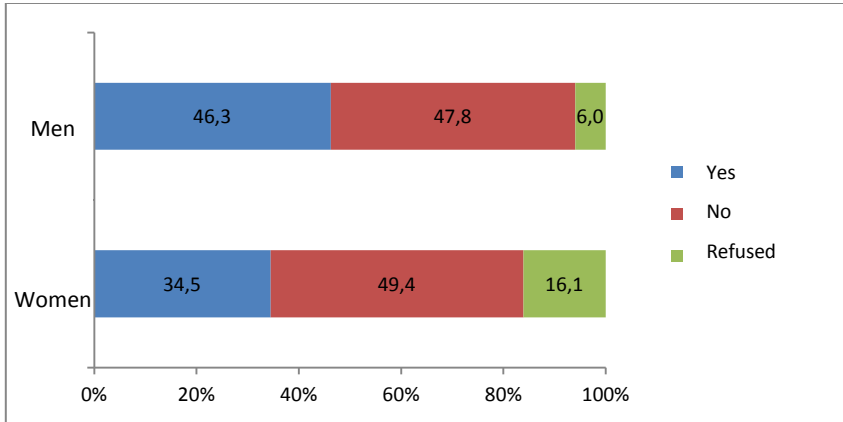
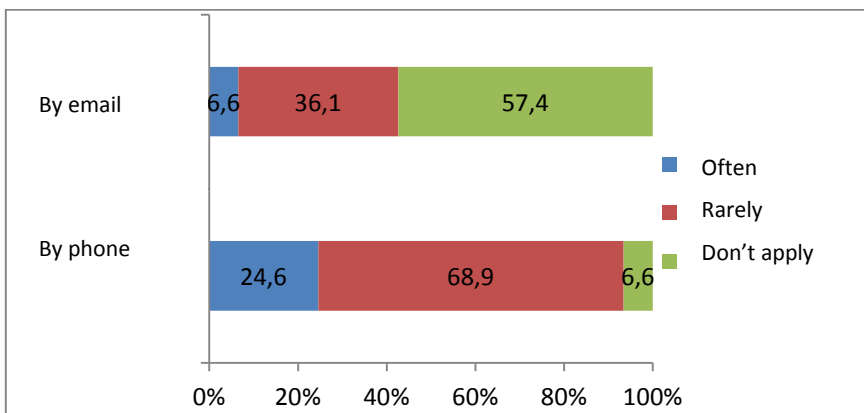
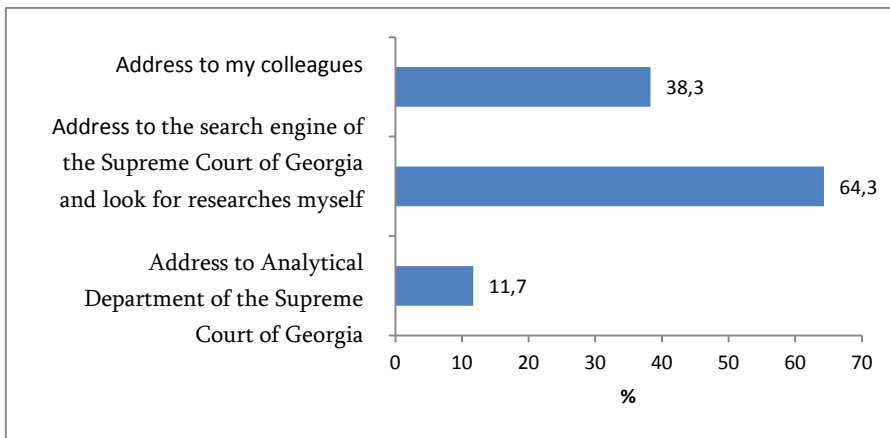


Diagram 44 Do you appeal to the Supreme Court's Analytical Department/Analysts to obtain information about international human rights standards?



When they need to learn a position of a foreign state or the ECtHR in connection with an issue under consideration, the respondents (64.3%) mainly appeal to the Supreme Court's search system and personally search for the corresponding documents; 38.3% address to their colleagues, while 11.7% appeal to the Supreme Court's analytical department; 16.2% of judges refused to respond to this question.

Diagram 45 How do you learn a position of a foreign state or the ECtHR regarding an issue under consideration?



The survey shows that 40% of the respondents appeal to the Supreme Court’s Analytical Department with different frequency and via different ways (phone/e-mail) to obtain information about international human rights standards.

Only 10.4% of the respondents often appeal to the Supreme Court’s Analytical Department by phone to obtain information about international human rights standards, 28.6% do it rarely; 2.6% often use e-mail for this purpose and 5.8% do it rarely.

The judges have made the following comments regarding the Analytical Department of the Supreme Court:

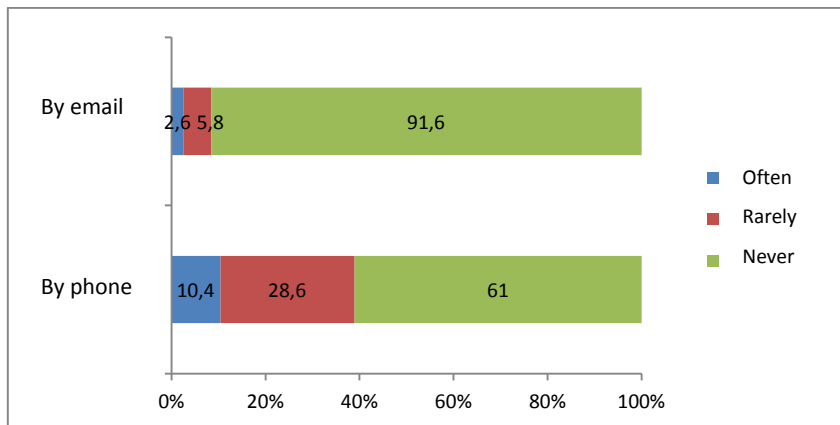
- I look for information I need in the search system
- I cannot contact them although I need their assistance
- I have not had any information about such an opportunity
- I can contact CoE Consultant Nana Mchedlidze by phone when I need
- I have no information regarding the type of analytical activity performed by a corresponding department
- I have tried several times, but I failed to contact the department and obtain information I needed
- I don’t know whether it is possible to contact them from a different instance court
- I don’t know what kind of activity the Supreme Court’s Analytical Department is engaged in and whether I can use its activity in my work

- Since the city court had no problems with access to ECtHR judgments, there was no need for appealing to the Supreme Court’s Analytical Department. Especially as the grants project does not function in the city court anymore.³
- I have not appealed to the Supreme Court’s Analytical Department, since I did not know that it was possible to obtain necessary information from it
- I cannot do it, as I have to work late
- I don’t know who I can appeal and what kind of information I can receive

Tbilisi and Kutaisi judges appeal to the Supreme Court’s Analytical Department by phone more frequently than their colleagues from Batumi. Judges from Tbilisi and Batumi use the e-mail for this purpose comparatively often.

Data analysis by court instance shows that city court judges more frequently appeal to the Supreme Court’s Analytical Department both by phone and e-mail than their colleagues from courts of appeals. Data analysis by age and gender showed no significant difference in judges’ communication with the Supreme Court’s Analytical Department.

Diagram 46 How often do you apply to the Supreme Court’s Analytical Department to obtain information about international human rights standards?



³ The quotation is cited without changes and is highlighted, as its meaning is not quite clear. Perhaps, an expert could help in understanding it.

Diagram 47 How often do you apply by e-mail to the Supreme Court’s Analytical Department to obtain information about international human rights standards? *by city*

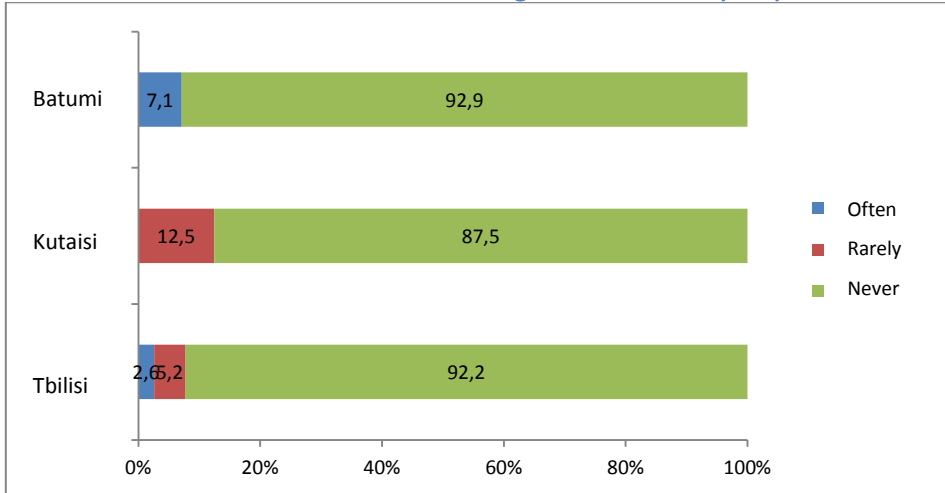


Diagram 48 How often do you apply by telephone to the Supreme Court’s Analytical Department to obtain information about international human rights standards? *by city*

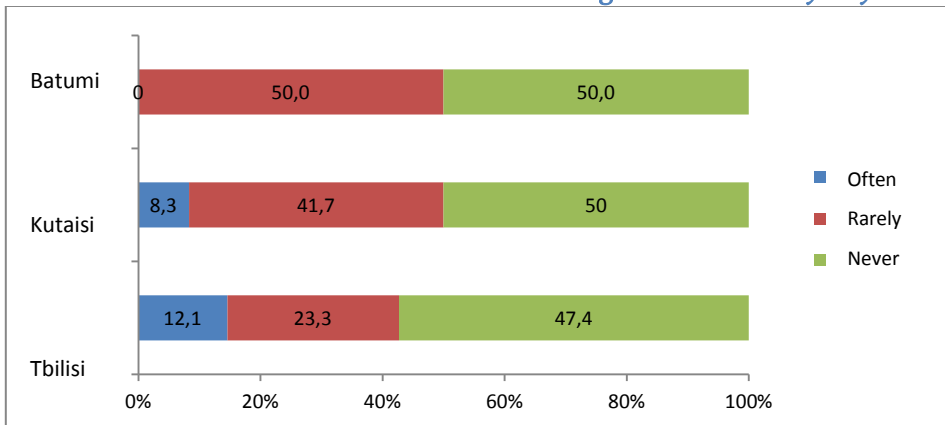


Diagram 49 How often do you apply by telephone to the Supreme Court’s Analytical Department to obtain information about international human rights standards? *by instance*

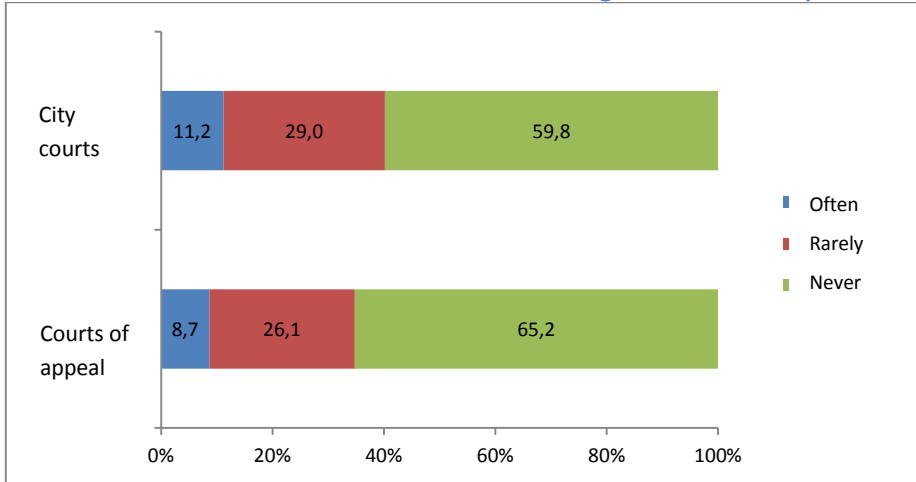
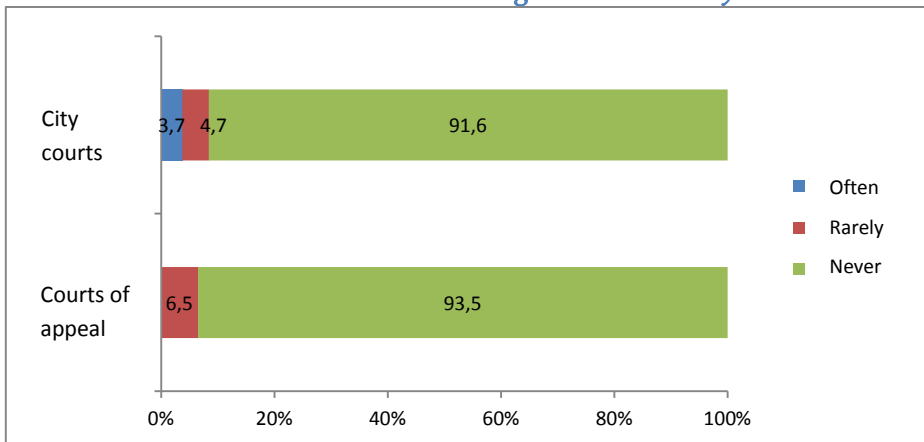
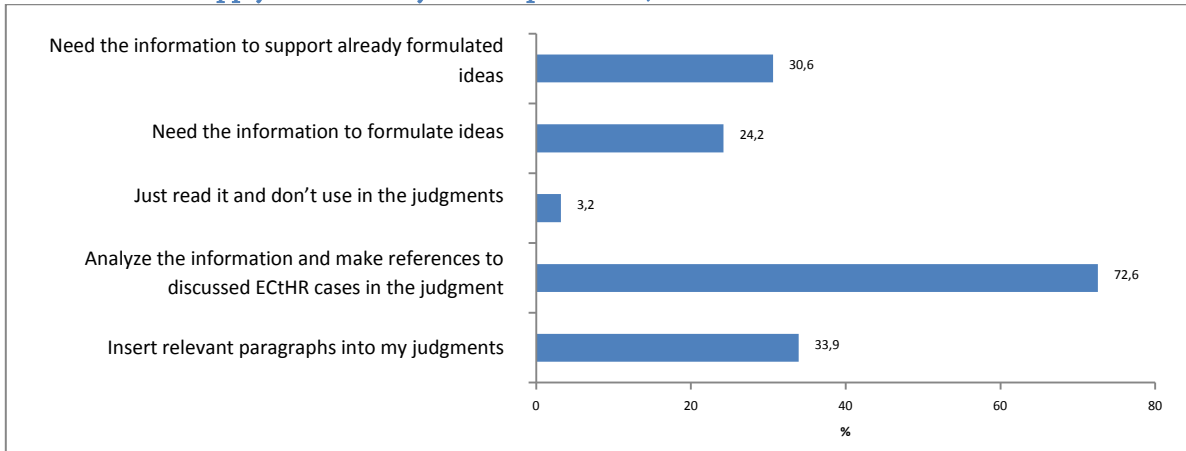


Diagram 50 How often do you apply by e-mail to the Supreme Court’s Analytical Department to obtain information about international human rights standards? *by instance*



Most (72.6%) of those who apply to the Supreme Court’s Analytical Department for information, analyze the obtained information and make references to the ECtHR’s case law in their judgments. One-third of the respondents copy-paste relevant paragraphs into their judgments; and approximately another third use the information for better formulating their deliberations.

Diagram 51 How do you use the information you receive from the Analytical Department? (calculated from those who apply to the Analytical Department)



Out of the surveyed, the Human Rights cases search engine available from the Supreme Court's website is often used by 53.9%, rarely used by 31.8%; and never used by 0,6%-b; 13.6% of the respondents refused to answer this question.

64.3% of judges in Batumi 54.3% in Tbilisi and 45.8% in Kutaisi often use the Human Rights cases search engine available from the Supreme Court's website. To the question about the reasons for not using the resource, only two respondents mentioned that the number of decisions was insufficient.

Diagram 52 How often do you use the Human Rights Case search functionality available from the Supreme Court web page?

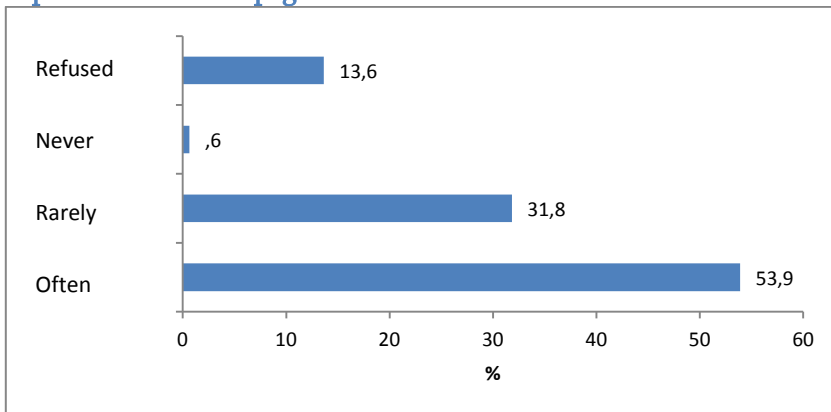


Diagram 53 How often do you use the Human Rights Case search functionality available from the Supreme Court web page, *by city?*

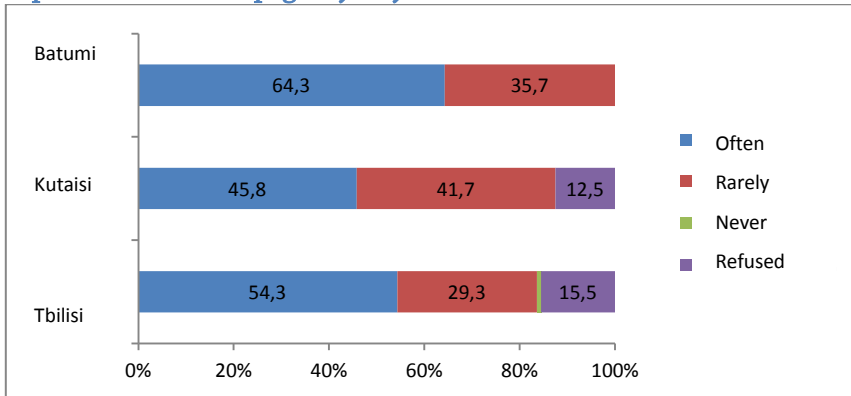
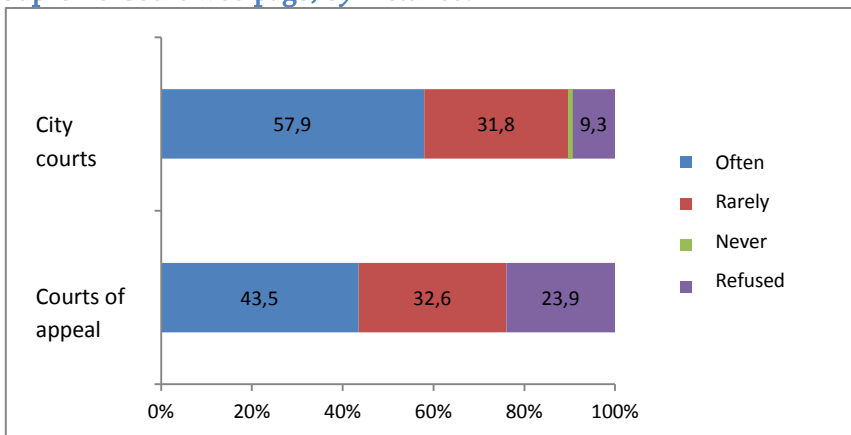


Diagram 54 How often do you use the Human Rights Case search functionality available from the Supreme Court web page, *by instance?*



The human rights cases search system from the Supreme Court’s website or Analytical Department’s research is mainly used to get the following information or to do the following:

- ECtHR practice
- To extrapolate human rights standards
- ECtHR’s human rights definitions and cases
- issues related to the rights of minors
- to consider claims relating to measure of restraint or of procedural compulsion and to deliver judgments
- types of measures of restraint and their use
- child’s rights, property rights, right to a fair trial and other procedural issues in the content of article 6 of the ECHR
- to make decisions
- to contemplate decisions
- to support decisions
- to formulate ideas when drafting a decision
- cases related to freedom of expression, property, right to a fair trial, and family law
- to analyze the ECtHR case law

- to get to know individual cases
- to make qualified decisions
- issues related to articles 6 and 10 of the ECHR
- to find ECtHR decisions on specific cases
- in relation to court practice in similar cases
- to support the 'standard of proof', 'standard of reasonable doubt', need for measures of restraint; also to define rights of minorities and minors
- for generalization, also for making a decision in an individual case
- to evaluate problematic legal issues
- when the court practice in relation to some disputable issue is very limited
- when the Georgian legislation does not offer unequivocal information on an issue and is insufficient to support a decision
- in cases related to discrimination or child's rights
- when there has been no similar case considered in our practice
- to formulate judgments in disputable cases
- to get to know international practice/decisions
- property related issues
- to support measures of punishment and restraint
- to get to know decisions made against Georgia
- to consider cases with similar circumstances
- to get news and general information
- criminal cases
- to find ECtHR decisions
- to deepen knowledge in relevant fields
- labor claims

Half of the respondents think distance learning is an acceptable form of studies, and only one third believes that distance learning is not convenient for them, and another 39.6% do not know if distance learning would be acceptable. Distance learning is more acceptable for younger judges compared to judges of older age groups. Also, it is more acceptable for city court judges (54,2%) than for judges of the courts of appeal (41,3%). Between the cities, distance learning turned out to be the least acceptable for judges in Kutaisi.

The respondents for whom distance learning is an acceptable format of educations believe that they would be able to dedicate 1-2 hours a week to learn distantly (68,6%); a comparatively smaller group (19%) think they would dedicate 3-4 hours a week. The situation was similar when comparing data by court instances, cities, age, and gender.

The majority of the respondents (60.4%) believe that if they have time and possibility they would have no problems with distance learning. Distance learning is considered an inefficient method of studies by 14.3% of the surveyed; and only two respondents say they believe distance learning is inefficient for them because of their lack of computer skills.

Diagram 55 Is distance learning an acceptable form of studies?

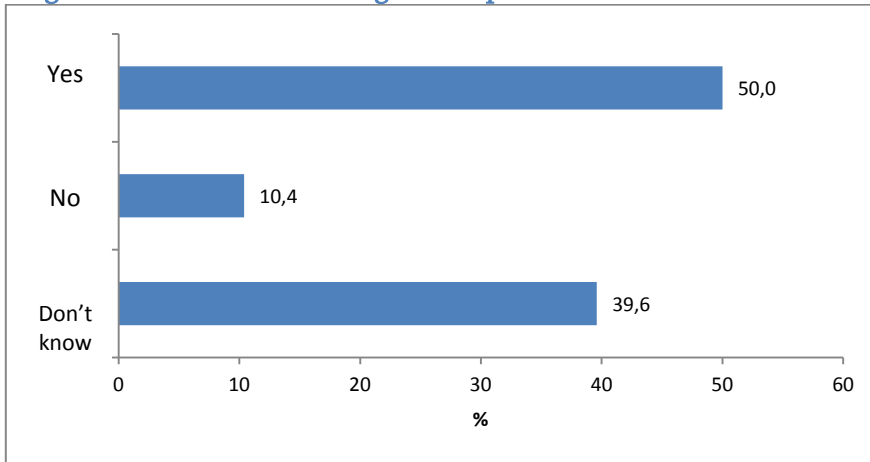


Diagram 56 Is distance learning an acceptable form of studies? *by instance*

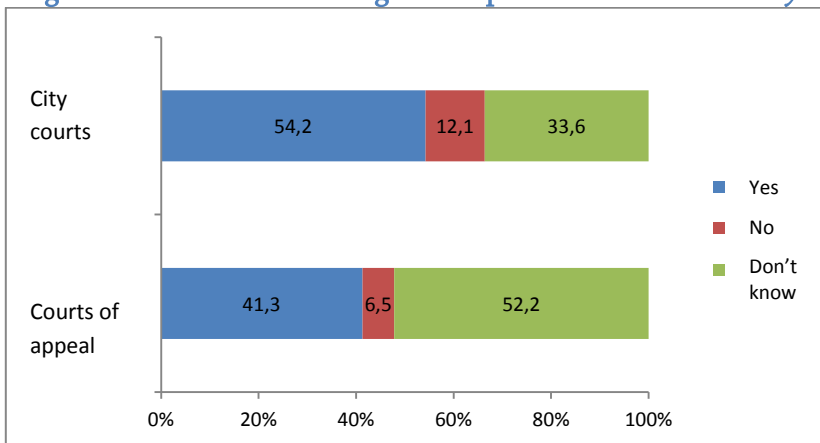


Diagram 57 Is distance learning an acceptable form of studies? *by age*

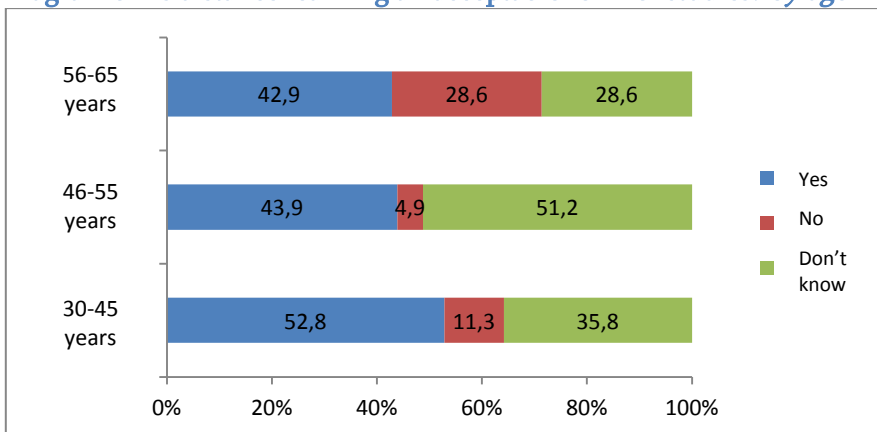


Diagram 58 Is distance learning an acceptable form of studies? *by gender*

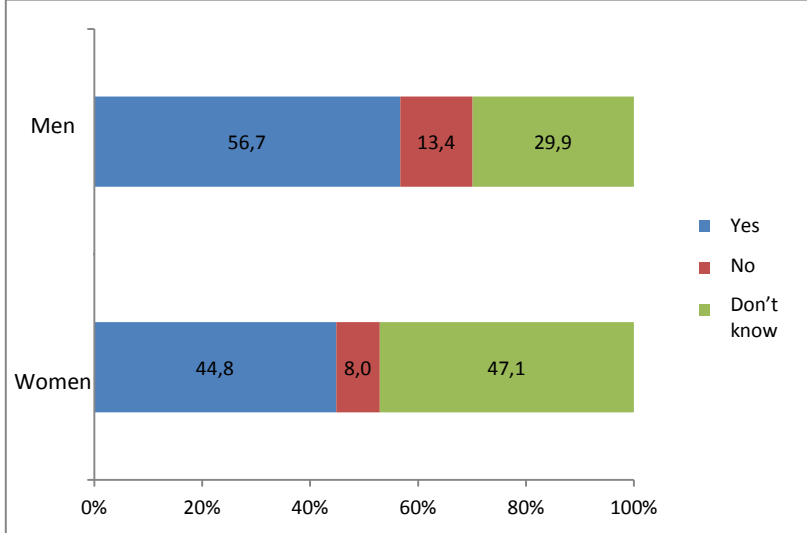


Diagram 59 How many hours a week would you dedicate to distance learning?

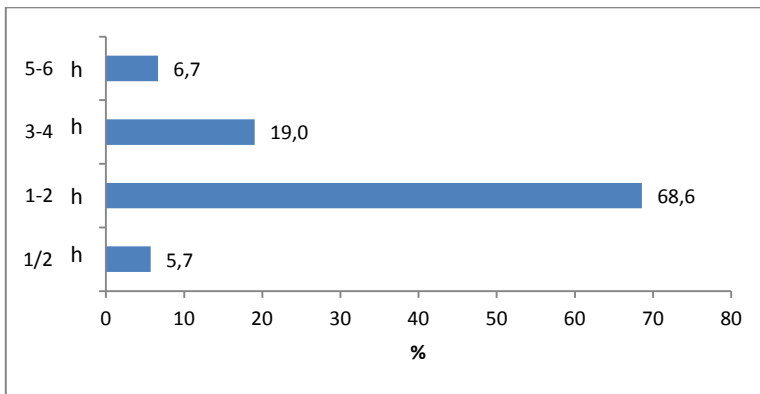
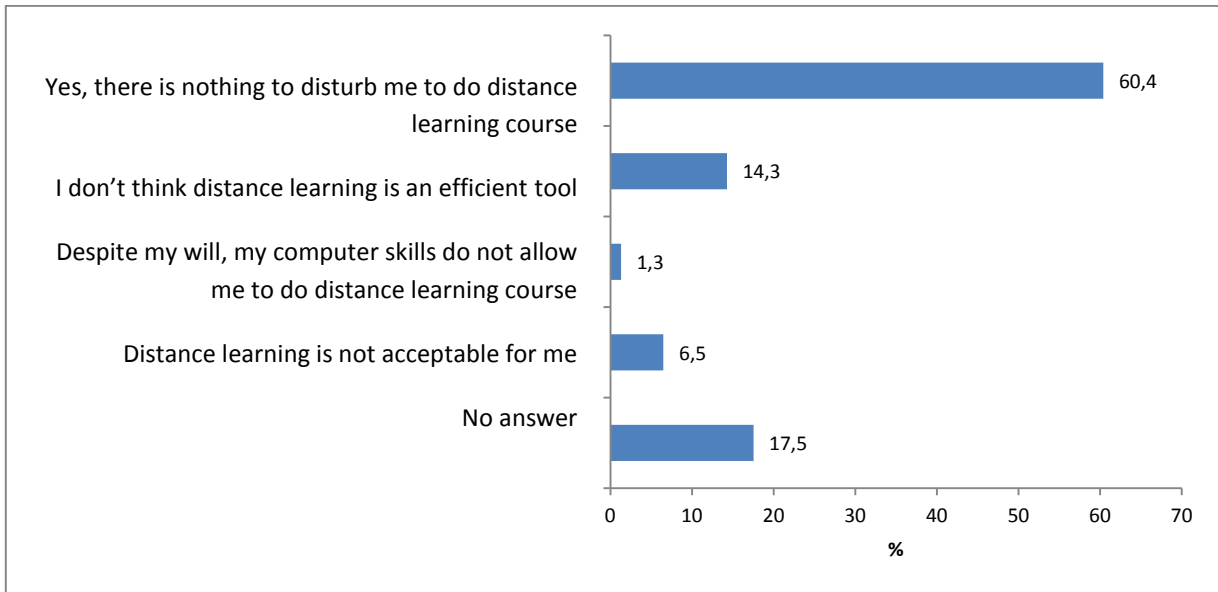


Diagram 60 Do you think you'd be able to learn distantly without any obstacles if you have possibility and time



About two-thirds (61.7%) of the respondents know about HELP software, though only 8.4% (13 respondents) have ever used its resources. HELP is only used by judges in Tbilisi. Judges in Kutaisi turned out to be least informed about HELP: 41.7% of the judges in Kutaisi, 37.9% in Tbilisi and 35.7% in Batumi either didn't know about the software or didn't answer the question. HELP is mainly used by judges of city courts, who also are better informed about the software. In terms of age, HELP is mainly used by the age groups of 30-45 years and 46-55 years; whereas it is equally used by both genders.

From HELP resources, ten respondents have practiced the self-mastery courses, two have used the forum, and three have used the distance learning resource.

Those who know HELP but never use it said they didn't know how to use the resource (48.5%) nor had a language barrier (62.1%). Only 3 respondents (4.2%) think the resource is user-friendly.

Diagram 61 Do you know about HELP and its resources?

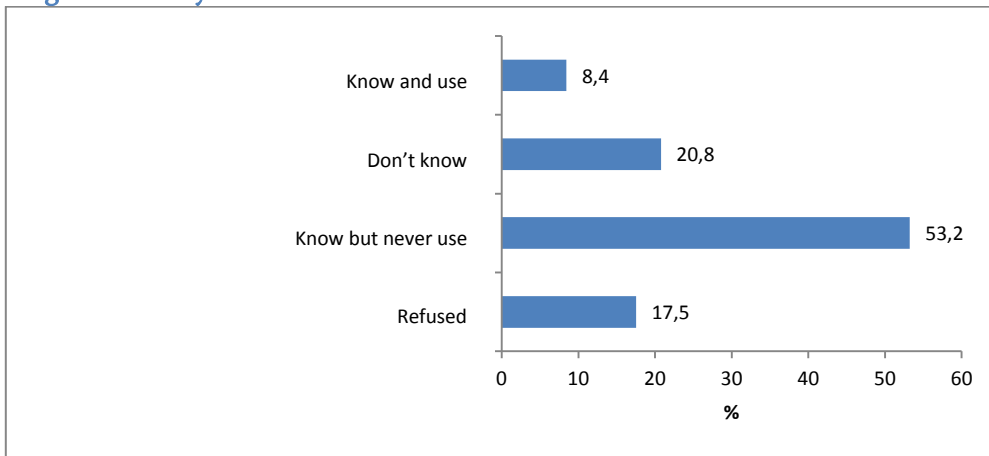


Diagram 62 Do you know about HELP and its resources, by city

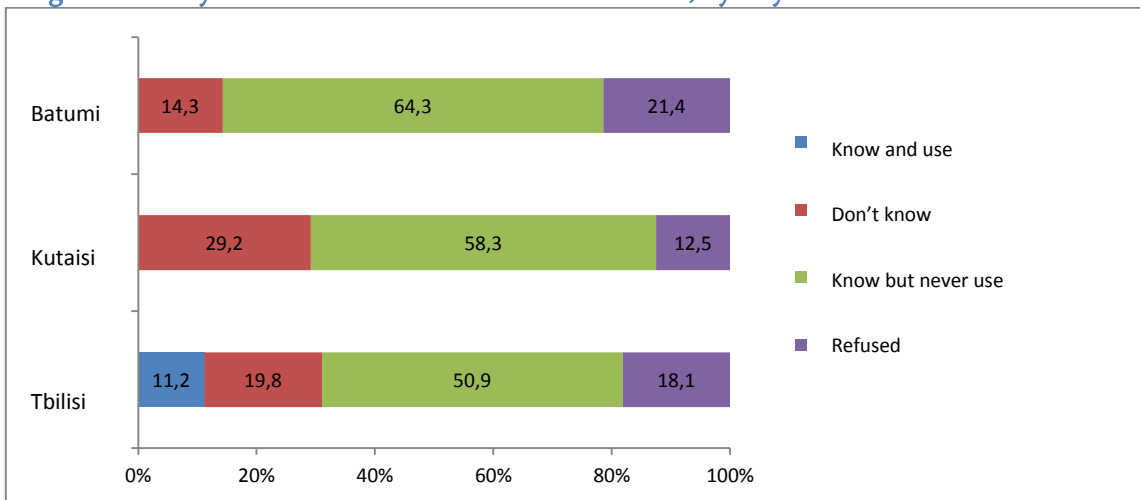


Diagram 63 Do you know about HELP and its resources, by instance

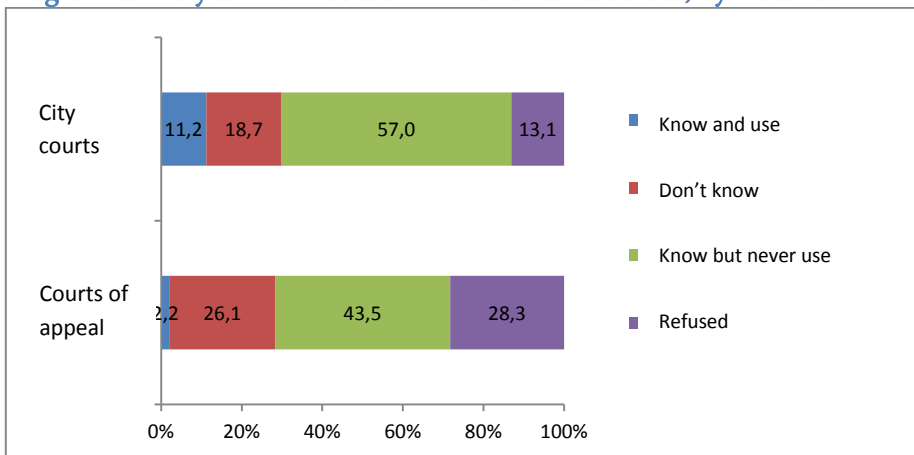


Diagram 64 Do you know about HELP and its resources, *by age*

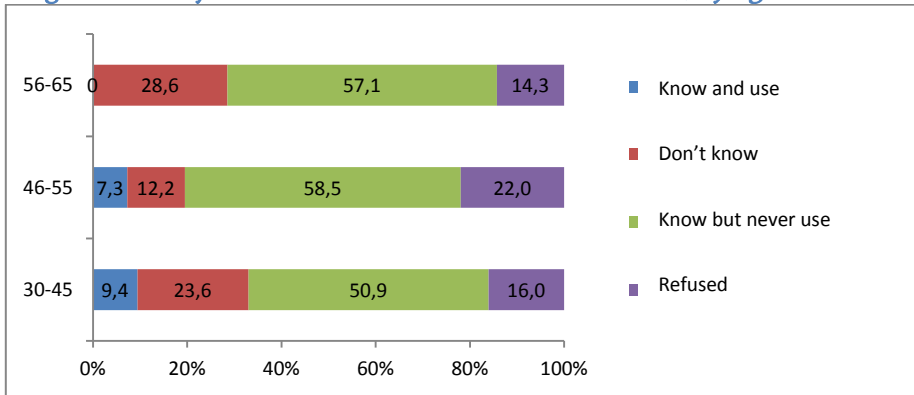


Diagram 65 Do you know about HELP and its resources, *by gender*

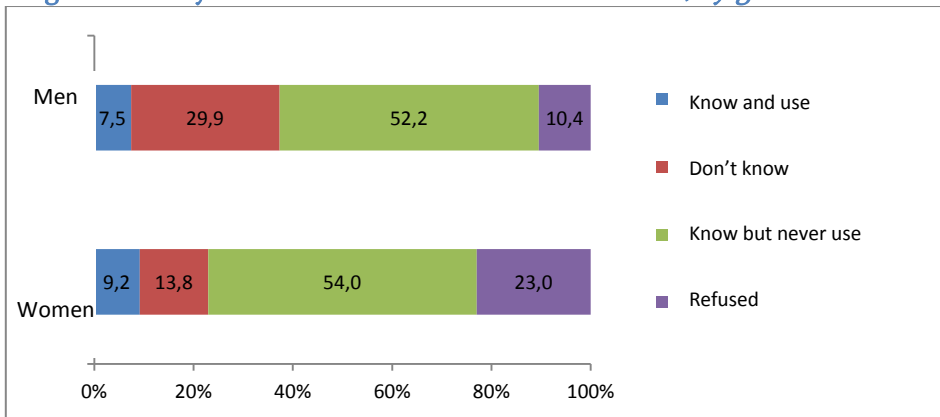
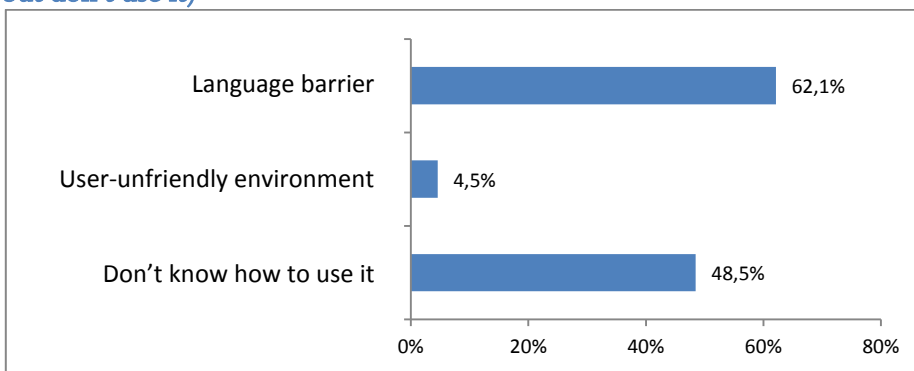


Diagram 66 Reasons for not using HELP and its training courses (calculated from those who know HELP but don't use it)



About two-thirds of the respondents (66.2%) know about the HUDOC and its search function (66,2%). Most of those using HUDOC use the resource in the Georgian language (35.3% of the total number); only 10 respondents use the resource in both languages, and 5 respondents use in only in English; 29.3% know about HUDOC but never use it.

Comparison of responses between cities shows that HUDOC is mostly used by judges in Tbilisi who are also the ones who use it in English. 30.8% of respondents in Batumi and 25% in Kutaisi don't know about HUDOC. Analysis of the data by court instance shows that HUDOC knowledge and use is comparatively lower among appeal courts judges than city court judges. In terms of age, HUDOC knowledge and use are the highest in 30-45-year old judges who are also the ones mainly using the resource in English. HUDOC use in Georgian is higher among male judges than among females; whereas both men and women judges equally use HUDOC in English.

The absolute majority of those who responded to this question would like to have a Georgian interface of the HUDOC database, with only one 'no' answer to the question.

Diagram 67 Do you use the HUDOC search function?

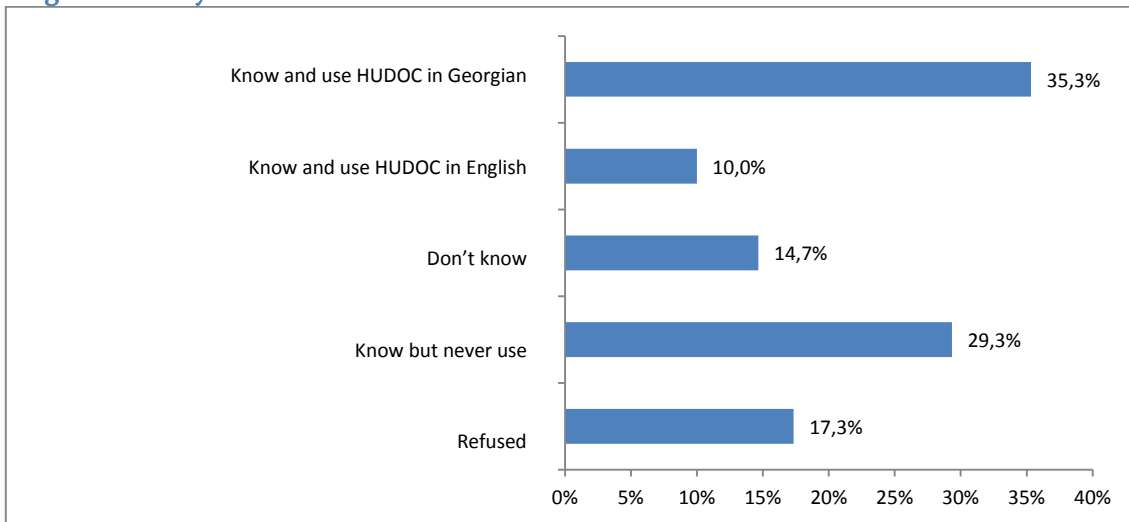


Diagram 68 Do you use the HUDOC search function, *by city*

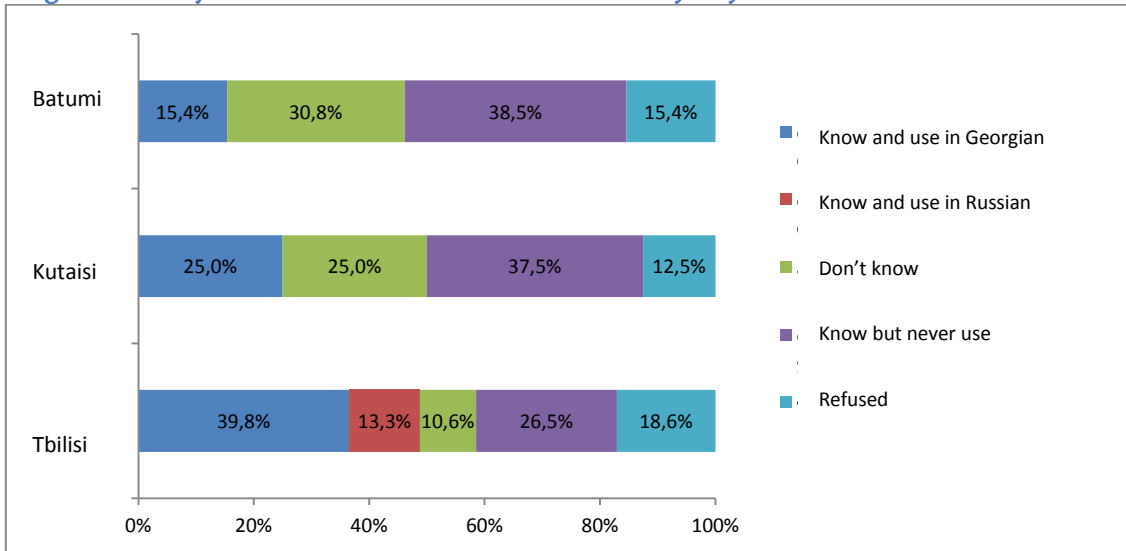


Diagram 69 Do you use the HUDOC search function, *by instance*



Diagram 70 Do you use the HUDOC search function, *by age*

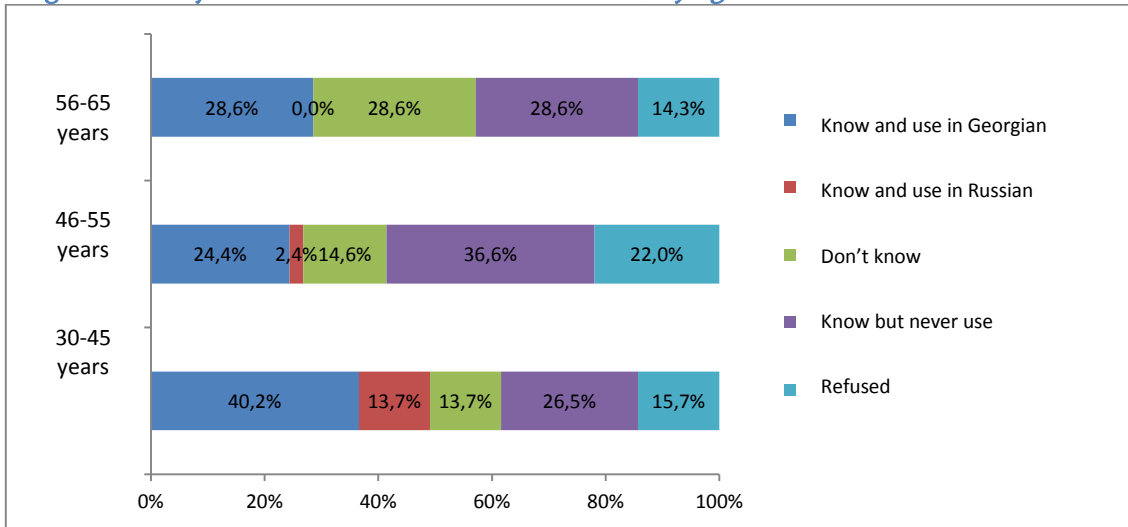
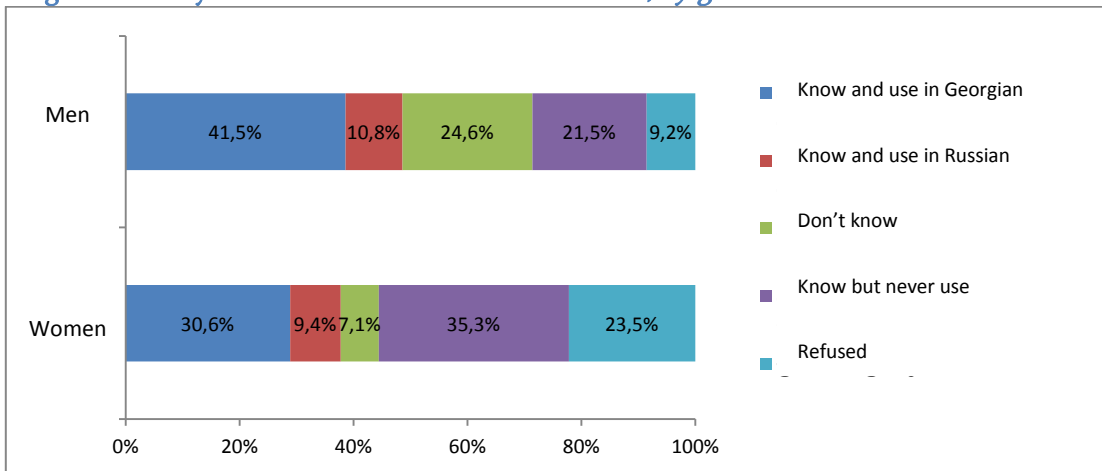


Diagram 71 Do you use the HUDOC search function, *by gender*



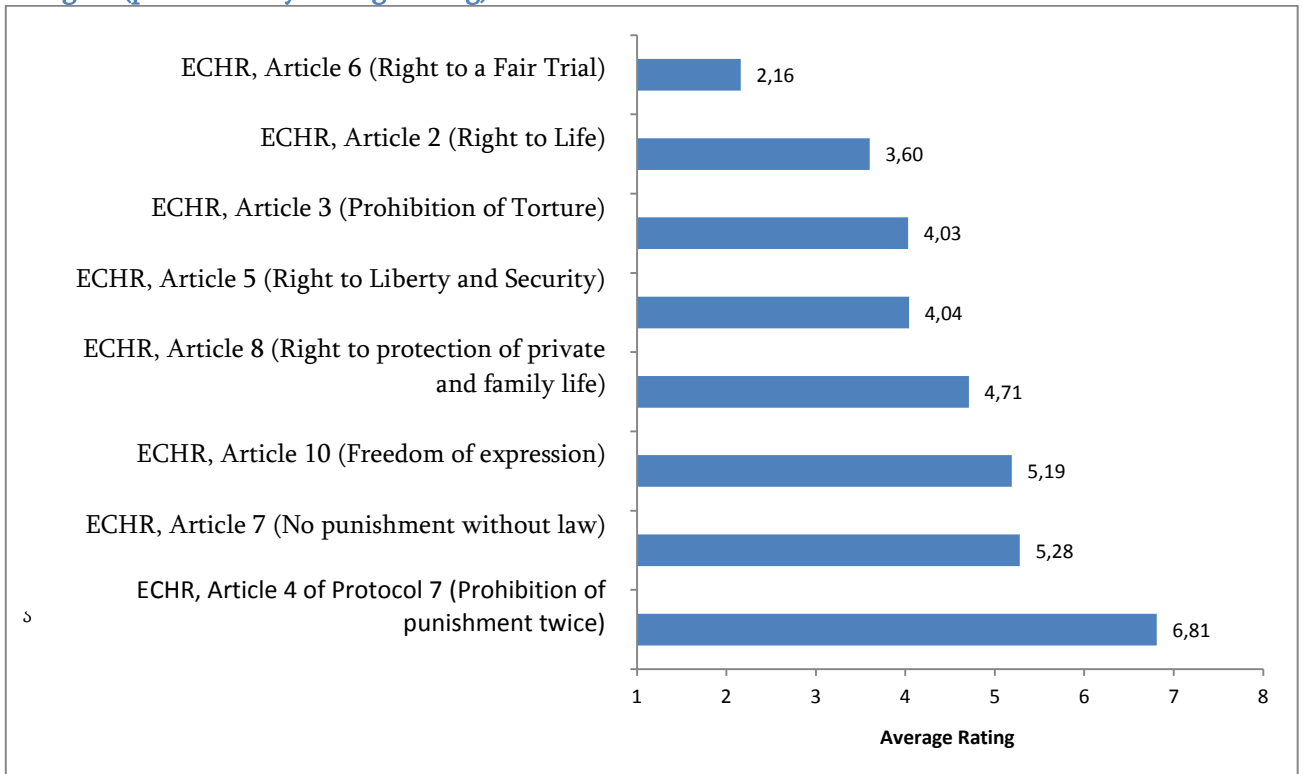
The respondents could prioritize different topics of the criminal, civil, and administrative law in which they would like to have ECtHR decisions in the Georgian language. For the purpose, they had to identify the issues as first, second, thirds priority, etc. They had to give the highest priority to the topic/ issue that in their opinion needs to be translated in Georgian in the first place, etc. An average rating was then calculated for each topic/issue. The lower the average rating, the higher priority is the translation of the issue into Georgian.

Out of the criminal law topics, the following were identified by the respondents as the ones to have more ECtHR decisions on:

- I priority – ECHR, Article 6 (Right to a Fair Trial)
- II priority – ECHR, Article 2 (Right to Life)

- III priority - ECHR, Article 3 (Prohibition of Torture) and ECHR, Article 5 (Right to Liberty and Security)

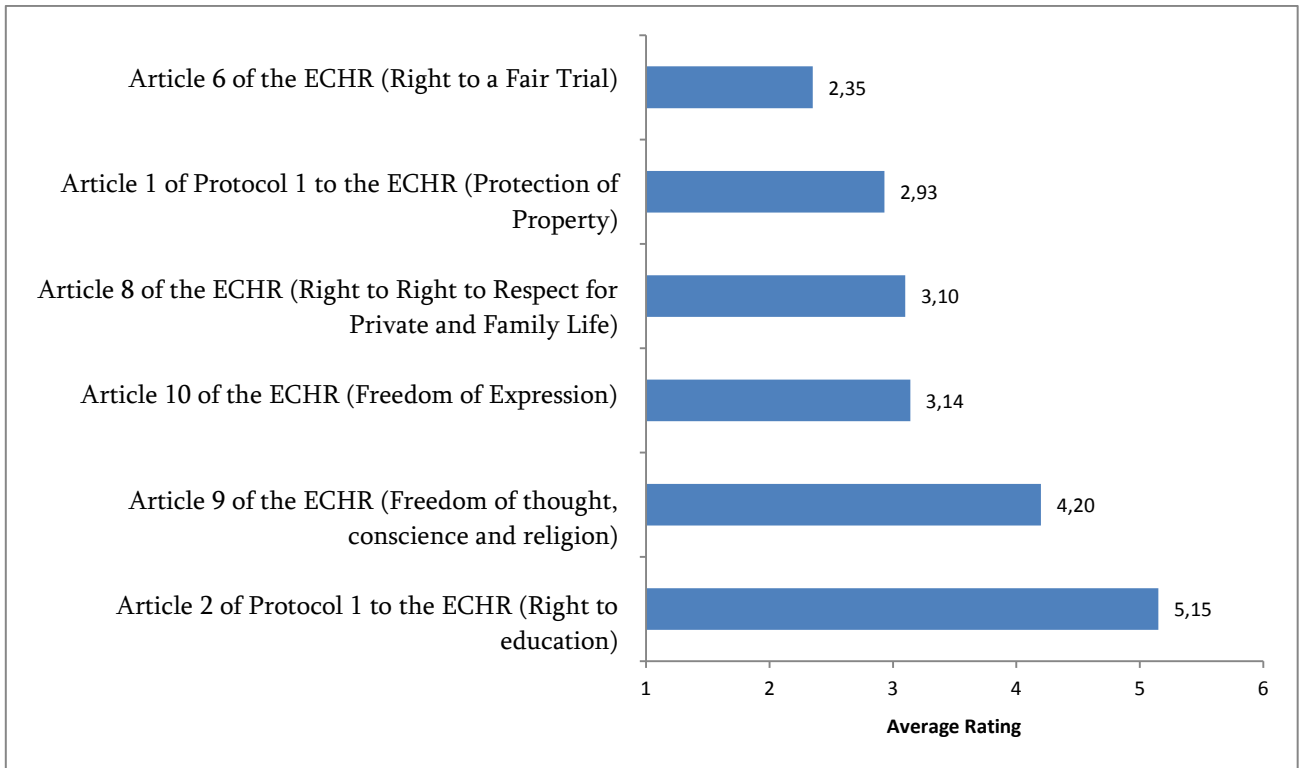
Diagram 72 Priority criminal law topics in which would you like to have more ECtHR Decisions in Georgian (prioritized by average rating)



Among the Administrative Law topics, the respondents would like to have ECtHR Decisions in Georgian on the following priority topics:

- I priority – article 6 of the ECHR (Right to a Fair Trial)
- II priority - article 1 of Protocol 1 to the ECHR (Protection of Property)
- III priority – article 8 of the ECHR (Right to Right to Respect for Private and Family Life) and Article 10 of the ECHR (Freedom of Expression)

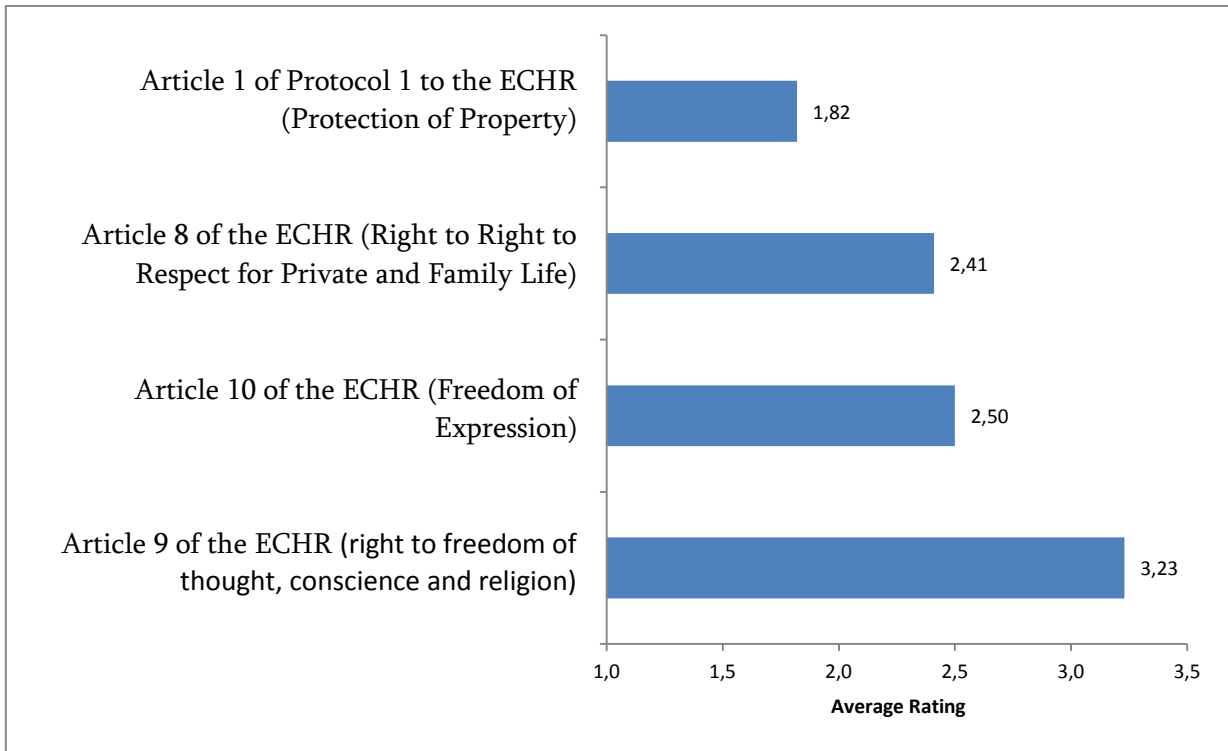
Diagram 73 Priority administrative law topics in which would you like to have more ECtHR Decisions in Georgian (prioritized by average rating)



Among the Civil Law topics, the respondents would like to have ECtHR Decisions in Georgian on the following priority topics:

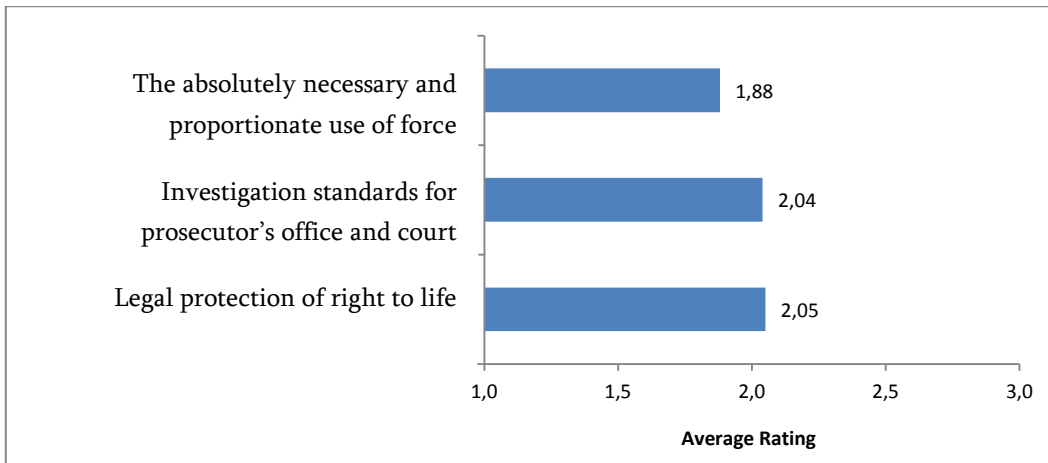
- I priority – Article 1 of Protocol 1 to the ECHR (Protection of Property)
- II priority – Article 8 of the ECHR (Right to Right to Respect for Private and Family Life):
- III priority – Article 10 of the ECHR (Freedom of Expression)

Diagram 74 Priority civil law topics in which would you like to have more ECtHR Decisions in Georgian, Prioritized by Average Rating



The absolutely necessary and proportionate use of force is the most prioritized out the three sub-issues covered by ECHR Article 2 (Right to Life) that the respondents would like to have in the Georgian language.

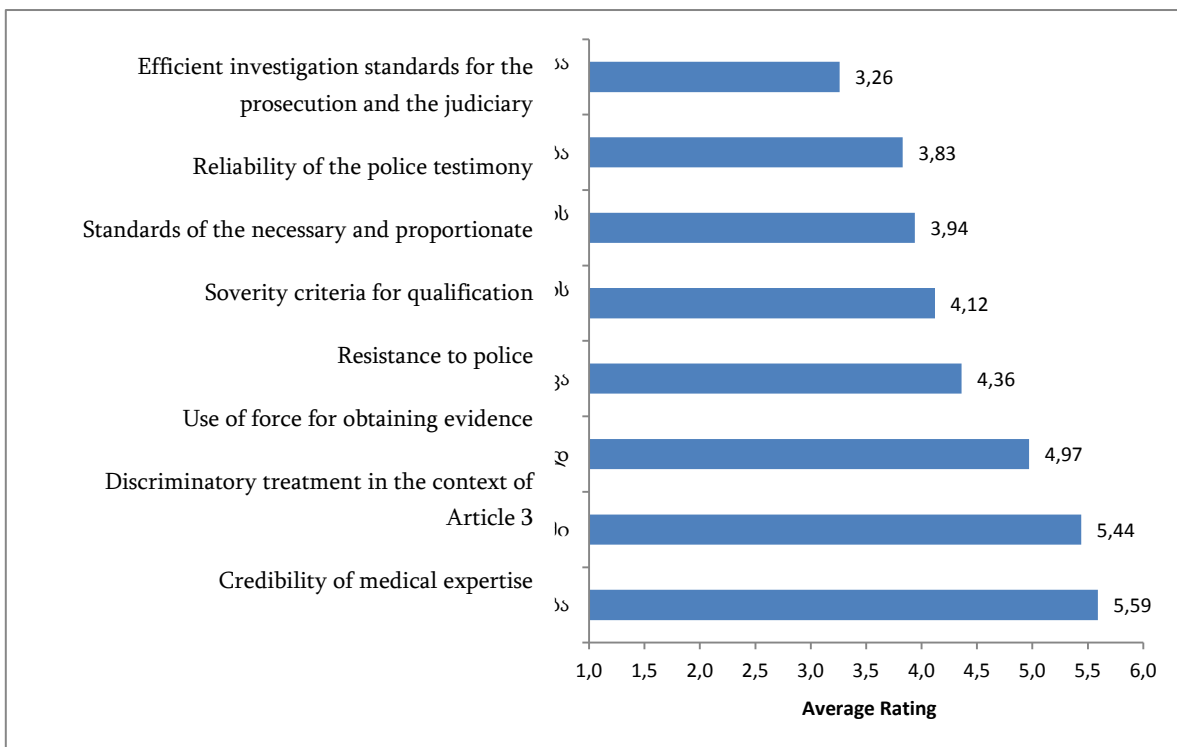
Diagram 75 Priority Sub-issues and Issues of ECHR Article 2 (Right to Life), Prioritized by Average Rating



The following issues were identified as priorities among issues related to ECHR article 3 (Prohibition of Torture):

- I priority – efficient investigation standards for the prosecution and the judiciary
- II priority – reliability of the police testimony
- III priority – standards of the necessary and proportionate force

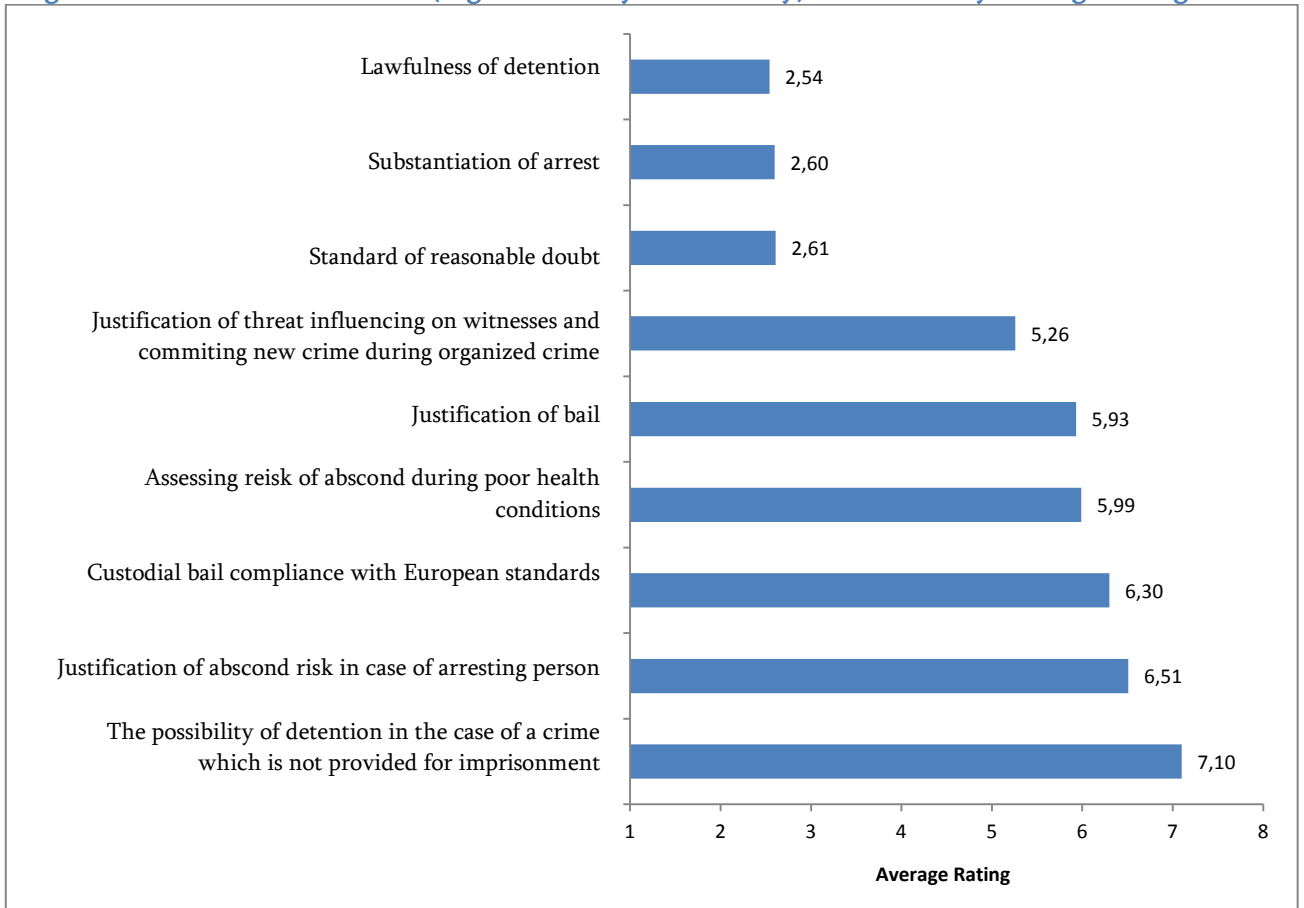
Diagram 76 Article 3 of the ECHR (Prohibition of Torture), Prioritized by Average Rating



The following issues were identified as priorities among issues related to Article 5 of the ECHR (Right to Liberty and Security):

- I priority – lawfulness of detention
- II priority – substantiation of arrest
- III priority – standard of reasonable doubt

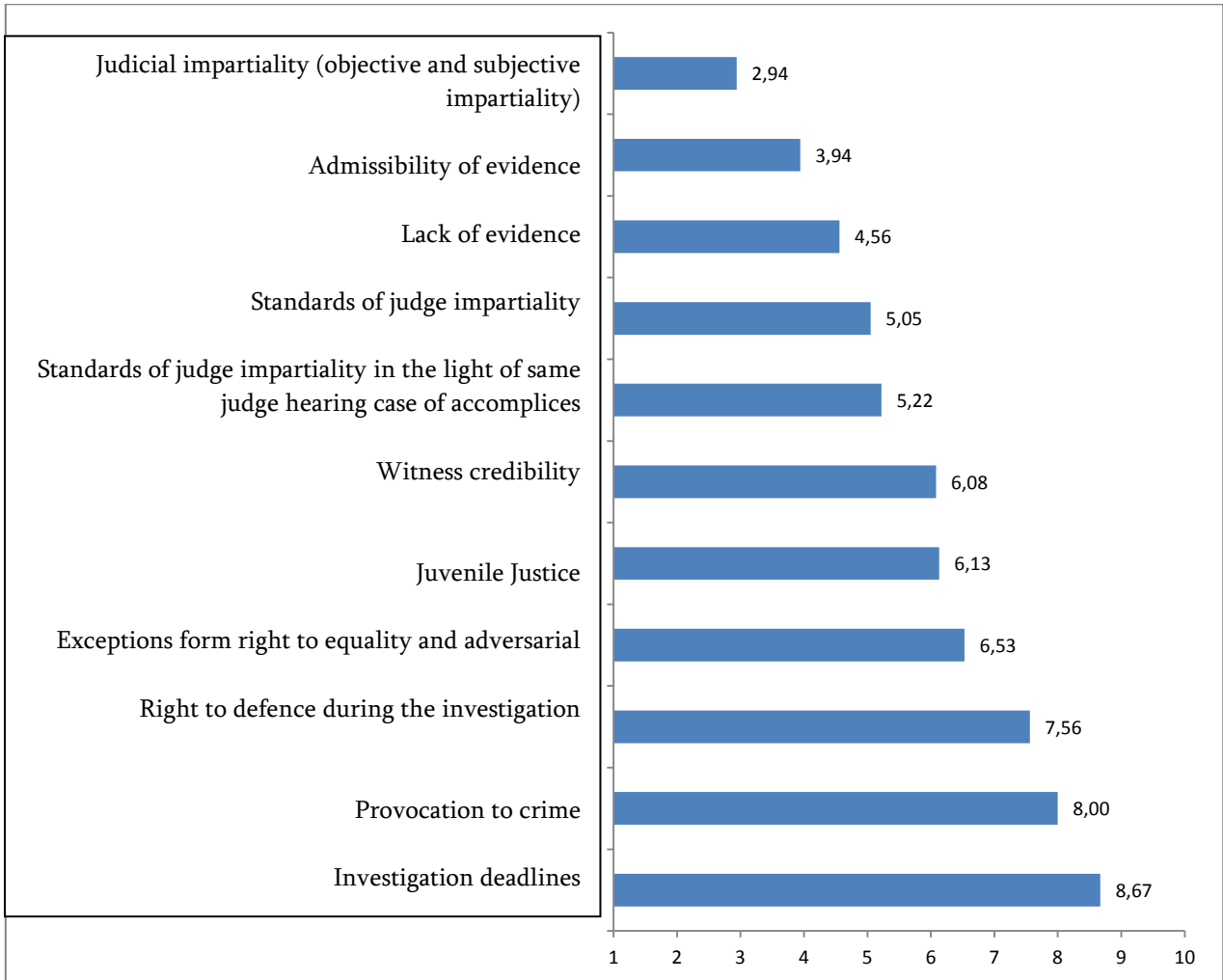
Diagram 77 Article 5 of the ECHR (Right to Liberty and Security), Prioritized by Average Rating



The following issues were identified as priorities among issues related to article 6 of the ECHR (Right to a Fair Trial):

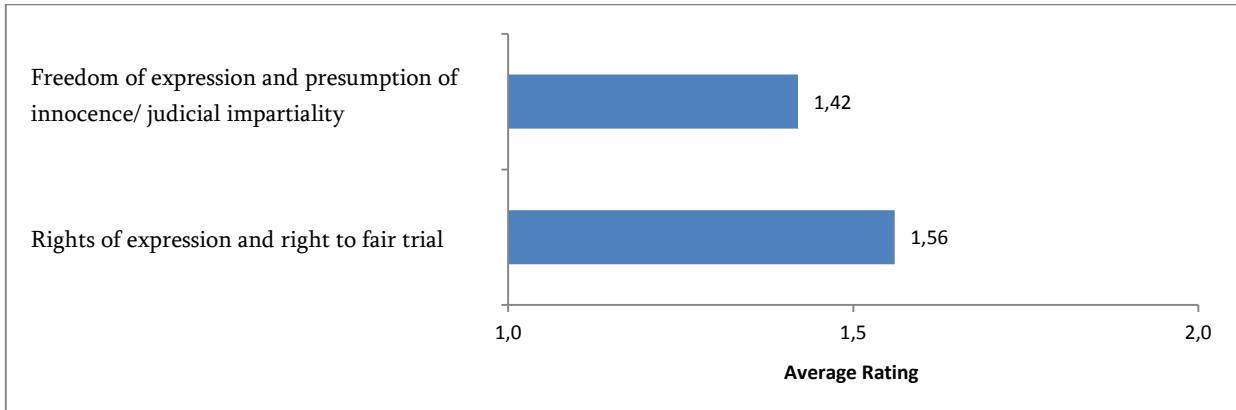
- I priority - judicial impartiality (objective and subjective impartiality)
- II priority – admissibility of evidence
- III priority – lack of evidence

Diagram 78 Article 6 of the ECHR (Right to a Fair Trial), Prioritized by Average Rating



The issue of the freedom of expression and presumption of innocence/ judicial impartiality was identified as a priority out of the two issues covered by article 10 of the ECHR (Freedom of Expression)

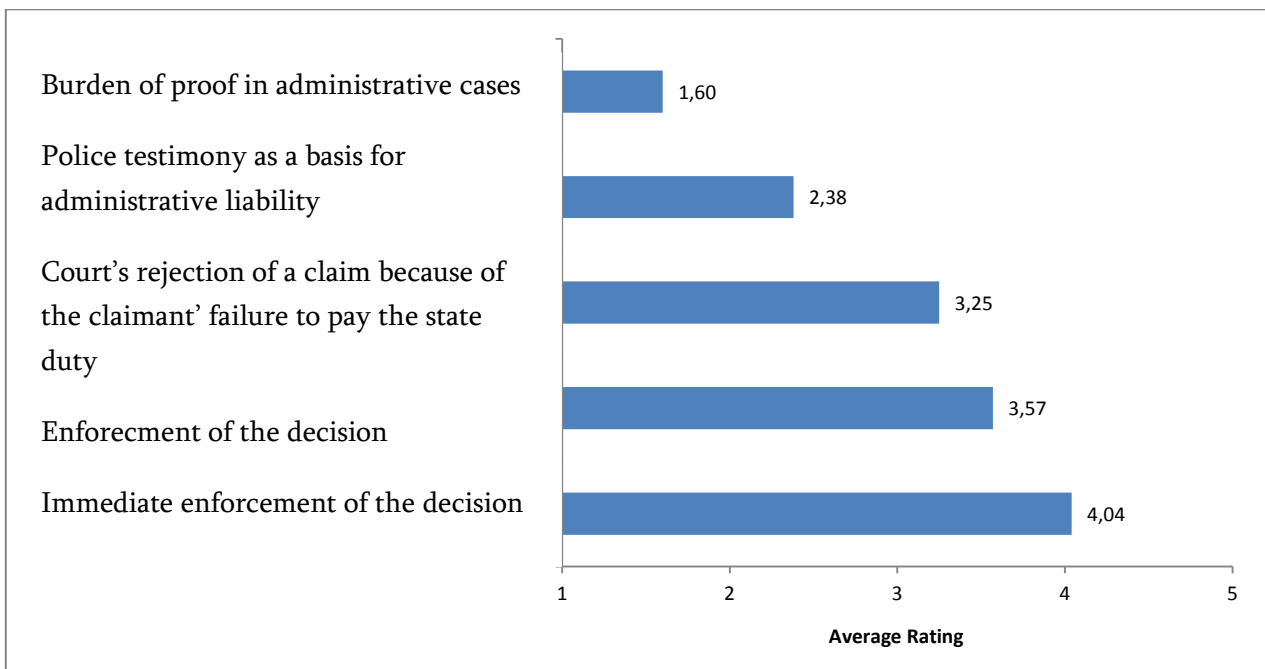
Diagram 79 Article 10 of the ECHR (Freedom of Expression), Prioritized by Average Rating



The following issues were identified as priorities among issues related to article 6 of the ECHR (Right to a Fair Trial):

- I priority – burden of proof in administrative cases
- II priority – police testimony as a basis for administrative liability
- III priority – Court’s rejection of a claim because of the claimant’ failure to pay the state duty

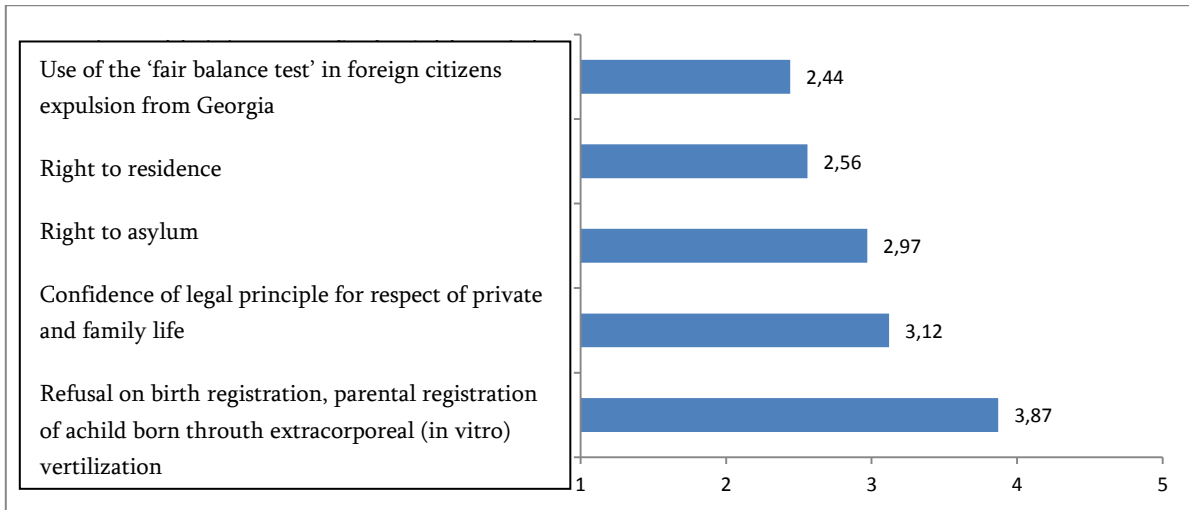
Diagram 80 Article 6 of the ECHR (Right to a Fair Trial)



The following issues were identified as priorities among issues related to article 8 of the ECHR (Right to Respect for Private and Family Life):

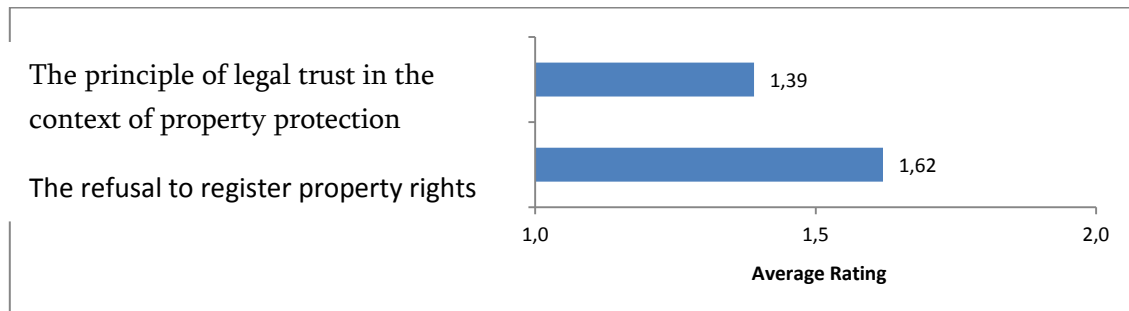
- I priority – Use of the ‘fair balance test’ in foreign citizens expulsion from Georgia
- II priority – Right to residence
- III priority – Right to asylum

Diagram 81 ECHR article 8 (Right to Respect for Private and Family Life):



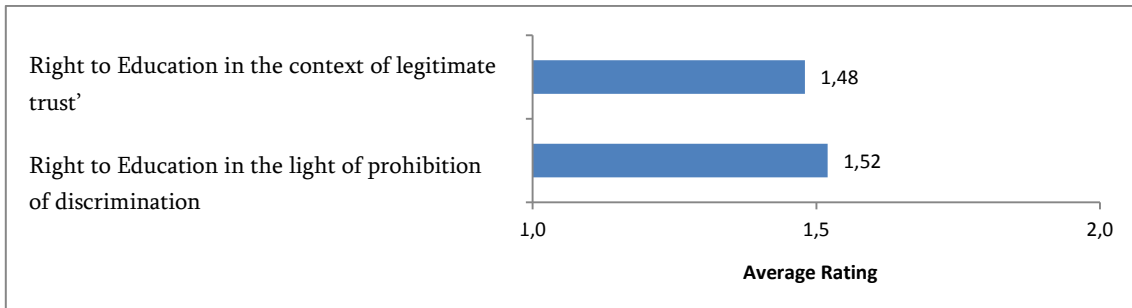
The principle of legal trust in the context of property protection was identified as a priority out of the two issues covered by article 1 of Protocol 1 to the ECHR.

Diagram 82 Priority Issues of Article 1 of Protocol 1 to the ECHR, by average rating



The ‘Right to Education in the context of legitimate trust’ appeared a higher priority out of the two issues covered by article 2 of Protocol 1 to the ECHR (Right to Education).

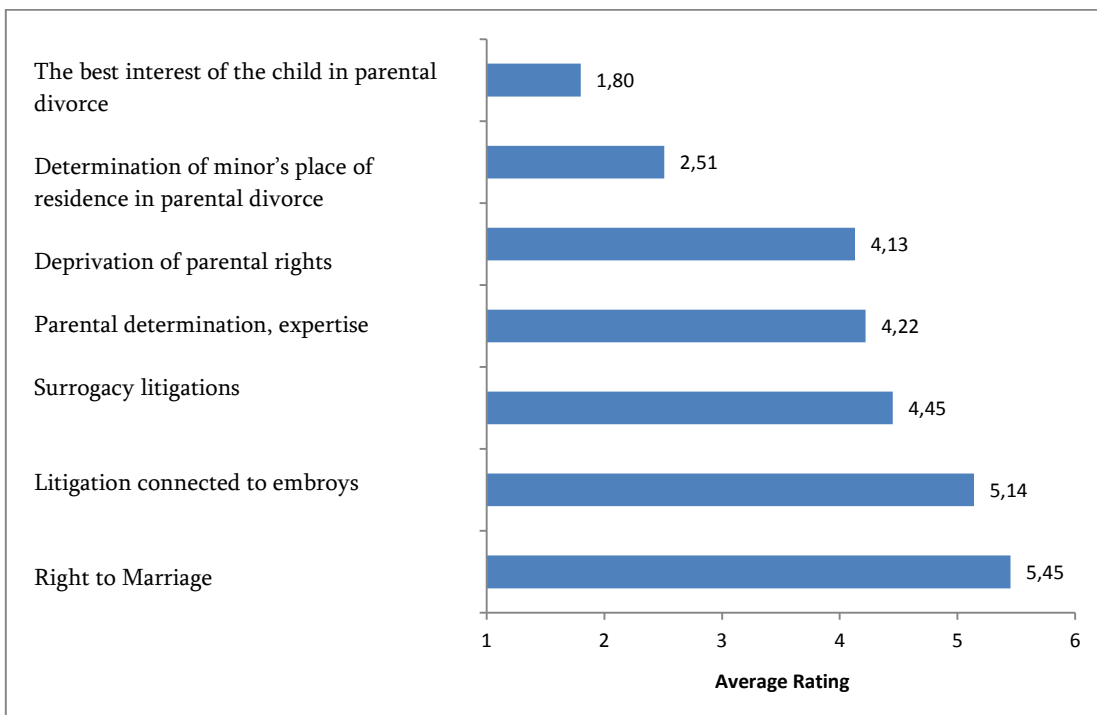
Diagram 83 Priority issues related to Article 2 of Protocol 1 to the ECHR (Right to Education), by average rating:



The following issues were identified as priorities among issues related to article 8 of the ECHR (Right to Respect for Private and Family Life):

- I priority – The best interest of the child in parental divorce
- II priority – Determination of minor’s place of residence in parental divorce
- III priority – Deprivation of parental rights

Diagram 84 Priority issues related to Article 8 of the ECHR (Right to Respect for Private and Family Life), by average rating:



The following issues were identified as priorities among issues related to Article 1 to Protocol 1 to the ECHR (Protection of Property):

- I priority – alienation of minor’s property
- II priority –marital joint ownership
- III priority – alimony litigations

Diagram 85 Priority Issues related to Article 1 of Protocol 1 to the ECHR (Protection of Property)

