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PART 2

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

Support for a better evaluation of the results of judicial reform efforts in the Eastern Partnership "Justice Dashboard EaP" Action

Data collection: 2020

Report prepared by the CEPEJ for the attention of the European Commission

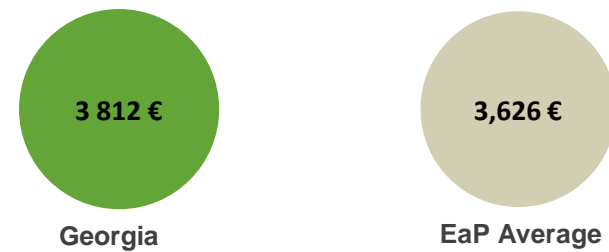
Part 2 (A) - Beneficiary profile - Georgia

Executive Summary - Georgia in 2020

Population in 2020



GDP per capita in 2020



Average annual salary in 2020



Budget

In 2020, Georgia spent 32 404 793€ as implemented judicial system budget. With **8,7€ per inhabitant**, Georgia spent less compared to the EaP median of 10€.

59,2% was spent for all courts, 34,8% for prosecution services, 6% for legal aid. Compared to 2018, Georgia has spent -22% less for courts, 0,4% more for prosecution services, and 14,5% more for legal aid. The decrease in spending for courts was mainly explained by postponed investments in new buildings.

The budgets spent for and courts (5,1€) and prosecution services (3,0€) per inhabitant were lower than the EaP median (7,7€ and 3,2€ respectively) in 2020.

Legal aid

The budget spent for legal aid in Georgia was on a par with the EaP median (0,5€ per inhabitant) in 2020.

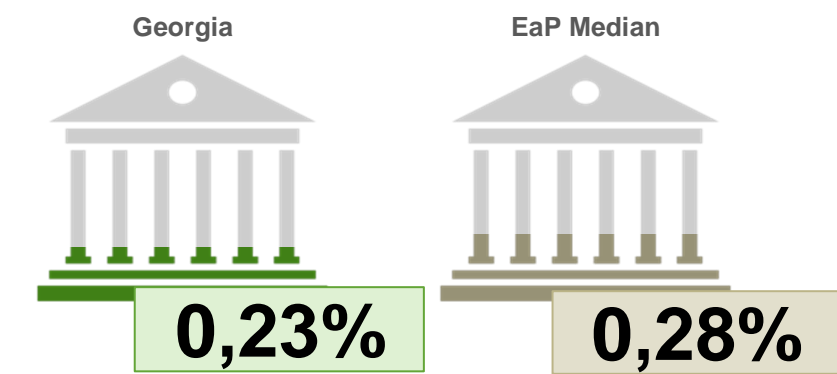
In 2020, **legal aid was granted** in 13 324 cases, which was -17,3% less compared to 2018, partly explained by the pandemic-related measures. These measures seem to have contributed to a change in the demand for the legal aid. Thus in 2020, the number of cases for which legal aid has been granted in cases brought to court decreased by 60% and in cases not brought to court increased by 113% compared to 2018. Legal aid was predominantly provided in criminal cases (9755 criminal cases compared to 3569 other than criminal cases). On average, Georgia spent 146,13€ per case, which is considerably above the EaP median of 51,32€.

Budget of the Judiciary

Implemented Judicial System Budget per inhabitant in 2020



Implemented Judicial System Budget as % of GDP in 2020



Efficiency*

In 2020, some backlog was created for all types of cases and instances, with the exception of civil and commercial litigious cases in the second instance, where the Clearance Rate was above 100%. Criminal law cases were resolved faster than other types of cases, with a Disposition Time of 126 days in first instance and 104 days in second instance, and a Clearance Rate of 91% and 96% respectively.

The **Clearance Rates decreased** and the **Disposition Times increased** in all categories of cases in first instance courts in 2020 compared to 2018, partly explained by the effects of the Government measures related to the pandemic.

In 2020, the **Clearance Rates are lower compared to the EaP median**, with the exception of criminal law cases in first instance (91%), where it is the same. The **Disposition Time** is considerably higher than the EaP median, again with the exception of criminal law cases in both first and second instances where it is lower than the medians of 126 vs 242 days and 104 vs 113 days, respectively).

In Georgia there are **quality standards** determined for the judicial system at national level, although there was no specialised personnel entrusted with the implementation of these national level quality standards in 2020. The monitoring of the waiting time in courts is done by the High Council of Justice, which studies the reasons of waiting time based on the data submitted by the courts, as well as by performing on-site visits.

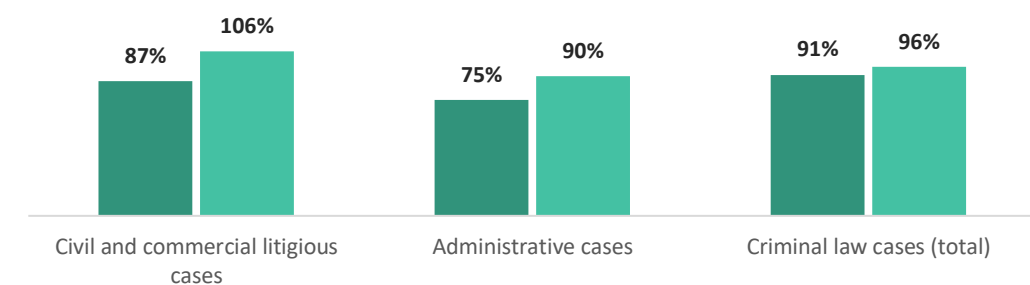
* The CEPEJ has developed two indicators to measure court's performance: clearance rate and disposition time.

Clearance Rate, obtained by dividing the number of resolved cases by the number of incoming cases, is used to assess the ability of a judicial system to handle the inflow of judicial cases. Its key value is 100%. A value below 100% means that the courts weren't able to solve all the cases they received and, as a consequence, the number of pending cases will increase, while CR above 100% means that the courts have resolved more cases than they received (they have resolved all the incoming cases and part of pending cases) and, as a consequence, the number of pending cases will decrease.

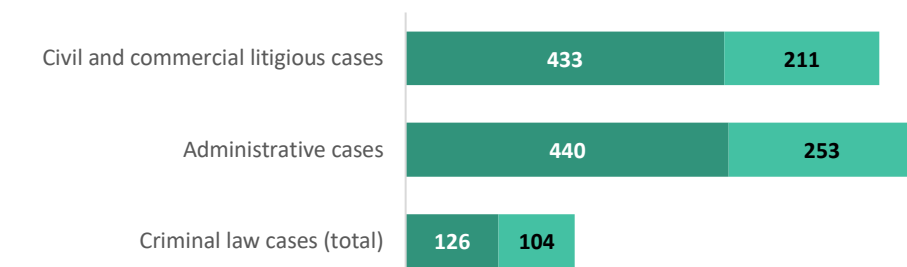
Disposition Time is a proxy to estimate the lengths of proceedings in days. It is calculated as the ratio between the pending cases at the end of the period and the resolved cases (multiplied by 365). It estimates the time to resolve all pending cases based on the actual pace of work. This indicator is highly influenced by the number of pending cases: categories of cases with high backlog will have higher DT than categories of cases that do not have backlog. At the same time, it is affected by the number of resolved cases, and this is especially evident in 2020, when this number dropped.

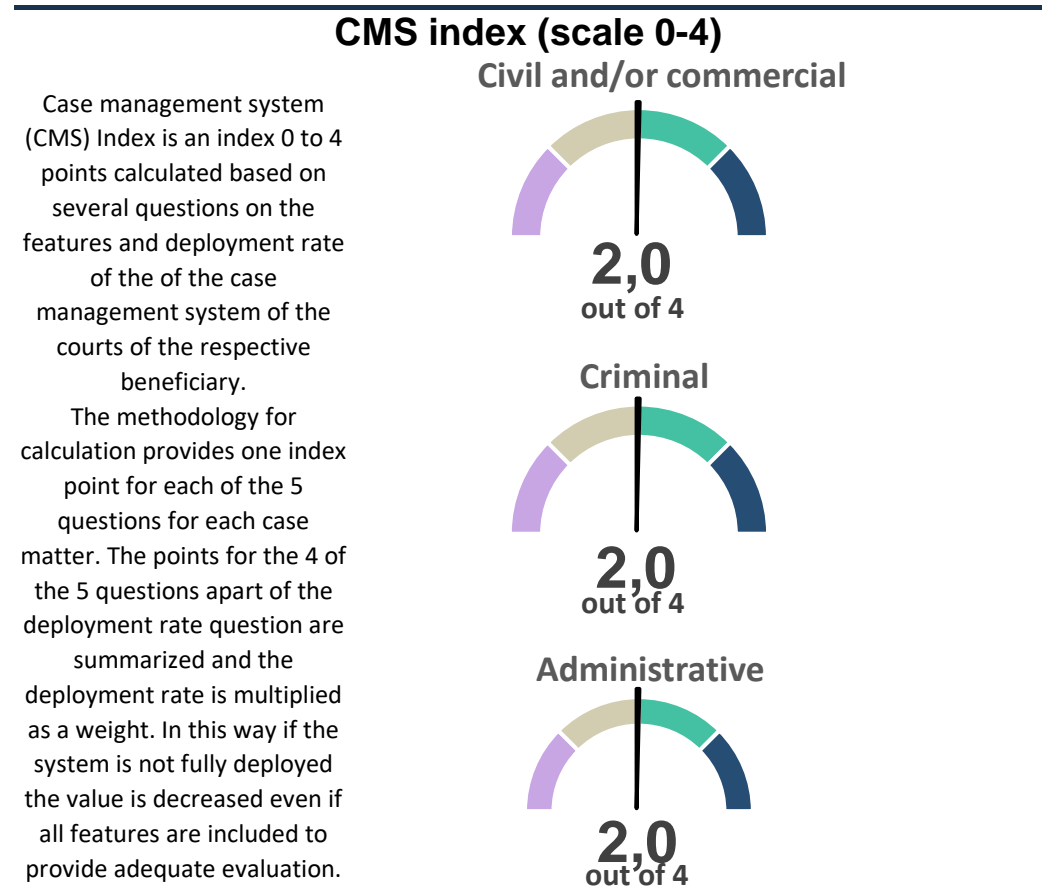
Efficiency

Clearance rate in 2020 (%)



Disposition time in 2020 (in days)





Electronic case management system and court activity statistics

In Georgia there is a case management system (CMS) - a software used for registering judicial proceedings and their management, which has been developed between 5 and 10 years ago. The CMS has a deployment rate of 100% for all courts and the data is stored in a national database consolidated at national level. There was no info available during this data collection on plans for a significant change in the present IT system in the judiciary.

The HCJ created a webpage dedicated for the **publication of all court decisions**. As a result of a decision of the Constitutional Court of Georgia, the Parliament of Georgia has to adopt a new regulation in line with the decision of the Constitutional Court to enable the HCJ to continue uploading court rulings and making them publicly available.

Trainings

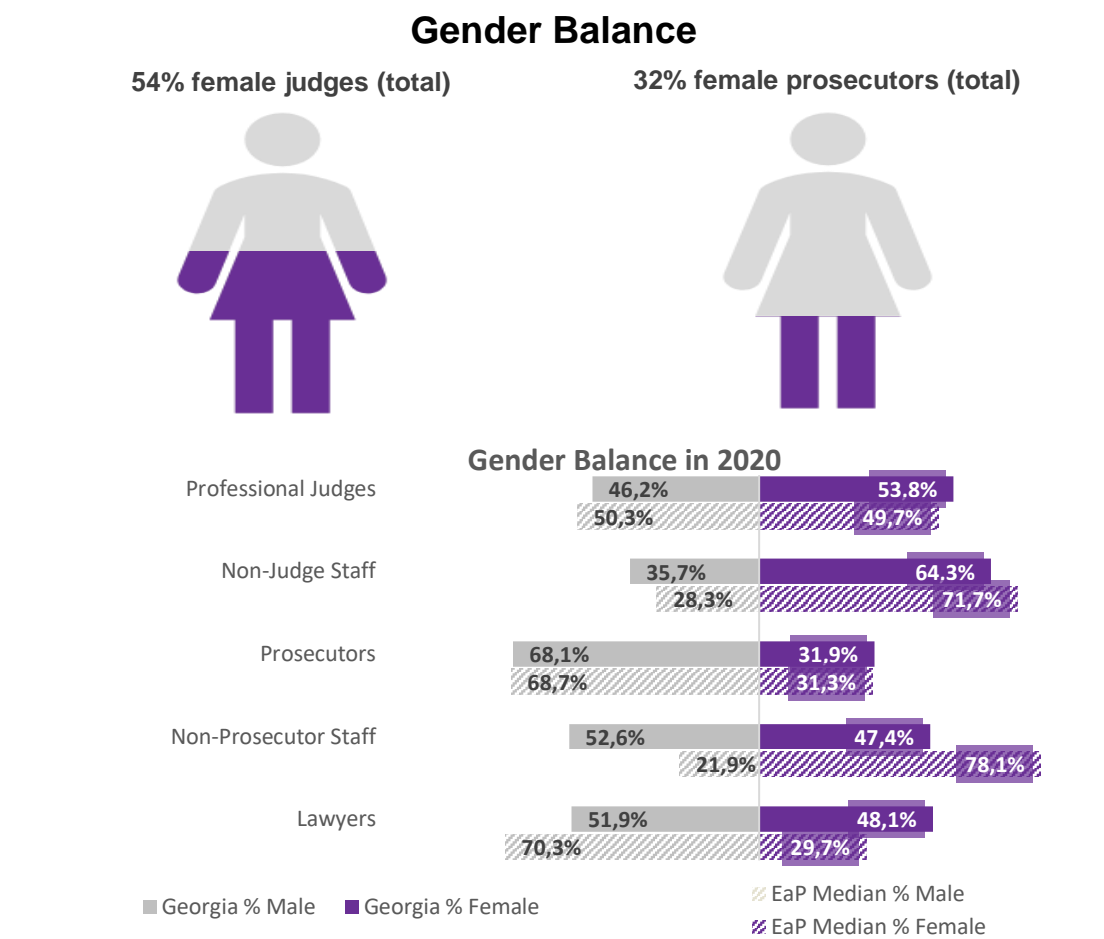
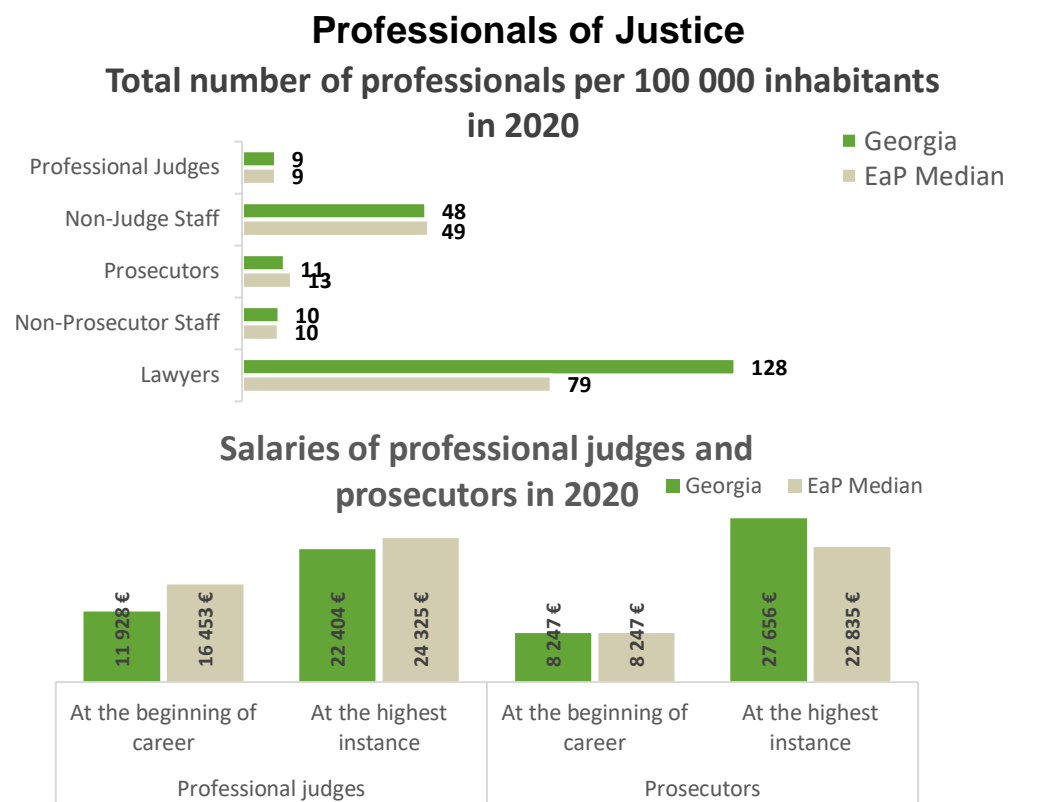
In 2020, the total budget for training judges and prosecutors in Georgia was 18,5€ per 100 inhabitants, which is below the EaP median (26,6€ per 100 inhabitants). Many trainings were held online and, the number of trainings delivered in-person decreased compared to 2018, mainly due to measures against covid-19. At the same time, the number of online trainings decreased because some trainings, due to their particularities, could not be held and a number of technical changes were required to this end.

ADR (Alternative Dispute Resolution)

In Georgia a new `Law on Mediation` entered into force on 1 January 2020. The Law applies to court-related mediation and out-of-court mediation process which takes place based on a mediation agreement between the parties. For 2020, only partial data on the number of court-related mediations was available.

Court-related mediations are provided by private mediators, public authorities (other than the court) and public prosecutors. The scope of the `mandatory mediation` in court has been broadened to include labour disputes, property-disputes up to 20000 GEL (nearly 6000 Euros), some minor disputes with commercial banks on loan agreements, etc. In 2020, there were 53 accredited mediators, which is 1,4 per 100 000 inhabitants and less than the EaP median of 1,9. In Georgia 60% of mediators are women.

The judicial system provides for **mandatory mediation** with a mediator ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding. However, there are no mandatory informative sessions with a mediator, although they may be still requested by the parties.



Professionals and Gender Balance

In 2020, Georgia had 8,8 **professional judges per 100 000 inhabitants**, which is the same as the EaP median, and **11,1 prosecutors per 100 000 inhabitants**, which is lower than the EaP median of 12,9.

In 2020, the **number of lawyers** was 128 per 100 000 inhabitants, which is higher than the EaP median of 79,4.

54 % of professional judges were women, which was higher than EaP Median (49,7%). For judges, an increase in the percentage of females can be observed from first to second instance, and a decrease from the second to the third instance. The percentage of female prosecutors was 31,9%, which was only slightly higher than EaP median (31,3%). The percentage of female lawyers was 48,1%, which was higher than EaP Median (29,7%).

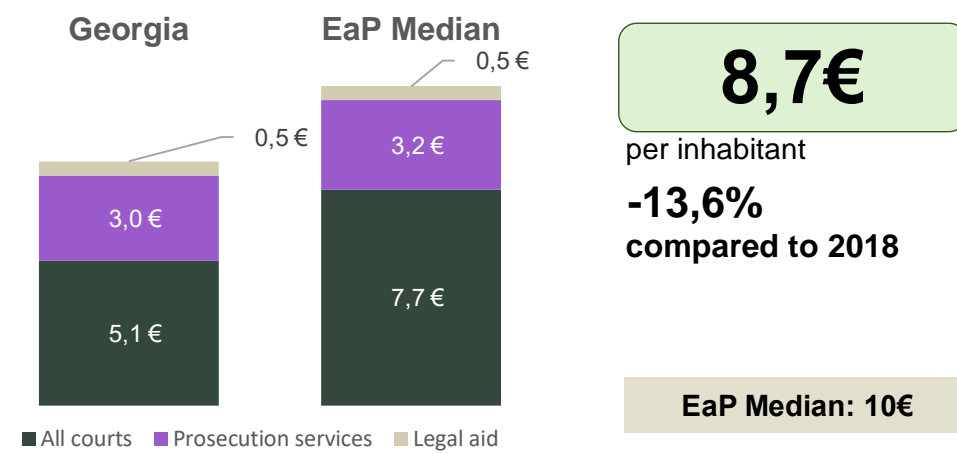
ECHR

In 2020, there were 130 applications against Georgia allocated to a judicial formation of the European Court of Human Rights. 12 judgements by the ECHR found at least one violation. 7 cases were considered as closed after a judgement of the ECHR and the execution of judgements process in 2020.

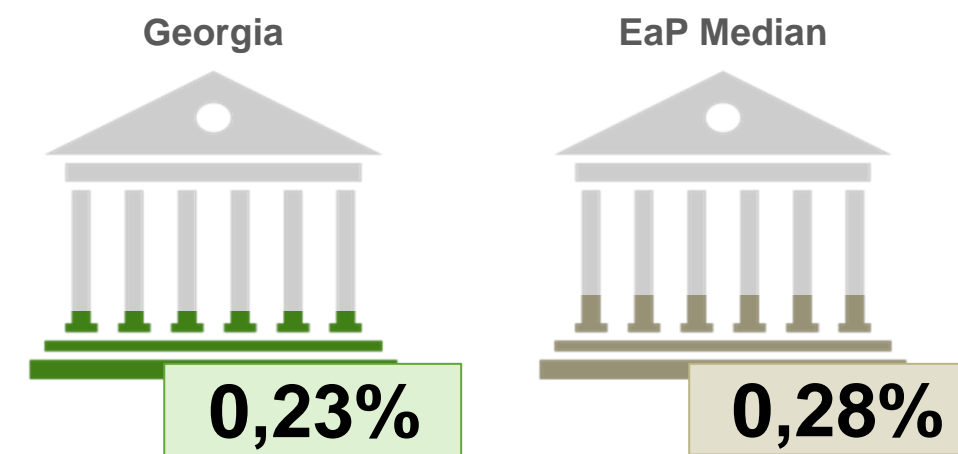
Both under criminal and civil procedural legislation it is possible to review a case if there is a final judgement (ruling) of the European Court of Human Rights establishing that the provisions of the ECHR have been violated with regard to the case in question. The monitoring system for violations related to Article 6 of ECHR for civil procedures (non-enforcement and timeframe) and criminal procedures is in place.

Budget of the judiciary in Georgia in 2020 (Indicator 1)

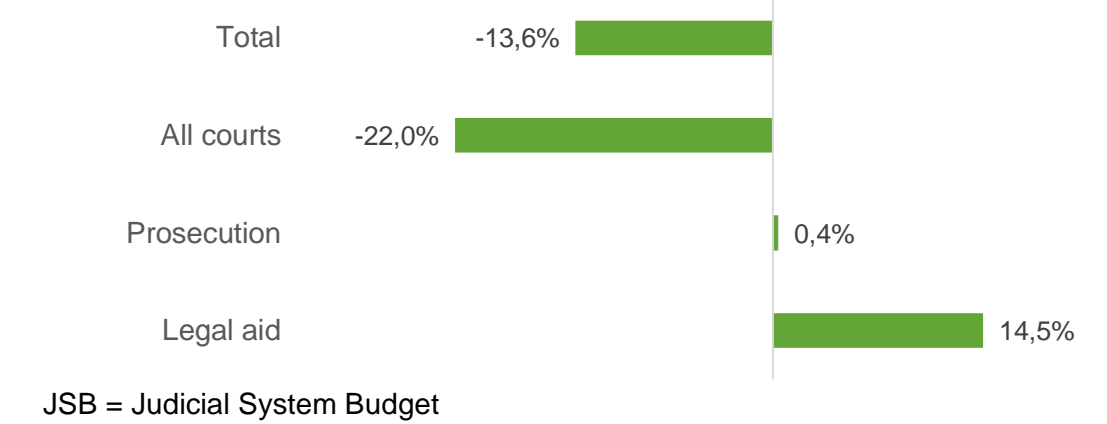
Implemented Judicial System Budget per inhabitant



Implemented Judicial System Budget as % of GDP



% Variation of Implemented JSB per inhabitant between 2018 and 2020



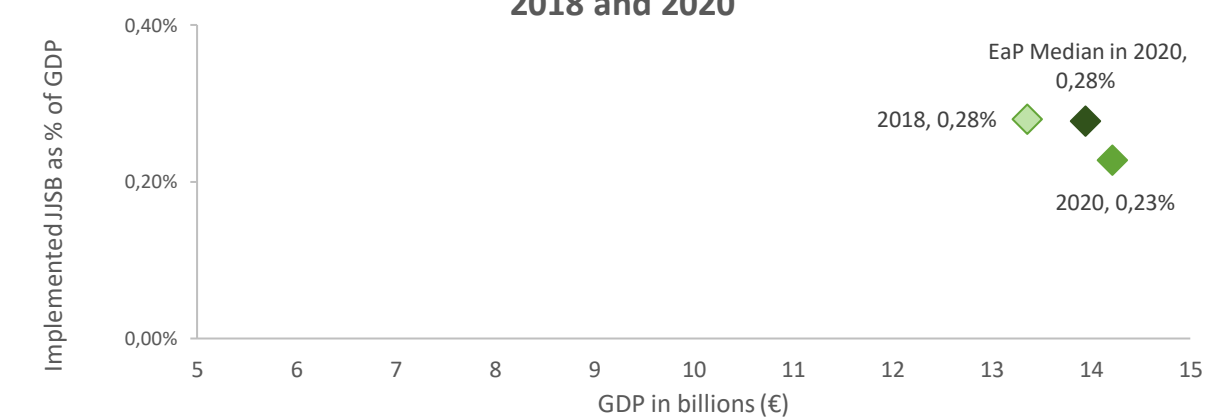
The Judicial System Budget (JSB) includes the budget for all courts, public prosecution services and legal aid. In 2020, the implemented JSB for Georgia was 8,7 € per inhabitant, which is lower than the Eastern Partnership (EaP) median of 10€. In 2020, the JSB decreased by -13,6% compared to 2018. The JSB represented 0,23% of the GDP of Georgia (which is slightly lower compared to EaP Median of 0,28%).

Budget allocated to the judicial system (courts, prosecution services and legal aid)

Judicial System Budget	Judicial System Budget in 2020		Implemented Judicial System Budget per inhabitant			Implemented Judicial System Budget as % of GDP		
	Approved	Implemented	Per inhabitant	EaP Median	% Variation 2018 - 2020	As % of GDP	EaP Median	Variation (in ppt) 2018 - 2020
Total	37 099 756 €	32 404 793 €	8,7 €	10,0 €	-13,6%	0,23%	0,28%	-0,05
All courts	22 717 734 €	19 182 652 €	5,1 €	7,7 €	-22,0%	0,13%	0,21%	-0,05
Prosecution	12 266 476 €	11 275 060 €	3,0 €	3,2 €	0,4%	0,08%	0,09%	-0,05
Legal aid	2 115 546 €	1 947 081 €	0,5 €	0,5 €	14,5%	0,01%	0,014%	0,001

PPT = Percentage points

Implemented Judicial System Budget as % of GDP between 2018 and 2020

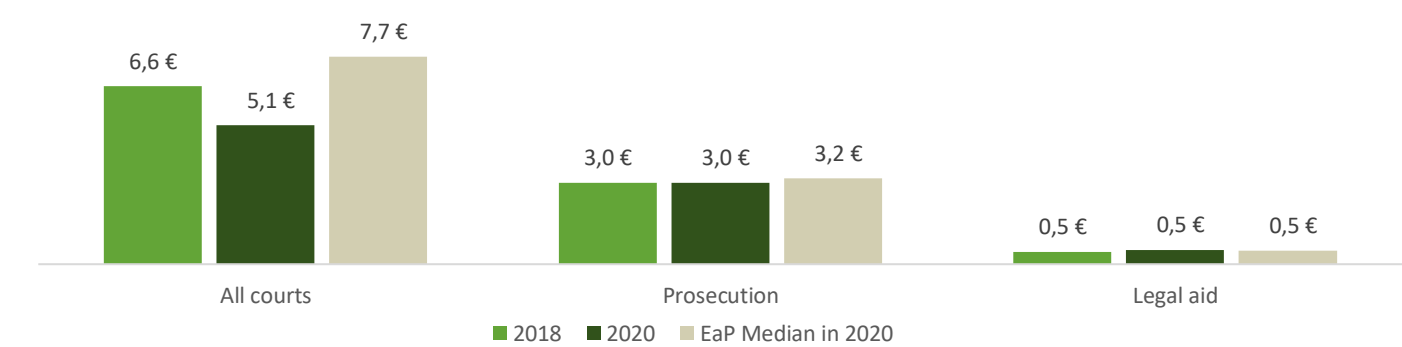


This scatterplot shows the relation between the GDP in billions and the Implemented Judicial System Budget as %. A figure on the right (left) of the EaP Median means that the Beneficiary has a higher (lower) GDP than the EaP Median. A figure above (below) the EaP Median shows that the Beneficiary has a higher (lower) ratio of Implemented Judicial System Budget as % of GDP than the EaP Median in 2020.

In 2020, Georgia spent 32 404 793€ as implemented judicial system budget. Of this, 59,2% was spent for all courts, 34,8% for prosecution services, and 6% for legal aid. Compared to 2018, Georgia has spent -22% less for courts, 0,4% more for prosecution services, and 14,5% more for legal aid. The decrease in spending for courts was explained by the postponed investments in new buildings, such as the Tbilisi City Court, and other savings.

In 2020, the JSB per inhabitant is below the EaP median on courts and on prosecution. It is on a par with the EaP median on legal aid, though, with 0,5 € per inhabitant for 2020.

Implemented judicial system budget per inhabitant between 2018 and 2020 (€)

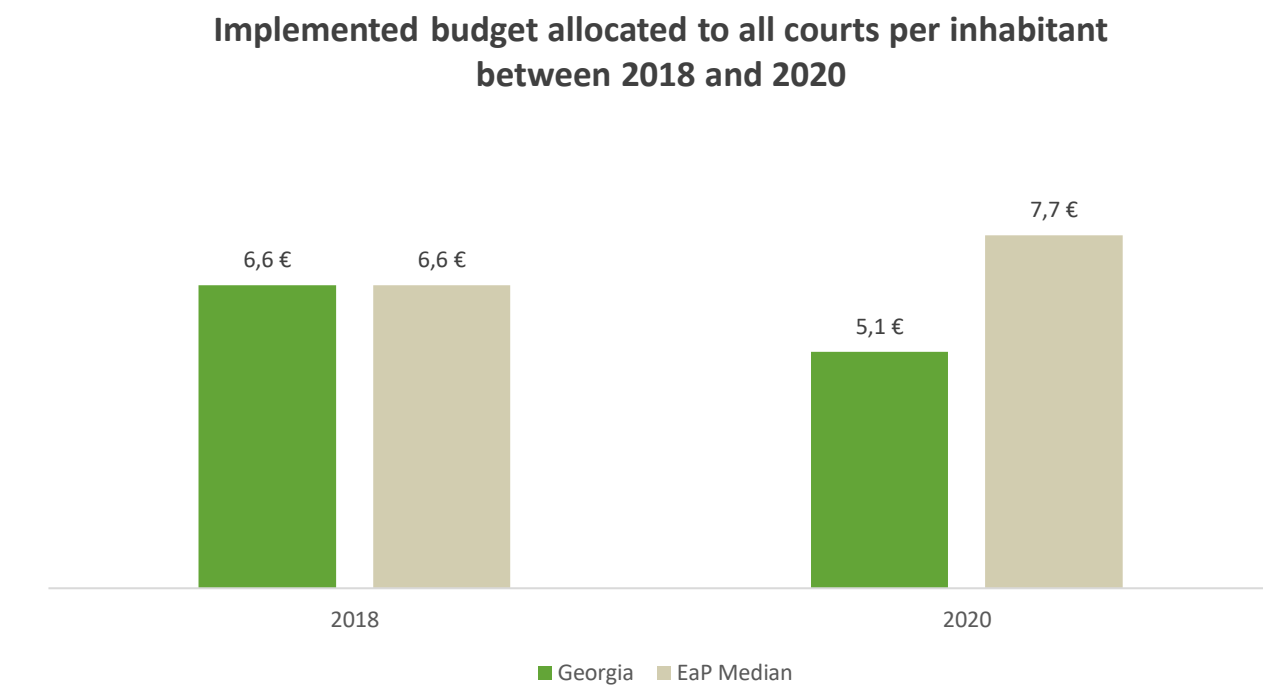
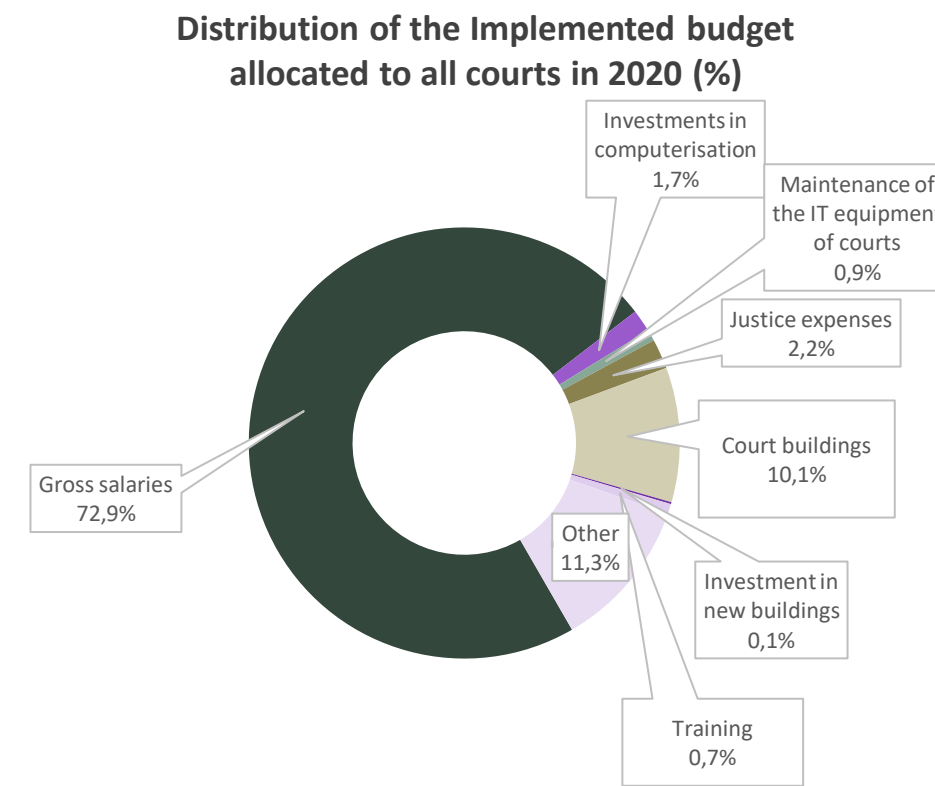


Budget allocated to the functioning of all courts

In 2020, Georgia spent 19 182 652€ as implemented budget for courts. 72,9% was spent for gross salaries, 11,3% for Other, 10,1% for Court buildings, 2,2% for Justice expenses, 1,7% for computerisation (total), 0,7% for Training, 0,1% for Investment in new buildings.

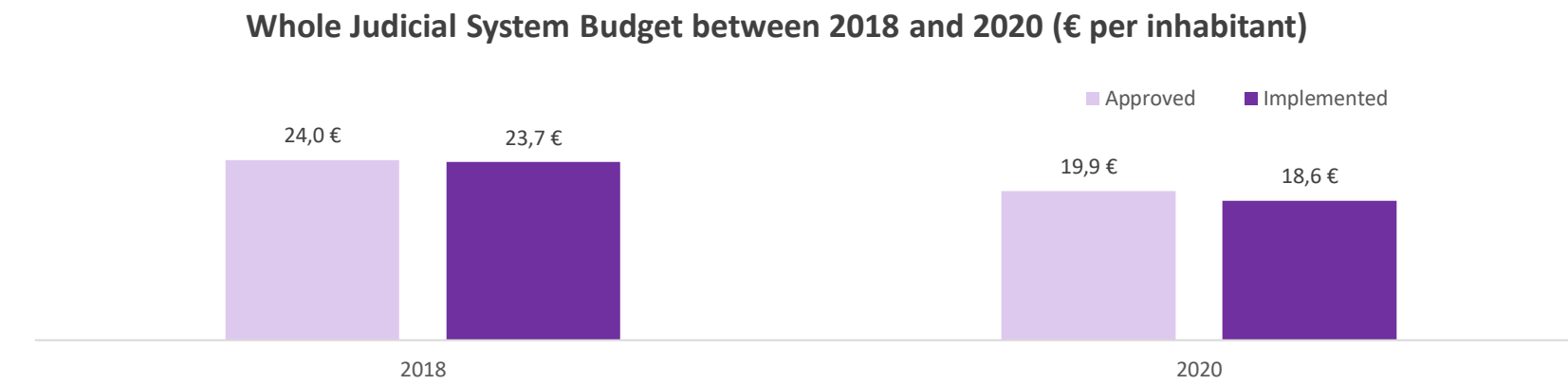
Compared to 2018, the implemented budget for courts has decreased by -21,9%. The most notable decreases in 2020 compared to 2018 are in the investments in new buildings (-98,9%); justice expenses (-80,7%) and trainings (-70,7%). These decreases are explained by the impact of the pandemic-related measures. While the EaP median of the implemented budget allocated to all courts per inhabitant has increased between 2018 and 2020 from 6,6 € to 7,7 €, it saw a decrease in Georgia from 6,6 € to 5,1€.

	2020		% Variation between 2018 and 2020	
	Approved budget	Implemented budget	Approved budget	Implemented budget
Total	22 717 734 €	19 182 652 €	-9,0%	-21,9%
Gross salaries	16 274 412 €	13 984 696 €	-3,6%	-16,3%
Investments in computerisation	354 798 €	322 206 €	19,9%	3,2%
Maintenance of the IT equipment of courts	163 845 €	163 219 €		
Justice expenses	565 433 €	429 108 €	-75,6%	-80,7%
Court buildings	2 064 464 €	1 936 934 €	63,7%	54,3%
Investment in new buildings	648 890 €	27 509 €	-72,5%	-98,8%
Training	183 512 €	142 128 €	-65,7%	-70,7%
Other	2 462 380 €	2 176 852 €	86,4%	77,8%



Budget allocated to the whole justice system

Whole Justice System	2020		% Variation of the Whole Justice System per inhabitant 2018 - 2020
	Absolute number	Per inhabitant	
Approved	74 049 909 €	19,9 €	-17,3%
Implemented	69 288 567 €	18,6 €	-21,6%



The whole justice system budget includes the following elements in 2020:

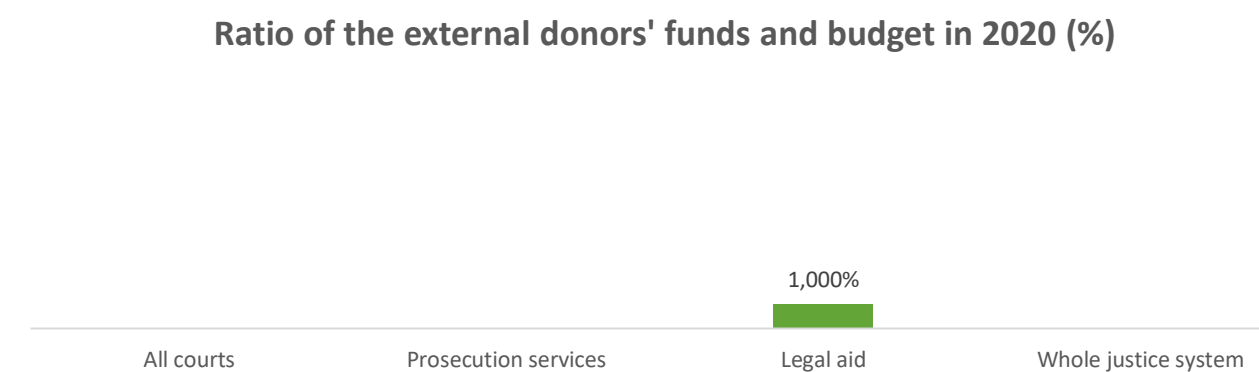
Court budget	✓	Council of the judiciary	✓	Enforcement services	✗	Refugees and asylum seekers service	✗
Legal aid budget	✓	High Prosecutorial Council	✗	Notariat	✗	Immigration services	✗
Public prosecution services budget	✓	Constitutional court	✗	Forensic services	✗	Some police services	✗
Prison system	✓	Judicial management body	✗	Judicial protection of juveniles	✗	Other services	✗
Probation services	✓	State advocacy	✗	Functioning of the Ministry of Justice	✗		

The budget allocated to the whole justice system decreased by 17,3% in 2020 compared to 2018. The implemented whole judicial system budget per inhabitant decreased by 5,1 PPT in 2020 compared to 2018. The elements of the whole justice system budget remained the same as in 2018.

Budget received from external donors

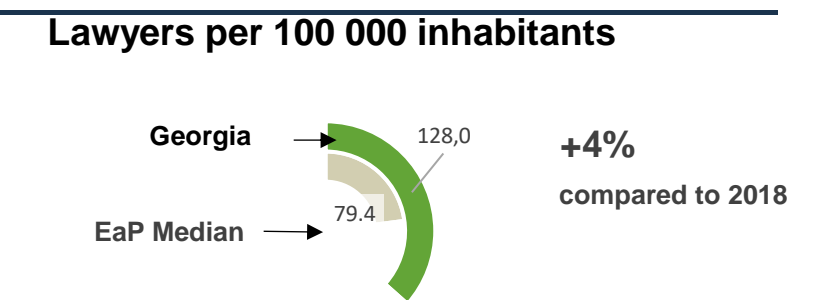
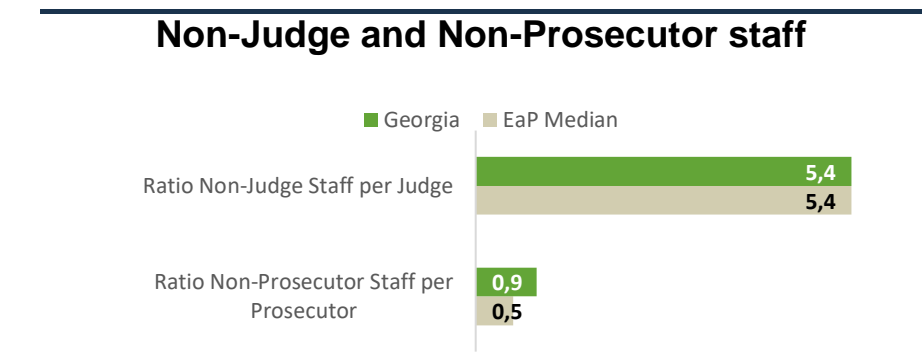
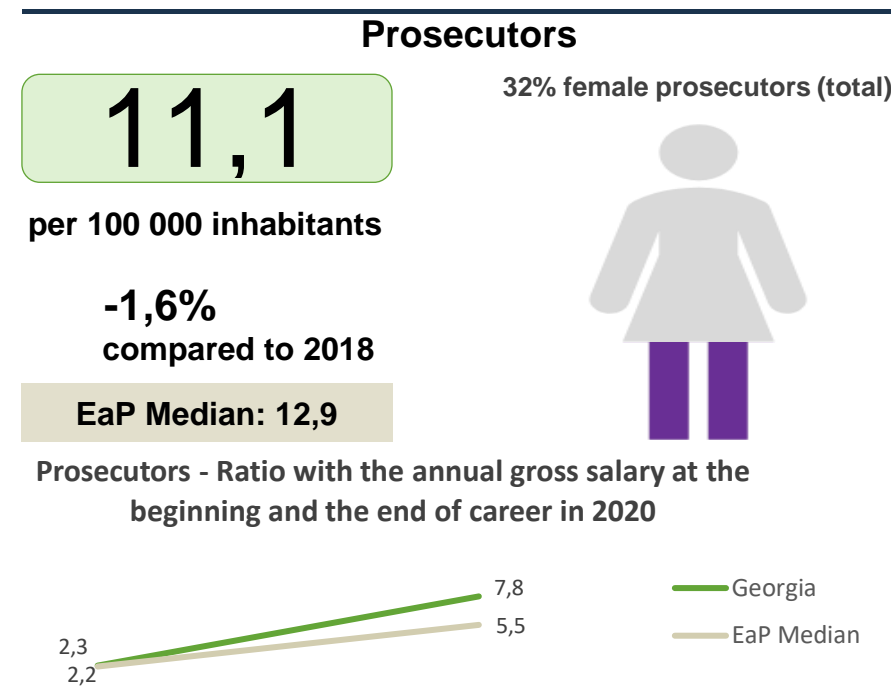
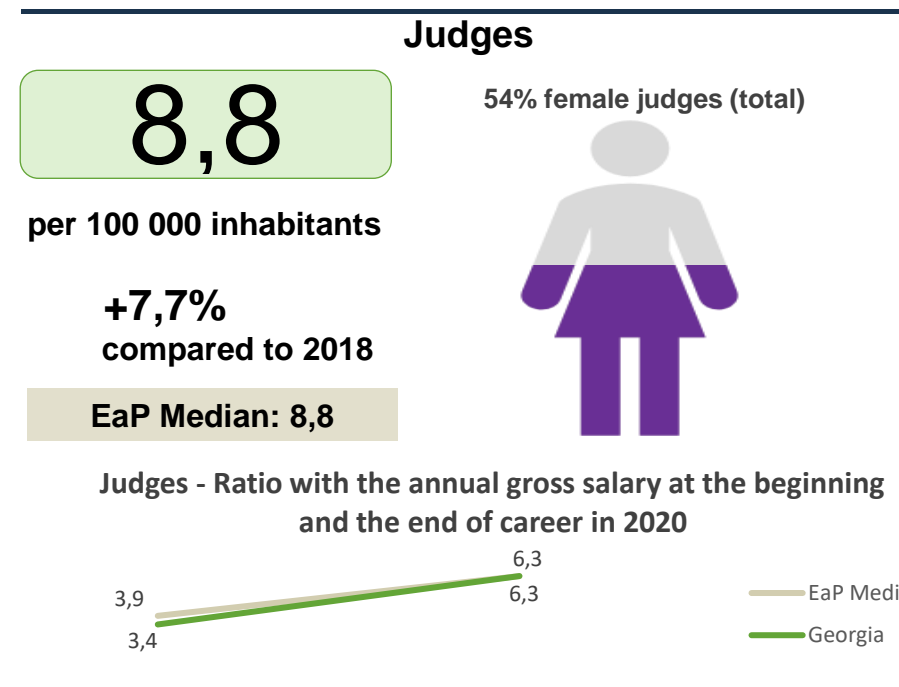
The percentages represent an estimate of the ratio between external donations and respective budget. The percentage is calculated in relation to the total implemented budget of each category. However, this does not mean that the external funds cover a percentage of the budget, since donations are not included in the judicial system budget.

	Absolute value	Calculated as %	In percentage (%)
All courts	NAP	NAP	NAP
Prosecution services	NAP	NAP	NAP
Legal aid	29 694 €	1,5%	1,000%
Whole justice system	NAP	NAP	NAP



Authorities responded with NAP for this cycle, as they consider that external donations are not part of the budget of courts and/or prosecution services in Georgia and they do not have a systematised information thereon at this stage.

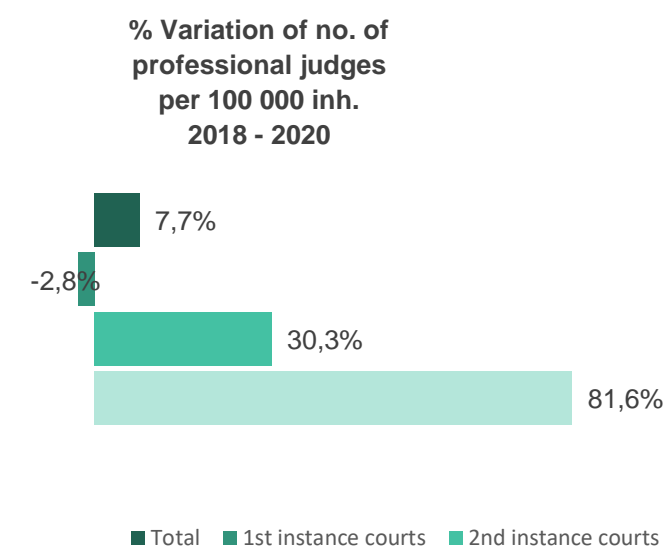
Professionals and Gender Balance in judiciary in Georgia in 2020 (Indicators 2 and 12)



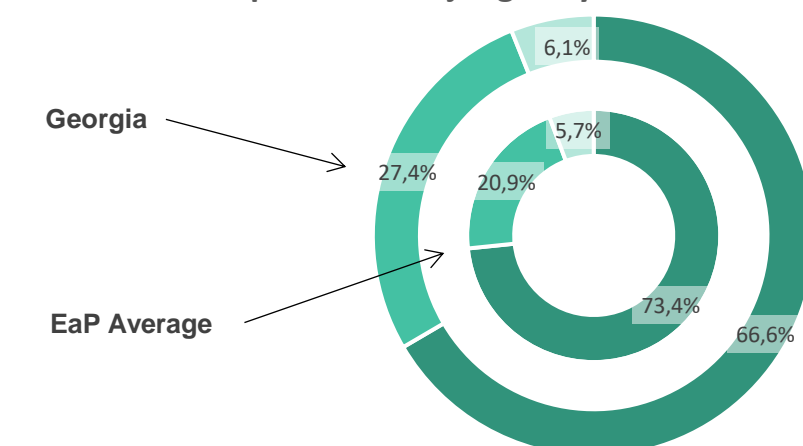
In 2020, Georgia had 8,8 professional judges per 100 000 inhabitants and 11,1 prosecutors per 100 000 inhabitants. Both figures were below the Eastern Partnership (EaP) medians of 8,8 and 12,9, respectively. 54% of professional judges were women (which is above the EaP Median of 49,7), whereas only 31,9% of prosecutors were women (which is almost on a par with the EaP median of 31,3).

Professional Judges

	Professional judges			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Median per 100 000 inhabitants
Total	329	100,0%	8,8	8,8
1st instance courts	219	66,6%	5,9	6,2
2nd instance courts	90	27,4%	2,4	2,2
Supreme Court	20	6,1%	0,5	0,5



Distribution of professional judges by instance in 2020 (%)

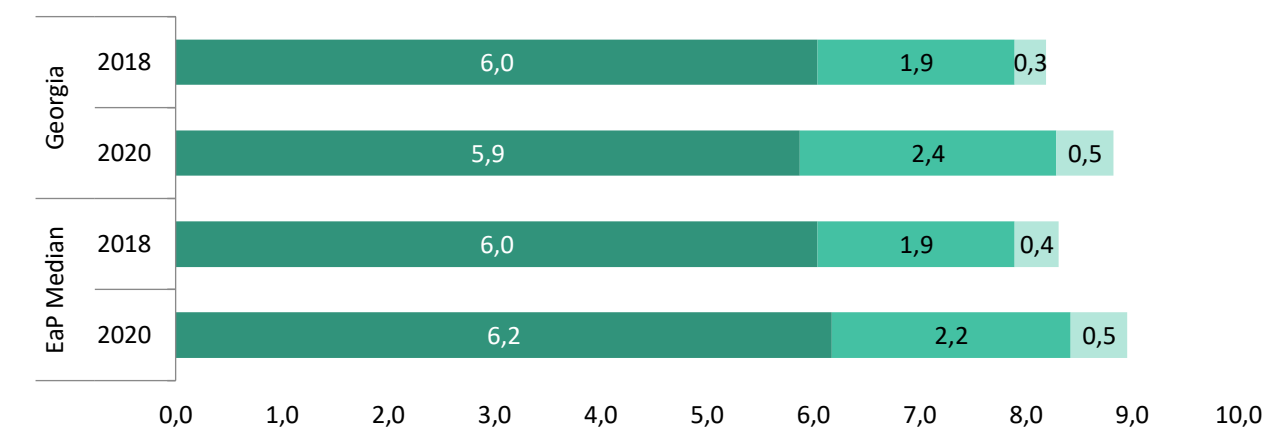


The absolute number of professional judges in Georgia in 2020 was 329, which was 8,8 per 100 000 inhabitants (equal to EaP Median of 8,8).

Compared to 2018, the number of professional judges increased by 7,7%, on the account of filling in of vacancies in the Supreme Court and an increase of the number of judges in the courts of appeal.

The figures show a difference of 6,8 percentage points between the percentage of judges in the first instance (66,6%) and the EaP average (73,4%).

Distribution of professional judges per 100 000 inhabitants by instance in 2018 and 2020



• Non-judge staff

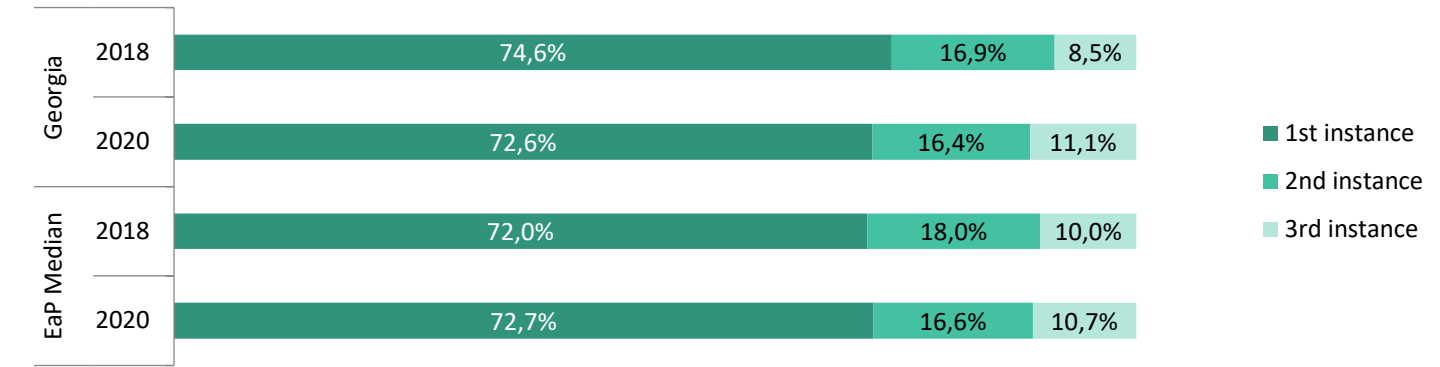
The total number of non-judge staff in Georgia was 1782, which increased by 5,3% between 2018 and 2020. Thus, the number of non-judge staff per 100 000 inhabitants was 47,8, which was below EaP Median of 48,5.

Compared to 2018, there were slight variations in the distribution of non-judge staff among instances in 2020, with 2% decrease in the first instance courts, 0,5% decrease in the second instance courts and a 2,6% increase in the Supreme Court. For 2020, the distribution of non-judge staff per instance is on a par with the EaP median.

The highest number of non-judge staff in Georgia were technical staff (50% of the total) followed by assistants to judges (44,8% of the total).

	Number of non-judge staff by instance			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Median per 100 000 inhabitants
Total	1782	100,0%	47,8	48,5
1st instance courts	1293	73%	34,7	38,4
2nd instance courts	292	16%	7,8	7,8
Supreme Court	197	11%	5,28	3,49

Distribution of non-judge staff by instance in 2018 and 2020



	Number of non-judge staff by category			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Median per 100 000 inhabitants
Total	1585	100,0%	47,8	48,5
Rechtspfleger	3	0,2%	0,1	0,1
Assisting the judge	710	44,8%	19,0	16,7
In charge of administrative tasks	80	5,0%	2,1	21,8
Technical staff	792	50,0%	21,2	14,2
Other	NAP	NAP	NAP	-

Number of non-judge staff per 100 000 inhabitants by category between 2018 and 2020

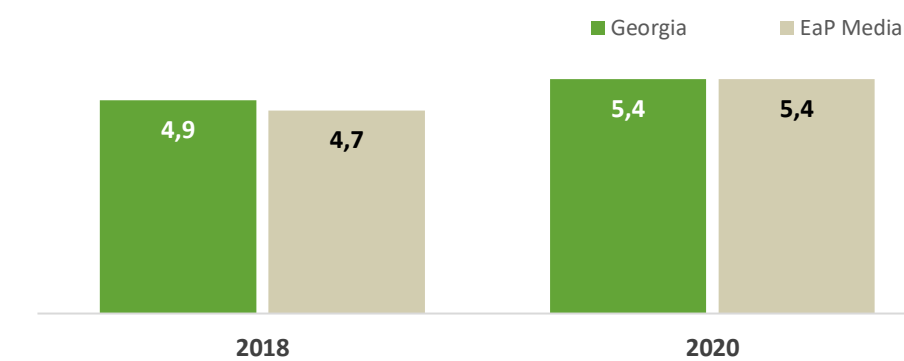


• Ratio between non-judge staff and professional judges

In Georgia, the ratio of non-judge staff per professional judge was 5,4 in 2020, the same as the EaP median. The number of non-judge staff grew by 9,8% compared to 2018.

	Ratio in 2020		% Variation between 2018 and 2020	
	Georgia	EaP Median	Georgia	EaP Median
Total	5,4	5,4	9,8%	15,4%
1st instance courts	5,9	5,8	18,3%	20,1%
2nd instance courts	3,2	4,1	-11,9%	11,0%
Supreme Court	9,9	7,1	-15,4%	14,0%

Ratio between non-judge staff and judges between 2018 and 2020



Prosecutors

	Number of prosecutors by instance			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Median per 100 000 inhabitants
Total	414	100,0%	11,1	12,9
1st instance courts	NAP	NAP	NAP	-
2nd instance courts	NAP	NAP	NAP	-
Supreme Court	NAP	NAP	NAP	-

% Variation of no. of prosecutors per 100 000 inh. 2018 - 2020



In 2020, the absolute number of prosecutors in Georgia was 414, which was 11,1 per 100 000 inhabitants (slightly lower than EaP Median of 12,9).

The total number of prosecutors decreased by -1,6% between 2018 and 2020.

There is no division of prosecutors according to court instances in Georgia.

■ Total ■ 1st instance courts ■ 2nd instance courts ■ Supreme Court

Distribution of prosecutors per 100 000 inhabitants by instance in 2018 and 2020



Non-prosecutor staff and Ratio between non-prosecutor staff and prosecutors

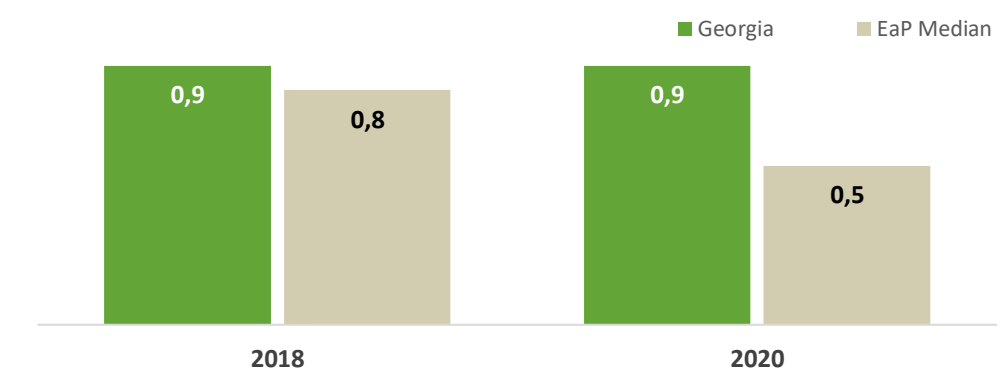
	Non-prosecutor staff in 2020			Ratio between non-prosecutor staff and prosecutors in 2020		% Variation of the ratio between 2018 and 2020	
	Absolute number	Per 100 000 inhabitants	EaP Median per 100 000 inhab.	Georgia	EaP Median	Georgia	EaP Median
Total	363	9,7	9,5	0,9	0,5	0,1%	-32,2%

In 2020, the total number of non-prosecutor staff in Georgia was 363.

The number of non-prosecutor staff per 100 000 inhabitants was 9,7, slightly above the EaP median of 9,5.

The ratio of non-prosecutor staff per prosecutor was 0,88, which was significantly higher than the EaP median of 0,5.

Ratio between non-prosecutor staff and prosecutors between 2018 and 2020

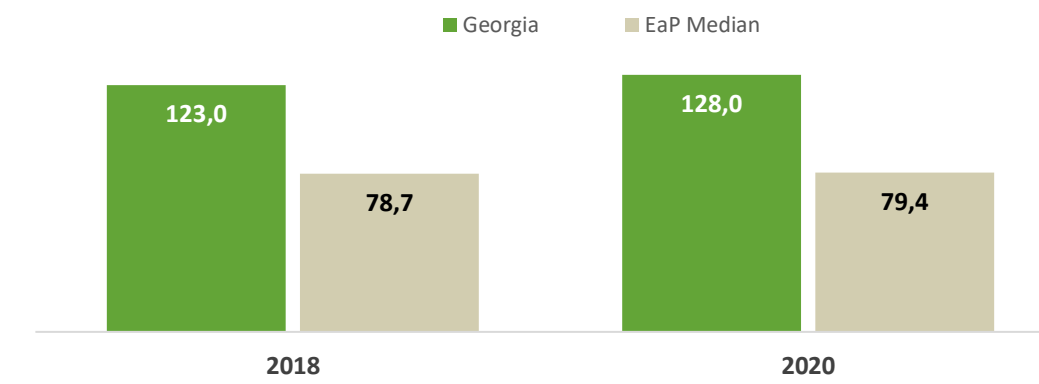


• **Lawyers**

	Number of lawyers			% Variation between 2018 and 2020	
	Absolute number	Per 100 000 inhabitants	EaP Median per 100 000 inhabitants	Georgia	EaP Median
Total	4 772	128,0	79,4	4,0%	2,0%

In 2020, the number of lawyers was 128 per 100 000 inhabitants, which was significantly higher than the EaP median (79,4). The number of lawyers increased by 4% between 2018 and 2020.

Number of lawyers per 100 000 inhabitants between 2018 and 2020



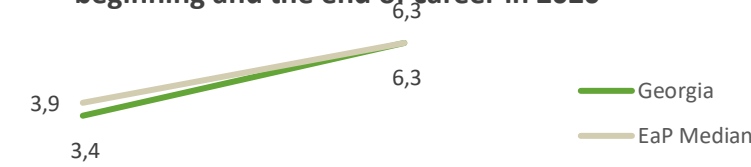
Salaries of professional judges and prosecutors

In 2020, the ratio between the salary of professional judges at the beginning of career with the annual gross average salary in Georgia was 3,4, which was less than the EaP median (3,9).
 At the end of career, judges were paid more than at the beginning of career by 87,8%, which was more than the variation of EaP median (+62,4%).
 In 2020, the ratio between the salary of prosecutors at the beginning of career with the annual gross average salary in Georgia was 2,3, which was more than the EaP median (2,2).
 At the end of career, prosecutors were paid more than at the beginning of career by 235,3%, which was more than the variation of EaP median (146,2%).

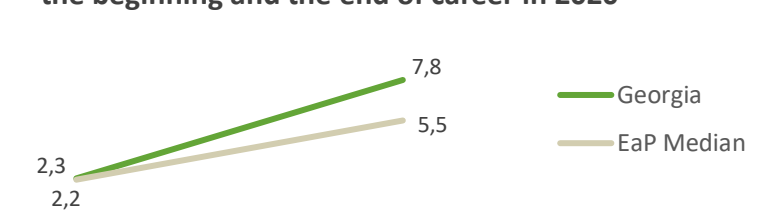
		Salaries in 2020				% Variation of Gross Salary between 2018 and 2020	
		Gross annual salary in €	Net annual salary in €	Ratio with the annual gross salary	EaP Median Ratio with the annual gross salary	Georgia	EaP Median
Professional judge	At the beginning of his/her career	11 928	9 540	3,4	3,9	-20,9%	9,1%
	Of the Supreme Court or the Highest Appellate Court	22 404	17 928	6,3	6,3	-1,0%	5,8%
Public prosecutor	At the beginning of his/her career	8 247	6 872	2,3	2,2	0,0%	-13,9%
	Of the Supreme Court or the Highest Appellate Court	27 656	23 049	7,8	5,5	0,0%	30,9%



Judges - Ratio with the annual gross salary at the beginning and the end of career in 2020



Prosecutors - Ratio with the annual gross salary at the beginning and the end of career in 2020

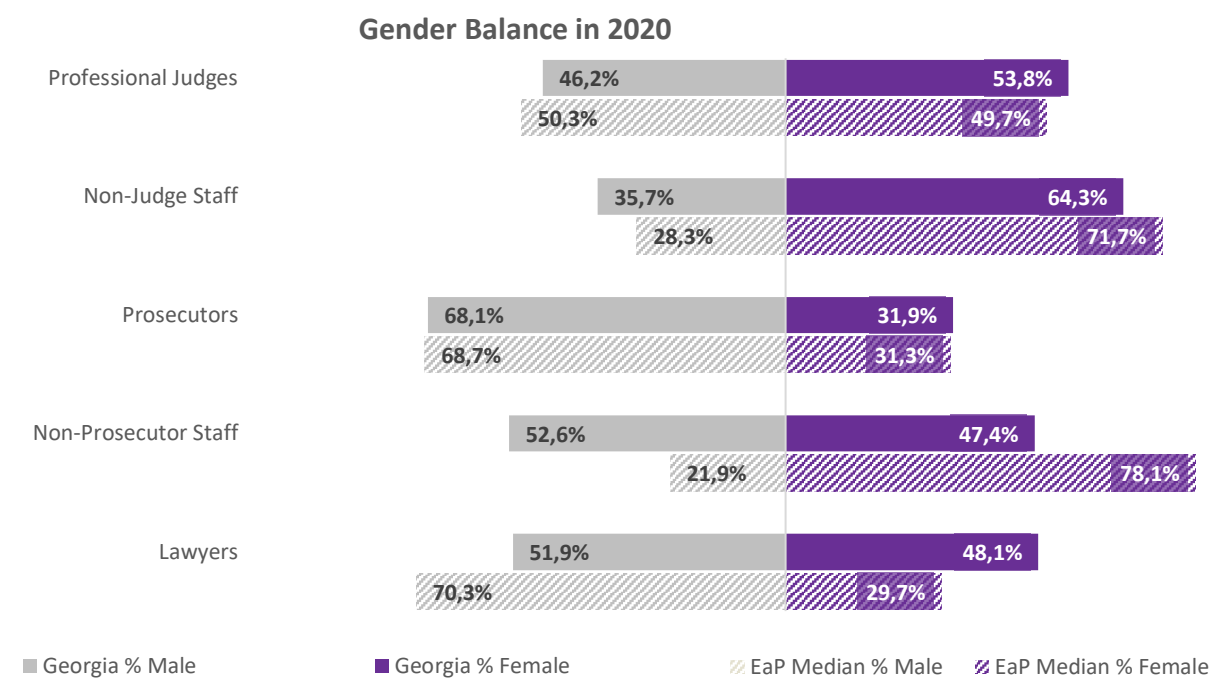


Additional benefits and bonuses for professional judges and prosecutors

	Reduced taxation	Special pension	Housing	Other financial benefit	Productivity bonuses for judges
Judges	✗	✓	✓	✓	✗
Prosecutors	✗	✓	✓	✓	

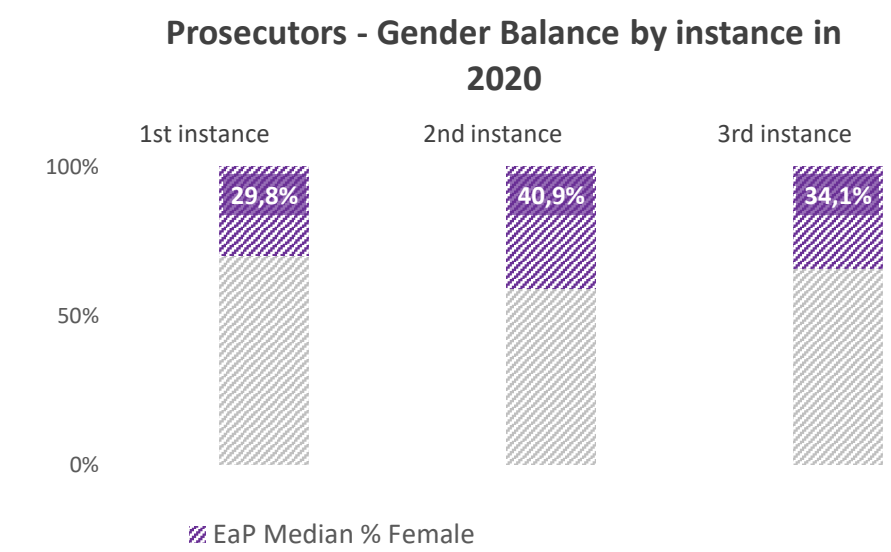
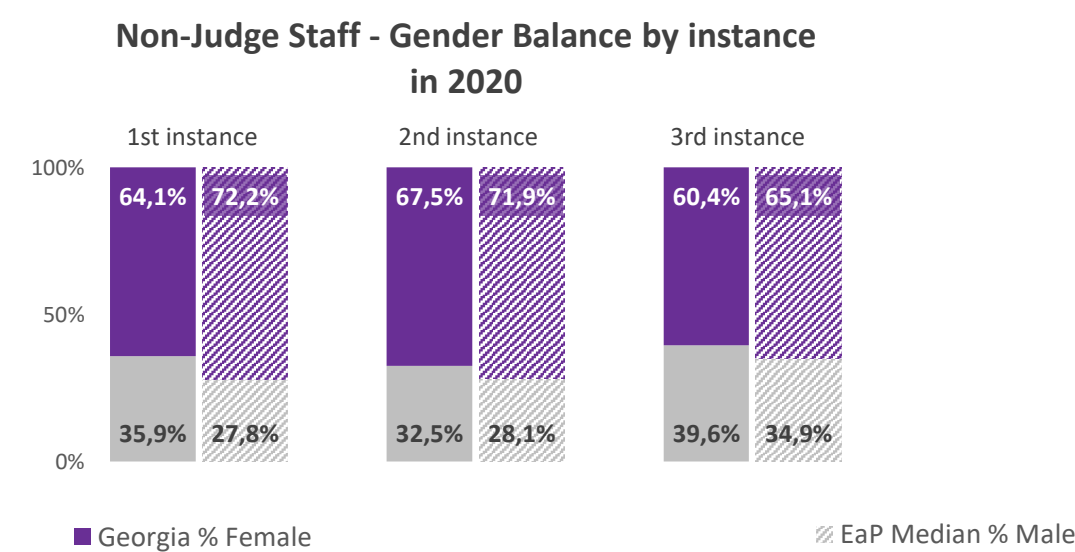
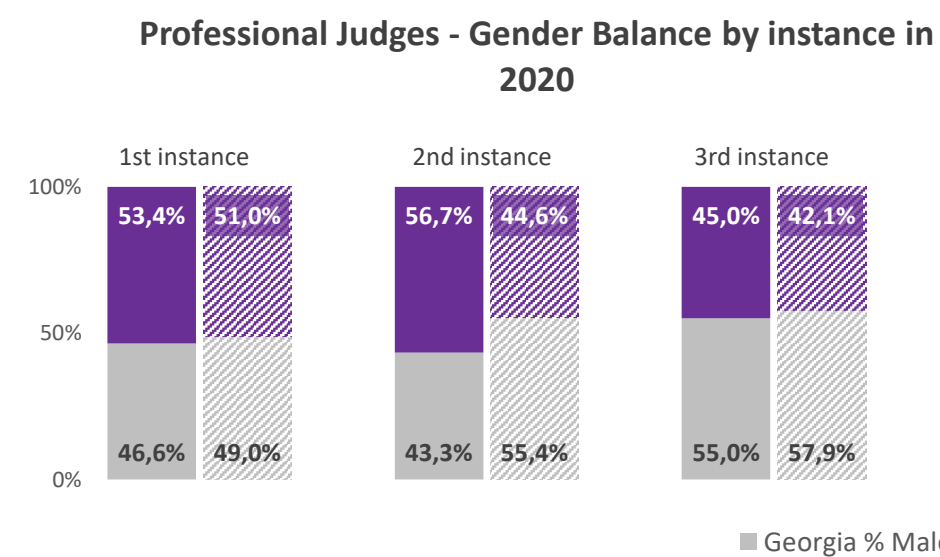
Gender Balance

	Total number per 100 000 inh.	% Female	EaP Median	Variation of % females between 2018 and 2020 (percentage points)	
				Georgia	EaP Median
Professional Judges	8,8	53,8%	49,7%	1,0	2,4
Non-Judge Staff	47,8	64,3%	71,7%	0,0	-6,9
Prosecutors	11,1	31,9%	31,3%	2,1	1,6
Non-Prosecutor Staff	9,7	47,4%	78,1%	1,2	12,1
Lawyers	128,0	48,1%	29,7%	0,0	-6,9



In 2020, the percentage of female judges was 53,8%, which was higher than EaP Median (49,7%). Moreover, the percentage of female non-judge staff was 64,3%. The percentage of female prosecutors was 31,9%, which was higher than EaP Median (31,3%). Moreover, the percentage of female non-prosecutor staff was 47,4%. The percentage of female lawyers was 48,1%, which was higher than EaP Median (29,7%).

	% Female Professional Judges		% Female Non-Judge Staff		% Female Prosecutors	
	Georgia	EaP Median	Georgia	EaP Median	Georgia	EaP Median
1st instance courts	53,4%	51,0%	64,1%	72,2%	NAP	29,8%
2nd instance courts	56,7%	44,6%	67,5%	71,9%	NAP	40,9%
Supreme Court	45,0%	42,1%	60,4%	65,1%	NAP	34,1%



For judges, an increase in the percentage of females can be observed from first to second instance, and a decrease from the second to the third instance. In respect of the non-judge staff, the same can be observed. Given that prosecutors in Georgia are not assigned by instance, it is not possible to display this data.

• Gender Equality Policies

	Recruitment		Promotion		Person / institution specifically dedicated to ensure the respect of gender equality on institution level
	Specific provisions for facilitating gender equality	Person / institution dealing with gender issues on national level	Specific provisions for facilitating gender equality	Person / institution dealing with gender issues on national level	
Court president	✗				
Head of prosecution services	✓				
Judges	✓	✗	✗	✗	✗
Prosecutors	✓	✗	✓	✗	✓
Non-judge staff	✗	✗	✗	✗	✗
Lawyers	✗		✗		
Notaries	✗		✗		
Enforcement agents	✗		✗		

In Georgia there is no an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary. In general, one of the fundamental principles of the legislation of Georgia is that discrimination in any form, including based on gender, is strictly prohibited.

Article 35(7) of the Organic Law of Georgia "on Common Courts" states that the competition for holding a position of a judge must be conducted in full compliance with the principles of objectivity and equality and during the competition, equality of candidates for judge must be guaranteed regardless of their gender.

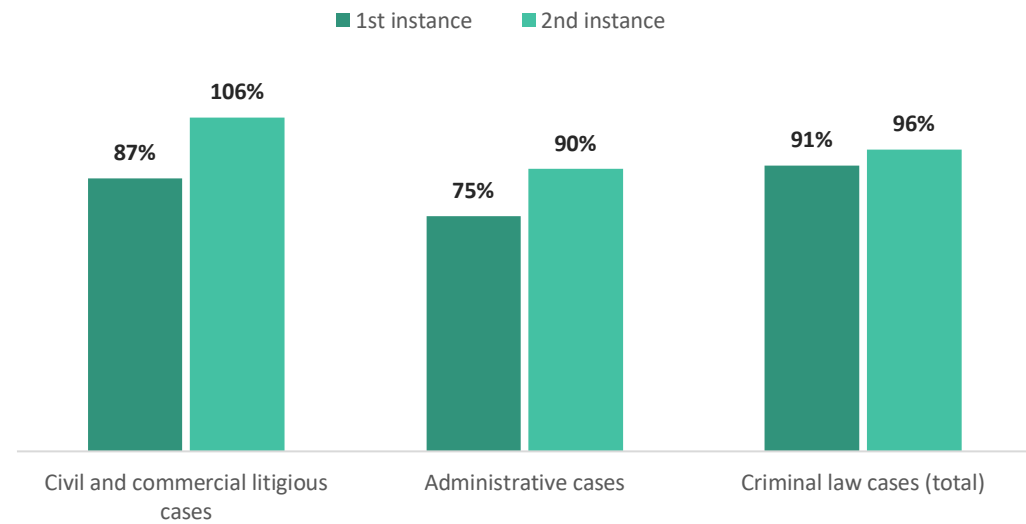
The current version of the Organic Law of Georgia on Common Courts in 2018 also stipulated the obligation to conduct the competition for the selection of judges in accordance with the principle of equality, however, when filling in the data for 2020, it was considered expedient to refer to the mentioned provision.

The above-mentioned principle is also enshrined in the Organic Law of Georgia on Prosecution Service. Additionally, there are specific provisions in the Organic Law on Prosecution Service aiming at facilitating the gender balance during the nomination of the General Prosecutor and election of prosecutor members of the Prosecutorial Council. Namely, according to the said provisions, following consultations, the Prosecutorial Council selects three candidates for the position of the General Prosecutor out of which 1/3 must belong to different gender; while out of eight members of the Prosecutorial Council elected by the Conference of Prosecutors, 1/4 must be of different gender. The protection of gender equality is the policy priority for the Prosecution Service of Georgia, which is also indicated in the HR policy section of the official website of the Office. In line with this priority, PSG pays attention to ensuring the gender balance during the recruitment and promotion of prosecutors. For instance, in 2018 PSG recruited 60 interns consisting of 30 males and 30 females.

Efficiency in Georgia in 2020 (Indicators 3.1 and 3.2)

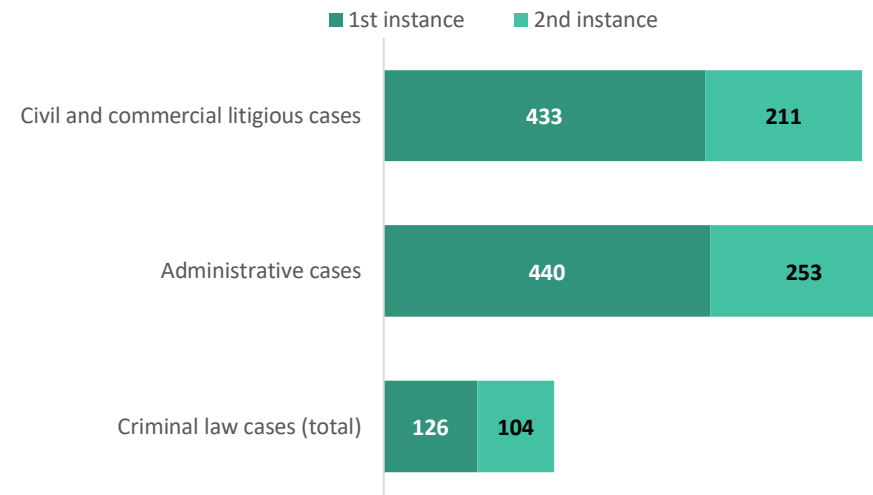
Clearance rate in 2020 (%)

The Clearance Rate (CR) shows the capacity of a judicial system to deal with the incoming cases.
A CR of 100% or higher does not generate backlog.

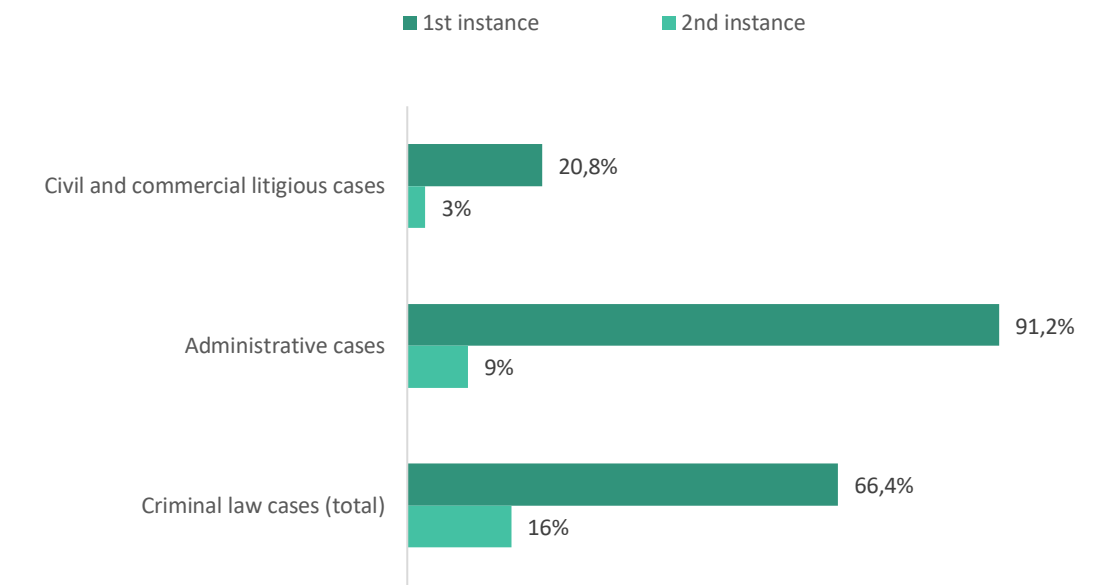


Disposition time in 2020 (in days)

The Disposition Time determines the maximum estimated number of days necessary for a pending case to be solved in a court.



Pending cases at the end of year - Variation between 2018 and 2020 (%)

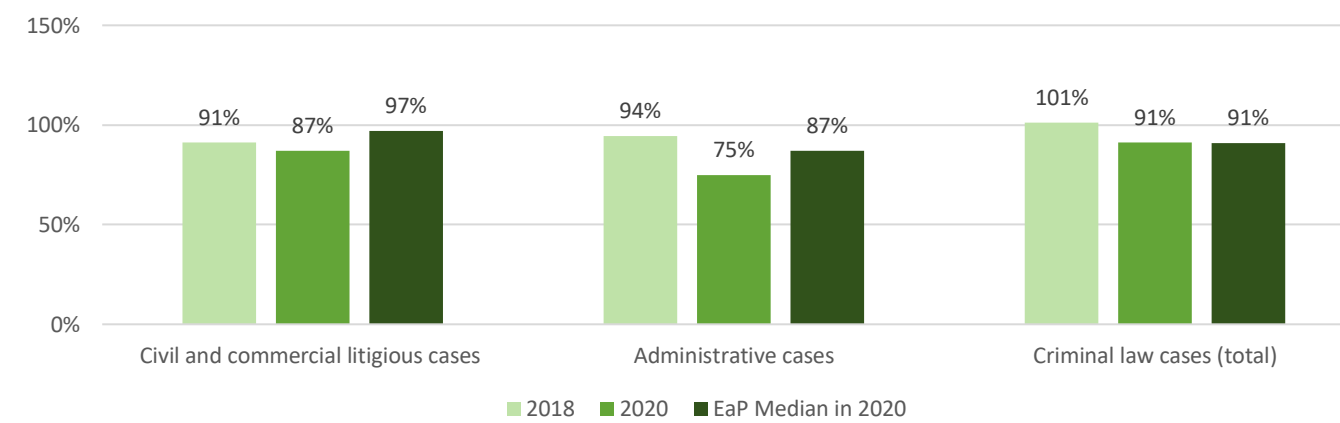


For the purposes of this Profile, the data of only 1st and 2nd instance courts is analysed. In 2020, the highest Clearance Rate (CR) for Georgia is for the second instance Civil and commercial litigious cases, with a CR of 106,5%. However, it seems that Georgia was not able to deal as efficiently with the first instance Administrative cases (CR of 75%). With a Disposition Time (DT) of approximately 104 days, the second instance total Criminal law cases were resolved faster than the other type of cases.

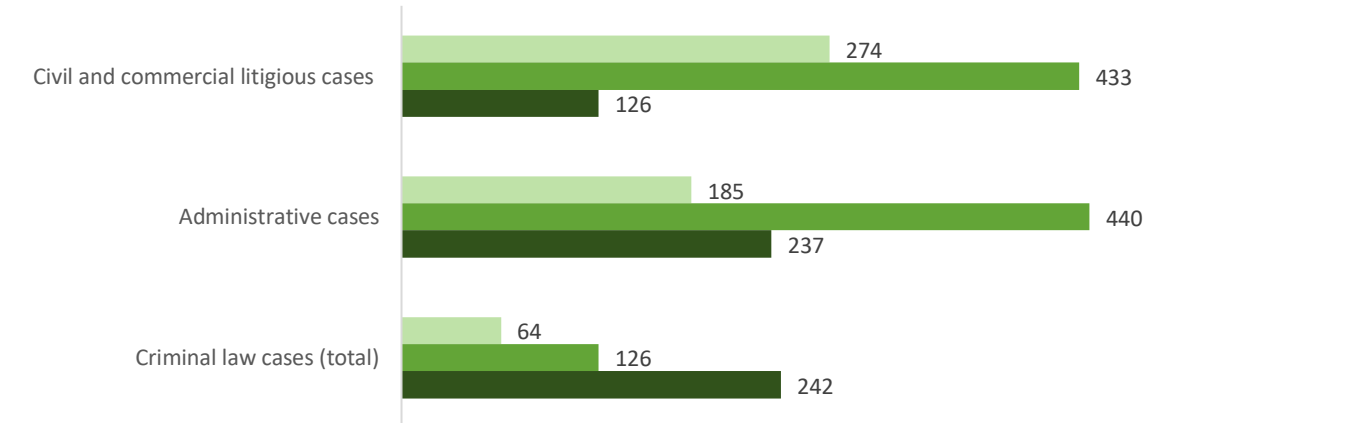
Compare

First instance cases

Clearance rate for first instance cases between 2018 and 2020 (%)



Disposition time for first instance cases between 2018 and 2020 (in days)



First instance cases

CRs decreased in 2020 compared to 2018 in all categories of cases in first instance courts and are lower compared to the EaP median for 2020, with the exception of criminal law cases, where it is the same.

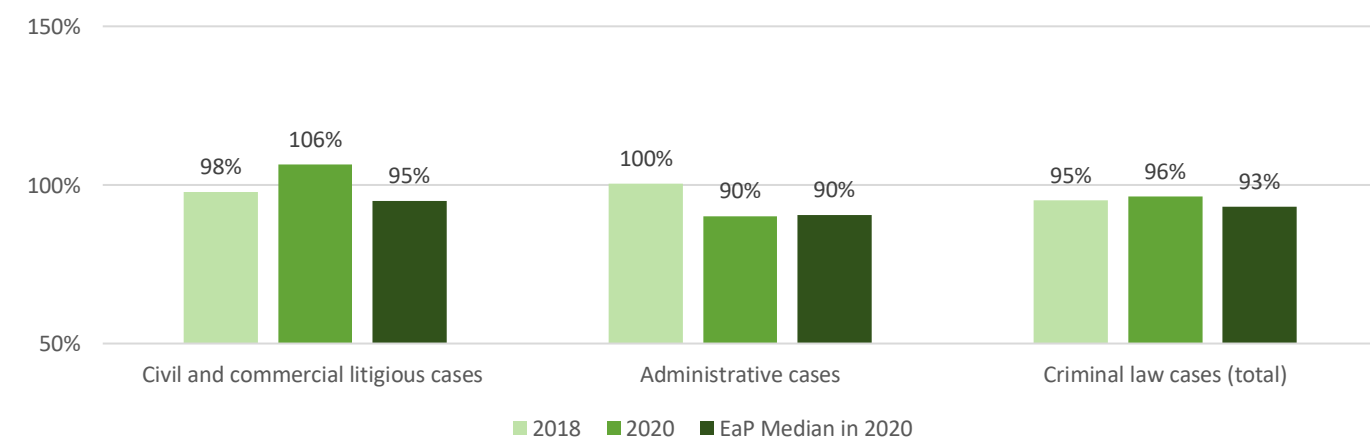
DT increased in 2020 compared to 2018 in all categories of cases and is considerably higher than the EaP median, with the exception of criminal cases.

Second instance cases

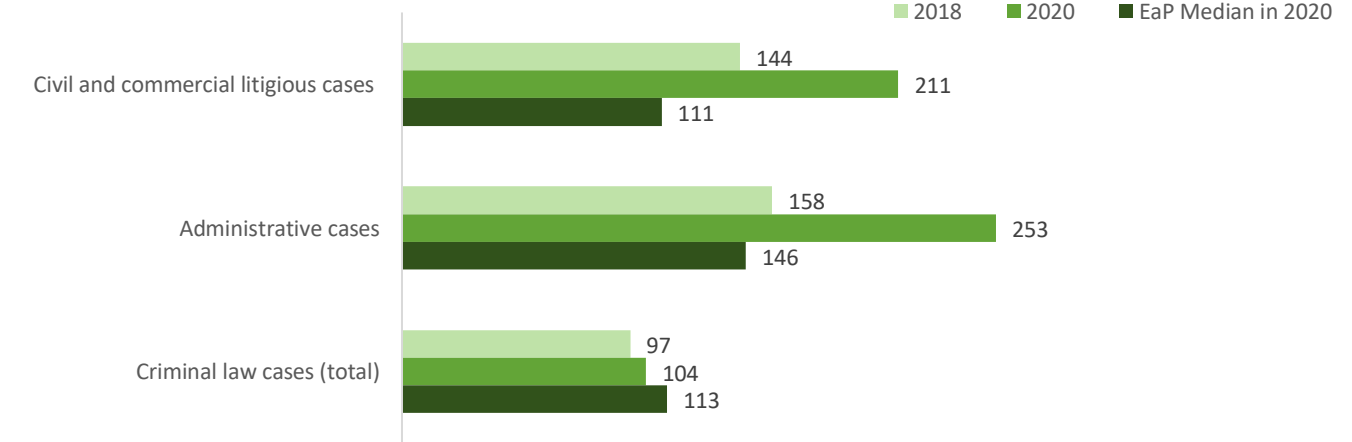
CRs increased in 2020 compared to 2018 in civil and commercial cases and in criminal law cases in second instance courts. CRs in civil and commercial cases and in criminal cases are higher compared to the EaP median for 2020.

DT increases in all categories of cases, notably in civil and commercial cases and in administrative cases, and it is considerably above the EaP median in 2020.

Clearance rate for second instance cases between 2018 and 2020 (%)



Disposition time for second instance cases between 2018 and 2020 (in days)



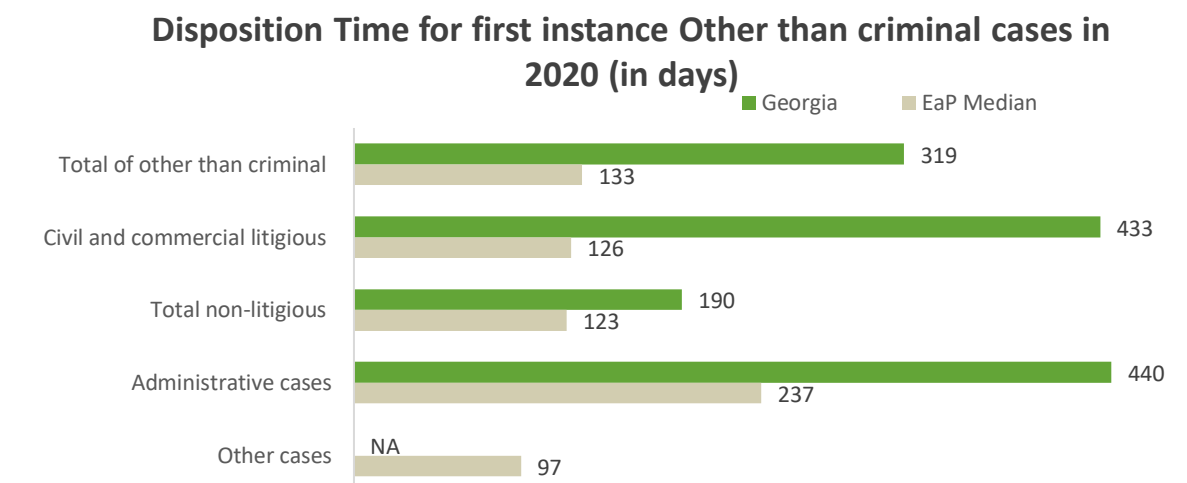
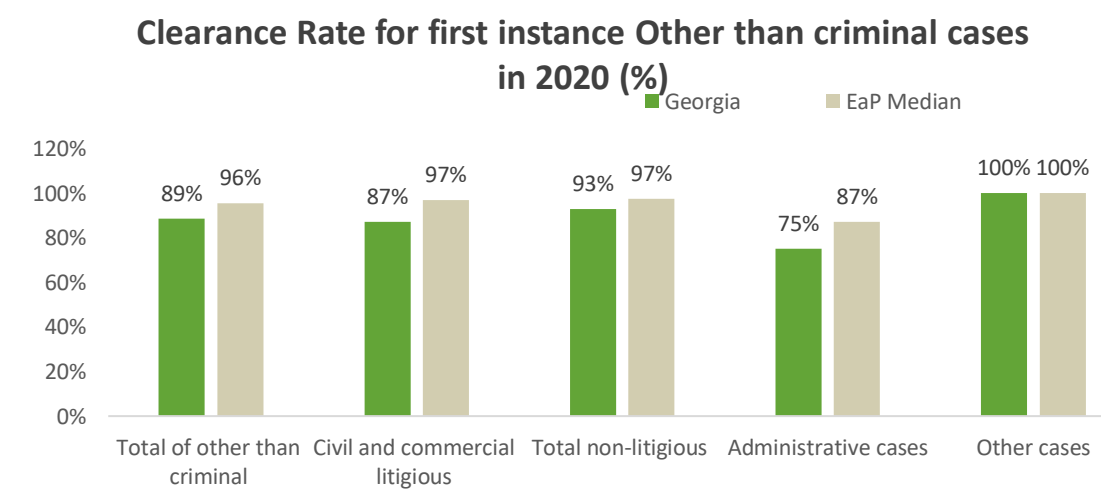
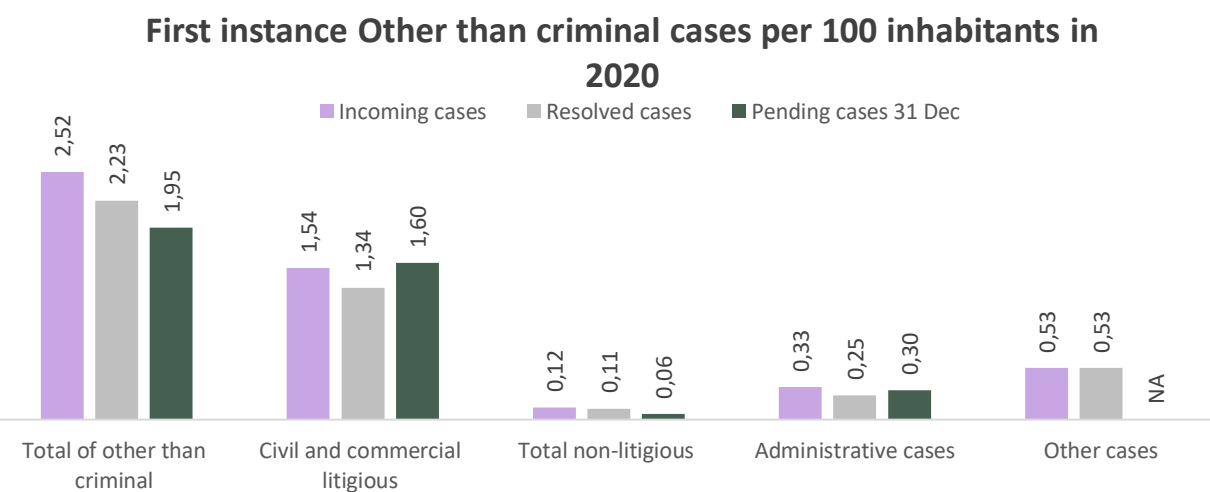
• First instance cases - Other than criminal law cases

1st instance	2020								Per 100 inhabitants in 2020				% Variation between 2018 and 2020					
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (%)	EaP Median CR (%)	DT (days)	EaP Median DT (days)	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	94 056	83 252	72 848	15 775	88,5%	95,6%	319	133	2,52	2,23	1,95	0,42	-21,0%	-25,6%	27,8%	307,5%	-5,5	71,8%
1 Civil and commercial litigious cases	57 551	50 141	59 515	15 196	87,1%	97,0%	433	126	1,54	1,34	1,60	0,41	-20,3%	-23,7%	20,8%	348,0%	-4,0	58,4%
2 Non-litigious cases**	4 542	4 227	2 206	100	93,1%	97,5%	190	123	0,12	0,11	0,06	0,00	-46,6%	-49,5%	21,4%	388,2%	-5,4	40,5%
3 Administrative cases	12 313	9 234	11 127	479	75,0%	87,2%	440	237	0,33	0,25	0,30	0,01	1,4%	-19,5%	91,2%	3,7%	-19,4	37,3%
4 Other cases	19 650	19 650	NA	NA	100,0%	100,0%	NA	97	0,53	0,53	NA	NA	-25,1%	-25,3%	NA	NA	-0,2	

** Non-litigious cases include: General civil (and commercial) non-litigious cases, Registry cases and Other non-litigious cases.

In 2020, there were 57 551 incoming **civil and commercial litigious cases**, which was 1,54 per 100 inhabitants and -20,3% less than in 2018. In 2020, 50 141 cases were resolved, which was 1,34 per 100 inhabitants and -23,7% less than in 2018. Hence, the number of resolved cases was lower than the incoming cases. As a consequence, the civil and commercial litigious pending cases at the end of 2020 were more than in 2018 and the CR for this type of cases was 87,1%. CR decreased by -4 percentage points compared to 2018 and was below the EaP Median (97%). The DT for civil and commercial litigious cases was approximately 433 days in 2020. This has increased by 58,4% compared to 2018 and it was above the EaP Median (126 days).

In 2020, there were 12 313 incoming **administrative cases**, which was 0,33 per 100 inhabitants and 1,4% more than in 2018. In 2020, 9 234 cases were resolved, which was 0,25 per 100 inhabitants and -19,5% less than in 2018. Hence, the number of resolved cases was lower than the incoming cases. As a consequence, the administrative pending cases at the end of 2020 were more than in 2018 and the CR for this type of cases was 75%. This decreased by -19,4 percentage points compared to 2018 and was below the EaP Median (87%). The DT for administrative cases was approximately 440 days in 2020. This has increased by 137,3% compared to 2018 and it was above the EaP median (237 days).

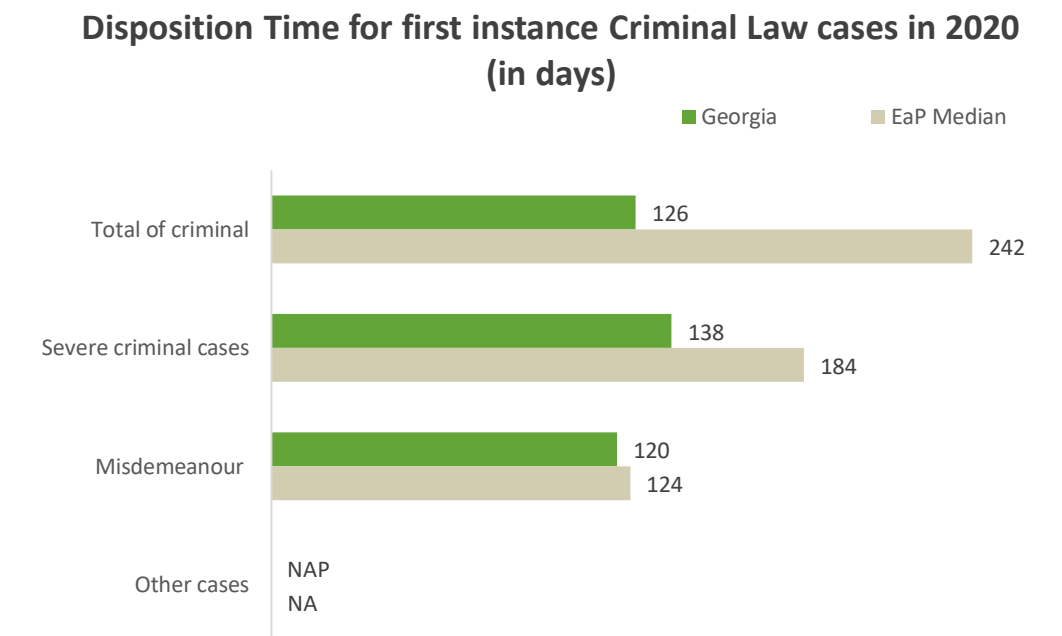
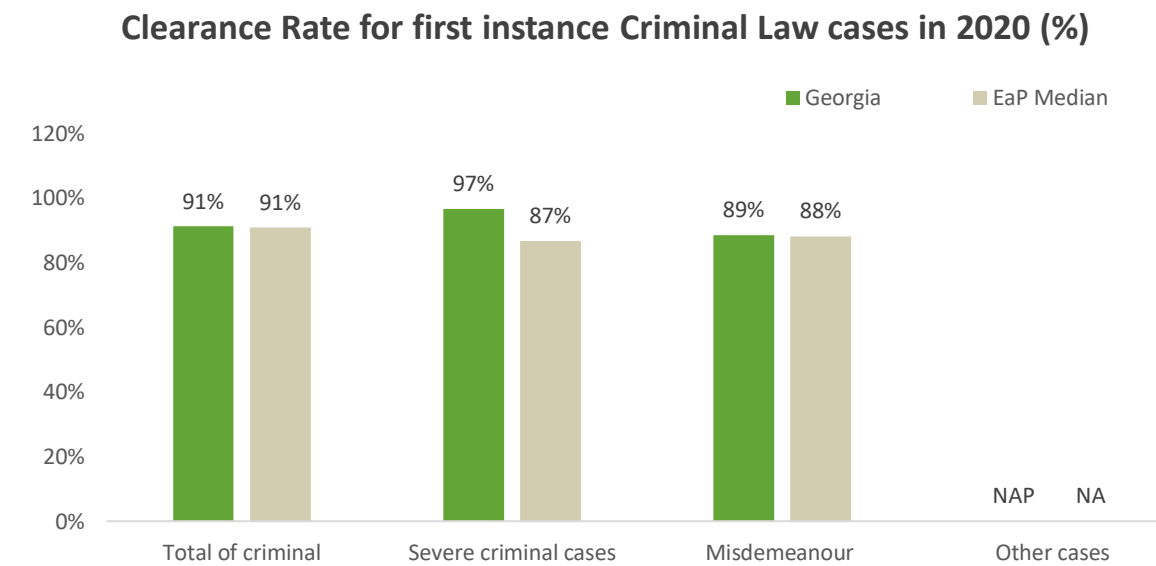
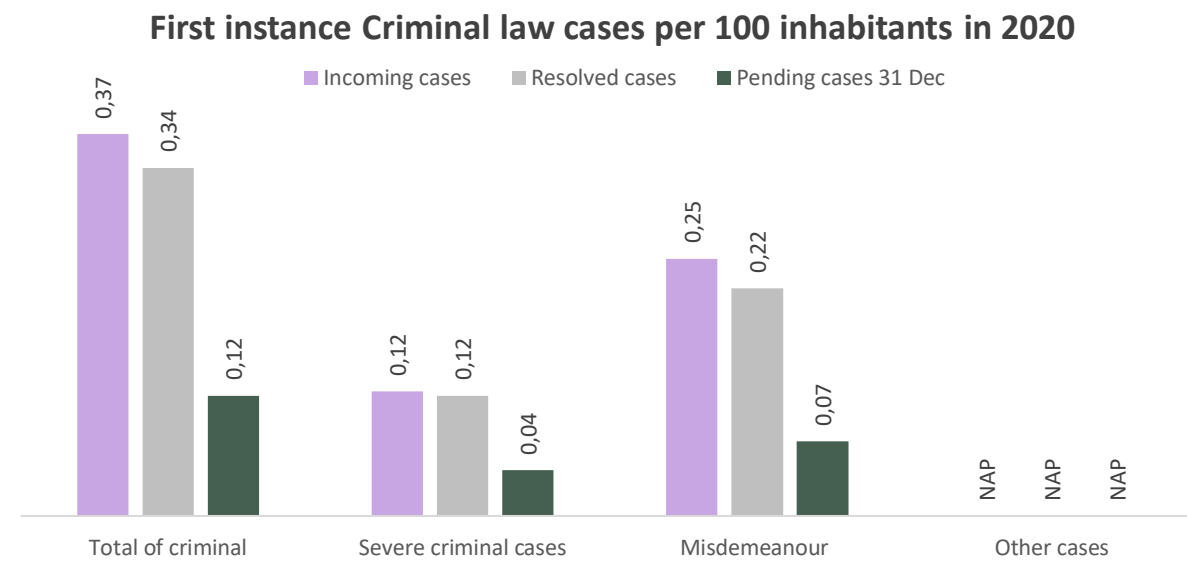


• First instance cases - Criminal law cases

1st instance	2020								Per 100 inhabitants in 2020				% Variation between 2018 and 2020					
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (%)	EaP Median CR (%)	DT (days)	EaP Median DT (days)	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)	13 717	12 513	4 322	177	91,2%	90,8%	126	242	0,37	0,34	0,12	0,00	-6,6%	-15,9%	66,4%	62,4%	-10,0	97,8%
1 Severe criminal cases	4 470	4 321	1 639	90	96,7%	86,7%	138	184	0,12	0,12	0,04	0,00	-11,6%	-18,5%	16,4%	18,4%	-8,1	42,8%
2 Misdemeanour and / or minor criminal cases	9 247	8 192	2 683	87	88,6%	88,2%	120	124	0,25	0,22	0,07	0,00	-4,0%	-14,5%	25,5%	63,6%	-10,8	63,6%
3 Other cases	NAP	NAP	NAP	NAP	NAP	NA	NAP	NA	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP

PPT = Percentage points

In 2020, there were 13 717 incoming total criminal cases, which was 0,37 per 100 inhabitants and -6,6% less than in 2018. In 2020, 12 513 cases were resolved, which was 0,34 per 100 inhabitants and -15,9% less than in 2018. Hence, the number of resolved cases was lower than the incoming cases. As a consequence, the total criminal pending cases at the end of 2020 were more than in 2018 and the CR for this type of cases was 91,2%. This decreased by -10 percentage points compared to 2018 and was slightly above the EaP Median (90,8%). The DT for total criminal cases was approximately 126 days in 2020. DT has increased by 97,8% compared to 2018. It was still below the EaP Median (242 days).



• Second instance cases - Other than criminal law cases

2nd instance	2020								Per 100 inhabitants in 2020				% Variation between 2018 and 2020					
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (%)	EaP Median CR (%)	DT (days)	EaP Median DT (days)	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	8 857	8 886	4 554	389	100,3%	94,1%	187	115	0,24	0,24	0,12	0,01	-25,7%	-24,6%	5,6%	226,9%	1,4	40,2%
1 Civil and commercial litigious cases	4 119	4 386	2 541	200	106,5%	95,0%	211	111	0,11	0,12	0,07	0,01	-35,8%	-30,0%	2,8%	63,2%	8,7	46,9%
2 Non-litigious cases**	29	29	NAP	NAP	100,0%	100,0%	NAP	NA	0,00	0,00	NAP	NAP	23,1%	23,1%	NA	NA	0,0	NAP
3 Administrative cases	3 110	2 805	1 944	189	90,2%	90,5%	253	146	0,08	0,08	0,05	0,01	-24,1%	-31,8%	9,3%	339,5%	-10,1	60,4%
4 Other cases	1 599	1 666	69	NAP	104,2%	99,1%	15	61	0,04	0,04	0,00	NAP	14,4%	19,3%	13,1%	NA	4,3	-5,1%

PPT = Percentage points

** Non-litigious cases include: General civil (and commercial) non-litigious cases, Registry cases and Other non-litigious cases.

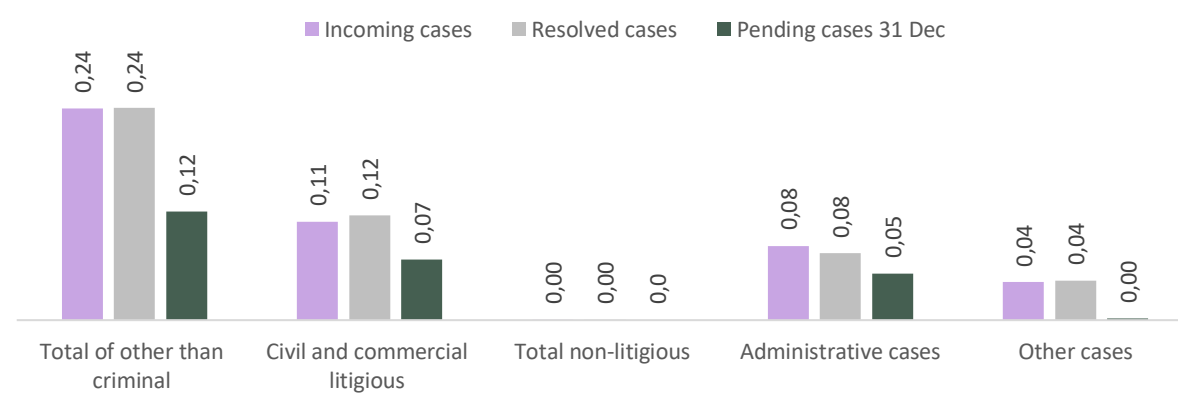
In 2020, there were 4 119 incoming **civil and commercial litigious cases**, which was 0,11 per 100 inhabitants and -35,8% less than in 2018. In 2020, 4 386 cases were resolved, which was 0,12 per 100 inhabitants and -30% less than in 2018. Hence, the number of resolved cases was higher than the incoming cases. Still there were slightly more civil and commercial litigious pending cases at the end of 2020 than in 2018 and the CR for this type of cases was 106,5%. This increased by 8,7 percentage points compared to 2018 and was above the EaP median (95%).

The Disposition Time for civil and commercial litigious cases was approximately 211 days in 2020. This has increased by 46,9% compared to 2018 and it was above the EaP Median (111 days).

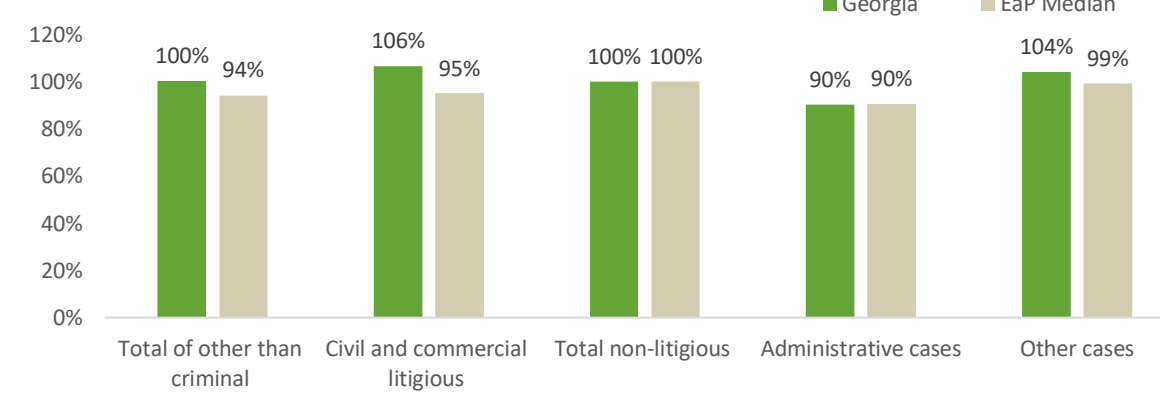
In 2020, there were 3 110 incoming **administrative cases**, which was 0,08 per 100 inhabitants and -24,1% less than in 2018. In 2020, 2 805 cases were resolved, which was 0,08 per 100 inhabitants and -31,8% less than in 2018. Hence, the number of resolved cases was lower than the incoming cases. As a consequence, the administrative pending cases at the end of 2020 were more than in 2018 and the CR for this type of cases was 90,2%. This decreased by -10,1 percentage points compared to 2018 and was on a par with the EaP median (90%).

The Disposition Time for administrative cases was approximately 253 days in 2020. This has increased by 60,4% compared to 2018 and it was above the EaP Median (146 days).

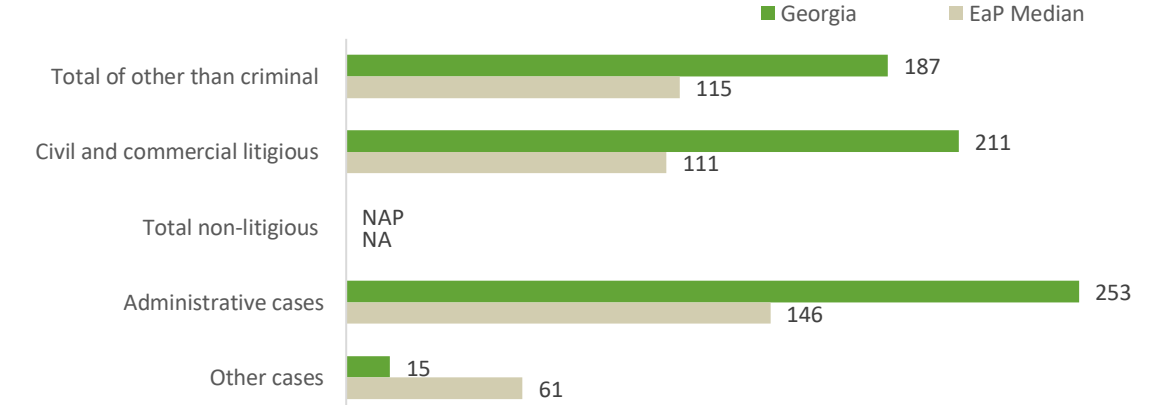
Second instance Other than criminal cases per 100 inhabitants in 2020



Clearance Rate for second instance Other than criminal cases in 2020 (%)



Disposition Time for second instance Other than criminal cases in 2020 (in days)



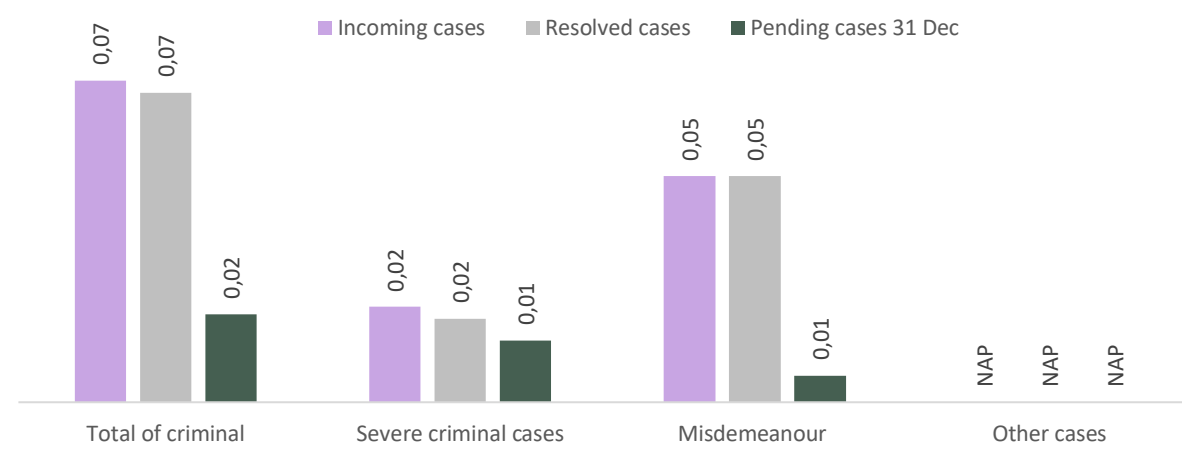
• Second instance cases - Criminal law cases

2nd instance	2020								Per 100 inhabitants in 2020				% Variation between 2018 and 2020					
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (%)	EaP Median CR (%)	DT (days)	EaP Median DT (days)	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)	2 720	2 619	746	15	96,3%	93,2%	104	113	0,07	0,07	0,02	0,00	7,4%	8,7%	16,0%	0,0%	1,1	6,8%
1 Severe criminal cases	806	705	520	15	87,5%	83,6%	269	218	0,02	0,02	0,01	0,00	-20,9%	-26,9%	21,8%	7,1%	-7,1	66,5%
2 Misdemeanour and / or minor criminal cases	1 914	1 914	226	0	100,0%	91,9%	43	78	0,05	0,05	0,01	0,00	26,4%	32,4%	4,6%	100,0%	4,5	-21,0%
3 Other cases	NAP	NAP	NAP	NAP	NAP	NA	NAP	NA	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP

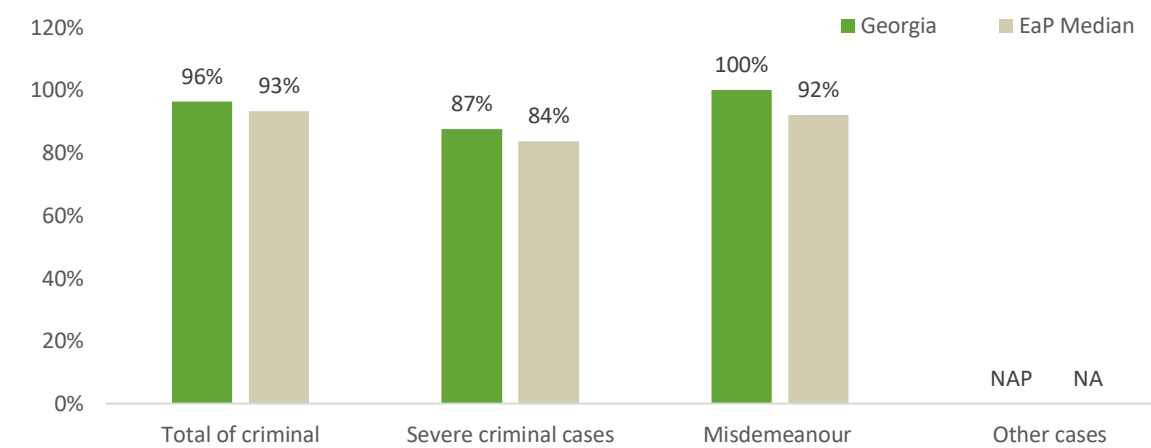
PPT = Percentage points

In 2020, there were 2 720 incoming total criminal cases, which was 0,07 per 100 inhabitants and 7,4% more than in 2018. In 2020, 2 619 cases were resolved, which was 0,07 per 100 inhabitants and 8,7% more than in 2018. Hence, the number of resolved cases was lower than the incoming cases. As a consequence, the total criminal pending cases at the end of 2020 were more than in 2018 and the CR for this type of cases was 96,3%. This increased by 1,1 percentage points compared to 2018 and was above the EaP Median (93,2%). The Disposition Time for total criminal cases was approximately 104 days in 2020. This has increased by 6,8% compared to 2018 and it was below the EaP Median (113 days).

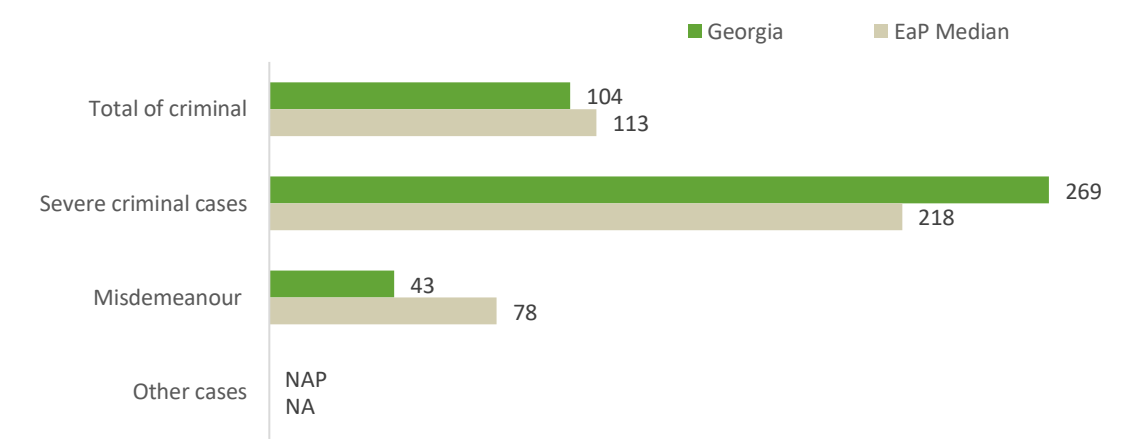
Second instance Criminal law cases per 100 inhabitants in 2020



Clearance Rate for second instance Criminal Law cases in 2020 (%)

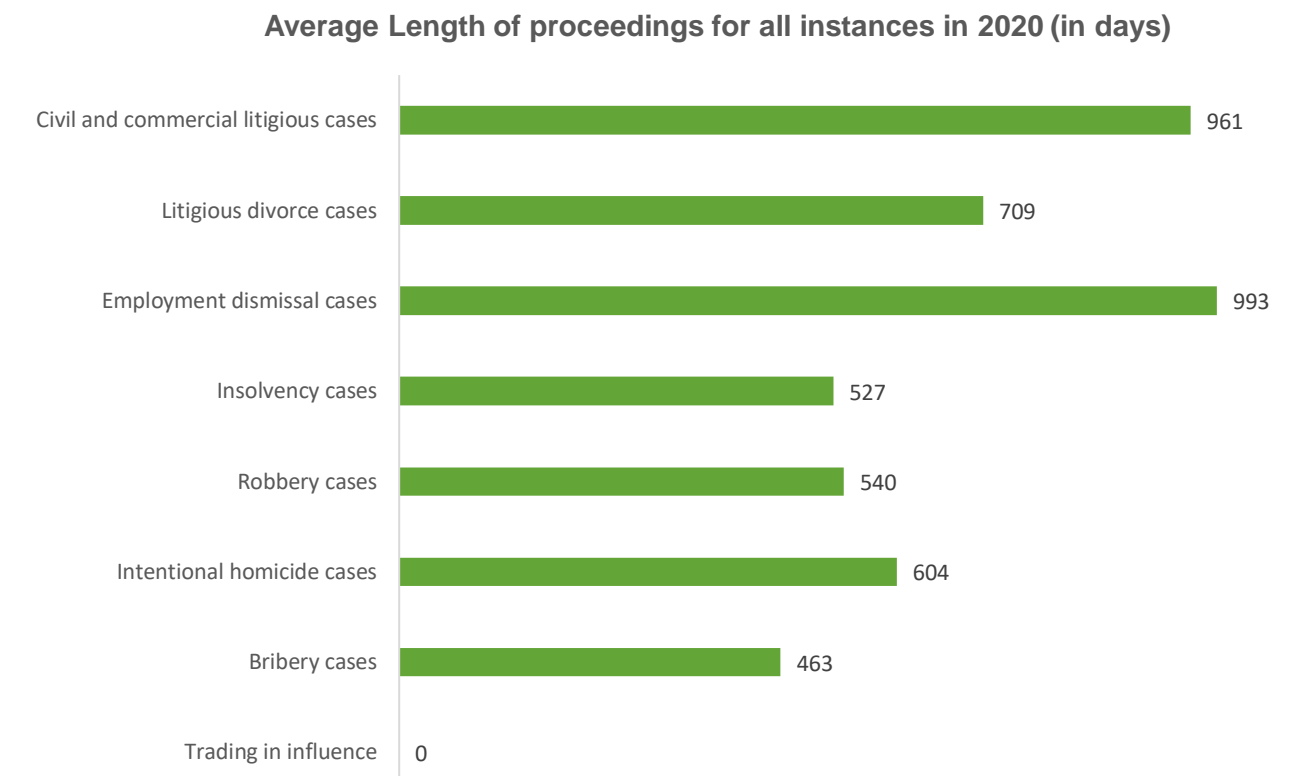


Disposition Time for second instance Criminal Law cases in 2020 (in days)



• Average length of proceedings for specific category cases (in days - from the date the application for judicial review is lodged)

	2020						% Variation between 2018 and 2020					
	Decisions subject to appeal (%)	Average length of proceedings (in days)				% of cases pending for more than 3 years for all instances	Decisions subject to appeal (PPT)	Average length of proceedings (in days)				Cases pending for more than 3 years for all instances (PPT)
		First instance	Second instance	Third instance	Total			First instance	Second instance	Third instance	Total	
Civil and commercial litigious cases	1%	184	142	271	961	30%	-1,0	NA	-18%	107%	8%	NA
Litigious divorce cases	1%	126	123	187	709	37%	0,0	20%	2%	61%	18%	NA
Employment dismissal cases	17%	120	182	271	993	52%	-7,0	-51%	25%	74%	9%	NA
Insolvency cases	52%	525	15	0	527	0%	-23,0	175%	-44%	NA	142%	NA
Robbery cases	36%	186	218	175	540	30%	13,0	-17%	45%	9%	-25%	NA
Intentional homicide cases	56%	263	215	164	604	8%	-37,0	87%	-13%	11%	-21%	NA
Bribery cases	0%	117	213	270	463	0%						
Trading in influence	0%	0	0	0	0	0%						



Quality standards and performance indicators in the judicial system

Specialised personnel entrusted with implementation of these national level quality standards	
Within the courts	No
Within the prosecution services	No

In Georgia there are quality standards determined for the judicial system at national level.

There was no specialised personnel entrusted with implementation of these national level quality standards in 2020.

Performance and quality indicators and regular assessment in courts and prosecution offices

The High Judicial Council is responsible for the evaluation of the performance of courts. The Department for Supervision of Prosecutor Activities and Strategic Development at the Office of the Prosecutor General of Georgia is responsible for the evaluation of the performance of prosecution services. Performance and quality indicators are defined for both courts and prosecution offices as follows:

	Courts		Prosecution offices	
	Performance and quality indicators	Regular assessment	Performance and quality indicators	Regular assessment
Number of incoming cases	✓	✓	✓	✓
Length of proceedings (timeframes)	✓	✓	✗	✓
Number of resolved cases	✓	✓	✓	✓
Number of pending cases	✓	✓	✗	✓
Backlogs	✓	✓	✗	✓
Productivity of judges and court staff / prosecutors and prosecution staff	✗	✗	✗	✓
Satisfaction of court / prosecution staff	✗	✗	✗	✗
Satisfaction of users (regarding the services delivered by the courts / the public prosecutors)	✓	✓	✗	✗
Costs of the judicial procedures	✗	✗	✗	✗
Number of appeals	✓	✓		
Appeal ratio	✓	✓		
Clearance rate	✓	✓	✗	✗
Disposition time	✗	✗	✗	✗
Percentage of convictions and acquittals			✗	✓
Other	✗	✗	✓	✗

Monitoring of the number of pending cases and backlogs	
Civil law cases	Yes
Criminal law cases	Yes
Administrative law cases	Yes

Monitoring of the waiting time during judicial proceedings	
Within the courts	Yes
Within the public prosecution services	No

The High Council of Justice studies the reasons of waiting time in courts based on the data submitted by the courts as well as by performing on-site visits.

Quantitative targets for each judge and prosecutor

In Georgia there are quantitative targets only for judges, and they are set by the High Council of Justice.

Responsible for setting up quantitative targets for judges	
Executive power (for example the Ministry of Justice)	✗
Legislative power	✗
Judicial power (for example the High Judicial Council, Supreme Court)	✓
President of the court	✗
Other:	✗

Responsible for setting up quantitative targets for public prosecutors	
Executive power (for example the Ministry of Justice)	NAP
Prosecutor General /State public prosecutor	NAP
Public prosecutorial Council	NAP
Head of the organisational unit or hierarchical superior public prosecutor	NAP
Other	NAP

Consequences for not meeting the targets	Judges	Public prosecutors
Warning by court's president/ head of prosecution	NAP	NAP
Disciplinary procedure	NAP	NAP
Temporary salary reduction	NAP	NAP
Other	NAP	NAP
No consequences	NAP	NAP

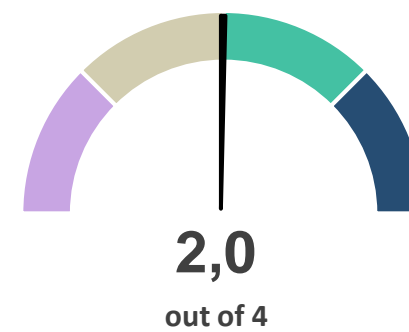
For Prosecution services, setting individual performance targets for each prosecutor is not a commonly pursued practice under the current performance appraisal system. The PSG introduced the performance appraisal system of prosecutors in 2017, based on the Order of the Chief Prosecutor. Since December 2018, it is enshrined in the Organic Law of Georgia on Prosecution Service. The PSG conducts the performance appraisal of prosecutors once in 2 years, using the special personnel and electronic criminal case management system. The PSG takes into account the performance appraisal results for deciding the matters of promoting, incentivising and grading prosecutors.

Electronic case management system and court activity statistics in Georgia in 2020 (Indicator 3.3)

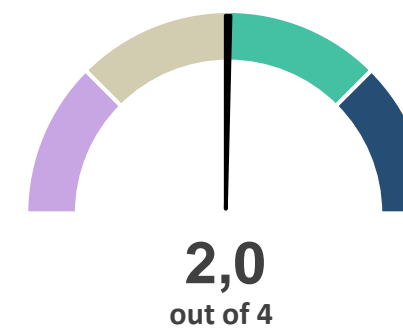
Case management system (CMS) Index is an index 0 to 4 points calculated based on several questions on the features and deployment rate of the case management system of the courts of the respective beneficiary.

The methodology for calculation provides one index point for each of the 5 questions for each case matter. The points for the 4 of the 5 questions apart of the deployment rate question are summarized and the deployment rate is multiplied as a weight. In this way if the system is not fully deployed the value is decreased even if all features are included to provide adequate evaluation.

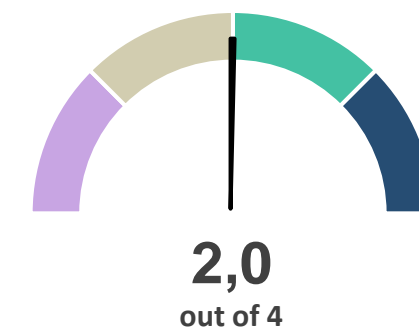
CMS index in Civil and/or commercial



CMS index for Criminal



CMS index for Administrative



Electronic case management system

In Georgia, there is no IT Strategy for the judiciary.

There is a case management system (CMS), a software used for registering judicial proceedings and their management. This was developed between 5 and 10 years ago. There was no information available in 2020 on plans for a significant change in the present IT system in the judiciary.

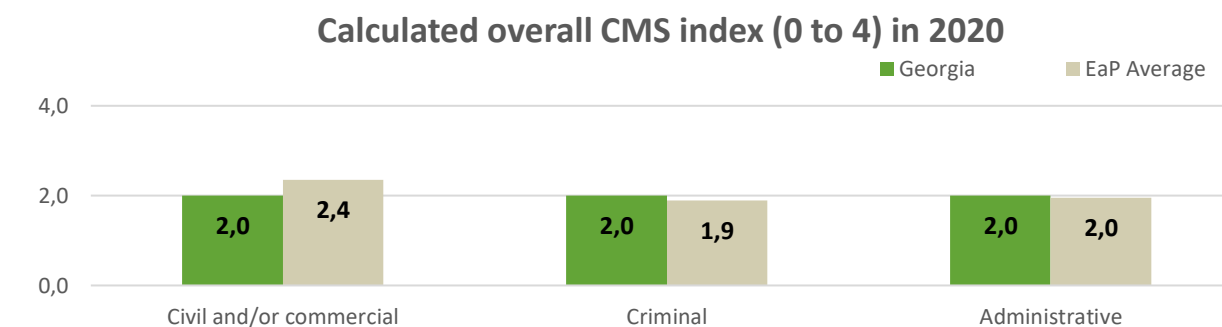
The CMS index for Georgia is 2,0 for each type of cases (civil and/or commercial, criminal, administrative) which is lower than the Eastern Partnership averages of 2,4 for civil and/or commercial cases, higher than 1,9 for criminal cases and on a par of 2,0 for administrative cases.

The CMS is developed in all courts and has a 100% deployment rate.

	Case management system and its modalities				
	CMS deployment rate	Status of case online	Centralised or interoperable database	Early warning signals (for active case management)	Status of integration/ connection of a CMS with a statistical tool
Civil and/or commercial	100%	Both	✓	✗	Not connected at all
Criminal	100%	Both	✓	✗	Not connected at all
Administrative	100%	Both	✓	✗	Not connected at all

Both: Accessible to parties
Publication of decision online

	Overall CMS Index in 2020	
	Georgia	EaP Average
Civil and/or commercial	2,0	2,4
Criminal	2,0	1,9
Administrative	2,0	2,0



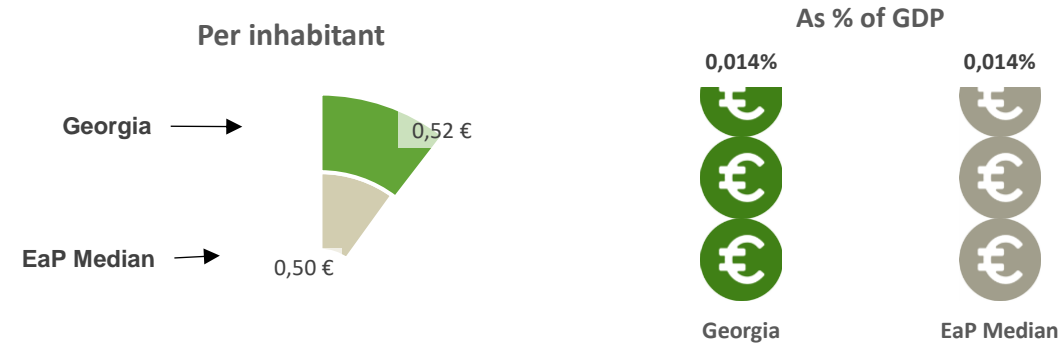
• **Centralised national database of court decisions**

In June 2019 a new webpage (<http://ecd.court.ge/>) had been launched for publication of all court decisions. By the law in force at the launching date, the HCJ had the obligation to publish the decisions with covered/redacted personal data. Therefore, the HCJ started uploading the redacted court decisions gradually. At the same time, in June 2019, the Constitutional Court of Georgia declared unconstitutional the aforementioned legislative provisions that limit the access to the court rulings made at an open hearing and the personal information contained within. The Court decided that court decisions are of particular public interest and access to them are crucial for controlling the judiciary, raising public trust towards the court system and ensuring a right to a fair trial and legal security. Therefore, the argued provisions have been declared invalid. As soon as the Parliament of Georgia adopts the new regulation in line with the decision of the Constitutional Court of Georgia, the HCJ will continue uploading court rulings in compliance with the legislative amendments.

	For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
Civil and/or commercial	No	No	No	✗	✓	✗	✗
Criminal	No	No	No	✗	✓	✗	✗
Administrative	No	No	No	✗	✓	✗	✗

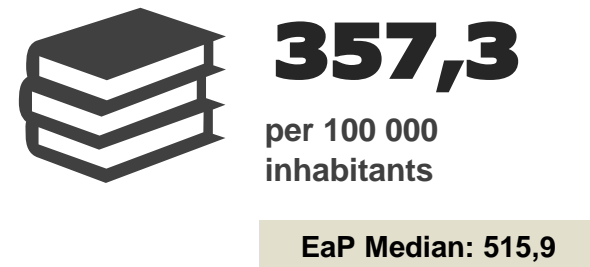
Legal Aid in Georgia in 2020 (Indicator 4)

Total implemented budget for Legal Aid in 2020

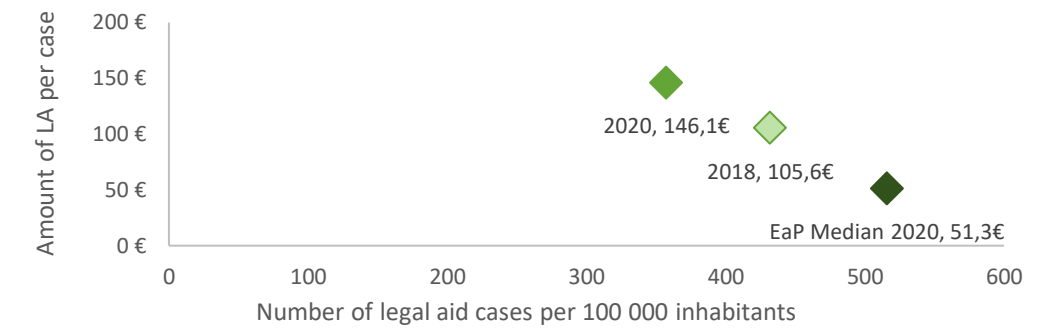


In 2020, the implemented budget for legal aid spent by Georgia was 0,52€ per inhabitant (almost on a par with the EaP Median of 0,5€). This was equal to 0,014% of the GDP, the same as the EaP Median.

Number of LA cases



Amount of implemented legal aid per case (in €) and total no. of legal aid cases per 100 000 inh. between 2018 and 2020



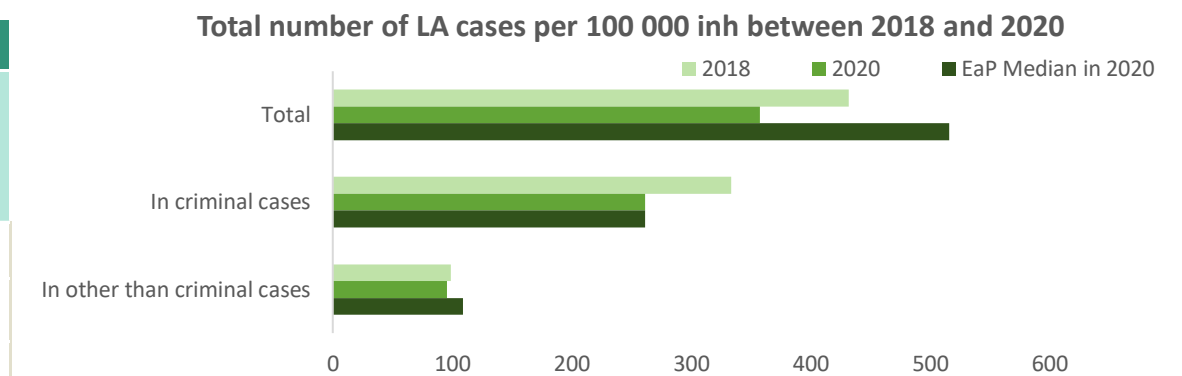
This scatterplot shows the relation between the number of legal aid (LA) cases per 100 000 inh. and the amount of LA per case. A figure on the right (left) of the EaP Median means that the Beneficiary has more (less) number of LA cases per 100 000 inh. than the EaP Median. A figure above (below) the EaP Median shows that the Beneficiary has spent per LA case more (less) than the EaP Median.

Implemented budget for legal aid and number of cases for which legal aid has been granted

	Implemented budget for legal aid in €				Total implemented budget for legal aid Per inhabitant		Total implemented budget for legal aid as % of GDP	
	Total	% Variation (2018 - 2020)	Cases brought to court	Cases not brought to court	Georgia	EaP Median	Georgia	EaP Median
Total	1 947 081 €	14,7%	NA	NA	0,52 €	0,50 €	0,014%	0,014%
In criminal cases	NA	NA	NA	NA				
In other than criminal cases	NA	NA	NA	NA				

In 2020, the total implemented budget for legal aid was 1 947 081€, which was 14,7% more compared to 2018. In total, Georgia spent 0,52€ per inhabitant in legal aid (slightly above the EaP Median of 0,5€).

	Number of cases for which legal aid has been granted					Amount of LA granted per case (€)		
	Total			Cases brought to court	Cases not brought to court	Total	Cases brought to court	Cases not brought to court
	Absolute number	Per 100 000 inh.	% Variation (2018 - 2020)					
Total	13 324	357	-17,3%	4 769	8 555	146,1 €	NA	NA
In criminal cases	9 755	262	-21,5%	1 774	7 981	NA	NA	NA
In other than criminal cases	3 569	96	-3,0%	2 995	574	NA	NA	NA



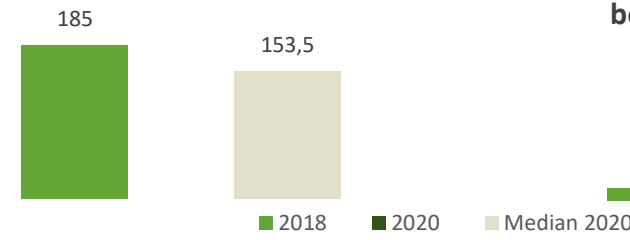
In 2020, the number of cases for which legal aid was granted was 13324, which was -17,3% less compared to 2018, partly explained by the pandemic-related measures. The number of criminal cases were 9755, and the other than criminal cases were 3569. The total cases brought to court were 4769, while the total cases not brought to court were 8555. On average, Georgia spent 146,13€ per case, which is considerably above the EaP Median of 51,32€.

Training of judges and prosecutors in Georgia in 2020 (Indicator 7)

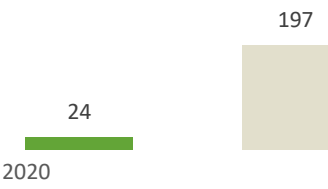
Total budget for Training per 100 inhabitants



Delivered in-person training courses between 2018 and 2020 (in days)



Number of online training courses (e-learning) available between 2018 and 2020



Training in EU law (participants in 2020)



The total budget for training of judges and prosecutors in Georgia (budgets spent by the training institutions, the courts and the public prosecution services on training) was 18,5€ per 100 inhabitants, which is below the Eastern Partnership (EaP) median (26,6€ per 100 inhabitants). Many trainings were held online and, the number of trainings delivered in-person decreased compared to 2018, mainly due to measures against covid-19. At the same time, the number of online trainings decreased because some trainings, due to their particularities, could not be held and a number of technical changes were required to this end.

Budget for Trainings

	Budget of the training institution(s) (1)	Budget of the courts/prosecution allocated to training (2)	Total (1)+(2)			
			Absolute Number	Per 100 inhabitants	Per 100 inhabitants % variation 2018 - 2020	EaP Median per 100 inhabitants
Total	NA	142 128 €	688 113 €	18,5 €	-32,9%	26,6 €
Judges	545 985 €	142 128 €				
Prosecutors	NAP	NAP				
One single institution for both judges and prosecutors	NAP					

Georgia spent in total 688 113€ for training for judges and prosecutors in 2020, which is below the EaP median of 26,6€ per 100 inhabitants. In 2020, Georgia spent -32,9% less for training for judges and prosecutors compared to 2018.

The High School of Justice conducts trainings on the basis of in-service training program for judges and other court staff which derives from the annual training needs assessment.

The Professional Development and Career Management Centre of PSG (the Training Centre) is responsible for training of prosecutors. It is a structural body of PSG and does not have a separate budget. The PSG finances the Training Centre through its budget.

• Type and frequency of trainings

		Judges		Prosecutors	
		Compulsory/ Optional or No training	Frequency	Compulsory/ Optional or No training	Frequency
In-service training	Initial training	Compulsory		Compulsory	
	General	Optional	Regularly	Compulsory	Regularly
	Specialised judicial functions	Compulsory	Regularly	Compulsory & Optional	Regularly
	Management functions of the court	Optional	Occasional	Optional	Occasional
	Use of computer facilities in courts	No training proposed	No training proposed	Optional	Occasional
	On ethics	Optional	Regularly	Compulsory	Occasional

There is an in-service training programme regularly available to both prosecutors and judges. For judges, the general annual in-service training is optional and it includes courses on human rights, judicial ethics, juvenile justice, leadership etc.

Almost every week there is at least one training activity for prosecutors, according to PSG. Prosecution offices have specially trained prosecutors in domestic violence and in sexual violence.

"In-service training for management functions of the court", is not provided regularly anymore since the majority of judges are already trained thereon.

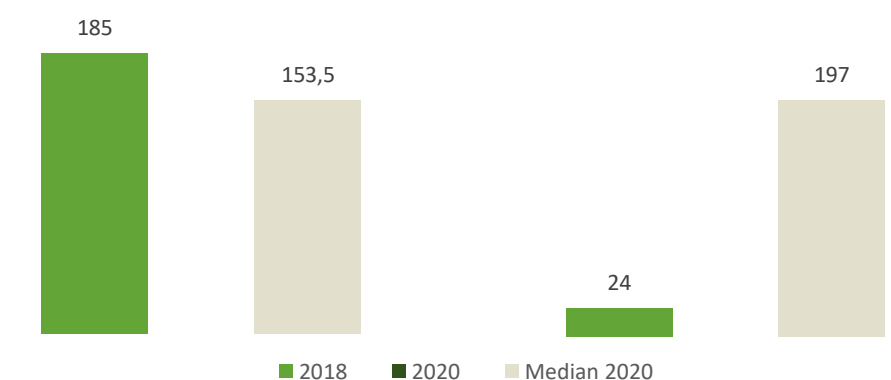
Prosecutors have to undergo compulsory in-service training solely dedicated to ethics, the prevention of corruption and conflicts of interest while judges do not. This training is 2-3 days long and prosecutors need to participate on this training more than once on an ad hoc basis.

In Georgia, no sanction is foreseen if judges and prosecutors do not attend the compulsory trainings.

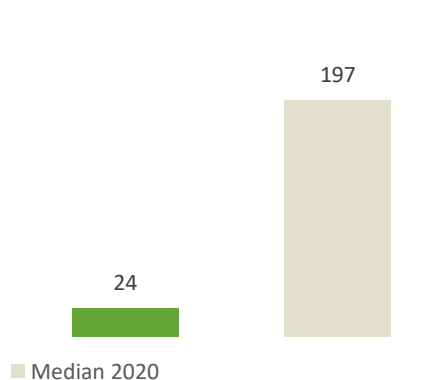
• Number of in-service trainings and participants

	In-person training courses				Online training courses (e-learning)		
	Available (number)	Delivered (in days)		Number of participants	Available (number)		Number of participants
		In 2020	% Variation 2018 - 2020		In 2020	% Variation 2018 - 2020	
Total	NAP	NAP	NAP	1329	NAP	NAP	2003
Judges	7	13	-86%	88	40	-	1059
Prosecutors	150	150	NA	830	298	NA	651
Non-judge staff	5	10	-88%	68	2	-92%	109
Non-prosecutor staff	106	106	NA	192	159	NA	79
Other professionals	NAP	NAP	NAP	151	NAP	NAP	105

Delivered in-person training courses between 2018 and 2020 (in days)



Number of online training courses (e-learning) available between 2018 and 2020



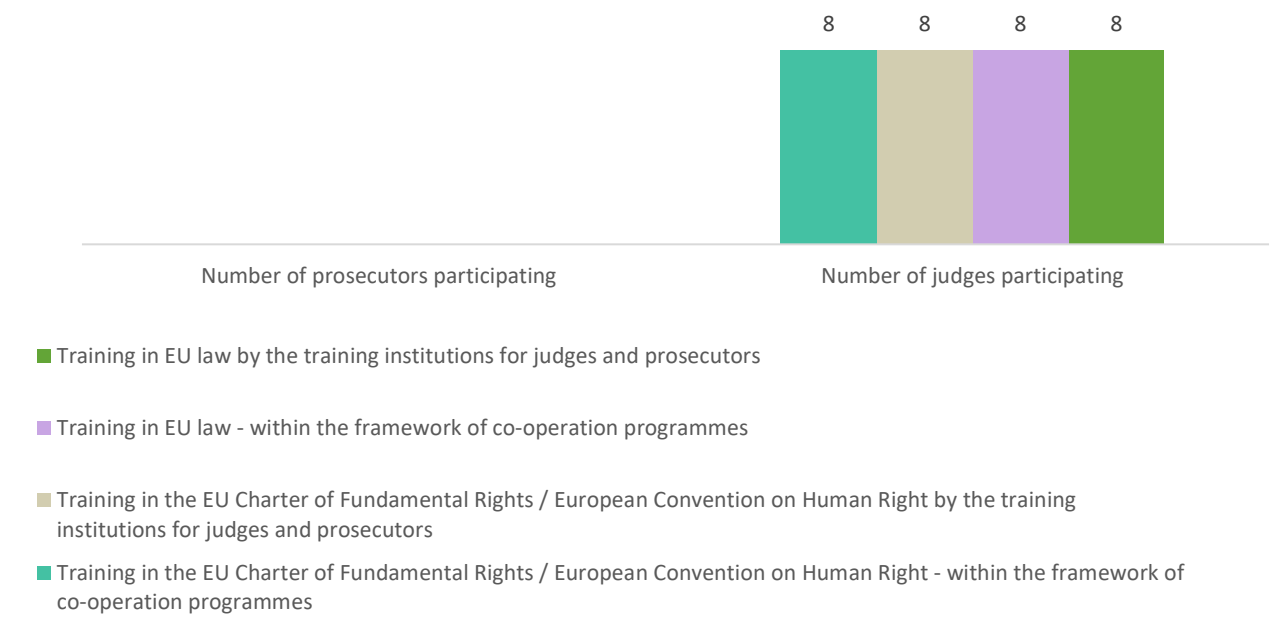
Many trainings were held online and, the number of trainings delivered in-person decreased compared to 2018, mainly due to measures against covid-19, At the same time, the number of online trainings decreased because some trainings, due to their particularities, could not be held and a number of technical changes were required to this end (hence - partial data only for 2020).

The PSG Training Centre does not maintain the training statistics in days. For calculating the intensity of trainings, the Training Centre counts number of training events and hours.

• Number of EU law training courses and participants

	Training in EU law		Training in the EU Charter of Fundamental Rights / European Convention on Human Rights	
	Organised/financed: By the training institutions for judges and prosecutors	Organised/financed: Within the framework of co-operation programmes	Organised/financed: By the training institutions for judges and prosecutors	Organised/financed: Within the framework of co-operation programmes
Number of in-person training courses available	NA	NA	1	1
Number of delivered in-person training courses in days	NA	NA	2	2
Number of online training courses (e-learning) available	1	1	NA	NA
Number of judges participating	8	8	8	8
Number of prosecutors participating	NAP	NAP	NAP	NAP

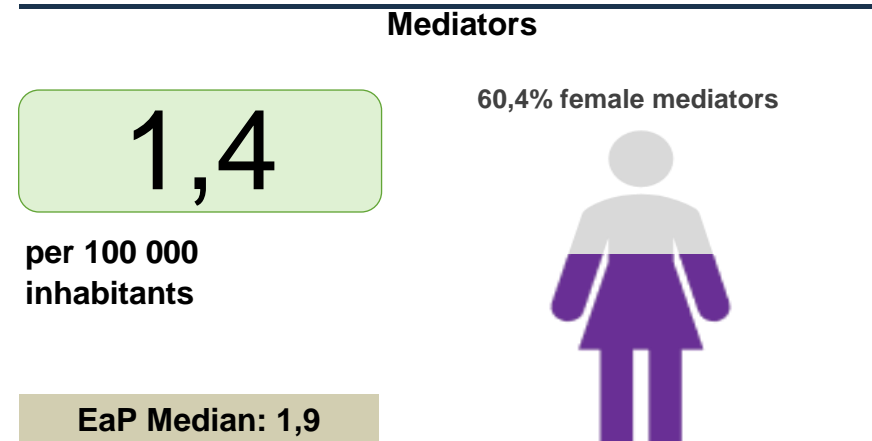
Number of judges and prosecutors participating in the EU law trainings in 2020



In 2020, all trainings on EU Law and on the EU Charter of Fundamental Rights and the European Convention on Human Rights available or delivered in Georgia were co-organised and/or co-financed in the framework of cooperation programmes.

Alternative Dispute Resolution in Georgia in 2020 (Indicator 9)

Legal aid for court-related mediation or related mediation provided free of charge	Yes
Court-related mediation procedures	Yes
Mandatory informative sessions with a mediator	No
<u>Mandatory mediation with a mediator</u>	Yes
V	
Ordered by the court, the judge, the public prosecutor or a public authority in the course	



In Georgia, court related mediation procedures are available and legal aid for court-related mediation or related mediation provided could be granted. The judicial system provides for mandatory mediation with a mediator ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding. However, there are no mandatory informative sessions with a mediator. In 2020, the number of mediators per 100 000 inhabitants was 1,4, which was below the EaP median (1,9). The majority of the mediators were women (60,4%). The data on the total number of court related mediations was not available in 2020.

• Mediation procedures

A new `Law on Mediation` entered into force on 1 January 2020. Its key objectives include: developing mediator's profession; setting up a strong and credible institutional framework for self-regulation of mediators; creating balanced supply and demand on the mediation market; encouraging the resolution of disputes using mediation; reducing the existing backlog of cases in courts.

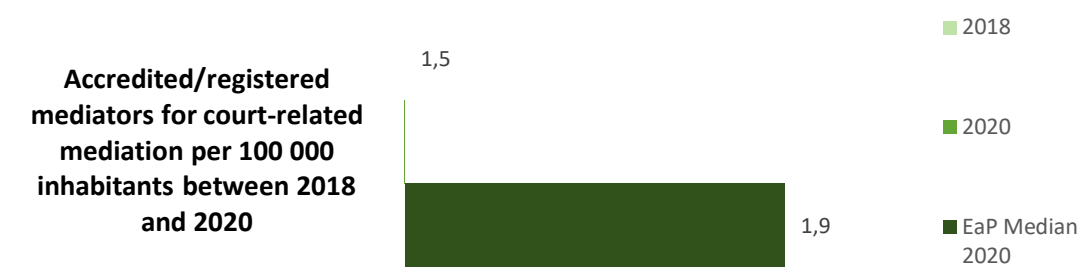
The Law applies to court-related mediation and out-of-court mediation process which takes place based on a mediation agreement between the parties. The list of disputes subject to `mandatory mediation` in court has been expanded (labour disputes, property-disputes up to 20000 GEL (nearly 6000 Euros), some minor disputes with commercial banks on loan agreements, for example). Each district (city) court and court of appeal is obliged to implement and develop court-related mediation programs. If there is a mediation agreement between the parties, the court will not hear the case until the conditions agreed to in the mediation agreement are fulfilled. If there is no mediation agreement and any party refuses to resort to mediation, the judge - at a preparatory hearing, or through a phone conversation or video conference with the parties - will be obliged to find out the reasons of such a refusal and explain to the parties the advantages and legal consequences of mediation. A settlement agreement resulting from mediation may be subject to court enforcement. The Association of Mediators is established as a legal entity of public law which is in charge of developing the mediator's profession.

• Other ADR methods

Mediation other than court-related mediation	✓	Arbitration	✓	Conciliation (if different from mediation)	✗	Other ADR	✗
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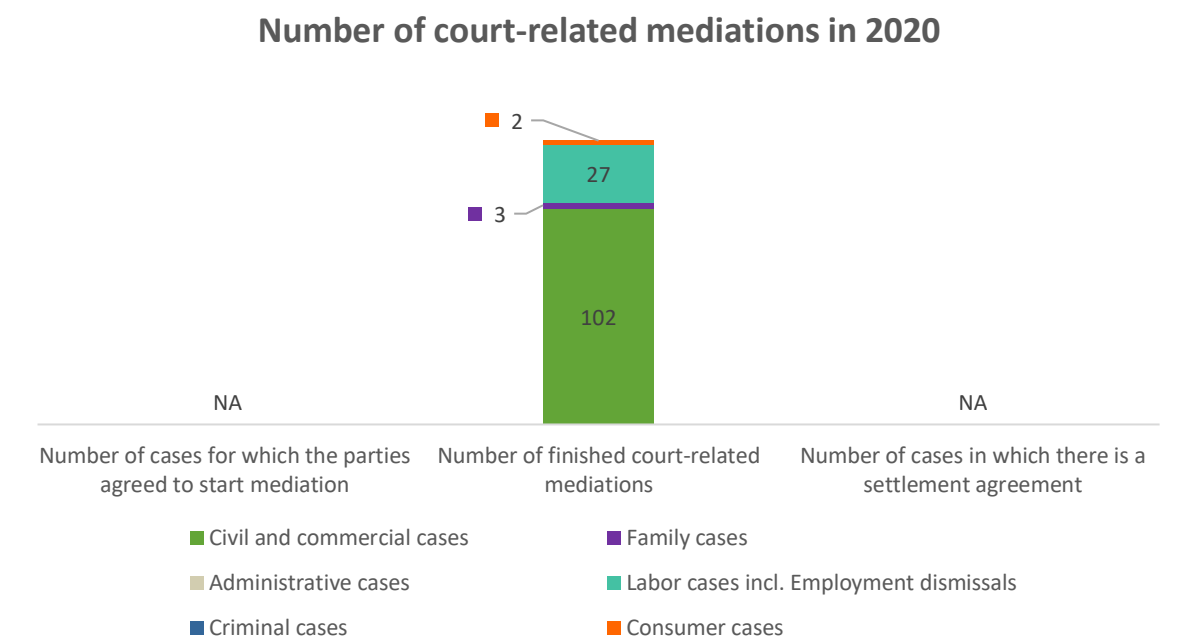
• Mediators and court-related mediations

Accredited/registered mediators for court-related mediation			% Variation between 2018 and 2020	
Absolute number	Per 100 000 inhabitants	EaP Median per 100 000 inhabitants	Georgia	EaP Median
53	1,4	1,9	-7,1%	2,1%



In 2020, the total number of mediators in Georgia was 53, which is -7,1% less than the previous year. The number of mediators per 100 000 inhabitants was 1,4 which is less than the EaP median of 1,9.

	Number of court-related mediations			Providers of court-related mediation services			
	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Total (1 + 2 + 3 + 4 + 5+ 6)	NA	NA	NA				
1. Civil and commercial cases	NA	102	NA	✓	✗	✗	✗
2. Family cases	NA	3	NA	✓	✗	✗	✗
3. Administrative cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP
4. Labour cases incl. employment dismissals	NA	27	NA	✓	✓	✗	✗
5. Criminal cases	NA	NA	NA	✗	✓	✗	✓
6. Consumer cases	NA	2	NA	✓	✗	✗	✗



Court related mediations are provided by private mediators, public authorities (other than the court) and public prosecutors.

For 2020, the following data were available: number of finished court related mediation for the following categories of cases: Civil and commercial cases - 102, Labour cases (including employment dismissal cases) – 27, Family cases – 3, Consumer cases – 2. In 65% of cases a settlement was reached, according to the data of the Mediation Centre of the Tbilisi city court.

European Convention on Human Rights in Georgia in 2020 (Indicator 10)

European Convention on Human Rights – Article 6 – Right to a fair trial (extract):

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

Number of judgements finding at least one violation of ECHR in 2020



Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process in 2020



ECHR

According to the Law of Georgia on the Structure, Powers, and Rules of Activity of the Government of Georgia, the sphere of governance of the Ministry is defined by the Statute of the Government of Georgia. The para. p, Article 4 of the Statute the content and scope of the powers in this regard is set out the following: The powers of the Ministry of Justice among others include the development of proposals for the enforcement of judgments of the European Court of Human Rights against Georgia and the promotion of their implementation not only for the violation of the 6th article of the ECHR but also related to all the judgments regardless their matters. See the link below (translation is unavailable):

<https://matsne.gov.ge/ka/document/view/2177616?publication=7>

The Ministry of Justice of Georgia submits an annual report to the Parliament of Georgia on the enforcement of judgments by the European Court of Human Rights on Georgia. <https://info.parliament.ge/file/1/BillReviewContent/272649>

Monitoring system for violations related to Article 6 of ECHR		
Civil procedures (non-enforcement)	Civil procedures (timeframe)	Criminal procedures (timeframe)
✓	✓	✓

Possibility to review a case after a decision on violation of human rights by the ECHR

Yes

According to article 423 of the Civil Procedure Code of Georgia, a final judgment may be appealed by an action for retrial due to newly discovered circumstances, if there is a final judgment (ruling) of the European Court of Human Rights establishing that the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or of its additional protocols have been violated with regard to this case, and if the decision to be reviewed is based on this violation.

Under article 310 of the Criminal Procedure Code of Georgia, a judgement shall be reviewed due to newly revealed circumstances if there exists an effective decision (judgement) of the European Court of Human Rights that has established that the European Convention for the Protection of Human Rights and Fundamental Freedoms, or the Protocols to the Convention, has been violated with respect to that case, and the judgment subject to review was based on that violation.

<https://matsne.gov.ge/ka/document/view/90034?impose=translateEn&publication=106> <https://matsne.gov.ge/ka/document/view/29962?impose=translateEn&publication=134>

In 2020, there were 130 applications against Georgia pending before an ECHR decision body. 12 judgements by the ECHR found at least one violation. 7 cases were considered as closed after a judgement of the ECHR and the execution of judgements process in 2020.

	2020
Number of applications allocated to a judicial formation of the Court **	130
Judgements finding at least one violation**	12

** Source: ECHR

	2020
Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process***	7

*** Source: Department of Execution of sanctions of the Council of Europe

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

Support for a better evaluation of the results of judicial reform efforts in the Eastern Partnership "Justice Dashboard EaP" Project

Data collection 2020

Part 2 (B) - Beneficiary Profile – Georgia

This analysis has been prepared on the basis of the replies from the beneficiary (Dashboard correspondent) to the CEPEJ Questionnaire for the Justice Dashboard Eastern Partnership, and relevant GRECO reports from the Fourth GRECO Evaluation Round on Prevention of corruption in respect of members of parliament, judges and prosecutors.

The level of implementation of GRECO recommendations in March 2019:

	JUDGES	PROSECUTORS
Implemented	33,00%	33,30%
partially implemented	50,00%	33,30%
not implemented	17,00%	33,30%

Selection and recruitment of judges and prosecutors

Procedure of recruitment of judges

The recruitment and career of judges is regulated by the Constitution and the Law on Common Courts (LCC).

LCC differentiates between recruitment of candidates with prior judicial experience (judges who have been assigned to their position for a three-year probation term, who are candidates for a life-time appointment) and candidates without such experience (who are candidates for a three-year probation period). Both categories are to be assessed based on detailed criteria regarding their integrity and competence (see below). Candidates for Supreme Court Judges are also selected on the basis of these two criteria.

Criteria for being eligible to be considered for appointment (elected) as a judge are determined in the Constitution (Article 86(2)) and the LCC (article 34). These are: 1. a competent citizen of Georgia; 2. of at least 30 years of age; 3. with a higher legal education with at least a master's or equal academic degree/higher education diploma; 4. having at least five years of working experience in the specialty; 5. having the command of the official language; 6. has passed a judge's qualification exam; 7. has completed a full, 16-month training course at the High School of Justice; 8. having a clean criminal record; and 9. is entered on the Justice Trainee Qualifications List.

Exceptions with regard to meeting the above listed criteria exist, pertaining to candidates who are former Supreme Court Judges or former judges with 18 months of experience as a judge who are not required to undergo the training course. A person to be appointed as a Supreme Court Judge does not have to take the judge's qualification exam. A former common courts judge is not required to take the judge's qualification exam if less than 10 years have passed since his/her powers of a judge were terminated. Current and former Constitutional Court Judges and Supreme Court Judges are exempt from taking the judge's qualification exam and undergoing the training course at the High School of Justice.

Recruitment (also for Supreme Court Judges) starts on the basis of the competition publicly announced by the HCJ in an official gazette. Entry criteria are published separately. Candidates submit their applications for the vacancies to the HCJ, together with a certificate that they have filed a property declaration with the Public Registry Bureau. The decision on appointing a candidate to the office of judge is made taking into account two basic criteria: 1. good faith (integrity); and 2. competence. The elements of a good faith criterion are: personal good faith and professional conscience; independence, impartiality and fairness; personal and professional behavior; personal and professional reputation. The elements of a competence criterion are: knowledge of legal norms; ability of legal substantiation and competence; writing and verbal communication skills; professional qualities; academic achievements and professional training; professional activity. The candidate's serial number on the Justice Trainee Qualifications List and the evaluation by the Independent Board of the High School of Justice is also taken into account. For judges who are candidates for a life-time appointment, assessments will be carried out at various points during their three-year probation period, with for the final assessment additionally five cases (selected randomly) of the judge concerned being examined; for candidates without judicial experience, there is one overall assessment, for which the HCJ will also collect additional information on the candidate's background.

Candidates with prior judicial experience (judge candidates for life-time appointments) will have the opportunity to read the reports of each assessment at a location designated by the HCJ for this purpose. Following an analysis of the assessment results and an interview with the judge (including with a candidate for a position of a Supreme Court Judge), the HJC is to take a reasoned decision on the life-time appointment of a judge (with two-third majority). Within five days of the HJC's decision, a copy of this decision along with the argumentation or dissenting opinions of members of the HJC is to be submitted to the judge candidate concerned. The evaluation sheets of candidates without prior judicial experience who have been appointed for a three-year probationary period and the summary information contained therein can be obtained by anyone upon request. Candidates who have not been appointed can access their file (including evaluation sheets) upon request, but this information will not be released to others without the consent of the candidate in question. Both categories of candidates may lodge an appeal with the HJC (which is to forward this appeal to the Qualification Chamber of the Supreme Court for a decision) within two weeks of the HJC's decision. Decisions made by the Qualification Chamber are drawn up in writing and are signed by all members of the Qualification Chamber. They are final.

The integrity of candidate judges is checked by being selected on the basis of two basic criteria: good faith (integrity) and competence. The elements of a good faith criterion are: personal good faith and professional conscience; independence, impartiality and fairness; personal and professional behaviour; personal and professional reputation. The HCJ evaluates each candidate based on the elements concerned.

Judges of the first and second instance are appointed by the HCJ and the Supreme Court Judges are selected and nominated by the HCJ and appointed by the Parliament. The Parliament has the right to appoint some and reject some among the selected/proposed candidates. Non-selected candidates may appeal against the decision of appointment to court.

Previously convicted person or a person who has been discharged from the position of a judge on the ground of committing disciplinary misconduct or committing a corruption offence as determined in the Law on Conflicts of Interest and Corruption at Public Institutions (LCICPI) may not be appointed/elected to the position of a judge.

Mandate of judges

Judges are appointed for life, until they reach the retirement age of 65 years. This is applicable also to Supreme Court Judges, since the entry into force of the constitutional amendments in December 2018 (before the amendments, all judges were appointed for a ten-year period and there are still several judges of all instances appointed for a ten-year period). All other judges are appointed for life on the basis of constitutional amendments from 2014 (Article 63(6), Constitution). However, the law provides for a probation period (until 31st December 2024) of a newly appointed judge with no previous experience for a period of not more than three years, at the end of which the HCJ makes a decision whether or not to make a lifetime appointment.

Procedure of recruitment of prosecutors

The Law on Prosecution Service (hereinafter: LPS) that was adopted on 30th November 2018 and entered into force on 16th December 2018 provides that prosecutors are recruited through an internship or a competition (and exceptionally without an internship or a competition, based on a motivated decision by the Prosecutor General, if the person meets certain specific criteria, e.g. four years' experience as a judge or criminal lawyer). The Rule on the Recruitment and Promotion of Prosecutors and the Rule on Internship at the Prosecution Service adopted by the Prosecutor General in August 2020 provide for a more detailed rules on recruitment (and promotion) of prosecutors (Second Compliance Report on Georgia, para. 52).

To be appointed to the position of a prosecutor/investigator, a candidate must be a Georgian citizen, with higher legal education, having a good command of the language of legal proceedings, has passed a qualification exam in law, has completed an internship in the Prosecution Service and can – considering his/her “work and moral qualities” and health - perform the duties of a prosecutor/investigator in the Prosecution Service (Article 34(3), LPS). Persons with two years' experience working as a judge, prosecutor, investigator or criminal lawyer or five years' experience working in a legal speciality can be appointed on the basis of a competition (without the need for an internship). People with a criminal record, alcohol or drug addiction or mental or severe chronic disease, who have been declared mentally not fully competent or if the result of their background check does not meet the requirements, cannot be employed in the Prosecution Service.

The recruitment procedure starts with a public call. Prosecutors are, as a rule, recruited based on a competition, results of which take into account a competitive exam (qualification exam) and working experience (internship in the Prosecution Service). In exceptional cases, candidates may be recruited without competition (recruitment of the Prosecutor General and his/her deputies). Vetting of the candidates is carried out by the HR Management and Development Department of the Prosecutor General's Office and by the General Inspection which submit their reports to the Prosecutor General prior to appointments.

The recruitment procedure falls within the competence of the Selection Board of the Prosecutor General's Office. It is composed of prosecutors and non-prosecutors and is responsible for selection and nomination of candidate prosecutors. The selection is made on the basis of an interview and the results of the qualification exam and internship. Nominated candidates are then submitted to the Prosecutor General for appointment. The Prosecutor General has a right to appoint some and reject some among the selected candidates. Organisational matters of the recruitment procedure are in the hands of the HR Department of the Prosecutor General's Office.

Non-selected candidates may appeal the decision to court (namely the administrative cases panel of the Tbilisi City Court) within one month from their communication to the candidate concerned.

The Prosecutor General is authorised to appoint a prosecutor without a competition or internship - s/he can only do so if this person meets the general recruitment criteria (citizenship, a law degree etc.) for prosecutors and additionally meets certain specific requirements (e.g. four years' experience as an investigator, judge or a criminal defence lawyer) which are set out in LPS (Article 34(8)). The decisions of the General

Prosecutor to appoint someone without a competition or internship will have to be reasoned and the person appointed would still need to successfully complete up to two months' professional training.

The integrity of candidate prosecutors is checked by examining his/her criminal record and current administrative penalties imposed, information regarding income, financial liabilities, possession and disposal of shares in entrepreneurial and non-entrepreneurial legal entities and previous work experience.

The Rule on Recruitment and Promotion of Prosecutors and the Rule on Internship at the Prosecution Service Rules provide that any decision taken is to be published on the website of the Prosecution Service and/or other media, that all decisions regarding the appointment (and promotion) of prosecutors are to be substantiated and that any decision taken pursuant to these rules can be appealed in court.

Regarding the appointment of heads of prosecutor's offices (other than the Prosecutor General's Office), persons having at least three years' experience working in a legal speciality may be appointed to the positions of Prosecutor of the City of Tbilisi and his/her deputy, regional prosecutors and their deputies, district prosecutors and prosecutors of Specialised Prosecutor's Offices (in exceptional cases, the Prosecutor General can reduce this term to 18 months). There is no fixed term of office prescribed by law for heads of prosecutor's offices.

The Prosecutor General is elected by Parliament for a six-year term, by majority of its full composition, without possibility to be elected for two consecutive terms. The Prosecutor General must be a citizen of Georgia with higher legal education and with no record of convictions, who has at least five years' experience of working as a judge reviewing criminal cases, or as a prosecutor or as a criminal lawyer specialised in general or criminal law, or who is a recognised specialist in criminal law from a higher institution or a civil society organisation, and has at least 10 years' experience of working in the legal profession. A candidate for the Prosecutor General must have high reputation due to his/her moral and professional qualities. Moral attributes are assessed based on the reputation of the candidate, his/her previous professional conduct, etc.

Mandate of prosecutors

Prosecutors are appointed for an indefinite period, without compulsory retirement age prescribed. However, according to the LPS and Law on State Pension, male prosecutors who have reached 65 years of age and female prosecutors who have reached 60 years of age are eligible for retirement. The Prosecutor General is appointed for a six-year term, and cannot be re-elected for two consecutive terms.

No probation period is envisaged in the law for prosecutors before being appointed "for life".

Promotion of judges and prosecutors

Promotion of judges

The promotion of judges is regulated in the LCC and the Rules of Procedure of the High Council of Justice.

The authority competent for promotion of judges is the HCJ. In case of vacancies at the appellate courts, the HCJ shall determine the number of vacant positions and announce this information on the HCJ's official website.

Any common courts' judge may submit his/her application within 7 days from the public call. The applications will be reviewed and the applicant - invited for an interview.

Criteria for promotion include: years of experience, professional skills (reputation of the judge among colleagues, participation of the judge in mentoring and teaching young judges and lawyers, his/her active role in discussing judicial and legal issues, his/her organizational skills, scientific and pedagogical activity, adherence to ethical and professional standards, tendencies of his/her professional growth etc.) and performance (qualitative and quantitative indicators of the judge's performance, the number of ratios of cases considered, the complexity of the cases completed, adherence to procedural time frames of considering cases, adherence to procedural time frames for preparing decision, stability of the decisions, working discipline). A judge of a district (city) court may be appointed to the appellate court, if s/he has been a district (city) court judge for at least five years and if his/her competence, experience, business and moral reputation is compliant with the high rank of the judge of appellate court.

The decision on promotion is made by the HCJ, by a secret ballot, with two-thirds of its members in favour of promotion. The HCJ's decisions may be appealed to court.

GRECO recommendation iv. GRECO recommended reforming the recruitment and promotion of judges, including by ensuring that any decisions in those procedures by the High Council of Judges a) are made on the basis of clear and objective, preestablished criteria – notably merit, in a transparent manner and with written indication of reasons, and b) can be appealed to a court.

In [the Evaluation Report](#) (see para. 94), GRECO noted that, as far as promotion of judges is concerned, there is also much room for further improvement. The law only provides that a judge of a district (city) court may be appointed in a court of appeal if s/he has served as a judge in the district (city) court for at least two years – except for specified cases such as demonstration of high judicial skills during the exercise of judicial power – and that judges are to be assessed by the HCJ against promotion criteria established by the latter. Again, the GET was concerned to hear about opaque procedures and the lack of clear and objective criteria. The GET wished to stress how important it is that such promotion criteria, which were under preparation at the time of the visit, are now put in place and applied in practice; for the future, the GET would find it preferable to also enshrine such criteria in the law. Moreover, it is essential that clear and transparent procedures for promotions be

established and that unsuccessful candidates can challenge decisions taken by the HCJ. In this connection, the GET again referred to the above-mentioned European standards which also apply to judges' career advancement. Finally, it is to be noted that some amendments to the LGC provisions on promotion of judges are foreseen within the third stage of the reform of the judiciary. Particularly, it is planned to require at least five years' experience as a judge of a district (city) court (instead of two years) before appointment to a court of appeal, and to restrict the right to promotion for judges against whom disciplinary proceedings were initiated. It is clear, however, that those measures are insufficient to address the shortcomings mentioned above. Consequently, GRECO issued the recommendation iv.

Little progress was made in the compliance procedure. In [the Compliance Report](#) (see para. 22-27), GRECO noted that its concerns expressed in its Evaluation Report regarding the opaque procedures and the lack of clear and objective criteria as regards specifically the promotion of judges had not been addressed yet, GRECO could only consider this recommendation to have been partly implemented. In [the Second Compliance Report](#) (see para. 25-33), GRECO stated that promotion and appointment to the Supreme Court on which authorities reported was however only one (albeit important) aspect of the recruitment and promotion process of judges referred to in the recommendation. GRECO noted in this respect that no information has been provided on the criteria applied for the promotion of judges (i.e. those who have already been appointed to a judicial position) other than those appointed to the Supreme Court (noting that Article 41 of the LCC only provides that "judges shall be assessed against promotion criteria by the High Council of Justice"), that would allow it to say that the recommendation has been fully addressed. It therefore concluded that the recommendation was only partly implemented.

Promotion of Prosecutors

Promotion procedure is regulated in the Law on Prosecution Service. Furthermore, the Rule on the Recruitment and Promotion of Prosecutors and the Rule on Internship at the Prosecution Service adopted by the Prosecutor General in August 2020 provide for a more detailed rules on recruitment and promotion of prosecutors, including criteria to be applied when deciding on recruitment and promotion of prosecutors.

Promotion is conducted on the basis of competitive test/exam and an interview. Criteria for promotion include length of service and work experience, qualifications, personal and work skills and performance evaluation results of the prosecutors/investigators concerned. Performance of prosecutors is appraised once every two years, using special personnel and electronic criminal case management system. The performance appraisal is based on the assessment by a supervisor and on the evaluation of quality of prosecutor's work and of his/her workload.

The Career Management, Ethics and Incentives Council has been established in 2019 by the Prosecutor General on the basis of the provisions of the Law on Prosecution Service. It is responsible, among others, for the promotion of employees of the Prosecutor's Service. It is composed of 16 members: the Prosecutor General, the First Deputy Prosecutor General, 3 Deputy Prosecutors General, 8 members of the Prosecutorial Council, the head of the General Inspection of the Prosecutor General's Office, the head of the Human Resources Management and Development Department and the head of the Department for Supervision over Prosecutorial Activities and Strategic Development.

The Career Management, Ethics and Incentives Council proposes candidates for promotion to the Prosecutor General who decides on promotion. S/he may reject the proposals. On the basis of the Rule on Recruitment and Promotion of Prosecutors and the Rule on Internship at the Prosecution Service Rules any decision taken is to be published on the website of the Prosecution Service and/or other media and is to be substantiated.

Decisions on promotion may be appealed in court (namely the administrative cases panel of the Tbilisi City Court) within one month from their communication to the prosecutor concerned.

Confidence and satisfaction of the public with their justice system

There is no right for the compensation of damages for the excessive length of proceedings or non-execution of court decisions.

There is a procedure for filing complaints about the functioning of the judicial system in place. Complaints are to be filed with the HCJ. In 2018, the Office of an Independent Inspector was established within the HCJ at which complaints are to be filed. Time limit for dealing with complaints are set. An independent inspector conducts an in-depth preliminary examination/investigation of a complaint filed against a judge. If during the preliminary examination and investigation of a disciplinary case an independent inspector finds evidence of a criminal offense s/he may submit a substantiated motion to the HCJ to decide on the transfer of case materials to the Prosecutor's Office. Interference in the activities of an independent inspector is not allowed, an independent inspector is obliged to conduct a preliminary examination and investigation of a disciplinary case objectively, thoroughly and impartially. On the basis of the conclusions of the independent inspector, the HCJ may either terminate disciplinary proceeding against the judge concerned or initiate one. In the latter case, the HCJ shall make a decision to either terminate disciplinary proceeding against the judge concerned or decide on a disciplinary action taken against the judge. In the latter case the case is then referred to the Disciplinary Board of Judges of the Common Courts which is authorised to review disciplinary cases against judges. The decision of the Disciplinary Board may be appealed to the Disciplinary Chamber of the Supreme Court. The Table below presents an overview of the complaints in 2020:

	2020	
	Number of complaints	Compensation amount granted
Court concerned	NAP	NAP
Higher court	NAP	NAP
Ministry of Justice	NAP	NAP
High Judicial Council	151	NAP
Other external bodies (e.g. Ombudsman)	NAP	NAP

There is a procedure in place to effectively challenge a judge in case a party considers the judge is not impartial (in addition to a possibility to self-recuse or to withdraw). Data on the ratio between the total number of initiated procedures of challenges and total number of finalised challenges is not available.

On 16th December 2018, amendments to the Constitution entered into force according to which the Prosecutor's Office is an independent body outside the authority of the Ministry of Justice and the Minister, headed by the Prosecutor General who is elected by the Parliament for a period of six years, non-renewable. The legislation provides for strong safeguards regarding his/her dismissal. Furthermore, on 16th December 2018 a new Law on Prosecutor's Office was adopted to carry constitutional amendments. According to the legislation, prosecutors are independent in their activity and no one has the right to interfere with it. Respectively, it is prohibited to give specific instructions to prosecutors on whether to prosecute or not. Only the General Prosecutor has the right to issue general guidelines for prosecutors, inter alia on the matters related to application of discretionary powers.

The following favourable arrangements during judicial proceedings are applied to the following categories:

Information mechanisms and special arrangements in hearings for victims of sexual violence/rate; minors (witnesses or victims); victims of domestic violence; ethnic minorities person with disabilities; juvenile offenders. Information mechanisms are available also for victims of terrorism and other victims (human trafficking, forced marriage). Juvenile offenders also benefit from other specific arrangements.

Promotion of integrity and prevention of corruption

Independence of judges

The principle of judicial independence is enshrined in the Constitution as well as the Law on Common Courts (LCC).

In accordance with the Constitution, "judicial authority shall be independent and be exercised exclusively by the courts." Furthermore, "a judge shall be independent in his/her activity and shall comply with the Constitution and law only. Any pressure upon a judge or any interference in his/her activity in order to influence his/her decision making shall be prohibited and punishable by law." "All acts restricting the independence of any judge shall be null and void." (Articles 59 and 63 of the Constitution).

The independence of a judge is also guaranteed by the Law on Common Courts, by stating that a judge shall be independent in his/her activity and s/he may not be requested to report, or instructed as to which decision to make on a particular case. Furthermore, "a government or local self-government body, agency, public or political association, official, legal or natural person shall be prohibited from encroaching upon the independence of the judiciary and any pressure upon a judge or any interference in his/her activity to influence the decision shall be prohibited and punished by law."

Independence of prosecutors

Provisions which guarantee the independence of the prosecution service are prescribed in the Constitution (Article 65) and in the Law on Prosecution Service (LPS).

According to the Constitution, the prosecution service is independent in its activity and only complies with the Constitution and law.

Article 6 LPS describes the prosecution service as a unified centralized system, which is independent in its activities and bound only by the Law. Interference with the activities of the Prosecutor's Office shall be prohibited. Also any other activity that may infringe upon its independence. A report on the activities of the Prosecutor's Office may not be requested unless expressly provided for by the Constitution and this Law. According to Article 74 LPS, an officer of the Prosecutor's Office is independent in his/her official activity. S/he may not be removed or dismissed from the position held except in cases provided for by this Law.

Legal provisions contained in Article 33 of the Criminal Procedure Code reiterate that a prosecutor is independent and bound only by law when exercising his/her power in court.

According to Article 364 of the Criminal Code, any form of unlawful interference with the activities of a prosecutor or an investigator for the purpose of disrupting the comprehensive, complete and objective investigation of a case, as well as with the activities of a lawyer for disrupting to exercise of defence, shall be punished by a fine or community service from one hundred and eighty to two hundred and forty hours and/or by imprisonment for up to one year. If this act has been committed using official position, it shall be punished by a fine or imprisonment for a term of two to four years, with or without deprivation of the right to hold an office or to carry out activities for up to three years.

Breaches of integrity for judges

Provisions describing different possible breaches of integrity of judges are contained in LCC according to which a disciplinary penalty shall be imposed on a judge if a judge commits a disciplinary misconduct envisaged by the law. LCC details the types of disciplinary misconduct, such as 1. interference with the activities of a judge under organic law; 2. interference by a judge in the activities of another judge in order to influence the outcome of a case; 3. unlawful interference by a judge in the distribution of cases in court; 4. the commission of a corruption offense by a judge. In case an action of the judge contains an element of a crime under the Criminal Code, criminal liability shall be imposed on the judge pursuant to the relevant article of the Criminal Code.

Breaches of integrity for prosecutors

Provisions describing different possible **breaches of integrity of prosecutors** are contained in the Law on Prosecution Service (LPS), the Law on Conflict of Interests and Corruption in Public Service (LCICPS), the Code of Ethics for the Employees of the Prosecution Service and the Criminal Code.

LPS provisions stipulate positions within state institutions or local self-government bodies, as well as with any entrepreneurial or other paid positions other than scientific, creative and pedagogical activities deemed as incompatible with the position of an employee of the Prosecutor's Office. Concurrently performing other paid work and/or holding another position within the system of the Prosecutor's Office is allowed. Membership of a political association or engagement in political activities as well as in strikes is prohibited. Abuse of a position of an employee of the Prosecutor's Office or of the opportunities related to the position in order to obtain property or other interests is prohibited and the interests may not be received. An employee of the Prosecutor's Office may not be a representative or a trustee of any natural or legal person, or represent or defend him/her/it in criminal, civil or administrative cases, except when the employee is a guardian, custodian or a supporter of the natural person, or is a representative of the relevant body (Article 45).

LCICPS requires from a public servant to inform other members of the body (if a part of a collegial body taking a decision) or his/her immediate supervisor about propriety or other interests s/he has with respect to a matter on which a decision must be made, and must refuse to participate in the decision-making. In case a public servant is to solely make a decision, with respect to which s/he has propriety or other interests, s/he must self-recuse and inform in writing his/her immediate supervisor (superior body) of this fact, who will either make an appropriate decision or assign this duty to other official (Article 11). LCICPS also contains similar provisions that carry limitations and prohibitions with regard to accessory activities and positions as stipulated in LPS (see above).

The Code of Ethics (Article 22) states that employees of the prosecution service are obliged to refrain from any activity that can objectively challenge their independence or have an influence on the performance of their duties. It also states that employees of the prosecution service having proprietary or other personal interests to the issue belonging to the competency of the prosecution service are obliged to declare self-recusal following the procedure set by law and not to participate in the review and decision-making on the matter. The Code reiterates that acceptance of gifts prohibited by law is punished by the criminal legislation and that employees of the prosecution service must refrain from accepting gifts offered to them if such action is an attempt at influencing them or may affect them in the future (Article 23).

According to Article 340 of the Criminal Code (CC), "acceptance by an official or a person equal thereto of gifts prohibited by law" is a criminal offence.

Breaches of integrity for court staff

Provisions which describe different possible breaches of integrity of staff of the court are contained in the Law on Public Service according to which if a staff of a court commits a disciplinary misconduct envisaged by the law, a disciplinary sanction shall be imposed. Pursuant to Article 85 of this law, disciplinary misconduct by officers includes: 1. failure to perform official duties intentionally or undue performance of official duties; 2. damage to the property of the public institution or creation of danger of such damage intentionally; 3. breach of general ethical norms or breach of general rules of conduct that are intended to discredit an officer or a public institution (intentionally), irrespective of whether it is committed at our outside work. In case an action of the staff contains elements of a crime under the Criminal Code, criminal liability shall be imposed on the staff pursuant to the relevant article of the Criminal Code.

Number of criminal cases against judges and prosecutors

The Table below shows the number (absolute/Abs and per 100 judges/prosecutors) of criminal cases initiated and completed against judges and prosecutors as well as number of sanctions pronounced in 2020:

	2020			
	Judges		Prosecutors	
	Abs	per 100	Abs	per 100
Number of initiated cases	0	0,00	2	0,48
Number of completed cases	0	0,00	2	0,48
Number of sanctions pronounced	0	0,00	2	0,48

Existence of specific measures to prevent corruption

Specific measures to prevent corruption among prosecutors are in place, namely gift rules, specific training, internal controls and safe complaints mechanisms. However, with regard to judges only gift rules are in place.

In-service training on ethics

There is a compulsory in-service trainings regularly available to both prosecutors and judges. Prosecutors have to undergo compulsory in-service training solely dedicated to ethics, the prevention of corruption and conflicts of interest while judges do not. This training is 2-3 days long and prosecutors need to participate on this training more than once on an ad hoc basis.

Codes of ethics for judges and prosecutors

Judges have ethical rules stated also in the “Norms of Judicial Ethics of Georgia” (adopted in 2007), which are publicly accessible on the websites of the HCJ and of the Supreme Court. They “define rules of judicial ethics to strengthen independence, impartiality and integrity of the judiciary, to promote public confidence and trust in the judiciary and to protect reputation and authority of judges.” The Norms of Judicial Ethics make reference to the Georgian Constitution and laws as well as international legal values including the Bangalore Principles of Judicial Conduct and Opinion No. 3 of the Consultative Council of European Judges on the principles and rules governing judges’ professional conduct, in particular ethics, incompatible behaviour and impartiality. They are composed of the four chapters “Independence and Impartiality of Judges”,

“Competence and Diligence of Judges”, “Relations between Judges and Mass Media” and “Non-judicial Activities of Judges” (altogether 28 articles). Violation of the Norms of Judicial Ethics by judges may trigger disciplinary liability. The Norms are envisaged to be regularly updated.

In August 2020, the Minister of Justice adopted the Code of Ethics for Employees of the Prosecution. It covers such issues as conflicts of interest, activities incompatible with the work of prosecutors, gifts, use of authority and impartiality. On 22nd September 2020, the Office of the Prosecutor General issued the Commentary to the Code of Ethics and the Disciplinary Proceedings for Employees of the Prosecution Service, which was circulated to all staff of the prosecution service by e-mail that same day (see [the Second Compliance Report on Georgia](#), para. 60). With regard to update of the Code of Ethics, the authorities report that there is no legal requirement to update it; however, this may be done when needed. The last update to the Code of Ethics was reported in 2020.

GRECO recommendation vii. GRECO recommended (i) that the “Norms of Judicial Ethics” be updated, communicated to all judges and made easily accessible to the public; (ii) that they be complemented by practical measures for the implementation of the rules, such as further written guidance and explanations, further training and confidential counselling

GRECO noted in [the Evaluation Report](#) (see para. 109), that during the interviews held on site, the GET was informed that a need had been identified to further refine and update the Norms of Judicial Ethics, to take into account practical experience gained since their adoption and to provide for clarifications. It would appear that the HCJ had started its work on such a revision, with the assistance of donor organisations. The GET very much welcomed this initiative; as GRECO has repeatedly pointed out, professional standards of conduct/ethics should be living texts that can evolve over time. Moreover, it is essential that their implementation is ensured by complementary measures including confidential counselling within the judiciary – which is currently missing and could usefully be provided, for example, by the HCJ – and specific (preferably regular) training activities of a practice-oriented nature. Further written guidance, explanatory comments or practical examples (e.g. with regard to risks of corruption and conflicts of interest) would be beneficial to ensure effective application of the norms. Finally, it is crucial that the updated version of the norms is brought to the attention of both judges and the public at large, in order to raise judges’ awareness of ethical questions and existing standards and to foster citizens’ trust in the judiciary. Consequently, GRECO issued the recommendation vii.

In [the Compliance Report](#) (see para. 37-40), GRECO noted a number of initial training activities that had taken place and that training on ethics had become a part of the regular training programme for judges and thus assessed this recommendation to be partly implemented.

Bodies giving opinions on ethical questions

There is no body to provide opinions on ethical questions to judges.

Counselling on ethical questions of the conduct of prosecutors is provided by the General Inspectorate of the General Prosecutor’s Office (composed only of prosecutors) which is also in charge of conducting administrative investigations into disciplinary offences. These opinions are not publicly available.

Established mechanisms to report influence/corruption on judges and prosecutors

With regard to established mechanisms to report attempts on influence/corruption on judges and prosecutors, the Georgian authorities refer to the Law on Common Courts which prohibits ex parte communication with judges of common courts. In particular, at the stage of criminal investigation or from the moment a case is submitted to a court until the court judgment enters into force, any communication with a judge on the part of the party to the proceedings, an interested person, a public servant, a state servant, a state political official and a political official, if such communication is related to the consideration of a case and/or to a presumable result of a case, and which fails to comply with the principles of independence and impartiality of court/judge, and of the adversarial nature of legal proceedings, is prohibited. In the case of ex parte communication the judge shall immediately notify in writing the chairperson of the court or a judge authorised by him/her. If there was communication with the chairperson of the court, s/he shall immediately notify in writing the chairperson of a higher instance court or a judge authorised by him/her. If there was communication with a judge of the Supreme Court, s/he shall immediately notify in writing the first deputy chairperson of the Supreme Court or a deputy authorised by the chairperson of the Supreme Court. If there was communication with the Chairperson of the Supreme Court, s/he shall immediately notify in writing the HCJ. Also, interference in the decision-making process of a judge or a member of the HCJ may be subject to disciplinary or criminal liability. Furthermore, information regarding attempts on influence/corruption may be provided to investigative bodies in any form, including e-mail, call, statement, etc. Also, the Civil Service Bureau manages a whistleblowing website www.mkhileba.gov.ge. The latter is the channel for whistleblowing, and anyone can make a statement via this website. There is also a mechanism to report attempts on influence/corruption on prosecutors and the authorities referred to the same information as stated above.

Transparency in distribution of court cases

There is transparency in distribution of court cases ensured in the Georgian judicial system via random allocation (completely by random algorithm).

Cases' reassignments are all processed through the computerised distribution of cases, via random allocation (completely by random algorithm). Different reasons for reassigning a case include conflict of interest declared by the judge; recusal of the judge or requested by the parties; physical unavailability (illness, longer absence).

Declaration of assets for judges and for prosecutors

The Law on Conflict of Interest and Corruption in Public Service (hereinafter: LCI) regulates obligations pertaining to judges and higher-ranking prosecutors (who are deemed as officials in accordance with the LCI) with regard to asset declarations.

In accordance with Sections 14 to 19 LCI, judges and higher-ranking prosecutors are to submit asset declarations to the Civil Service Bureau through an electronic programme a) within two months of their appointment/election, b) during their term of office, once every year and c) after their term of office, within the respective month of completion of the previous declaration.

GRECO recommendation xiv. GRECO recommended widening the scope of application of the asset declaration regime under the Law on Conflict of Interest and Corruption to cover all prosecutors.

GRECO noted in its [Evaluation Report](#) (see para. 184 and 185), that in contrast to the higher-ranking prosecutors, line prosecutors are not required to present asset declarations. They are only obliged to submit to the Revenue Service by 1st November of each calendar year property tax declarations (including information on their income), as any other individuals, if the annual income of the family exceeded GEL 40 000/approximately EUR 14 800 in the preceding year, if they own land, etc. The GET had misgivings about the fact that only a very limited number of – higher-ranking – prosecutors, 40 in total (out of 449), are covered by the rules on asset declaration – whereas all judges are covered by the declaration regime. It cannot see any convincing reasons for this limitation. It appeared unsatisfactory that large parts of the LCI such as its provisions on gifts, incompatibilities and conflicts of interest, as well as general rules of conduct are applicable to all prosecutors but not the requirement to submit asset declarations – which is a cornerstone of that law. This appeared all the more disturbing as the current amendments to the LCI were meant to further increase transparency and to enhance the detection of public officials' conflicts of interest. In the view of the GET, an extension of the declaration system to cover all prosecutors would also be feasible in practical terms, given that the planned monitoring of declarations would be quite limited in number, inter alia, on the basis of random selection. Bearing in mind the context in Georgia which is marked by a low level of trust in the criminal justice system including the prosecution service, and where calls for more accountability are numerous, the GET was of the firm opinion that for the sake of consistency, transparency and corruption prevention, all prosecutors need to be covered by the declaration regime. Consequently, GRECO issued recommendation xiv.

No progress has been made in the compliance procedure (see [the Compliance Report](#), para. 74-76).

Asset declarations must contain the following information: declarant's personal data, personal data of his/her family members (as per LCI, family members include a person's spouse, minor children, stepchildren, or persons permanently residing with him/her), data on immovable and movable property (incl. owner, date of purchase, amount paid etc.), securities owned (with data on securities), account in Georgia and abroad (with data on the financial institution, type of account, balance on the account), cash owned (if more than approx 1.480 EUR), participation in entrepreneurial activities in Georgia and abroad, any paid work performed in Georgia or abroad (data on place of work, type of work, income

received), agreement concluded in Georgia or abroad valued at more than approx. 1.110 EUR, any gift valued at more than approx. 185 EUR, any income and/or expenditure within the reporting period, amounting to more than approx. 555 EUR in each case etc. The information is to be provided for both the declarant and his/her family members.

The Civil Service Bureau is tasked to ensure the receipt of asset declarations, the public availability of declarations (except for personal data) and the control over the submission of declarations according to law. It keeps a registry of asset declarations and verifies their timeliness as well as accurateness and completeness of data entered into asset declarations.

In case of non-declaration of assets, judges and higher-ranking prosecutors may be fined (pursuant to Article 20 of the LCI). In case that the declaration of assets is still not submitted, despite the fine imposed, the declarant will be criminal liable as per Article 355 of the Criminal Code which is punishable by fine or community service for a term of 120 to 200 hours, with deprivation of the right to hold office or engage in activities for a term of up to three years. The same criminal sanctions apply in case that the declarant intentionally enters incomplete or incorrect data in the declaration.

In addition, under the Law on General Courts (LGC), within seven days of applying for the position of a judge, a judicial candidate must submit to the HCJ a certificate of submission to the Public Registry Bureau of a property declaration. Moreover, when assessing the criteria of the candidacy of the judge, the HCJ takes into consideration information on fulfilment of financial obligations (Sections 35(4) and 36.3(3), LGC).

The data on the number (absolute/Abs and per 100 judges/prosecutors) of proceedings against judges/prosecutors for violations or discrepancies in declaration of assets in 2020 is included in the Table below:

	Judges						Prosecutors					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced		Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
2020	NA	NA	NA	NA	NA	NA	0	0,00	0	0,00	0	0,00

Conflict of interest for judges and for prosecutors

Procedures and mechanisms for managing potential conflict of interest

The legal framework for the **prevention and the resolution of conflicts of interest applicable to judges** is provided by the relevant provisions of 1) the Constitution, on incompatibility of office of a judge, 2) the Norms of Judicial Ethics, 3) the Law on Conflict of Interest and Corruption in Public Institutions (LCICPI), which provides for rules on conflict of interest and gifts, and 4) the Criminal Procedure Code, the Civil Procedure Code and the Administrative Procedure Code.

According to the Constitution (Article 83(3)), the position of judge is incompatible with any other occupation or remunerative activity, except for pedagogical and scientific activities as well as cultural function. A judge may not be a member of a political party or participate in a political activity. Judges do not need permission before taking up allowed activities, nor are they obliged to report on such activities. They are, however, required to report on any income they derive from such activities in their regular asset declarations.

The Norms of Judicial Ethics further explain restrictions with regard to incompatibilities and accessory activities.

Detailed **rules on incompatibilities for public servants** are stipulated in the LCICPI. For example, in article 13, public servants may not hold another position in any public institution or legal entity under private law, or be a member of a representative body of any level, hold a position in a body or institution abroad, hold a position in any enterprise, be a representative or a proxy of any natural or legal person, or represent or defend him/her/it in criminal law, civil law or administrative law cases before or against any public institution, except when s/he is a guardian, care giver or supporter of this natural person. An official or his/her family member must resign from an incompatible position or terminate incompatible activities within 10 days of the appointment/election of this official. The official must certify this to the superior official/body (in the case of judges, the HCJ) through the human resources management unit (in the case of judges, a structural unit of the HCJ). Furthermore, the general rule of conduct requires public servants to pay attention to any existing or possible conflict of interest, to take measures to prevent and to declare them to immediate superior (superior body) in writing and to refrain from decision-making in such situations until a decision is made how to resolve the conflict (article 11).

Rules on gifts contained in the LCICPI (article 5) defines gifts as “property transferred or services provided to a public servant or his/her family members free of charge or under beneficial conditions, partial or full release from obligations, which represents an exception from general rules.” Certain items specified by section 5.1 LCI are not considered as gifts, e.g. grants, scholarships, rewards and bonuses awarded by the state or an international organisation; diplomatic gifts which are given to a public servant during an official or working visit according to the procedure under protocol and the market value of which does not exceed GEL 300/approximately EUR 111; property transferred to a public servant or his/her family member free of charge or under beneficial conditions, with partial or full release from obligations of property owners, or service provided under beneficial conditions, which is not an exception to general rules. The total value of gifts received by a public servant

during a reporting year must not exceed 15% (approx. 370 EUR for each family member) of the amount of one year's salary, and the total value of a single gift received must not exceed 5% (approx. 185 EUR for each family member), unless these gifts are received from the same source. If a public servant or his/her family member determines after receiving the gift that the value of the gift exceeds the amount allowed by law, and/or if for some reason (receiving the gift by mail, giving the gift publicly) it was impossible to refuse it, s/he is obliged to make it public within 3 working days by submitting information on the name of the gift, its estimated or exact value/amount and the identity of the giver to the Civil Service Bureau, and the gift prohibited by this Law shall be handed over to the legal entity of public law under the Ministry of Economy and Sustainable Development - National Property Agency.

The conditions for **disqualification of a judge** are specified in the Criminal and Civil Procedure Codes. A judge is disqualified from a criminal case, inter alia, whenever s/he participates or participated in this case as the accused, a defense counsel, a victim, an expert, an interpreter or a witness; is subject to an investigation for the alleged commission of an offence; is a family member or close relative of the accused, defense counsel, or of the victim; or there are other circumstances that question his/her objectivity and impartiality (Article 62(3), Criminal Procedure Code). In civil proceedings it is provided, inter alia, that a judge must not hear a case or participate in its hearing if s/he represents a party to the case or shares common rights or obligations with any of the parties; participated in a previous hearing of the case as a witness, an expert, a specialist, an interpreter, a representative or a secretary of a court session; is a relative of one of the parties or of the party's representative; is personally interested, directly or indirectly in the outcome of the case, or if there are other grounds for questioning his/her impartiality; or s/he participated in the case as a mediator (Article 29 to 31, Civil Procedure Code). If there are grounds for recusal, the judge is obliged to declare self-recusal. The judge (court) issues a decision on self-recusal, which must indicate the grounds for self-recusal. According to the Administrative Procedure Code, a judge may not participate in the hearing of a case if s/he has previously participated in administrative proceedings in connection with the case.

The **legal framework for the prevention and the resolution of conflicts of interest applicable to prosecutors** is provided by the relevant provisions of 1) the Law on Prosecution Service, as regards incompatibilities, 2) the Code of Ethics for the Employees of the Prosecution Service, regarding rules on incompatible activities, conflict of interests and gifts, 3) the Law on Conflict of Interest and Corruption in Public Institutions (LCICPI), which provides for rules on conflict of interest and gifts, 4) the Criminal Procedure Code, regarding disqualification rules, and 5) the Criminal Code (Article 340, criminal offence of Acceptance of gifts).

The **Code of Ethics for the Employees of the Prosecution Service** obliged an employee of the prosecution service to refrain from any activity that could cause doubt with regard to his/her independence or influence his/her service-related activities, as well as authority and good name of the prosecution service. An employees of the prosecution service should not have any private interest incompatible with the performance of official duties and should self-recuse himself/herself in such a case and avoid any participation in decision-making. An employees of the prosecution service must refrain from requesting or accepting a gift prohibited by law and should refrain from receiving any kind of gift from all those individuals who are in some way interested in the case the employee is investigating or provides procedural guidance over it, or if such an act constitutes an attempt to influence him/her or may actually influence the latter in future.

The **conditions for disqualification in criminal proceedings** are specified in Article 59 of the Criminal Procedure Code. Inter alia, a prosecutor must not participate in such proceedings if s/he is subject to an investigation for the alleged commission of an offence; s/he is a family member or a close relative of the defendant, defense lawyer or victim; there are other circumstances which raise suspicion in terms of their impartiality and objectiveness. If there is a circumstance excluding the participation of the prosecutor in criminal proceeding, the latter must immediately declare self-recusal. The prosecutor concerned applies to the superior supervisor who will make a disqualification decision, if the case is at the stage of investigations, or to the court, if the case is at the stage of court proceedings. A disqualification decision can also be made upon the motion of parties to the case (defendant, defense lawyer) (section 63, the Criminal Procedure Code) ([the GRECO Evaluation Report on Georgia](#), para. 177 and 178).

The **rules on gifts** from the LCI described above for judges also apply to prosecutors.

The Criminal Code criminalises acceptance of gifts prohibited by law by an official or a person equal thereto.

Possibility for judges and prosecutors to perform additional activities

Pursuant to section 13, LPO, the position of an employee of the prosecution service is incompatible with other positions within state or local self-government bodies, as well as with any entrepreneurial or other paid activity (including the ownership of stocks and shares in entrepreneurial entities) other than scientific, creative and pedagogical activity. S/he may, however, concurrently perform other paid work and/or hold another position within the system of the prosecution service. S/he may not be a member of a political party or engage in political activity or organise or take part in a strike. S/he may not be a representative or a trustee of any natural or legal person or represent or defend him/her/it in criminal, administrative or civil cases except when the employee of the prosecution service is a guardian, custodian or a supporter of the natural person, or is a representative of the relevant body. S/he may not abuse her/his position or the opportunities related to it in order to obtain property or other interests and may not receive the interests.

Rules on incompatibilities for judges from article 13 of the LCICPI as outlined above are relevant also for prosecutors. For example, public servants may not hold another position in any public institution or legal entity under private law, or be a member of a representative body of any level, hold a position in a body or institution abroad, hold a position in any enterprise, be a representative or a proxy of any natural or legal person, or represent or defend him/her/it in criminal law, civil law or administrative law cases before or against any public institution, except when s/he is a guardian, care giver or supporter of this natural person. Prosecutors do not need to obtain permission to exercise activities allowed by law (pedagogical and scientific as well as other work within the prosecution service)), but they are to inform their superiors before engaging in such activities. Moreover, prosecutors are required to report on any income they derive from such activities in their regular asset declarations. Section 13, LCICPI also provides that an official or his/her family member must resign from an incompatible position or terminate incompatible activities within 10 days of the appointment/election of this official. The official must certify this to the superior official/body (in the case of prosecutors, the General Inspection) and to the human resources management unit.

The Table below summarises the functions / activities which can be undertaken by judges and prosecutors in 2020:

		With remuneration		Without remuneration	
		Judges	Prosecutors	Judges	Prosecutors
Combine work with other functions/activities	Teaching	√	√	√	√
	Research and publication	√	√	√	√
	Arbitrator				
	Consultant				
	Cultural function			√	√
	Political function				
	Mediator				
	Other function				

Breaches of rules on conflict of interest

Proceedings for breaches of rules on conflicts of interest and the procedure to sanction those breaches in respect of prosecutors are regulated in the Law on Prosecution Service (LPS). In case of suspicion of a disciplinary misconduct of an employee of the prosecution service, the General Inspectorate shall initiate an administrative investigation. After evidence is gathered, a report is prepared with findings on the case which is submitted to the Career Management, Ethics and Incentives Council (hereinafter: Council) for a review. The review is conducted at a hearing at which the person concerned may be present and be heard. The Council decides by the majority of votes whether person has committed the violation. If s/he was found guilty, the Council also decides on appropriate sanction. The Council's recommendation is sent to the Prosecutor General, who is competent to formally find the person guilty in the disciplinary violation and impose the sanction. The Prosecutor General might disagree with the recommendation and decide differently. However, in this case, s/he is required to provide reasons.

The Law on Common Courts (LCC) regulates **proceedings for breaches of rules on conflicts of interest** as well as the procedure to sanction those breaches in respect of judges, namely corrupt violation (committing offences under Articles 5, 5(2), 7-8, 10-11, 13, 13(4), 13(5) or 20(4) of the LCICPI – prohibition of acceptance of gifts, incompatible activities etc.). Disciplinary proceeding against a judge is initiated by an independent inspector, who submits a report to the High Council of Justice (HCJ). The HCJ decides on the termination of disciplinary proceedings or the initiation of disciplinary proceedings, and on the disciplinary action of a judge or termination of disciplinary proceedings after the commencement of disciplinary proceedings. A judge may be disciplined for breaches of above-mentioned provisions of the LCICPI. A

disciplinary panel shall consider and decide on the application of a disciplinary sanction against the accused judge, while the Disciplinary Chamber will decide an appeal against the decision of the disciplinary panel.

The Table below provides the data on the number (absolute/Abs and per 100 judges/prosecutors) of procedures for breaches of rules on conflict of interest for judges and prosecutors in 2020:

	Judges						Prosecutors					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced		Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
2020	2	2,00	0	0,00	0	0,00	3	3,00	3	3,00	3	3,00

Discipline against judges and prosecutors

Description of the disciplinary procedure against judges

The disciplinary liability of judges is regulated in the Law on Common Courts (LCC), according to which the authority to initiate disciplinary proceedings is in the hands of the Office of the Independent Inspector at the HCJ which is also competent to receive complaints about the judges' misconduct (Article 75(6), LCC).

The Office of the Independent Inspector is led by the Independent Inspector (a Georgian citizen with higher legal education, at least five years' experience of working in the specialty with a high reputation), who is elected by a simple majority of the HCJ for a five-year term (Article 51 1 LCC).

Disciplinary proceedings against a judge may be initiated on the basis of the following: 1. a complaint or statement by any person other than an anonymous complaint or statement; 2. a report card of another judge, a member of the court or a member of the HCJ or an official of the staff on the commission of a disciplinary misconduct by a judge; 3. notification of the investigative body (correction of a specific fact, which may contain signs of disciplinary misconduct); 4. information disseminated through the mass media, as well as information provided in the report and/or proposal of the Public Defender on the commission of an action by a judge, which may be considered a disciplinary violation.

After initiating a disciplinary proceeding, the Independent Inspector carries out preliminary investigation into disciplinary misconduct and, after its completion, submits his/her conclusions to the HCJ which decides by a two-thirds majority (Article 75⁸, LCC) to either initiate disciplinary proceedings against a judge or to terminate it if it considers that the disciplinary misconduct has not been proven, the limitation period has expired, a decision on the same issue as regards the same judge has been taken already by a disciplinary institution or the judge's authority has been terminated (Article 75 LCC). The decision on terminating disciplinary proceedings is communicated, together with their reasoning, to the judge in question, forwarded to the complainant and published on the website of the HCJ (without identifying the judge or other parties in the case, unless the judge in question has requested for the proceedings to be made public) (Article 75¹² LCC). A complainant cannot appeal the decision to terminate the disciplinary proceedings. In case the HCJ decides to initiate disciplinary proceedings against a judge, the Independent Inspector may carry out a further in-depth investigation, if needed. In such case the proceeding is brought before the Disciplinary Board of Judges of the General Courts (consists of five members, three of whom are judges of general courts elected by the Conference of Judges; two non-judge members are elected by Parliament). The process of disciplinary proceedings is confidential. The Disciplinary Board is obliged to provide the parties with equal conditions and opportunities to express and defend their positions (to be heard and to present his/her argumentation in writing). Its decisions (taken in writing, by majority of members present) are reasoned and can be appealed to the Disciplinary Chamber of the Supreme Court. Decisions of the Disciplinary Board and Chamber are forwarded to the judge concerned, the HCJ, the Conference of Judges and the complainant, as appropriate (Article 75 LCC). (the Compliance Report, para. 43 and 44).

Disciplinary measures include: 1. reproach; 2. reprimand; 3. severe reprimand; 3. salary reduction of 5% to 20% of a judge's salary for not more than 6 months; 5. dismissal from the office; and 6. elimination of a judge from the reserve list of judges of general courts. A judge is dismissed if, based on the gravity and number of specific instances of disciplinary misconduct, also based on previous disciplinary misconduct, the Disciplinary Board considers it inappropriate for the judge in question to continue to exercise his/her judicial power (GRECO Evaluation Report, para. 123).

Judges bear **disciplinary liability for disciplinary misconduct** specified by law, such as corruption offences or misuse of official status to the detriment of the interests of justice and the office held (an infringement provided for by the LCI constitutes a corruption offence in the meaning of the LDLJ unless it entails criminal or administrative liability); similarly an activity incompatible with the position of a judge, or conflict of interest with duties of a judge; an action inappropriate for a judge that disgraces the reputation of, or damages the confidence in, a court; unjustified delay in proceedings; failure to fulfil or improper fulfilment of the obligations of a judge; disclosure of secrecy of deliberations of judges or professional secrecy; impediment to or disrespect for the activities of bodies having disciplinary powers; breach of judicial ethics (section 2, Law on Disciplinary Liability of Judges).

GRECO recommendation viii. GRECO recommended taking appropriate measures to increase the effectiveness, transparency and objectivity of disciplinary proceedings against judges, inter alia, by defining disciplinary offences more precisely (Author's Note); ensuring in-depth examination of complaints submitted to the High Council of Justice and requiring that its decisions to dismiss cases be reasoned, notified to the complainant and subject to review; introducing a simple majority requirement for the Council's decisions; and removing the Council's power to send private recommendation letters to judges as a disciplinary measure.

In [the Evaluation Report](#) (see para. 127, 128, 132), GRECO noted GET's serious concerns about the ineffectiveness and lack of transparency of disciplinary proceedings which had been shared also by other Council of Europe bodies, namely the Commissioner for Human Rights. Among other elements of the disciplinary regime, the grounds for disciplinary liability were widely criticised as being too vague, as they refer to concepts such as "an action inappropriate for a judge that disgraces the reputation of, or damages the confidence in, a court", "failure to fulfil or improper fulfilment of the obligations of a judge" or "breach of judicial ethics". While the authorities explained that the latter terms are to be understood as a violation of the "Norms of Judicial Ethics of Georgia", the GET wished to stress that such references to a code of ethics or general principles – as well as other concepts employed by the LDLJ – have been repeatedly criticised, e.g. by the Venice Commission, as insufficient to prevent possible misuse of disciplinary proceedings. During the on-site visit, the GET was interested to learn that this view was shared by representatives of the Disciplinary Board and that they were in the process of drafting a list of more specific grounds/disciplinary offences which they would then submit to the Ministry of Justice. The GET welcomed this move; for the future, the GET would find it preferable to enshrine such definitions also in the law, as apparently planned. Given the preceding paragraphs, GRECO issued recommendation viii.

No progress with regard to this part of the recommendation was noted by GRECO in [the Compliance Report](#) (see para. 41-48). However, in [the Second Compliance Report](#) (see para. 39-44) GRECO noted that while Article 75¹ of the Law on Common Courts still contains some notions of

disciplinary misconduct that could be more clearly defined (e.g. “political or social influence or influence of personal interests when a judge exercises judiciary powers”), it finds that overall considerable improvements have been made in defining disciplinary offences more precisely. It welcomes in particular that vague notions “as improper fulfilment of the obligations of a judge” and broad concepts as “breach of judicial ethics” have either been amended or removed from the law completely. GRECO assessed this recommendation to be partly implemented.

As a rule, the **transfer of a judge to another court** is possible, but only with his/her consent and for not more than one year. As an exception, according to Article 37¹, LCC a judge may be transferred to another court without his/her consent in two distinct situations: namely if another district (city) court or court of appeals lacks a judge or if there is a dramatic increase in the number of cases at a given court. The transfer of a judge is subject to his/her consent, but if no judge accepts the offer to be transferred to the court in question, the HCJ is authorised to randomly (by drawing lots) select a judge from the nearest court of the same instance. The judge thus selected will be given an opportunity to provide arguments for why s/he should not be transferred, which will be reviewed by the HCJ. A judge may only be sent to another court without his/her consent once in a ten year period and only for a period of up to one year (in which time the HCJ is to announce a competition for the position in question). S/he in any case cannot be transferred to a lower court without his/her consent. Decisions of the HCJ on a judge’s transfer can be appealed to the common courts in accordance with the procedure foreseen for appealing administrative acts under the Code of Administrative Procedure.

Description of the disciplinary procedure against prosecutors

The disciplinary proceedings are prescribed in the Law on the Prosecution Service (hereinafter: LPS) which entered into force in December 2018, as well as the Commentary to the Ethics Code and Disciplinary Proceedings for Employees of the Prosecution Service.

LPS categorises disciplinary misconduct into three categories, minor, medium and serious misconduct, with corresponding sanctions ranging from reprimand to dismissal. Article 76, LPS provides that if a prosecutor: 1. performs his/her duties in a negligent manner, it is to be considered minor misconduct, which - depending on the circumstances - can lead to a reprimand or a reproach of the prosecutor in question; 2. commits misconduct, it is to be considered minor or medium misconduct, depending on the circumstances, which can lead to a reprimand, reproach or deduction in salary by 30% for a period of one to six months; 3. acts unbecomingly or fails to perform duties vested in him/her by law, it is to be considered a serious misconduct, which – depending on the circumstances – can lead to a reproach, demotion to a lower rank, deduction in salary by 30% for a period of one to six months or dismissal from the Prosecution Service.

Similar categories of disciplinary violations are outlined also in the Ethics Code and Disciplinary Proceedings for Employees of the Prosecution Service, which are explicitly outlined in the Commentary to the Code in its Chapter 6: 1. defective fulfilment of obligations vested by law (means a defective fulfilment of the Constitution, the Criminal Code, the Criminal Procedure Code, other legal acts of Georgia as well as the Order of the General Prosecutor and/or internal guidelines. This is a minor disciplinary offence, for which a warning or a reprimand can be imposed as a disciplinary sanction.); 2. committing misconduct (entails a violation of the requirements envisaged by the Internal Rules of the Prosecution Service and, depending on the circumstances, counts as a minor or medium disciplinary offence, for which a warning, a reprimand or deduction

in salary up to 30% from one up to six months can be imposed as a disciplinary sanction) ; 3. committing an act unbecoming to an employee of the Prosecution Service (entails a violation of the Code of Ethics, and depending on the circumstances, counts a serious disciplinary offence, for which a reprimand, demotion, deduction of up to 30% of the salary from one up to six months or dismissal from the Prosecution Service can be imposed as a disciplinary sanction) ; 4. failure to perform duties vested by law (means the failure to fulfil the Constitution, the Criminal Code, the Criminal Procedure Code and other legal acts, as well as the Order of the General Prosecutor of Georgia and/or internal guidelines, and would be a serious disciplinary offence, for which – as with the previous category - a reprimand, demotion, deduction of up to 30% of the salary from one up to six months or dismissal from the Prosecution Service can be imposed as a disciplinary sanction) (the Compliance Report on Georgia, para. 78; the Second Compliance Report on Georgia, para. 69).

GRECO recommendation xv. GRECO recommended reviewing the disciplinary regime applicable to prosecutors, including by defining disciplinary offences more precisely and ensuring proportionality of sanctions.

In [the Evaluation Report](#) (see para. 191), GRECO noted that the regulatory framework for disciplinary proceedings against prosecutors leaves some room for improvement. First, it is concerned that the grounds for disciplinary liability are quite vague, as they refer to concepts such as “committing misconduct or any act unbecoming to an employee of the prosecution service”. Such terms appear insufficient to provide for legal certainty and to prevent possible misuse of disciplinary proceedings. After the visit, the authorities stated that the term “misconduct” covers violations of the “Internal Rules of the Prosecution Service”, while the term “any act unbecoming to an employee of the prosecution service” relates to violations of the code of ethics. Nevertheless, the GET saw a clear need for providing such clarifications by law in order to guarantee a unified understanding and application in practice of the relevant provisions, and for establishing a catalogue of more precisely defined grounds/disciplinary offences including, inter alia, violation of specified requirements of the code of ethics. Secondly, the GET had misgivings about the lack of proportionality in the prosecutors’ disciplinary regime. The law does not set any criteria for determining the appropriate measure in a given case – except for dismissals, which are limited to certain grounds such as “gross or systematic” misconduct at work, incompatibility of functions, etc. Consequently, in view of the above, GRECO issued recommendation xv.

No progress has been noted in [the Compliance Report](#) (see para. 77-80). The authorities reported on the new LPS which introduced categorisation of disciplinary misconduct into three categories in Article 76 and that similar categories of disciplinary violations were outlined also in the new Code of Ethics. GRECO reiterated the clear need to establish “a catalogue of more precisely defined grounds/disciplinary offences, including, inter alia, violation of specified requirements of the code of ethics” and criticised the law as not setting “any criteria for determining the appropriate measure in a given case”. While GRECO appreciated that disciplinary regime had been reviewed in the law itself (see above Article 76) (and not just in the Code of Ethics), it could not say that disciplinary offences were defined more precisely. Grounds for disciplinary liability remained vague, referring to concepts such as “committing misconduct” and “acting unbecomingly” (similar to what has been described in the Evaluation Report). The Code of Ethics did not address this issue either. In [the Second Compliance Report](#) (see para. 67-72), authorities reported on the grounds for disciplinary liability being explicitly outlined in the Commentary to the Ethics Code. GRECO found that the categorisation of disciplinary offences in both the Law and the Commentary to the Code of Ethics still did not make it very clear what type of

sanctionable conduct this involves and which sanction would be imposed for a given violation. However, it accepted that with the provision of examples of disciplinary offences and applicable sanctions in the Commentary to the Code of Ethics, as well as the removal of the disciplinary offence “breaking an oath” from the law (taken together with the changes to the Law reported on in the Compliance Report), some steps towards compliance with the recommendation have been taken, allowing GRECO to conclude that this recommendations was partly addressed.

A disciplinary action may be applied not later than one year after establishing (revealing) a misconduct and before three years have elapsed since the day of the misconduct. If the misconduct committed by an employee of the prosecution service requires applying a disciplinary action, the head of the respective body of the prosecution service submits to the Prosecutor General a proposal on application of the relevant disciplinary action. The case is then investigated by the General Inspection of the Prosecutor General’s Office, whose report is examined by the Consultation Council. A prosecutor has a right to be heard and to submit his/her argumentation in writing. Imposition of disciplinary action falls only within the Prosecutor General’s scope of authority. The final decision on disciplinary liability is made by the Prosecutor General.

Information on disciplinary hearings and sanctions imposed for disciplinary offences are regularly posted on the website of the Prosecution Service (without mentioning the employee involved), to ensure more certainty and uniform practice in disciplinary proceedings and imposing sanctions ([the Second Compliance Report](#), para. 70) A disciplinary measure is imposed on a prosecutor (or other employee of the prosecution service) by order of the Prosecutor General or, in respect of the Prosecutor General and his/her deputies or prosecutor and investigator members of the Prosecutorial Council, by the Prosecutorial Council. The prosecutors of the Autonomous Republics of Abkhazia and Ajara have the right to impose reprimands and reproaches on the employees of the respective prosecutor’s offices. An order to impose a disciplinary measure must be reasoned (Article 53, General Administrative Code) and may be appealed to court within 30 days ([the Evaluation Report](#), para. 187). Disciplinary measures include: 1. reprimand; 2. reproach; 3. demotion; 4. salary reduction of 5% to 20% of a prosecutor’s salary for not more than 6 months; 5. discharge from the position held; and 6. dismissal from the prosecution service. The Prosecutor General may only be subject to reproach or discharge from the position held. Prosecutors have a right to appeal against the disciplinary decision. The appeal against the decisions of the Prosecutorial Council in disciplinary matters is heard by an administrative court of first instance.

The data on disciplinary proceedings against judges and prosecutors in 2020 is included in the Table below, with the following explanations: the notion of “professional incapacity” means non-performance or improper performance of official duties. In 2020, 151 complaints against judges were received out of which disciplinary proceedings were not initiated in 3 cases (due to not filing a complaint within the statute of limitations period). In 95 cases, disciplinary proceedings against judges were initiated due to violation of hearing deadlines, in 15 cases for exercising judicial authority while having a personal interest in the matter or being under political or social influence, for refusal of the judge to withdraw from a case in 8 cases and in 3 cases due to his/her discriminatory actions. One disciplinary proceeding was initiated for a pre-disclosure of the result of the case to be considered by the judge, for obstruction of disciplinary proceedings, for illegal interference in the distribution of cases in court, for failure to perform or improper performance of the relevant administrative authority and for establishment of personal and intensive relations by the judge with the participant of the process.

		2020			
		Judges		Prosecutors	
		Abs	per 100	Abs	per 100
Number of disciplinary proceedings initiated during the reference year	Total number (1 to 5)	151	45,90	24	5,80
	1. Breach of professional ethics (including breach of integrity)	20	6,08	5	1,21
	2. Professional inadequacy	NAP	NAP	17*	4,11*
	3. Corruption	2	0,61	2	0,48
	4. Other criminal offence	0	0,00	0	0,00
	5. Other	129	39,21	NAP	NAP
Number of cases completed in the reference year against	Total number (1 to 5)	2	0,61	19	4,59
	1. Breach of professional ethics (including breach of integrity)	1	0,30	4	0,97
	2. Professional inadequacy	NAP	NAP	13	3,14
	3. Corruption	0	0,00	2	0,48
	4. Other criminal offence	0	0,00	0	0,00
	5. Other	1	0,30	NAP	NAP
Number of sanctions pronounced during the reference year	Total number (total 1 to 10)	1	0,30	10	2,42
	1. Reprimand	1	0,30	7	1,69
	2. Suspension	0	0,00	0	0,00
	3. Withdrawal from cases	NAP	NAP	NAP	NAP
	4. Fine	NAP	NAP	NAP	NAP
	5. Temporary reduction of salary	0	0,00	0	0,00
	6. Position downgrade	NAP	NAP	0	0,00
	7. Transfer to another geographical (court) location	NAP	NAP	NAP	NAP
	8. Resignation	NAP	NAP	NAP	NAP
	9. Other	0	0,00	0	0,00
10. Dismissal	0	0,00	3	0,72	

Council for the Judiciary/ Prosecutorial Council

Council for the Judiciary

According to the Constitution (Article 86.1) and the Law on General Courts (hereinafter: LGC) (section 47), the High Council of Justice's role (hereinafter: HCJ) is to ensure the independence of courts (judges) and the quality and effectiveness of justice, to appoint and dismiss judges, to organise judicial qualification examinations, to formulate proposals for judicial reform and to accomplish other objectives determined by law.

It consists of 15 members: the chair of the Supreme Court (who acts as a chair), eight judicial members elected by the Conference of Judges by secret ballot following self-nomination, and six non-judicial members, of which five are appointed by Parliament, from experts with at least 10 years' legal experience from academia or civil society, and one is appointed by the President of Georgia on the basis of proposals received from universities, the Georgian Bar Association and other civil society organisations.

Members serve a four-year term and cannot be appointed or elected twice in a row. Membership is a full-time position.

The HCJ non-judge members appointed by Parliament need to meet the following requirements: citizenship, higher legal education with a master's or equivalent academic degree/higher education diploma, at least 5 years of working experience in the legal profession, and an excellent reputation, recognized as a specialist in the field of law. The candidate's consent is sought prior to his/her election. The HCJ non-judge member appointed by the President of Georgia should meet the same requirements.

The HCJ is competent regarding appointments and dismissals of common court judges (other than the chairperson and members of the Supreme Court), determines the composition of the Qualification Examination Commission, determines the specialisation of judges of appellate courts and district/city courts, approves the staff list and structure of the personnel of the Office of the High Council of Justice, the salary of HCJ's members, the salaries and job titles of the officials and auxiliary personnel of the HCJ, as well as the structure and staff size of the administrative office of Georgian general courts (other than the Supreme Court), prepares and approves the procedure for the organisational work of common courts, approves the procedure for the appraisal of employees of the offices of the HCJ, district/city courts and appellate courts, conducts disciplinary proceedings against common court judges in the prescribed manner and within the scope of its powers, formulates proposals for judicial reform, etc.

Operational arrangements that prevent over-concentration of powers in the same hands concerning different functions to be performed by members of the HCJ include the fact that non-judges are members of the HCJ elected/appointed by various state bodies (Parliament, President of Georgia), that non-judges are selected from among professors, scholars, members of the Bar Association and/or by non-commercial legal

entities in Georgia. Decisions to be taken on most important matters require 2/3 majority of members' votes which means that both judges and non-judge members have to take part in decision-making.

Accountability measures in place regarding the HCJ's activities include publication of the activity reports and publication of decisions which are reasoned. The HCJ is accountable to the Conference of Judges and thus submits HCJ's yearly activity reports for its review.

The HCJ is competent when it is evident that there is a breach of the independence or impartiality of a judge. In such cases the HCJ may start a disciplinary proceeding against the judge in question.

Prosecutorial Council

According to the provisions of the Law on the Prosecution Service (hereinafter: LPS), the Prosecutorial Council is established with the Ministry of Justice as an independent collegial body in order to ensure independence and transparency of the prosecution service and to fulfil its functions efficiently.

It has 15 members which comprise eight members elected by the Conference of Prosecutors – at least one fourth of a different gender, and seven non-prosecutor members (one MP elected by the parliamentary majority and one MP elected by the MPs outside the parliamentary majority, two members elected by the HCJ from among the judges of common courts, and three members elected by Parliament by majority of its total membership, of whom one member is nominated by the Bar Association, one is nominated by the Minister of Justice and one is nominated by the non-commercial legal entity Civil Development Society) (Section 8.1, LPO).

Members – except the chair – are elected for four year-terms of office, and may not serve two consecutive terms. Membership is not a full-time position.

A non prosecutor-member nominated by the Minister of Justice and elected by the Parliament should have a higher education in law with a master's or equal academic degree and at least five years' experience of working as a lawyer. Two members, proposed by the HCJ should have at least five years' experience of working as a judge. Two members of the Prosecutorial Council selected from among the civil society should have a higher legal education with a master's or equal academic degree/higher education diploma, at least 5 years of working experience in the legal specialty, excellent reputation and recognition as a specialist in the field of law. No particular requirements exist for two members of the Prosecutorial Council elected by the Parliament, from among the parliamentary majority and minority.

The Prosecutorial Council may deliberate if half of its members are present. Unless otherwise specified by law, decisions are adopted by majority of the Prosecutorial Council members present at the Council's meeting. As a rule, the Prosecutor General may participate in the Prosecutorial Council's meetings with a consultative vote.

The Council is competent, inter alia, to select a candidate for the post of Prosecutor General, to conduct disciplinary proceedings against the First Deputy Prosecutor General and Deputies of the Prosecutor General, to decide on the issue of applying a disciplinary sanction or prematurely revoking it in relation to a member of the Prosecutorial Council elected by the Conference of Prosecutors, to hear a report of the Prosecutor General, First Deputy Prosecutor General or Deputy Prosecutor General on the activities of the Prosecution Service (except for individual criminal cases), to issue recommendations to the attention of the Prosecutor General and decide on matters of early termination of its membership.

Operational arrangements that prevent over-concentration of powers in the same hands concerning different functions to be performed by members of the Prosecutorial Council include the composition itself (members being prosecutors and non-prosecutors), the fact that some members are elected from the civil society, scholars, professors, parliamentary opposition, etc.

Accountability measures in place regarding the Prosecutorial Council's activities include publication of decisions which must be reasoned.

The Prosecutorial Council is competent in case of a pressure on a prosecutor. In such cases it may start a disciplinary proceeding against the prosecutor in question.