



**Reference data 2018 (01/01/2018 - 31/12/2018)**

**Start/end date of the data collection campaign : 01/03/2019 - 01/10/2019**

**Objective :**

The CEPEJ decided, at its 31th plenary meeting, to launch the eighth evaluation cycle 2018 – 2020, focused on 2018 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

**Instruction :**

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

---

## 1.General and financial information

### 1.1.Demographic and economic data

#### 1.1.1.Inhabitants and economic general information



##### 001. Number of inhabitants (if possible on 1 January of the reference year +1)

[ 3 723 500 ]

Comments This figure has changed for the year 2018.

**002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)**

	Amount
State or federal level	3 229 713 430 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

**003. Per capita GDP (in €) in current prices for the reference year**

[ 3 587 ]

Comments

**004. Average gross annual salary (in €) for the reference year**

[ ]

NA

Comments

**005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1**

[ 3.0597 ]

Allow decimals : 5

NAP

Comments

**A1. Please indicate the sources for answering questions 1 to 5**

Sources: Data obtained from: the National Statistics Office of Georgia (GeoStat) (see [www.geostat.ge](http://www.geostat.ge));  
the National Bank of Georgia (see [www.nbg.ge](http://www.nbg.ge))

**1.1.2. Budgetary data concerning judicial system**



**006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to the question 7.**

	Approved budget (in €)	Implemented budget (in €)
<b>TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)</b>	24 976 809 [ ] NA [ ] NAP	24 553 167 [ ] NA [ ] NAP
<b>1. Annual public budget allocated to (gross) salaries</b>	16 888 579 [ ] NA [ ] NAP	16 699 507 [ ] NA [ ] NAP
<b>2. Annual public budget allocated to computerisation</b>	295 877 [ ] NA [ ] NAP	312 322 [ ] NA [ ] NAP
<b>3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)</b>	2 317 767 [ ] NA [ ] NAP	2 227 512 [ ] NA [ ] NAP
<b>4. Annual public budget allocated to court buildings (maintenance, operating costs)</b>	1 260 868 [ ] NA [ ] NAP	1 254 920 [ ] NA [ ] NAP
<b>5. Annual public budget allocated to investments in new (court) buildings</b>	2 357 604 [ ] NA [ ] NAP	2 350 150 [ ] NA [ ] NAP
<b>6. Annual public budget allocated to training</b>	535 279 [ ] NA [ ] NAP	484 569 [ ] NA [ ] NAP
<b>7. Other (please specify)</b>	1 320 835 [ ] NA [ ] NAP	1 224 187 [ ] NA [ ] NAP

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences: The difference between the approved and implemented budget every year can be explained by the savings received as a result of conducted tender; remained unused funds from signed service contracts during the year.

Regarding increase of 88% of the approved budget for computerization, and of 107% of the implemented one, also increase of 217% for investments in new court buildings: this is because there was a need to build additional buildings for Tbilisi City Court and few other regional courts. The Parliament approved increased budget to build these new buildings and to purchase computers for new buildings, as well as furniture and other items that fall in the category "other", which include vehicle insurance, costs for purchasing official vehicles, costs for Social security of court employees, furniture, health insurance, technical, business trip, establishment salary, transport expenses and other office expenses.

**007. If you cannot answer question 6 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:**

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to all courts and the public prosecution services together</b>	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>Total annual public budget allocated to all courts and legal aid together</b>	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>Total annual public budget allocated to all courts, public prosecution services and legal aid together</b>	[ ] NA [X] NAP	[ ] NA [X] NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

**008. Are litigants in general required to pay a court fee to start a proceeding at a court of general jurisdiction:**

	Litigants required to pay a court fee to start a proceeding at a court of general jurisdiction ?
for criminal cases	( ) Yes ( X ) No
for other than criminal cases	( X ) Yes ( ) No

If there are exceptions to the rule to pay these court fees, could you please provide comments on those exceptions? Exceptions to the rule could be socially vulnerable group and others provided by Article 5 of Law of Georgia on State Tax.

**008-1. Please briefly present the methodology of calculation of these court fees:**

- In the court of first instance tax is 3% of the value of the dispute subject (but not less than 100 GEL). In the court of second instance tax is 4% of the value of the dispute subject (but not less than 150 GEL) In the court of highest instance tax is 5% of the value of the dispute subject (but not less than 300 GEL) This and additional rules and methodology of calculation of court taxes and fees are defined in Article 39 of Civil Procedure Code of Georgia.

**008-2. The amount of court fees requested to commence an action for 3000€ debt recovery:**

- [ 90 ]
- [ ] NA
- [ ] NAP

Comments In this case court fee is 90€ ( 3% of the debt amount ).

**009. Annual income of court fees received by the State (in €):**

- [ 5 408 338 ]
- [ ] NA
- [ ] NAP

Comments

**012. Annual approved public budget allocated to legal aid, in €.**

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	2 055 148 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
12.1 for cases brought to court (court fees and/or legal representation)	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

12.2 for cases not brought to court (legal advice, ADR and other legal services)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
--	--	--	--

Comments

### 012-1. Annual implemented public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	1 698 042 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
12-1.1 for cases brought to court (court fees and/or legal representation)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
12-1.2 for cases not brought to court (legal advice, ADR and other legal services)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences:

### 013. Annual (approved and implemented) public budget allocated to the public prosecution services, in €.

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in € (including 13.1)	11 328 592 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11 220 165 <input type="checkbox"/> NA <input type="checkbox"/> NAP
13.1. Annual public budget allocated to training of public prosecution services	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: In comparison to 2016 the 2018 budget of the Prosecution Service of Georgia (PSG) is increased for GEL 1 000 000. However, due to the recent devaluation of GEL it appears less than 2016 budget in EUR. The difference between the approved and implemented budget is within the limit stipulated by the legislation of Georgia exceeding of which requires explanation. Nevertheless, PSG can provide additional information if needed.

### 014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level courts
Ministry of Justice	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other ministry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

<b>Parliament</b>	( ) Yes (X) No <input type="checkbox"/> NAP	(X) Yes ( ) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP
<b>Supreme Court</b>	(X) Yes ( ) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP	(X) Yes ( ) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP
<b>High Judicial Council</b>	(X) Yes ( ) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP	(X) Yes ( ) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP
<b>Courts</b>	( ) Yes (X) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP
<b>Inspection body</b>	( ) Yes (X) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP	(X) Yes ( ) No <input type="checkbox"/> NAP
<b>Other</b>	(X) Yes ( ) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP	(X) Yes ( ) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP

If any other Ministry and/or inspection body and/or other, please specify: The High Council of Justice and the Department of Common Courts under the High Council of Justice are entrusted with responsibilities related to the budget within all courts except the Supreme Court. The draft annual budget of common courts, which is the part of the annual state budget, is presented to the Georgian Government by the High Council of Justice, on the basis of proposal of the Department of Common Courts. The Department of Common Courts, during preparation of the budget of each common court consults with the court's president and manager. In the preparation of the courts' budget, the Department of Common Courts is also a liaison between the common courts and the Ministry of Finance. During the process of preparation of annual budget, as well as during spending procedure (how courts should spend their budget) courts determine qualitative and quantitative standards of the purchasable goods and services. Department of Common Courts ensures implementation of the budget in accordance with the procedures defined by the law. Aforementioned functions are carried out independently by the Supreme Court. The Supreme Court has a separate budget and its president is in charge of preparation and management of the budget. The Supreme Court has a separate budget from other courts of general jurisdiction. It is involved in the preparation and management of its budget. Inspection body is State Audit Office of Georgia.

**014-1. (Former question 61) Who is entrusted with responsibilities related to the budget within the court?**

	<b>Preparation of the budget</b>	<b>Arbitration and allocation of the budget</b>	<b>Day to day management of the budget</b>	<b>Evaluation and control of the use of the budget</b>
<b>Management Board</b>	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No
<b>Court President</b>	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No
<b>Court administrative director</b>	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No
<b>Head of the court clerk office</b>	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No
<b>Other</b>	(X) Yes ( ) No	(X) Yes ( ) No	(X) Yes ( ) No	(X) Yes ( ) No

Comments - If "other", please specify: The High Council of Justice and the Department of Common Courts under the High Council of Justice are entrusted with responsibilities related to the budget within all courts except the Supreme Court. The draft annual budget of common courts, which is the part of the annual state budget, is presented to the Georgian Government by the High Council of Justice, on

the basis of proposal of the Department of Common Courts. The Department of Common Courts, during preparation of the budget of each common court consults with the court's president and manager. In the preparation of the courts' budget, the Department of Common Courts is also a liaison between the common courts and the Ministry of Finance. During the process of preparation of annual budget, as well as during spending procedure (how courts should spend their budget) courts determine qualitative and quantitative standards of the purchasable goods and services. Department of Common Courts ensures implementation of the budget in accordance with the procedures defined by the law. Aforementioned functions are carried out independently by the Supreme Court. The Supreme Court has a separate budget and its president is in charge of preparation and management of the budget.

## A2. Please indicate the sources for answering questions 6 to 14:

Sources: 6. Law of Georgia on State Budget of 2018; Plan of the Department of Common Courts on State Procurement of 2018  
 8. Georgian Law about State Tax  
 9. Consolidated budget revenues of Georgia  
 14. Georgian Law on Common courts

### 1.1.3. Budgetary data concerning the whole justice system

**015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 15-2 and other elements of the justice system - see 15-3)**

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to the whole justice system in €</b>	89 422 420 [ ] NA [ ] NAP	88 311 340 [ ] NA [ ] NAP

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

### **015-2. Elements of the judicial system budget (Q6, Q7, Q12 and Q13)**

	Included	Not included	Does not exist (NAP)
<b>Courts (see question 6 or 7)</b>	( X )	( )	( )
<b>Legal aid (see question 12 or 7)</b>	( X )	( )	( )
<b>Public prosecution services (see question 13 or 7)</b>	( X )	( )	( )

### **015-3. Other budgetary elements**

Included	Not included	Does not exist (NAP)

Prison system	( X )	( )	( )
Probation services	( X )	( )	( )
High Judicial Council	( X )	( )	( )
Constitutional court	( )	( X )	( )
Judicial management body	( )	( X )	( )
State advocacy	( )	( X )	( )
Enforcement services	( )	( X )	( )
Notariat	( )	( X )	( )
Forensic services	( )	( X )	( )
Judicial protection of juveniles	( )	( X )	( )
Functioning of the Ministry of Justice	( )	( X )	( )
Refugees and asylum seekers services	( )	( X )	( )
Immigration Service	( )	( X )	( )
Some police services (e.g. : transfer, investigation, prisoners' security)	( )	( X )	( )
Other	( )	( X )	( )

If "other", please specify:

### A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: www.mof.ge/5235 - Chapter VI. Payments from the state budget for 2018 in accordance with the program classification.

## 2. Access to justice and all courts

### 2.1. Legal Aid

#### 2.1.1. Scope of legal aid

016. Does legal aid apply to:

Criminal cases	Other than criminal cases
----------------	---------------------------



<b>Representation in court</b>	( X ) Yes ( ) No [ ] NA [ ] NAP	( X ) Yes ( ) No [ ] NA [ ] NAP
<b>Legal advice, ADR and other legal services</b>	( X ) Yes ( ) No [ ] NA [ ] NAP	( X ) Yes ( ) No [ ] NA [ ] NAP

**016-1. Please briefly describe the organisation of the legal aid system in your country both before going to court and during court proceedings.**

- There are two types of legal assistance in Georgia: legal aid and legal consultation. The latter is accessible for everyone despite the insolvency. The legal aid means drafting of legal documents and representation in the court.

In criminal cases, legal aid is provided if a person is insolvent (insolvency criteria is established by the Government Decree N424) and if it is not mandatory defense case. A person is deemed insolvent if s/he is registered in the unified database of the socially vulnerable families and his/her rating point is 70 thousand or less; besides, socially vulnerable person is also considered insolvent in case of holding 100 thousand or less points and if s/he belongs to one of the below listed categories:

- Member of the family with many children, that has 3 or more children under 18 years old;
- Veteran of war or military forces:
- A person with limited capacity status under 18 years of age;
- Adult with the status of distinct or significant limited capacities;
- An individual with the status of distinct, significant or moderate limited capacities, if this limitation of capacities takes place from childhood.
- An orphan under 18 years of age;
- Internally displaced persons as a result of Russian military aggression against Georgia

-In civil and administrative cases, representation is provided if these two criteria are met: a) a person is insolvent;  
b) case is complex and important; There are also mandatory defense cases on civil and administrative law matters: e.g. recognition as a beneficiary of support in civil law, etc.

**017. Does legal aid include the coverage of or the exemption from court fees?**

- ( X ) Yes  
( ) No  
[ ] NAP

If yes, please specify: According to the law on “State Fees” (art. 5, par. 1, 11), the socially vulnerable parties registered in the database are exempt from the court fees.

**018. Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?**

- ( ) Yes  
( X ) No  
[ ] NAP

If yes, please specify:

019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?

	Criminal cases	Other than criminal cases
Legal aid granted for other costs	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify: Legal Aid Service has very limited budget to pay for the costs of expert examination for criminal defendants. According to art. 46 par. 4 of the Criminal Procedure Code of Georgia, if the criminal case is covered by Legal Aid, the State shall also cover the other indirect expenses related to the exercise of the right of the defence. However, the Legal Aid Service has a very limited budget to pay for the expert examination conducted upon request of the defence. As for the travel costs, the in-house lawyers use the Service automobiles. In case of the lawyers who are registered in the registry of the private lawyers and are involved in the case when there is conflict of interests, the Service remunerates their travel costs.

## 2.1.2. Information on legal aid

020. Please indicate the number of cases for which legal aid has been granted:

	Total	Cases brought to court	Cases not brought to court
<b>TOTAL</b>	16 086 [ ] NA [ ] NAP	12 068 [ ] NA [ ] NAP	4 018 [ ] NA [ ] NAP
<b>In criminal cases</b>	12 413 [ ] NA [ ] NAP	8 431 [ ] NA [ ] NAP	3 982 [ ] NA [ ] NAP
<b>In other than criminal cases</b>	3 673 [ ] NA [ ] NAP	3 637 [ ] NA [ ] NAP	36 [ ] NA [ ] NAP

Comments - Please specify when appropriate:

021. In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

	Assisted by a free of charge lawyer
Accused individuals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Victims	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If yes, please specify: According to art. 45 of the criminal procedure code, the defense is mandatory when

- a defendant is a juvenile;
- a defendant does not speak the language of the criminal proceedings;
- a defendant has a physical or mental disability that prevents him/her from exercising a self defense;
- a court order (ruling) assigning mental examination has been rendered;
- the Criminal Code of Georgia foresees life imprisonment as a punishment for a committed crime;
- a defendant is in the process of negotiating a procedural agreement;

- g) a defendant is charged with a crime for which this Code foresees a jury trial;
- h) a defendant evades from appearance before the investigative bodies;
- i) a defendant is removed from the courtroom;
- j) a defendant is an unidentified person;

Besides, on the basis of the Article 15 of the Code of Juvenile Justice of Georgia, a minor person to be interviewed/a minor witness is entitled to free legal assistance at any stage of the criminal proceedings if s/he is insolvent or is a person to be interviewed/witness on the crime envisaged by the XIX (Crimes against Life), XX (Crimes against Health) and XXII (Crime against Sexual Freedom and Sexual Inviolability) chapters and the articles 1441-1443 of the Criminal Code of Georgia:

Article 1441 - Torture 1. Torture, i.e. exposing a person, his/her close relative or the person who is dependent on him/her materially or otherwise to such conditions or treating him/her in a manner that causes severe physical pain or psychological or moral anguish, and which aims to obtain information, evidence or confession, threaten or coerce, or punish the person for the act he/she or a third person has committed or has allegedly committed, - shall be punished by imprisonment for a term of seven to ten years. 2. The same act committed: a) by an official or a person holding equivalent position; b) by abusing the official position; c) repeatedly; d) against two or more persons; e) by more than one person; f) by violating the equality of persons, or due to their race, colour, language, sex, religion, belief, political or other views, national, ethnic, social belonging, origin, place of residence, material status or title; g) knowingly by the offender against a pregnant woman, a minor, a person detained or otherwise deprived of freedom, a helpless person or a person dependent on the offender materially or otherwise; h) by contract; i) for the purpose of taking a hostage, - shall be punished by imprisonment for a term of two to five years, with or without deprivation of the right to hold an office or carry out a particular activity for up to five years. 3. The same act committed by an organised group, - shall be punished by imprisonment for a term of twelve to seventeen years, with deprivation of the right to hold an official position or to carry out a particular activity for up to five years.

Article 1442 - Threat of torture The threat of the creation of the conditions, or of the application of the treatment or punishment specified in Article 1441 of this Law, which is carried out for the same purpose, - shall be punished by a fine or restriction of liberty for up to two years.

Article 1443 - Degrading or inhuman treatment 1. Degrading or coercing a person, or exposing a person to inhuman, degrading and humiliating conditions as a result of which he/she suffers severe physical and psychological pains, - shall be punished by restriction of liberty for up to three years or by imprisonment for a term of two to five years. 2. The same act committed: a) by an official or a person holding equivalent position; b) by abusing the official position; c) repeatedly; d) against two or more persons; e) by more than one person; f) by violating the equality of persons, or due to their race, colour, language, sex, religion, belief, political or other views, national, ethnic, social belonging, origin, place of residence, material status or title; g) knowingly by the offender against a pregnant woman, a minor, a person detained or otherwise deprived of freedom, a helpless person or a person dependent on the offender materially or otherwise; h) by contract; i) for the purpose of taking a hostage, - shall be punished by imprisonment for a term of four to six years, with or without deprivation of the right to hold an official position or to carry out a particular activity for up to five years.

**022. In criminal cases are these individuals free to choose their lawyer within the framework of the legal aid system?**

	free selection of lawyer
<b>Accused individuals</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Victims</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments

**023-0. Does your country have an income and assets evaluation for granting full or partial legal aid?**

- Yes
- No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above:

**023. If yes, please specify in the table:**

	Annual income value (for one person), (in €)	Assets value (for one person), (in €)
Full legal aid to the applicant for criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Full legal aid to the applicant for other than criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Partial legal aid to the applicant for criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Partial legal aid to the applicant for other than criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

**024. Is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?**

Yes

No

Comments - If yes, please explain the exact criteria for denying legal aid:

**025. Is the decision to grant or refuse legal aid taken by:**

the court

an authority external to the court

a mixed authority (court and external bodies)

Comments

**026. Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?**

Yes

No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

**027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:**

	Judicial decisions direct how legal costs will be shared
in criminal cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
in other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**B1. Please indicate the sources for answering questions 20 and 23 :**

Sources: 2018 annual report of Legal Aid Service <http://www.legalaid.ge/files/2019-05/LAS%20Annual%20Report-2018.pdf>

**2.2.Court users and victims**

**2.2.1.Rights of the users and victims**

**028. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) where general public may have free of charge access to the following:**

	Yes	Internet adresse(es)
legal texts (e.g. codes, laws, regulations, etc.)	( )	( X ) <a href="http://www.matsne.gov.ge">www.matsne.gov.ge</a>
case-law of the higher court/s	( )	( X ) <a href="http://www.supremecourt.ge">www.supremecourt.ge</a>
other documents (e.g. downloadable forms, online registration)	( )	( X ) <a href="http://www.hcoj.gov.ge">www.hcoj.gov.ge</a> ; <a href="http://www.ecourt.ge">www.ecourt.ge</a>

Please specify what documents and information are included in “other documents”: Forms for legal documents like statements, applications, complaints, Etc. [www.hcoj.gov.ge](http://www.hcoj.gov.ge)  
Online registration of legal case. [www.ecourt.ge](http://www.ecourt.ge)

**029. Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?**

- ( X ) Yes, always
- ( ) No
- ( ) Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify:

**030. Is there a public and free-of-charge specific information system to inform and to help victims of offences?**

- ( ) Yes
- ( X ) No

Comments - If yes, please specify:

**031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:**

Information mechanism	Special arrangements in hearings	Other specific arrangements

<b>Victims of sexual violence/rape</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Victims of terrorism</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Minors (witnesses or victims)</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Victims of domestic violence</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Ethnic minorities</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Disabled persons</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Juvenile offenders</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If “other vulnerable person” and/or “other special arrangements”, please specify: According to Article 81(3) of the Code of Georgia on Civil Procedure, during civil proceedings the rights and interests of minors, from age 7 till 18, are protected by their parents, adoptive parents or care givers. In such cases the court is obliged to involve minors in the proceedings. The same rule applies to administrative cases.

In criminal proceedings minors can participate as witnesses. Under the age of 14 they can participate only in case if their legal representative agrees on questioning the minor and also agrees to take a part in a court hearing. From the age of 14 till 18 minor can participate only in case if she/he can verbally or in other form tell the important information concerning the case.

According to Criminal Code of Georgia, the age of criminal responsibility is 14. Therefore, persons from the age of 14 till the age of 18 are called juvenile offenders.

Criminal proceedings for juvenile offenders are different than those of full aged offenders, and are subject of the following different criminal regime:

- The length of sentences for juvenile offenders are lower;
- Only the judge with a specialized training in juvenile matters and psychology can participate in a court hearing where the offenders are under aged;
- Usually court hearings are public, but when there is the case of juvenile offender, for the sake of the youth the court hearing is closed;
- Juvenile offenders should a priori be represented by a qualified lawyer.

### **031-1. Is it possible for minors to be a party to a judicial proceeding:**

Yes

No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can minor benefit from legal aid, be represented by a lawyer, etc.): Regarding the crime and Administrative offences (minor offences) the relevant law is the Juvenile Justice Code of Georgia. According to article 10 of the code minors in conflict with the law have the right to participate in juvenile justice procedure, directly and/or through a legal representative. The same code states, that Juvenile justice procedure shall be conducted without any unjustified delay and that the court shall hear the case of minor in conflict with the law as a top priority (Art. 11). Article 15 provides the procedural rights of the minor, according to the named article: At any stage of criminal proceedings, an accused/convicted/acquitted minor and a minor victim shall be provided with the free legal aid, unless a defence lawyer (defence by agreement) hired by the minor participates in the proceedings.

According to article 81(3) of the Code of Georgia on Civil Procedure, during civil proceedings the rights and interests of minors, from age 7 till 18, are protected by their parents, adoptive parents or curators. In such cases the court is obliged to involve minors in the proceedings. The same rule applies to administrative cases.

In criminal proceedings minors can participate as witnesses. Under the age of 14 they can participate only in case if their legal representative agrees on questioning the minor and also agrees to take a part in a court hearing. From the age of 14 till 18 minor can participate only in case if s/he can verbally or in other form tell the important information concerning the case.

According to Criminal Code of Georgia, the age of criminal responsibility is 14.

Therefore, persons from the age of 14 till the age of 18 are called Juvenile offenders.

Criminal proceedings for juvenile offenders are different than those of full aged offenders, and are subject of the following different criminal regime:

- The length of sentences for juvenile offenders are lower;
- Only the judge with a specialized training in juvenile matters and psychology can participate in a court hearing where the offenders are under aged;
- Usually court hearings are public, but when there is the case of juvenile offender, for the sake of the youth the court hearing is closed;
- Juvenile offenders should a priori be represented by a qualified lawyer.

### **032. Does your country allocate compensation for victims of offences?**

Yes, please specify for which kind of offences: The victims of crime may seek compensation for the material, moral and/or physical damages suffered as a result of a criminal activity. In case the damage emanated from the state, the source of the compensation will be the state budget. In other cases where the damage resulted from the offender – private person, the damages will be recovered from the offender. In both cases the basis for the compensation is the court decision. In order to obtain compensation the victim is entitled to file a civil complaint through the civil procedure outside the criminal or administrative cases. Moreover, according the Article 92 of the Criminal Procedure Code of Georgia, the victim have the right to seek compensation through civil or administrative proceedings, if there was wrongful or unreasoned decisions made against him/her during investigation or at court hearings.

No

Comments The victims of crime may seek compensation for the material, moral and/or physical damages suffered as a result of a criminal activity. In case the damage emanated from the state, the source of the compensation will be the state budget. In other cases where the damage resulted from the offender – private person, the damages will be recovered from the offender. In both cases the basis for the compensation is the court decision. In order to obtain compensation the victim is entitled to file a civil complaint through the civil procedure outside the criminal or administrative cases. Moreover, according the Article 92 of the Criminal Procedure Code of Georgia, the victim have the right to seek compensation through civil or administrative proceedings, if there was wrongful or unreasoned decisions made against him/her during investigation or at court hearings.

#### **032-1. Is a court decision necessary in the framework of the compensation procedure?**

Yes

No

Comments

#### **033. If yes, does this compensation come from:**

a public fund

damages and interests to be paid by the person responsible

a private fund

Comments

#### **034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?**

Yes

No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

**035. Do public prosecutors have a specific role with respect to victims (protection and assistance)?**

Yes

No

Comments - If yes, please specify:

**036. Do victims of offences have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of the question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)**

Yes

No

NAP

Comments - If necessary, please specify:

**037. Is there a system for compensating users in the following circumstances:**

	Number of requests for compensation	Number of condemnations	Total amount (in €)
<b>Total</b>	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
<b>Excessive length of proceedings</b>	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
<b>Non-execution of court decisions</b>	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
<b>Wrongful arrest</b>	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
<b>Wrongful conviction</b>	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
<b>Other</b>	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): According to article 92 of the Code of Criminal the person has a right to seek compensation for damages through civil or administrative proceedings, if there was a wrongful procedural action or unlawful decision taken against him/her.

**2.2.2 Confidence and satisfaction of citizens with their justice system**



**038. Does your country implement surveys aimed at legal professionals and court users to measure**



their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?

	National level	Court level
1. Surveys aimed at judges	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
2. Surveys aimed at court staff	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
3. Surveys aimed at public prosecutors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
4. Surveys aimed at lawyers	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
5. Surveys aimed at the parties	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
6. Surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs)	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
7. Surveys aimed at victims	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
8. Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: PSG has not conducted surveys aimed at prosecutors during the reference year.

**040. Is there a national or local procedure for filing complaints about the functioning of the judicial system? (for example, handling of the case by a judge or the duration of a proceeding)**

Yes

No

Comments

**041. If yes, please specify certain aspects of this procedure:**

	Authority responsible for dealing with the complaint	Existence of a time limit to deal with the complaint for this authority
Court concerned	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Higher court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<b>Ministry of Justice</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>High Judicial Council</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other external bodies (e.g. Ombudsman)</b>	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments Such complaints are formally submitted only through the disciplinary procedure before the High Council of Justice. High Council of Justice has a time limit to deal with such complaints. The court concerned or the higher court do not formally deal with such kind of complaints, however sometimes parties submit complaints also to these courts. In such a case the formal answer is that the party has to apply to the High Council of Justice.

#### 041-1. If yes, please specify certain aspects of this procedure:

	Number of complaints	Compensation amount granted
<b>Court concerned</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Higher court</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Ministry of Justice</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>High Judicial Council</b>	318 [ ] NA [ ] NAP	[ ] NA [ X ] NAP
<b>Other external bodies (e.g. Ombudsman)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment: The procedure is prescribed by the organic law of Georgia on Common Courts, proceedings against a judge shall be initiated, as well as a preliminary examination and investigation shall be conducted by an independent inspector of the High Council of Justice of Georgia (“the Independent Inspector”). The Independent Inspector shall submit his/her opinions and views to the High Council of Justice of Georgia. The Independent Inspector shall, within two months after receiving a complaint, application or any other information about a judge having committed a disciplinary misconduct, perform a preliminary examination of the validity of the complaint, application or information. Based on the preliminary examination results, the High Council of Justice of Georgia shall evaluate the validity of initiating disciplinary prosecution against a judge and shall, by two-thirds majority of the full list, make the decision to initiate disciplinary prosecution against the judge and take explanations from the judge. If the judge is disciplinary sanctioned and the decision is served accordingly, disciplinary case is transferred to the Disciplinary Board for consideration. Disciplinary Board considers the case within 2 months. The decision of Disciplinary Board can be appealed in the Disciplinary Chamber of the Supreme Court within 10 days. Disciplinary proceedings will be considered by the Disciplinary Chamber within a month from the moment of submission of the complaint. If there are any objective circumstances, Chief Justice may extend the period of disciplinary proceedings for a month.

### 3. Organisation of the court system

#### 3.1. Courts

##### 3.1.1. Number of courts

#### 042. Number of courts considered as legal entities (administrative structures) and geographic

**locations.**

	Number of courts
42.1 First instance courts of general jurisdiction (legal entities)	26 <input type="checkbox"/> NA <input type="checkbox"/> NAP
42.2 First instance specialised courts (legal entities)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all Supreme Courts)	29 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**043. Number (legal entities) of first instance specialised courts (or specific judicial order)**

	Number of courts
Total (must be the same as the data given under question 42.2)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Commercial courts (excluded insolvency courts)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Insolvency courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Labour courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Family courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Rent and tenancies courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Enforcement of criminal sanctions courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Fight against terrorism, organised crime and corruption	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Internet related disputes	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Administrative courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Insurance and / or social welfare courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

<b>Military courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Other specialised 1st instance courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If “other specialised 1st instance courts”, please specify:

**044. Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?**

Yes

No

Comments - Please specify:

**045. Number of first instance courts (geographic locations) competent for a case concerning:**

	Number of courts
<b>a debt collection for small claims</b>	26 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>an employment dismissal</b>	26 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>a robbery</b>	26 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>an insolvency case</b>	26 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**045-1. Is your definition for small claims the same as the one in the Explanatory note?**

Yes

No

Comments - If not, please give your definition for small claims: Technically, Georgian law does not provide the term for small claims, however, according to the Civil Procedure Code Magistrate judges shall hear at the first instance the following cases:

- a) property disputes, provided the value of the action does not exceed GEL 5 000;
- b) non-contentious and summary proceedings, except for adoption cases, and summary proceedings for claims for damages and cases relating to declaring the property ownerless, if the value of the claim or property exceeds GEL 5 000;
- c) disputes related to family law matters, other than adoption, deprivation of parental rights, establishment of paternity and divorce cases, provided there is a dispute between the spouses over the custody of the child.

**045-2. Please indicate the value in € of a small claim:**

[ 1 610 ]

Comments The value of the small claim has increased between 2016 and 2018 due to legislative change.

**C. Please indicate the sources for answering questions 42, 43 and 45:**

Sources: Question 42 was answered based on the Organic Law of Georgia on "Common Courts of Georgia" and decisions of the High Council of Justice "On creation of courts, determination of their territories and the number of judges of the district (City), Tbilisi and Kutaisi Courts of Appeal" Question 43 – Not applicable

## 3.2. Court staff

### 3.2.1. Judges and non-judge staff



**046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). (Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts )**

	Total	Males	Females
<b>Total number of professional judges (1 + 2 + 3)</b>	305 [ ] NA [ ] NAP	144 [ ] NA [ ] NAP	161 [ ] NA [ ] NAP
<b>1. Number of first instance professional judges</b>	225 [ ] NA [ ] NAP	102 [ ] NA [ ] NAP	123 [ ] NA [ ] NAP
<b>2. Number of second instance (court of appeal) professional judges</b>	69 [ ] NA [ ] NAP	35 [ ] NA [ ] NAP	34 [ ] NA [ ] NAP
<b>3. Number of Supreme Court professional judges</b>	11 [ ] NA [ ] NAP	7 [ ] NA [ ] NAP	4 [ ] NA [ ] NAP

Comment - Please provide any useful comment for interpreting the data above:

**047. Number of court presidents (professional judges).**

	Total	Males	Females
<b>Total number of court presidents (1 + 2 + 3)</b>	25 [ ] NA [ ] NAP	21 [ ] NA [ ] NAP	4 [ ] NA [ ] NAP
<b>1. Number of first instance court presidents</b>	22 [ ] NA [ ] NAP	19 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP
<b>2. Number of second instance (court of appeal) court presidents</b>	2 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>3. Number of Supreme Court presidents</b>	1 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP

Comments

**048. Number of professional judges sitting in courts on an occasional basis and who are paid as**

such (if possible on 31 December of the reference year):

	Figure
Gross figure	[ ] NA [ X ] NAP
In full-time equivalent	[ ] NA [ X ] NAP

Comments - If necessary, please provide comments to explain the answer provided:

**048-1. Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?**

- ( ) Yes If yes, please give specifications on the types of cases and an estimate in percentage. ....
- ( ) No
- [ X ] NAP

Comments

**049. Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges or “juges consulaires”, but not arbitrators or persons sitting in a jury):**

	Figure
Gross figure	[ ] NA [ X ] NAP
In full time equivalent	[ ] NA [ X ] NAP

Comments

**049-1. If such non-professional judges exist at first instance in your country, please specify for which types of cases:**

	Yes	No	Echevinage
criminal cases (severe)	( )	( )	( )
criminal cases (misdemeanour and/or minor)	( )	( )	( )
family law cases	( )	( )	( )
labour law cases	( )	( )	( )
social law cases	( )	( )	( )

<b>commercial law cases</b>	( )	( )	( )
<b>insolvency cases</b>	( )	( )	( )
<b>other civil cases</b>	( )	( )	( )

NAP

Comments - If "other", please specify:

**050. Does your judicial system include trial by jury with the participation of citizens?**

Yes

No

Comments

**050-1. If yes, for which type of case(s)?**

Criminal cases

Other than criminal cases

Comments

**051. Number of citizens who were involved in such juries for the year of reference:**

[ 66 ]

NA

NAP

Comments

**052. Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)**

	<b>Total</b>	<b>Males</b>	<b>Females</b>
<b>Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)</b>	1 505 <input type="checkbox"/> NA <input type="checkbox"/> NAP	538 <input type="checkbox"/> NA <input type="checkbox"/> NAP	967 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal</b>	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)</b>	641 <input type="checkbox"/> NA <input type="checkbox"/> NAP	97 <input type="checkbox"/> NA <input type="checkbox"/> NAP	544 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)</b>	82 [ ] NA [ ] NAP	46 [ ] NA [ ] NAP	36 [ ] NA [ ] NAP
<b>4. Technical staff</b>	778 [ ] NA [ ] NAP	395 [ ] NA [ ] NAP	383 [ ] NA [ ] NAP
<b>5. Other non-judge staff</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - If "other non-judge staff", please specify:

**052-1. Number of non-judge staff by instance (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)**

	Total	Males	Females
<b>Total non-judge staff working in courts (1+2+3)</b>	1 505 [ ] NA [ ] NAP	538 [ ] NA [ ] NAP	967 [ ] NA [ ] NAP
<b>1. Total non-judge staff working in courts at first instance level</b>	1 123 [ ] NA [ ] NAP	349 [ ] NA [ ] NAP	774 [ ] NA [ ] NAP
<b>2. Total non-judge staff working in courts at second instance (court of appeal) level</b>	254 [ ] NA [ ] NAP	93 [ ] NA [ ] NAP	161 [ ] NA [ ] NAP
<b>3. Total non-judge staff working in courts at Supreme Court level</b>	128 [ ] NA [ ] NAP	96 [ ] NA [ ] NAP	32 [ ] NA [ ] NAP

Comments

**053. If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:**

- legal aid
- family cases
- payment orders
- registry cases (land and/or business registry cases)
- enforcement of civil cases
- enforcement of criminal cases
- other cases not mentioned (please describe in comment)
- non-litigious cases
- NAP

Comments - Please briefly describe their status and duties: According to the Article 3161 of the Code of Civil



Procedure of Georgia, cases involving finding the facts of legal significance (request for a change of name, establishment of paternity etc.) may be considered by the professional judge or by a relevant employee.

**054. Have the courts outsourced certain services under their responsibilities to external providers?**

- Yes
- No

Comments

**054-1. If yes, please specify which services have been outsourced:**

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify): .....

Comments

**C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52**

Sources: Data received from the Department of Common Courts of Georgia (see [www.court.ge](http://www.court.ge)).

Data received from the High Council of Justice (see [www.hcoj.gov.ge](http://www.hcoj.gov.ge)).

**3.3. Public prosecution**

**3.3.1. Public prosecutors and staff**



**055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.**

	Total	Males	Females
<b>Total number of prosecutors (1 + 2 + 3)</b>	420 [ ] NA [ ] NAP	295 [ ] NA [ ] NAP	125 [ ] NA [ ] NAP
<b>1. Number of prosecutors at first instance level</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2. Number of prosecutors at second instance (court of appeal) level</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Number of prosecutors at Supreme Court level</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Please indicate any useful comment for interpreting the data above:

**056. Number of heads of prosecution offices.**

	<b>Total</b>	<b>Males</b>	<b>Females</b>
<b>Total number of heads of prosecution offices (1 + 2 + 3)</b>	50 [ ] NA [ ] NAP	47 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP
<b>1. Number of heads of prosecution offices at first instance level</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2. Number of heads of prosecution offices at second instance (court of appeal) level</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Number of heads of prosecution offices at Supreme Court level</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Please provide any useful comment for interpreting the data above: Please see the comment on question 55.

**057. Do other persons have similar duties to those of public prosecutors?**

( ) Yes

( X ) No

Comments - If yes, please specify their title and functions:

**057-1. Please specify their number (in full-time equivalent):**

[            ]  
[ ] NA

**059. If yes, is their number included in the number of public prosecutors that you have indicated under question 55?**

( ) Yes

( ) No

[ ] NAP

Comments

**059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence ?**

( X ) Yes

( ) No

Comments

**060. Number of staff (non-public prosecutors) attached to the public prosecution services (on 31 December of the reference year) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	229 [ ] NA	105 [ ] NA	124 [ ] NA

Comments

## C2. Please indicate the sources for answering questions 55, 56 and 60

Sources: Data received from the Prosecution Service of Georgia (see [www.pog.gov.ge](http://www.pog.gov.ge)).

### 3.4. Gender equality

#### 3.4.1 Specific provisions for facilitating gender equality

061-2. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

	Yes, please specify	No
judges	( )	( X )
prosecutors	( X )	( )
non-judge staff	( )	( X )
lawyers	( )	( X )
notaries	( )	( X )
enforcement agents	( )	( X )

[ ] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify: It is one of the fundamental principles of the legislation of Georgia that discrimination in any form, including based on gender, is strictly prohibited. The above-mentioned principle is also enshrined in the Organic Law of Georgia on Prosecution Service. Respectively, the legislation of Georgia effectively protects individuals from discrimination. 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. Meanwhile, protection of gender equality is the policy priority for the Prosecution Service of Georgia (PSG), which is also indicated in the HR policy section of the official website of the Office. In line with this priority, PSG pays great 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.

061-3. Are there specific provisions for facilitating gender equality within the framework of the

**procedures for promoting :**

	Yes, please specify	No
<b>judges</b>	( )	( X )
<b>prosecutors</b>	( X )	( )
<b>non-judge staff</b>	( )	( X )
<b>lawyers</b>	( )	( X )
<b>notaries</b>	( )	( X )
<b>enforcement agents</b>	( )	( X )

[ ] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify: See the answer on question 61-2.

**3.4.2 At national level**

**061-4. Do you have, at national level, one or more recent surveys or reports related to - wholly or partly - the distribution males/females within the judicial system concerning:**

	Yes	No
<b>judges</b>	( X )	( )
<b>prosecutors</b>	( )	( X )
<b>non-judge staff</b>	( X )	( )
<b>lawyers</b>	( )	( X )
<b>notaries</b>	( )	( X )
<b>enforcement agents</b>	( )	( X )

Comments - If the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us? The High Council of Justice of Georgia produces annual statistics on distribution males/females within the Common Courts concerning judges. According to the statistics, there are 161 female and 144 male acting judges within the system.

The number of female non-judge staff considerably exceeds the number of males. Currently, there are 538 male and 967 female staff members within the system.

**061-5. Is there a national programme or an orientation document to promote males/females equality within the judicial system?**

- ( ) Yes
- ( X ) No

Comments - if the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us?

**061-6. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:**

	Yes, please specify	No
the recruitment of judges	( )	( X )
the promotion of judges	( )	( X )
the recruitment of prosecutors	( )	( X )
the promotion of prosecutors	( )	( X )
the recruitment of non-judge staff	( )	( X )
the promotion of non-judge staff	( )	( X )

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments

**061-6-1. Please specify the text which set up this person/institution :**

(title, date, nature of the text)

[ X ] NAP

**061-6-2. Please specify the status of this person/institution:**

(e.g. independent, attached to the Ministry of Justice, to the High Judicial Council or equivalent or to an inter-ministerial institution specifically dedicated to gender equality)

[ X ] NAP

**061-6-3. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences:**

(e.g. block a decision or allow an appeal)

[ X ] NAP

### 3.4.3 At court/public prosecution services level

061-7. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:

	Yes	No
in courts (judges)	( )	( X )
in public prosecution services (prosecutors)	( X )	( )
for courts' non-judge staff	( )	( X )

Comments - If yes, please specify their titles and tasks. If the situation changed since the reference year, please specify in the comments.

061-8. Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:

	Yes	No
Assignment in different positions	( )	( X )
Workload distribution	( )	( X )
Working hours	( )	( X )
Modalities of teleworking and presence in the work space	( )	( X )
Replacement of absent persons	( )	( X )
Organisation of the hearings	( )	( X )
Other	( )	( X )

Comments - If other, please specify. Could you also indicate concrete examples referring to the various possibilities mentioned? If the situation changed since the reference year, please specify in the comments. NAP

061-9. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:

have been already implemented (please specify) :

are planned (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

NAP

**061-10. In your judicial system, and eventually based on evaluation, studies or official reports, what are the main causes of inequalities in:**

recruitment procedures (please specify):

promotion procedures and access to the functions of responsibility (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

NAP

**061-11. In your courts, is there particular attention given to gender issues regarding the public and users of justice, in particular:**

	Yes, please specify	No
judges and court staff are more chosen among males or females according to the type of cases	( )	( X )
the composition of hearings with several judges is always mixed	( )	( X )
statistics exist concerning males and females who initiate a case/victims, accused persons, etc.	( )	( X )

Comments - if you have additional comments please specify. If the situation changed since reference year, please specify in the comments.

**3.5 Use of information technologies in courts**

### 3.5.1 General policies in Information Technology in judicial systems

#### 062-1. Basic principles and models used in Information technology policies and strategies definition

	Organisation
IT policies and strategies	<input type="checkbox"/> defined and coordinated at national level by one institution <input type="checkbox"/> defined and coordinated at national level by several institutions <input checked="" type="checkbox"/> defined and coordinated at unit/stakeholder level <input type="checkbox"/> other
IT Governance	<input type="checkbox"/> governed on national level by one institution <input type="checkbox"/> governed on national level by several institutions <input checked="" type="checkbox"/> organised at unit/stakeholder level <input type="checkbox"/> other

Comments

#### 065-1. In case there is a national structure in charge of the strategic policy making and governance of the judicial system modernisation (including also IT) what is the composition of this structure?

- administrative, technical and scientific staff only  
 mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff  
 other (please specify in a comment)

Comments - (please specify if there are other modernisation approaches that have been implemented):

#### 065-2. Which is the organisational model primarily chosen for conducting structural IT projects in courts and the management of applications (maintenance, evolution)?

	Implementing new projects	Management of applications
Mainly by an IT department with the help of professionals in the field (judges, prosecutors, non-judge judicial staff, etc.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Non
Mainly by professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) with the help of an internal IT department and/or an external service provider	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Non
Other alternatives (external service provider only – specify in a comment)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Non

Comments - please also describe in case of “other alternatives”

#### 065-3. Is there a device of detection and promotion of innovations regarding IT coming from



**personal and/or local/court level initiatives?**

Yes

No

Comments (please specify projects that have experienced national developments)

**065-4. Have you measured the impact resulting from the implementation of one or several components of your new information system?**

Yes

No

**065-4-1. If yes, have you measured the impact on (multiple answers possible):**

Business processes

Workload

Human resources

Costs

Other, please specify .....

Comments (please specify examples of the impact)

**3.5.2 Security of courts information system and personal data protection**

**065-5. Are there independent audits or other mechanisms to contribute to the global security policy regarding the information system of the judiciary ?**

Yes

No

Comments (please specify in particular if national frameworks of information security exist):

**065-6. Is the protection of personal data managed by courts ensured at legislative level?**

Yes

No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.) The extent of the rights granted to citizens in the specific framework of software used by courts.

**3.5.3 Centralised databases for decision support**

**062-4. Is there a centralised national database of court decisions (case-law, etc.)?**

Yes

Non

Comments

**062-4-1. If yes, please specify the following information:**

	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
<b>Civil and/or commercial</b>	( X ) Yes all judgements ( ) Yes some judgements ( ) No	( X ) Yes all judgements ( ) Yes some judgements ( ) No	( X ) Yes all judgements ( ) Yes some judgements ( ) No	( ) Yes ( X ) No	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>Criminal</b>	( X ) Yes all judgements ( ) Yes some judgements ( ) No	( X ) Yes all judgements ( ) Yes some judgements ( ) No	( X ) Yes all judgements ( ) Yes some judgements ( ) No	( ) Yes ( X ) No	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>Administrative</b>	( X ) Yes all judgements ( ) Yes some judgements ( ) No	( X ) Yes all judgements ( ) Yes some judgements ( ) No	( X ) Yes all judgements ( ) Yes some judgements ( ) No	( ) Yes ( X ) No	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No

Comments - if it exists in other matters please specify

**062-6. Is there a computerised national record centralising all criminal convictions?**

- ( X ) Yes
- ( ) No

Comments

**062-6-1. If yes, please specify the following information:**

- Linkage with other European records of the same nature
- Content directly available through computerised means for judges and/or prosecutors
- Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access

**3.5.4 Writing assistance tools**

**062-7. Are there writing assistance tools for which the content is coordinated at national level? (models or templates, paragraphs already pre-written, etc.)**

- ( ) Yes
- ( X ) No

Comment – if it exists in other matters please specify

**062-7-1. If yes, please specify the following information:**

Availability rate
-------------------

<b>Civil and/or commercial</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
<b>Criminal</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
<b>Administrative</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA

**062-8. Are there voice recording tools?**

Yes

No

Comments

**062-8-1. If yes, please specify:**

	<b>Availability of simple dictation tools</b>	<b>Availability of multiple speakers recording tools</b>	<b>Voice recognition feature</b>
<b>Civil and/or commercial</b>	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input checked="" type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
<b>Criminal</b>	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input checked="" type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA

<b>Administrative</b>	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input checked="" type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
-----------------------	---	---	---

**062-9. Is there an intranet site within the judicial system for distribution of news/novelities?**

**Availability rate:**

- 100% - accessible to everyone in judiciary
- 50-99% - accessible for most judges/prosecutors in all instances
- 10-49% - in some courts only
- 1-9% - in one court only
- 0% (NAP) - No access

NA

Comments

**3.5.5 Technologies used for administration of the courts and case management**

**063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)**

- Yes
- No

Comments - if it exists in other matters please specify

**063-1-1. If yes, please specify the following information:**

	<b>CMS deployment rate</b>	<b>Status of case online</b>	<b>Centralised or interoperable database</b>	<b>Early warning signals (for active case management)</b>	<b>Status of integration/connection of a CMS with a statistical tool</b>
<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input checked="" type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input checked="" type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>Criminal</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input checked="" type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input checked="" type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Administrative</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input checked="" type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input checked="" type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP

### 063-2. Computerised registries managed by courts

	Deployment rate	Data consolidated at national level	Service available online	Statistical module integrated or connected
<b>Land registry</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Business registry</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comment – if it exists in other matters please specify Land registry and business registry is managed not by courts but by the Ministry of Justice. They are independent legal entities of public law operating under the supervision of the Ministry of Justice.

### 063-6. Budgetary and financial management systems of courts

Tool deployment rate	Data consolidated at national level	System communicating with other ministries (financial among others)

<b>Budgetary and financial management of courts</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Justice expenses management</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Other (please specify in comments)</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

**063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)**

Yes

No

Comments

**063-7-1. If yes, please specify the following information:**

	<b>Tools deployment rate</b>	<b>Data used for monitoring at national level</b>	<b>Data used for monitoring at court local level</b>	<b>Tool integrated in the CMS</b>
<b>For judges</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>For prosecutors</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>For non-judge/non-prosecutor staff</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

### 3.5.6 Technologies used for communication between courts, professionals and/or court users

**064-2. Is there a possibility to submit a case to courts by electronic means?(possibility to introduce a case by electronic means, for example an e-mail or a form on a website)**

Yes

No

Comments [www.ecourt.ge](http://www.ecourt.ge)

**064-2-1. If yes, please specify the following information:**

	Availability rate	Simultaneous submission of cases in paper form remains mandatory	Specific legislative framework authorising the submission of a case	An integrated/connect ed tool with the CMS
<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Criminal</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Administrative</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - if it exist in other matters please specify

**064-3. Is it possible to request legal aid by electronic means?**

Yes

No

Comments

**064-3-1. If yes, please specify the following information:**

Requesting legal aid electronically
-------------------------------------

<b>Availability rate</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
<b>Formalisation of the request in paper form remains mandatory</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Specific legislative framework regarding requests for legal aid by electronic means</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Granting legal aid is also electronic</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Information available in CMS</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

**064-4. Is it possible to transmit summons to a judicial meeting or a hearing by electronic means? (a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)**

Yes

No

Comments

**064-4-1. If yes, please specify the following information:**

	<b>Summons produced by CMS</b>	<b>Simultaneous summon in paper form remains mandatory</b>	<b>Consent of the user to be notified by electronic means</b>	<b>Modalities (if other please specify in comments)</b>	<b>Specific legislative framework</b>
<b>Civil and/or commercial</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> SMS <input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/>
<b>Criminal</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> SMS <input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/>



<b>Administrative</b>	[ ]	[ ]	[ ]	[ ] SMS [ ] E-mail [ ] Specific computer application [ ] Other	[ ]
-----------------------	-----	-----	-----	---	-----

Comments

**064-6. Are there possibilities of electronic communication between courts and lawyers and/or parties? (sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)**

**Communication between court and lawyers representing parties**

Yes

No

**Communication between court and parties not represented by lawyer**

Yes

No

Comments

**064-6-1. If yes, please specify the following information:**

	<b>Tool deployment rate</b>	<b>Trial phases concerned</b>	<b>Modalities (if there are different according to the trial phases or if other, please specify in a comment)</b>	<b>Specific legal framework</b>
<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input checked="" type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes

<b>Criminal</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
<b>Administrative</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input checked="" type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes

Comments

**064-7. Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)**

	<b>Tool deployment rate</b>	<b>Modalities (if there are different according to the deeds or if other, please specify in a comment)</b>	<b>Specific legal framework</b>
<b>Enforcement agents (as defined in Q169 and following)</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
<b>Notaries (as defined in Q192 and following)</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
<b>Experts (as defined in Q202 and following)</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes

<b>Judicial police services</b>	<input type="checkbox"/> 100%	<input type="checkbox"/> E-mail	<input type="checkbox"/> Yes
	<input type="checkbox"/> 50-99%	<input type="checkbox"/> Specific computer application	
	<input type="checkbox"/> 10-49%	<input type="checkbox"/> Other	
	<input type="checkbox"/> 1-9%		
	<input type="checkbox"/> 0% (NAP)		
	<input checked="" type="checkbox"/> NA		

Comments Since June 1,2019 court decision searching program has commenced, where user has an ability to find electronically any decision of common court. By end of the year, additional tools such as user page will be added (where user will have an ability to receive info on proceeding, request and receive all documents in relation to specific case, and receive court notifications.).

**064-9. Are there online processing devices of specialised litigation? (low value litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)**

Yes

No

Comments – Please describe the system that exists.

**064-10. Videoconferencing between courts, professionals and/or users (this concerns the use of audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)**

Yes

No

Comments

**064-10-1. If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees’ transfers to the court):**

	Deployment rate (chose one only)	Proceeding phase	Specific legislative framework
<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Criminal</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Administrative</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

**064-11. Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))**

Yes

No

Comments

**064-11-1. If yes, please specify the following information:**

	Tool deployment rate	Type of recording	Specific legislative framework
<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Criminal</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Administrative</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

**064-12. Is electronic evidence admissible?**

	Admissibility of electronic evidence	Legislative framework
<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only
<b>Criminal</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only
<b>Administrative</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only

Comments

**3.6. Performance and evaluation**

### 3.6.1.National policies applied in courts and public prosecution services

**066. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?**

Yes

No

Comments - If yes, please specify: High Council of Justice of Georgia adopted the Effective Communication Standards for the court staff, for the improvement of the functioning of Judiciary. Moreover, HCOJ also adopted court forms, namely: forms of claims and petitions on civil and administrative cases, forms of complaints in Court of Appeal and Supreme Court which are available on the web site of High Council of Justice.

The Supreme Court of Georgia has adopted guidelines for judges on the general principles of communication during trials. According to the Judicial Strategy 2017-2021 and Action Plan for years 2017-2018 development of the Judicial quality standards is of the activities that the high council of justice should carry out.

**067. Do you have specialised personnel entrusted with implementation of these national level quality standards?**

	Yes / No
within the courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
within the public prosecution services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

### 3.6.2.Performance and quality objectives at court level/public prosecution services

**077. Concerning court activities, have you defined performance and quality indicators?**

Yes

No

Comments

**078. If yes, please select the main performance and quality indicators that have been defined for courts:**

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)

- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify): .....

Comments

**077-1. Concerning public prosecution activities, have you defined performance and quality indicators?**

- Yes
- No

Comments

**078-1. If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:**

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the public prosecutors)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify): .....

Comments

**073. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?**

- Yes
- No

Comments

**073-0. If yes, please specify the frequency:**

- Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify:

**073-1. Is this evaluation of the court activity used for the later allocation of resources within this court?**

Yes

No

Comments

**073-2. If yes, which courses of action are taken?**

Identifying to the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance (treatment))

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify): .....

Comments the data regarding the court activity is always used when the means are allocated to the court

**073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?**

Yes

No

Comments

**073-4. If yes, please specify the frequency:**

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify:

**073-5. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?**

Yes

No

Comments

**073-6. If yes, which courses of action are taken?**

Identifying to the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance (treatment))

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify): .....

**079. Who is responsible for evaluating the performance of the courts (multiple options possible) :**

- High Judicial Council
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify): .....

Comments

**079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple options possible) :**

- Public prosecutorial Council
- Ministry of Justice
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- External audit body
- Other (please specify): .....

Comments Department for Supervision of Prosecutor Activities and Strategic Development at the Office of the Prosecutor General of Georgia.

**3.6.3. Measuring courts' / public prosecution services activity**



**070. Do you regularly monitor court activities (performance and quality) concerning:**

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify): .....

Comments



**070-1. Do you regularly monitor public prosecution activities (performance and quality) concerning:**

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the by the public prosecution)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify): .....

Comments

**071. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:**

- civil law cases
- criminal law cases
- administrative law cases

Comments

**072. Do you monitor waiting time during judicial proceedings?**

	Yes (If yes, please specify)	No
<b>within the courts</b>	( )	( X )
<b>within the public prosecution services</b>	( )	( X )

Comments

**3.6.4. Information regarding courts /public prosecution services activity**

**080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?**

- Yes (please indicate the name and the address of this institution):Supreme Court of Georgia
- No

Comments

**080-1. Does this institution publish statistics on the functioning of each court:**

- Yes, on internet
- No, only internally (in an intranet website)
- No

Comments

**080-2. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?**

- Yes (please indicate the name and the address of this institution):The Analytical Unit of the Office of the Prosecutor General of Georgia
- No

Comments The Analytical Unit of the Office of the Prosecutor General of Georgia is responsible for collecting statistics regarding the functioning of the Prosecution Service. Additionally, National Statistics Office of Georgia collects statistics on criminal prosecutions.

**080-3. Does this institution publish statistics on the functioning of each public prosecution service?**

- Yes, on internet
- No, only internally (in an intranet website)
- No

Comments

**081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?**

- Yes
- No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

**081-1. If yes, please specify in which form this report is released:**

- Internet
- Intranet (internal) website
- Paper distribution

Comments Courts report the statistics regarding the activities of judges including the number of filed and processed cases. The data is used for the periodic evaluation of effectiveness of judges. The data is not public and is sent only to the High Council of Justice.

**081-2. If yes, please, indicate the periodicity at which the report is released:**

- Annual
- Less frequent
- More frequent

Comments

**081-3. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?**

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

**081-4. If yes, please specify in which form this report is released:**

Internet

Intranet (internal) website

Paper distribution

Comments Annually, the General Prosecutor of Georgia presents Report to the Parliament containing the following information: results of the criminal justice policy implementation, assessment of general criminal situation in the country, including crime statistics together with their categories and trends, protection of human rights, priority areas for the Prosecution Service and programs for professional development and training of prosecutors. The Report does not include information on individual criminal cases. The Report is also uploaded on the website of the Prosecution Service of Georgia.

**081-5. If yes, please, indicate the periodicity at which the report is released:**

Annual

Less frequent

More frequent

Comments

### 3.6.5 Courts administration

**082. Is there a process or structure of dialogue between the public prosecution services and courts regarding the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?**

Yes

No

Comments - If yes, please specify:

**082-1. Is there in general a process or structure of dialogue between lawyers and courts regarding the way cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?**

Yes

No

Comments - If yes, please specify:

### 3.6.6 Performance and evaluation of judges and public prosecutors

**083. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?**

Yes

No

Comments The activity of each court is studied every 6 months based on the data submitted. The evaluation is made taking into consideration the number of incoming cases and closed cases per judge, as well as the timeframes of the finalization of the cases and stability of the judgements adopted.

**083-1. Who is responsible for setting the individual targets for each judge?**

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 (please specify): .....

Comments

**114. Is there a system of qualitative individual assessment of the judges' work?**

Yes

No

Comments

**114-1. If yes, please specify the frequency of this assessment:**

Annual

Less frequent

More frequent

**083-2. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?**

Yes

No

Comments

**083-3. Who is responsible for setting the individual targets for each public prosecutor**

Executive power (for example the Ministry of Justice)

Prosecutor General /State public prosecutor

Public prosecutorial Council

Head of the organisational unit or hierarchical superior public prosecutor

Other (please specify): .....

Comments NAP

**120. Is there a system of qualitative individual assessment of the public prosecutors' work?**

Yes

No

Comments once in every 2 years.

**120-1. If yes, please specify the frequency of this assessment:**

Annual

Less frequent

More frequent

Comments

**C4. Please indicate the sources for answering the questions in this chapter:**

Sources: High Council of Justice.

Office of Public Prosecutor.

---

**4.Fair trial**

**4.1.Principles**

**4.1.1.Principles of fair trial**

**084. Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor is represented by a lawyer)?**

[            ]

NA

NAP

Comments - Please add methodology for calculation used.

**085. Is there a procedure to effectively challenge a judge, if a party considers that the judge is not impartial?**

Yes

No

Comments - Please could you briefly specify:

**085-1. Ratio between the total number of initiated procedures of challenges and total number of finalised challenges (in the reference year):**

[            ]

NA

## 086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?

For civil procedures (non-enforcement)

For civil procedures (timeframe)

For criminal procedures (timeframe)

NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations): Georgian legislation incorporates the mechanisms of reopening of cases at domestic level not only on the basis of judgments of the European Court (the “Court”) finding violations of Article 6 of the European Convention on Human Rights, but also on the grounds of decisions rendered by the Court as a result of friendly settlements reached by the parties or unilateral declarations submitted by the Government, acknowledging violation of Article 6 of the Convention. In particular, according to Article 423 of the Civil Procedure Code of Georgia, a final judgement may be appealed by an action for retrial due to newly discovered circumstances, if [...] g) there is a final judgement (decision) 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. The same Article (Paragraph 4) envisages that the court shall review the issue of awarding relevant compensation to the plaintiff, if it is impossible to modify the decision since the rights have been acquired in good faith by third persons. According to paragraph 21 of Article 426, the aforementioned actions for retrial shall be filed within three months after a judgement (decision) of the European Court of Human Rights enters into force.

As to the criminal cases, according to Article 310 of the Criminal Procedure Code of Georgia, a judgement shall be reviewed due to newly found circumstances if [...] e) 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 judgement subject to review was based on that violation. Article 311 sets the time limit for such motions, in particular, a person may apply to a court for the review of a judgement due to newly found circumstances within a year after a decision (judgement) of the European Court of Human Rights enters into force.

In respect of implementation of internal systems to remedy the violations found, it should be underscored that the national courts always take into consideration the reasoning and deliberations of the European Court and reexamine the cases in the light of the Court’s findings. The results of reexamination of cases at domestic level are subject to the supervision of the Committee of Ministers which has closed supervision procedures in several Georgian cases as a result of effective reexamination procedures at domestic level. Also, the recent research conducted under the joint Programme between the European Union and the Council of Europe - “Application of the Standards of the European Convention on Human Rights by the Common Courts of Georgia” which covered in total 3 000 judgments rendered by the common courts of Georgia in 2013-2016 in respect of criminal, administrative and civil cases, reveals that the European standards of fair trial are actively applied and referred to by the Georgian courts which serves as a preventive mechanism of other violations of the Convention in future cases.

Lastly, it should be mentioned that according to the amendments of 24 June 2016 in the Rules of Procedure of the Parliament of Georgia, the Government (Ministry of Justice which supervises execution of judgments of the Court) submits annually a report to the Parliament on execution of the judgments/decisions rendered by the European Court as well by the UN human rights treaty bodies against Georgia. The report should cover the cases closed by the final resolutions of the Committee of Ministers as well as all pending execution cases. This year the Government submitted third comprehensive report before the Parliament and assure that the aforementioned mechanism will further enhance the effectiveness of monitoring system of cases by the Parliament, among others, of cases relating to the violations of Article 6 of the Convention.

In this regard, the Government would like to underscore the transparency of the aforesaid parliamentary oversight mechanism. In particular, hearing of the reports is held before several parliamentary Committees, such as the Legal Issues Committee, the Human Rights and Civil Integration Committee and the Foreign Relations Committee. The process is open and transparent for public, students, members of the civil society and various non-governmental organizations, Public Defender, national and international experts, etc. Among others, representatives of the judiciary attend the hearings and present the information in regards to the national courts, inter alia, concerning drafting the guidelines subsequent to the judgements rendered by the European Court, the statistical data, etc. The audience is able to pose questions to the representatives of the judiciary as well and to participate in debates. Moreover, hearings before the mentioned

Committees are broadcast on TV and are also available in the Internet. The Government considers that the aforementioned system assures the transparency and effectiveness of reopening procedures of the cases adjudicated by the European Court, prevent other violations (that are similar) and helps to measure an evolution of the established violations.

## **086-1. Is there in your country a possibility to review a case after a decision on violation of human rights by the European Court of Human Rights?**

Yes

No

NAP

Comments

### **D1. Please indicate the sources for answering questions in this chapter.**

Sources: High Council of Justice  
Supreme Court of Georgia

## **4.2. Timeframe of proceedings**

### **4.2.1. General information**

#### **087. Are there specific procedures for urgent matters regarding:**

civil cases

criminal cases

administrative cases

There is no specific procedure for urgent matters

Comments - If yes, please specify:

#### **088. Are there simplified procedures for:**

civil cases (small disputes)

criminal cases (misdemeanour cases)

administrative cases

There is no simplified procedure

Comments - If yes, please specify:

#### **088-1. For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the judgement ?**

civil cases

criminal cases

administrative cases

Comments - If yes, please specify: No

**089. Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?**

( ) Yes

( X ) No

Comments - If yes, please specify:

**4.2.2. Case flow management – first instance**



**091. First instance courts: number of other than criminal law cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
<b>Total of other than criminal law cases (1+2+3+4)</b>	49 811 [ ] NA [ ] NAP	119 076 [ ] NA [ ] NAP	111 902 [ ] NA [ ] NAP	56 985 [ ] NA [ ] NAP	3 871 [ ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	42 850 [ ] NA [ ] NAP	72 190 [ ] NA [ ] NAP	65 757 [ ] NA [ ] NAP	49 283 [ ] NA [ ] NAP	3 392 [ ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	1 689 [ ] NA [ ] NAP	8 503 [ ] NA [ ] NAP	8 375 [ ] NA [ ] NAP	1 817 [ ] NA [ ] NAP	17 [ ] NA [ ] NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP



<b>2.3. Other non-litigious cases</b>	1 689 [ ] NA [ ] NAP	8 503 [ ] NA [ ] NAP	8 375 [ ] NA [ ] NAP	1 817 [ ] NA [ ] NAP	17 [ ] NA [ ] NAP
<b>3. Administrative law cases</b>	5 146 [ ] NA [ ] NAP	12 139 [ ] NA [ ] NAP	11 464 [ ] NA [ ] NAP	5 821 [ ] NA [ ] NAP	462 [ ] NA [ ] NAP
<b>4. Other cases</b>	126 [ ] NA [ ] NAP	26 244 [ ] NA [ ] NAP	26 306 [ ] NA [ ] NAP	64 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments The increase in the number of pending cases is directly related to the increase in the number of incoming cases. Without significant increase in the number of judges it is impossible to increase the number of finished cases. The number of incoming cases is increasing permanently. In 2016 it was 54747, in 2017 it was 62209, in 2018 it was 74562, which means that during 2 years number of incoming cases has increased by 19815 case. It must be taken into account that during the same period the number of judges has increased only by 16 judge. Regarding the number of pending cases for more than 2 years, since 2016 there is a significant increase in the number of cases related to credits issued by the micro finance organizations. In this category of cases very often it is a problem to locate the respondent. Also in big city courts the increase in such category of cases causes the overload of specialized judges and chambers. In 2016 incoming cases in this particular category were 26656 while in 2018 the number is 40777. The raise in the number of pending cases for more than 2 years is related to significant increase in incoming cases, 52% increase in cases related to the micro finance organizations, which number of judges remains almost same.

"Other non-litigious cases" involves cases that are not disputed between parties or are dealt by simplified procedure. Regarding administrative cases, the number of resolved cases dropped by 34% between the 2 cycles. This might be a result in decrease of incoming administrative cases. In 2016 it was 16379, in 2018 12139. Less by 4240 cases.

Finally, the category "other cases" include administrative offences. There is no explanation for the increase of the number of pending cases on December 31st.

**092. If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:**

. Here are given indisputable and summary proceedings of civil cases.

**093. Please indicate the case categories included in the category "other cases":**

. administrative infractions (offences).

**094. First instance courts: number of criminal law cases.**

	<b>Pending cases on 1 Jan. ref. year</b>	<b>Incoming cases</b>	<b>Resolved cases</b>	<b>Pending cases on 31 Dec. ref. year</b>	<b>Pending cases older than 2 years from the date the case came to the first instance court</b>
<b>Total of criminal law cases (1+2+3)</b>	2 784 [ ] NA [ ] NAP	14 693 [ ] NA [ ] NAP	14 879 [ ] NA [ ] NAP	2 598 [ ] NA [ ] NAP	109 [ ] NA [ ] NAP

<b>1. Severe criminal cases</b>	1 651 [ ] NA [ ] NAP	5 057 [ ] NA [ ] NAP	5 300 [ ] NA [ ] NAP	1 408 [ ] NA [ ] NAP	76 [ ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	1 133 [ ] NA [ ] NAP	9 636 [ ] NA [ ] NAP	9 579 [ ] NA [ ] NAP	1 190 [ ] NA [ ] NAP	33 [ ] NA [ ] NAP
<b>3. Other cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases" please specify: Decrease in backlog for criminal and misdemeanour cases might be a result of decrease in incoming cases. In 2016 the number has decreased by 800 case. At the same time in 2018 number of finished cases increased by 1045 case, which also affected the backlog.

#### 4.2.3. Case flow management – second instance

##### 097. Second instance courts (appeal): Number of "other than criminal law" cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
<b>Total of other than criminal law cases (1+2+3+4)</b>	4 179 [ ] NA [ ] NAP	11 923 [ ] NA [ ] NAP	11 791 [ ] NA [ ] NAP	4 311 [ ] NA [ ] NAP	119 [ ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	2 327 [ ] NA [ ] NAP	6 412 [ ] NA [ ] NAP	6 267 [ ] NA [ ] NAP	2 472 [ ] NA [ ] NAP	76 [ ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	[ ] NA [ X ] NAP	13 [ ] NA [ ] NAP	13 [ ] NA [ ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

<b>2.2.1. Non litigious land registry cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2.2.2 Non-litigious business registry cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2.2.3. Other registry cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2.3. Other non-litigious cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	13 <input type="checkbox"/> NA <input type="checkbox"/> NAP	13 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>3. Administrative law cases</b>	1 792 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 100 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 114 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 778 <input type="checkbox"/> NA <input type="checkbox"/> NAP	43 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other cases</b>	60 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 398 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 397 <input type="checkbox"/> NA <input type="checkbox"/> NAP	61 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If “Other cases” please specify administrative infractions (offences).

#### 098. Second instance courts (appeal): Number of criminal law cases.

	<b>Pending cases on 1 Jan. ref. year</b>	<b>Incoming cases</b>	<b>Resolved cases</b>	<b>Pending cases on 31 Dec. ref. year</b>	<b>Pending cases older than 2 years from the date the case came to the second instance court</b>
<b>Total of criminal law cases (1+2+3)</b>	520 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 533 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 410 <input type="checkbox"/> NA <input type="checkbox"/> NAP	643 <input type="checkbox"/> NA <input type="checkbox"/> NAP	15 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Severe criminal cases</b>	372 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 019 <input type="checkbox"/> NA <input type="checkbox"/> NAP	964 <input type="checkbox"/> NA <input type="checkbox"/> NAP	427 <input type="checkbox"/> NA <input type="checkbox"/> NAP	14 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	148 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 514 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 446 <input type="checkbox"/> NA <input type="checkbox"/> NAP	216 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Other cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If “Other cases”, please specify. The grave and especially grave crime types are included in the category of serious crimes, and less serious crimes are included in the category of minor crimes (According to the Georgian legislation, the crime is less serious/minor if the sentence includes the deprivation of liberty not more than 5 years or other sentences rather than deprivation of liberty).

#### 4.2.4. Case flow management – Supreme Court

#### 099. Highest instance courts (Supreme Court): Number of “other than criminal law” cases:



	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
<b>Total of other than criminal law cases (1+2+3+4)</b>	949 [ ] NA [ ] NAP	3 789 [ ] NA [ ] NAP	2 978 [ ] NA [ ] NAP	1 760 [ ] NA [ ] NAP	19 [ ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	497 [ ] NA [ ] NAP	2 159 [ ] NA [ ] NAP	1 705 [ ] NA [ ] NAP	951 [ ] NA [ ] NAP	16 [ ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.3. Other non-litigious cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Administrative law cases</b>	452 [ ] NA [ ] NAP	1 630 [ ] NA [ ] NAP	1 273 [ ] NA [ ] NAP	809 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP
<b>4. Other cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - If "Other cases", please specify The increase in the number of incoming civil and administrative cases in the first and second instance courts have been reflected at the Supreme Court, as the increase of number of the litigated cases also increases the number of cassation complaints.

**099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?**

( X ) Yes

( ) No

Comments

**099-1-1. If yes, please indicate the number of:**

cases received by the Highest court? [ 4 625 ]

cases closed by this procedure? [ 2 193 ]

Comments

**100. Highest instance courts (Supreme Court): Number of criminal law cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
<b>Total of criminal law cases (1+2+3)</b>	305 [ ] NA [ ] NAP	836 [ ] NA [ ] NAP	737 [ ] NA [ ] NAP	404 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>1. Severe criminal cases</b>	197 [ ] NA [ ] NAP	188 [ ] NA [ ] NAP	449 [ ] NA [ ] NAP	236 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	108 [ ] NA [ ] NAP	348 [ ] NA [ ] NAP	288 [ ] NA [ ] NAP	168 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>3. Other cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify The number of judges in criminal law chamber has decreased from 3 to 1 during past 2 years, which explains the increase in the number of pending cases on 31 December between the two cycles. Currently there are at least 5 vacant positions (out of total of 20 vacant positions) in criminal law chamber of the Supreme Court.

**4.2.5. Case flow management and timeframes – specific cases**



**101. Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
<b>Litigious divorce cases</b>	593 [ ] NA [ ] NAP	1 965 [ ] NA [ ] NAP	2 072 [ ] NA [ ] NAP	486 [ ] NA [ ] NAP

<b>Employment dismissal cases</b>	253 [ ] NA [ ] NAP	416 [ ] NA [ ] NAP	475 [ ] NA [ ] NAP	194 [ ] NA [ ] NAP
<b>Insolvency</b>	120 [ ] NA [ ] NAP	58 [ ] NA [ ] NAP	60 [ ] NA [ ] NAP	118 [ ] NA [ ] NAP
<b>Robbery case</b>	68 [ ] NA [ ] NAP	137 [ ] NA [ ] NAP	144 [ ] NA [ ] NAP	61 [ ] NA [ ] NAP
<b>Intentional homicide</b>	113 [ ] NA [ ] NAP	54 [ ] NA [ ] NAP	72 [ ] NA [ ] NAP	97 [ ] NA [ ] NAP
<b>Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)</b>	81 [ ] NA [ ] NAP	301 [ ] NA [ ] NAP	297 [ ] NA [ ] NAP	85 [ ] NA [ ] NAP
<b>Cases relating to the right of entry and stay for aliens</b>	201 [ ] NA [ ] NAP	1 809 [ ] NA [ ] NAP	1 740 [ ] NA [ ] NAP	270 [ ] NA [ ] NAP

Comments 1) Number of insolvency cases depends on economic factors, which are out of control of the judicial system. According to law, the basis of lodging the application to the court regarding the insolvency is the insolvency or predictable insolvency of the debtor.

2) Regarding the increased number of incoming cases relating to asylum seekers and of cases relating the right of entry and stay for aliens, it has to be noted, that according to Geostat (National Statistics Office of Georgia) in 2018, number of immigrants has increased by 13484 persons as compared to 2017, while in 2016 the mentioned number was only 2323 persons.

**101-1. Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:**

. The Law of Georgia on International Protection (the "Law") regulates the entry into and the stay in Georgia of aliens and stateless persons and who have requested international protection in accordance with this Law. It provides the standards for treatment of aliens and stateless persons; defines the legal status, rights and obligations as well as the social and economic guarantees of asylum seekers, refugees and humanitarian status holders, and persons under temporary protection; the grounds and procedures for granting, terminating, revoking and withdrawing refugee and humanitarian status or the status of a person under temporary protection, and grounds for exclusion from the relevant status; the authorities of state agencies in the field of ensuring asylum procedures.

Pursuant to article 47 of the Law any decision made by the Ministry for Internally Displaced Persons from Occupied Territories, Accommodation and Refugees of Georgia (the "Ministry") may be appealed in a court within a month after the issuance of the decision. Pursuant to the Code of Administrative Procedure of Georgia, a refugee, a humanitarian status seeker or an asylum seeker shall have the right to apply to a district (city) court for a refugee or humanitarian status or asylum within 1 month after receiving the refusal for a status. The District (City) Court shall consider the dispute over the issue of international protection or asylum case and send the decision to the parties within two months after submitting the claim to the court. An appeal to annul the decision shall be filed with the court rendering the decision within 1 month after its delivery to the party. The judge shall immediately forward the appeal, together with the case material, to the court of appeals.

An appeal shall be considered at the court of appeals within one month after the court admits the appeal. Failure of the parties to appear at the court of appeals shall not hinder considering the appeal. The decision of the Court of Appeal is final.

Pursuant to Article 4 of the Law of Georgia on The Legal Status of Aliens and Stateless Persons aliens shall enter and depart from Georgia during the hours established for cross-border movement via border checkpoints if they hold a valid travel document and will obtain a permit to stay in Georgia. An authorized body of the Ministry of Internal Affairs (MIA) of Georgia may, in special cases defined by the Ministry of Internal Affairs, permit an alien to cross the state border of Georgia without a travel document and stay in

**102. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.**

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
<b>Civil and commercial litigious cases</b>	2 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	174 [ ] NA [ ] NAP	131 [ ] NA [ ] NAP	890 [ ] NA [ ] NAP	26 [ ] NA [ ] NAP
<b>Litigious divorce case</b>	1 [ ] NA [ ] NAP	105 [ ] NA [ ] NAP	121 [ ] NA [ ] NAP	116 [ ] NA [ ] NAP	603 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>Employment dismissal case</b>	24 [ ] NA [ ] NAP	246 [ ] NA [ ] NAP	146 [ ] NA [ ] NAP	156 [ ] NA [ ] NAP	913 [ ] NA [ ] NAP	21 [ ] NA [ ] NAP
<b>Insolvency</b>	75 [ ] NA [ ] NAP	191 [ ] NA [ ] NAP	27 [ ] NA [ ] NAP	[ ] NA [ X ] NAP	218 [ ] NA [ ] NAP	[ ] NA [ X ] NAP
<b>Robbery case</b>	23 [ ] NA [ ] NAP	225 [ ] NA [ ] NAP	150 [ ] NA [ ] NAP	160 [ ] NA [ ] NAP	721 [ ] NA [ ] NAP	31 [ ] NA [ ] NAP
<b>Intentional homicide</b>	93 [ ] NA [ ] NAP	141 [ ] NA [ ] NAP	246 [ ] NA [ ] NAP	148 [ ] NA [ ] NAP	764 [ ] NA [ ] NAP	20 [ ] NA [ ] NAP

Comments It has to be noted, that in 2018 more incoming cases from the last year in the category “litigious divorce” has been cleared than in 2016, which in turn affects the data regarding the average length.

Regarding the increase of average length in 1st instance for employment dismissal, because of the high case flow in the Civil law cases, the number of residue cases has increased, which in turn results in increased average length.

For insolvency cases: a) In the courts of first instance in 2016 108 insolvency cases have been heard, while in 2018 the amount of heard insolvency cases has decreased to 60, while in the courts of appeal in 2018 there were more appealed cases than in 2016, thus the number of appeals have increased. b) In 2018 in Tbilisi city court significant amount of cases heard from the mentioned category have been in court from 2015, 2016 and/or 2017, which, as a result, has increased the average length of proceedings in 2018.

Regarding robbery cases, From the cases heard in the first instance in 2018 significant amount of cases have been in court from 2017, 2016, 2015 and 2013, which resulted in the increased average length.

**103. Where appropriate, please indicate the specific procedure regarding divorce cases (litigious and non-litigious):**

. Under article 1123 of the Civil Code of Georgia, if there is a dispute between spouses, the divorce shall be obtained through legal proceedings in court. In other cases, the civil registration agency of the Ministry of Justice is authorized to issue decision on divorce. Under article 1127 of the Civil Code of Georgia, a court shall hear divorce cases pursuant to adversary proceedings established by the Civil

Procedure Code. The court shall take measures to reconcile the spouses. It may adjourn the hearing and fix a period of a maximum of six months for reconciliation of the spouses. A divorce shall be granted if the court finds that it is no longer possible for the spouses to live together and preserve the family. When delivering a divorce decision, the court shall, if necessary, take actions to safeguard the interests of the minor children and a disabled spouse. Under article 14 of the Civil Procedure Code of Georgia, divorce cases are heard in the first instance by the magistrate judges.

**104. How is the length of proceedings calculated for the six case categories of question 102? Please give a description of the calculation method.**

. The length of proceedings on every case is calculated regarding each category, from the date the application to the court is lodged to the date the final judgment is made. This is different from the method applied previously.

**4.2.6. Case flow management – public prosecution**



**105. Role and powers of the public prosecutor in the criminal procedure (multiple options possible):**

- [ X ] to conduct or supervise police investigation
- [ X ] to conduct investigations
- [ X ] when necessary, to request investigation measures from the judge
- [ X ] to charge
- [ X ] to present the case in court
- [ X ] to propose a sentence to the judge
- [ X ] to appeal
- [ ] to supervise the enforcement procedure
- [ X ] to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- [ X ] to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- [ ] other significant powers (please specify): .....

Comments During hearing of case on the merits, prosecutor is not authorised to request the application of particular sentence. He/she may express opinion in this regard if he/she wishes so. However, in plea bargain proceedings, pursuant to the agreement with defendant, prosecutor requests, inter alia, the application of a certain sentence. In the latter case, court approves or rejects the prosecutor’s motion based on the existing criteria.

According to the legislation of Georgia, only competent authority for application of criminal penalty is a court. In diversion proceedings, prosecutor may divert individual from criminal prosecution if he/she agrees to fulfil the diversion conditions. This process is relevant to the part of the bullet point referring to the power of prosecutor to end the case by negotiating measure without requiring a judicial decision.

**106. Does the public prosecutor also have a role in:**



civil cases

administrative cases

insolvency cases

Comments - If yes, please specify: Prosecutors of the Legal Unit of the PSG participate in civil cases related to confiscation of racketeering, illicit and undocumented property as well as in administrative litigations in relation to administrative decisions made by the Prosecutor's Office.

**107. Cases processed by the public prosecutor - Total number of first instance criminal cases:**

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
<b>Total number of first instance cases processed by the public prosecutor</b>	68 874 <input type="checkbox"/> NA <input type="checkbox"/> NAP	27 082 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 390 <input type="checkbox"/> NA <input type="checkbox"/> NAP	14 693 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The difference observed in the number of cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor is caused by the use of different methodologies during the provision of the above-mentioned statistical data. Namely, unlike previous reporting, during the last reporting the number of cases where plea agreements had been approved by court was not included in the said statistics. Are only included cases in which persons were diverted from prosecution, as cases concluded by measure imposed or negotiated by the public prosecutor.

**107-1. If the guilty plea procedure exists, how many cases were brought to court by the prosecutor through this procedure?**

	Number of guilty plea procedures
<b>Total</b>	9 666 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Before the court case</b>	6 483 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>During the court case</b>	3 183 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**108. Total number of cases which were discontinued by the public prosecutor.**

	Number of cases
<b>Total number of cases which were discontinued by the public prosecutor (1+2+3+4)</b>	27 082 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Discontinued by the public prosecutor because the offender could not be identified</b>	4 770 <input type="checkbox"/> NA <input type="checkbox"/> NAP

2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	18 961 [ ] NA [ ] NAP
3. Discontinued by the public prosecutor for reasons of opportunity	2 466 [ ] NA [ ] NAP
4. Other	885 [ ] NA [ ] NAP

Comments

**109. Do the figures include traffic offence cases?**

Yes

No

Comments

**D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.**

Sources: Prosecution Service of Georgia.

**5. Career of judges and public prosecutors**

**5.1. Recruitment and promotion**

**5.1.1. Recruitment and promotion of judges**



**110. How are judges recruited?**

mainly through a competitive exam (open competition)

mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

a combination of both (competitive exam and working experience)

other (please specify): .....

Comments

**111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:**

an authority made up of judges only

an authority made up of non-judges only

an authority made up of judges and non-judges

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles: High Council of Justice

**112. Is the same authority (Q111) competent for the promotion of judges?**

Yes

No

Comments

**113. What is the procedure for the promotion of judges? (multiple answers possible)**

Competitive test / Exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination): An acting judge with 5 years of judicial experience can be promoted. Objective Criteria for promotion are determined by the High Council of Justice.

**113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)**

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Assessment results

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box “performance” or “other”): Criteria has not yet been determined.

**5.1.2. Status, recruitment and promotion of prosecutors**



**115. What is the status of public prosecution services?**

statutory independent

under the authority of the Minister of Justice or another central authority

other (please specify): .....

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...). The Parliament elects the General Prosecutor for a term of 6 years. The legislation provides strong safeguards regarding his/her dismissal. The term of office of the General Prosecutor is not renewable. See more information under section 12 concerning the recently amended status of PSG as well as other reforms further increasing its independence.

**115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a public prosecutor?**

Yes

No

Comments - If yes, please specify: According to the legislation of Georgia, prosecutor is independent in his/her activity and no one has the right to interfere. Respectively, the law prohibits giving specific instructions to prosecutors on whether to prosecute or not. The General Prosecutor has a right to issue written guidelines for prosecutors, inter alia, on application of discretionary power.

## 116. How are public prosecutors recruited?

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)
- other (please specify): .....

Comments

## 117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of their career recruited by:

- an authority composed of public prosecutors only
- an authority composed of non-public prosecutors only
- an authority composed of public prosecutors and non-public prosecutors

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles: The Selection Board of PSG, which is composed of prosecutors and non-prosecutors, is responsible for selection and nomination of prosecutors. The General Prosecutor appoints the candidates nominated by the Selection Board as prosecutors.

The HR Department of PSG is responsible for organisation of selection and appointment process.

## 118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?

- Yes
- No, please specify which authority is competent for promoting public prosecutors .....

Comments On 22 April 2019, the General Prosecutor established new consultative body, the Career Management, Ethics and Incentives Council. The Council is responsible for sustainable development of PSG as well as application of incentives, promotion and disciplinary liability in relation to PSG employees. It replaced the previously existing Consultative Council, which was created by the Order of the Chief Prosecutor on 11 January 2016. The most important difference between the current and the former consultative bodies is that the new one has the legislative basis that was enshrined in the Organic Law on Prosecution Service during the 2018 PSG reforms. See more details regarding these reforms under section 12.

The Career Management, Ethics and Incentives Council is composed of the following 17 members: the General Prosecutor; the First Deputy General Prosecutor; 3 Deputy General Prosecutors; 8 members of the Prosecutorial Council; the head of the General Inspection Unit; the head of the Human Resources Management and Development Department; the head of the Department for Supervision over Prosecutorial Activities and Strategic Development and the head of the Legal Unit of PSG.

The General Prosecutor promotes the candidates recommended by the Career Management, Ethics and Incentives Council. He/she may decline the recommended promotion. In this case, the General Prosecutor shall provide the reasons.

## 119. What is the procedure for the promotion of prosecutors? (multiple answers possible)

- Competitive test / exam
- Other procedure (interview or other)
- No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam): The additional applicable procedures for promotion of prosecutors are as follows:

- Consideration of the matter by the Career Management, Ethics and Incentives Council and its recommended action.
- Issuance of the Order of the General Prosecutor regarding the promotion.

## 119-2. Please indicate the criteria used for the promotion of a prosecutor:

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box “performance” or “other”):

### **5.1.3.Mandate and retirement of judges and prosecutors**

#### **121. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

- Yes, please indicate the compulsory retirement age:65
- No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Acting judges of the Supreme Court are appointed for the term of 10 years.

New judges in the first and appellate instance courts are appointed for 3 years probationary period. This rule does not extend to former Supreme Court judges, former Constitutional Court judges or former or acting judges with the 3 years experience of judgeship. The later is appointed until the retirement age if less then 10 years have passed since the candidate has left the judicial position. All acting Supreme Court Judges (10) are appointed for 10 years term. Pursuant to the 2018 amendments in the Constitution of Georgia, the Supreme Court judges elected after 2018 will be elected for an undetermined period.

#### **121-1. Can a judge be transferred to another court without his/her consent:**

- For disciplinary reasons
- For organisational reasons
- For other reasons (please specify modalities and safeguards): .....
- No

Comments

#### **122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?**

- Yes, duration of the probation period (in years):3
- No

Comments

#### **123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

- Yes, please indicate the compulsory retirement age:NAP
- No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: All prosecutors, except for the General Prosecutor, are appointed for an undetermined period. The legislation of Georgia does not stipulate compulsory retirement age. According

to the Organic Law of Georgia on Prosecution Service and the Law of Georgia on State Pension, male prosecutors who have reached 65 years and female prosecutors having reached 60 years are eligible for retirement. The retirement in this case is not mandatory. It depends on the will of the person reaching the retirement age. The term of office of the Prosecutor General of Georgia is 6 years. The same person cannot be re-elected for a consecutive term.

**124. Is there a probation period for public prosecutors? If yes, how long is this period?**

Yes, duration of the probation period (in years): .....

No

Comments

**125. If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)?**

10 ]

NA

NAP

Comments

**125-1. Is it renewable?**

Yes

No

NAP

Comments They have to participate in the competition together with other candidates.

**126. If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)?**

[            ]

NA

NAP

Comments

**126-1. Is it renewable?**

Yes

No

NAP

Comments

**E1. Please indicate the sources for answering the questions in this chapter:**

Sources: Organic law of Georgia on Common Courts.  
Prosecution Service of Georgia.

## 5.2. Training

### 5.2.1. Training of judges

#### 127. Types of different trainings offered to judges:

	Compulsory	Optional	No training proposed
<b>Initial training (e.g. attend a judicial school, traineeship in the court)</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>General in-service training</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training for management functions of the court (e.g. court president)</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training for the use of computer facilities in courts</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training on ethics</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

#### 128. Frequency of the in-service training of judges:

	Frequency of the judges training
<b>General in-service training</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for management functions of the court (e.g. court president)</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for the use of computer facilities in courts</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training on ethics</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges: 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 needs assessment of the state obligations, relevant government action plans, reports of international organizations and NGO-s, etc. Thus, the content of the program varies from year to year. However, some of the general and crucial topics are regularly included in the annual in-service training program of the HSoJ in the context of sustainability of quality training in these fields (e.g. human rights, judicial ethics, juvenile justice, leadership and management, etc.).



## 5.2.2. Training of prosecutors

### 129. Types of different trainings offered to public prosecutors:

	Compulsory	Optional	No training proposed
<b>Initial training</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>General in-service training</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training for management functions (e.g. Head of prosecution office, manager)</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training for the use of computer facilities in office</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training on ethics</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

### 130. Frequency of the in-service training of public prosecutors :

	Frequency of the in-service training
<b>General in-service training</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for management functions (e.g. Head of prosecution office, manager)</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for the use of computer facilities in office</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed



<b>In-service training on ethics</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
--------------------------------------	--

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: PSG is very active in ensuring the capacity building of prosecutors. Almost every week there is at least one training activity for prosecutors.

**131. Do you have public training institutions for judges and / or prosecutors?**

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
One institution for prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
One single institution for both judges and prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

**131-0. If yes, what is the budget of such institution(s)?**

	Budget of the institution for the reference year, in €
One institution for judges	540 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
One institution for prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One single institution for both judges and prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments 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.

**131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?**

. see question 129.

**131-2. Number of in-service training courses (in days) organised by the judicial training institution for judges, prosecutors, non-judge and non-prosecutor staff**

Number of training courses in days organised, without e-learning	Online training courses available during the reference year (e-learning)
--	--

<b>Total</b>	185 [ ] NA [ ] NAP	24 [ ] NA [ ] NAP
<b>1. Only for judges</b>	91 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>2. Only for prosecutors</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Only for other non-judge staff</b>	85 [ ] NA [ ] NAP	24 [ ] NA [ ] NAP
<b>4. Only for other non-prosecutor staff</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>5. Other common training</b>	9 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments: 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. In 2018, there were four trainings with 77 learning hours per prosecutor on average. In 2018, three joint training courses were carried out through the HELP distance learning platform for prosecutors, investigators and lawyers.

Number of training events was 195 in 2018, attended by 2600 participants from the PSG. There were nine joint trainings for prosecutors and judges during the same period.

## E2. Please indicate the sources for answering the questions in this chapter:

Sources: Prosecution Service of Georgia.

### 5.3. Practice of the profession

#### 5.3.1. Salaries and benefits of judges and prosecutors

#### 132. Salaries of judges and public prosecutors on 31 December of the reference year:

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
<b>First instance professional judge at the beginning of his/her career</b>	15 081 [ ] NA [ ] NAP	12 065 [ ] NA [ ] NAP	48 000 [ ] NA [ ] NAP	38 400 [ ] NA [ ] NAP
<b>Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)</b>	22 621 [ ] NA [ ] NAP	17 909 [ ] NA [ ] NAP	72 000 [ ] NA [ ] NAP	57 000 [ ] NA [ ] NAP
<b>Public prosecutor at the beginning of his/her career</b>	8 247 [ ] NA [ ] NAP	6 872 [ ] NA [ ] NAP	26 208 [ ] NA [ ] NAP	21 840 [ ] NA [ ] NAP

<b>Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).</b>	27 656 [ ] NA [ ] NAP	23 049 [ ] NA [ ] NAP	87 888 [ ] NA [ ] NAP	73 248 [ ] NA [ ] NAP
--	-----------------------------	-----------------------------	-----------------------------	-----------------------------

Comments PSG is not organised according to the court instances. The position of the Public Prosecutor of the Supreme Court does not exist. Therefore, the salary of the regional prosecutor is indicated in the respective section instead.

### 133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
<b>Reduced taxation</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Special pension</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Housing</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other financial benefit</b>	( X ) Yes ( ) No	( X ) Yes ( ) No

Comments

### 134. If “other financial benefit”, please specify:

. Judge can get an additional remuneration based on the decision of the High Council of Justice in case if the caseload of the judge is high and/or he/she has participated in the program of high school of justice as a coordinator of a listener.

The other benefit are:

the favourable loan terms in the bank, which is in contractual relation with the PSG;

Medical insurance; fuel and cell deposit; Bonuses.

[ ] NAP

### 135. Can judges combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
<b>Teaching</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Research and publication</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Arbitrator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Consultant</b>	( ) Yes ( X ) No	( ) Yes ( X ) No

<b>Cultural function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Political function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Mediator</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Other function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify.

### 137. Can public prosecutors combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
<b>Teaching</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Research and publication</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Arbitrator</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Consultant</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Cultural function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Political function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Mediator</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Other function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify: The Organic Law of Georgia on Prosecution Service allows prosecutors to carry out teaching and research activities, as well as cultural activities. There is no need for obtaining permission for undertaking these activities.

### 139. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the number of resolved cases (e.g. number of cases resolved over a given period of time)?

Yes

No

Comments - If yes, please specify the conditions and possibly the amounts:

### 5.3.2 Body/institution of ethics

### 138. Is there in your country an institution / body giving opinions on ethical questions of the

**conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)**

Yes

No

Comments

**138-1. If yes, how is this institution / body formed**

only by judges

by judges and other legal professionals

other, please specify: .....

Comments

**138-2. Are the opinions of this institution / body publicly available?**

Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

NAP

**138-3. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)**

Yes

No

Comments

**138-4. If yes, how is this institution / body formed**

only by prosecutors

by prosecutors and other legal professionals

other, please specify: .....

Comments

**138-5. Are the opinions of this institution / body publicly available?**

Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc. The General Inspectorate of the General Prosecutor's Office, which is in charge of conducting administrative investigations into the disciplinary violations, also provides counselling to the interested PSG employees regarding the ethical questions of the conduct of prosecutors. The statistics of such consultations is not kept.

NAP

**5.4. Disciplinary procedures**

**5.4.1. Authorities responsible for disciplinary procedures and sanctions**



**140. Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?**

- Court users
- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify): Investigator or public prosecutor (with notification)
- Other (please specify): .....
- This is not possible

Comments Investigator or public prosecutor (with notification). According to the organic law of Georgia on Common Courts a ground for initiating disciplinary proceedings against a judge may be the following:

- a) a complaint or application of any person, except for an anonymous complaint or application; b) an explanatory note of another judge, a member of court or the High Council of Justice of Georgia or an officer of the administration of court or the High Council of Justice of Georgia with regard to the commission of a disciplinary misconduct by a judge;
- c) a notification by an investigative body;
- d) information disseminated through mass media, and information in the report and/or proposal of the Public Defender of Georgia with respect to an act committed by a judge that may be considered as a disciplinary misconduct.

**141. Who is authorised to initiate disciplinary proceedings against public prosecutors (multiple options possible):**

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify): .....
- Other (please specify): .....
- This is not possible

Comments

**142. Which authority has disciplinary power over judges? (multiple options possible)**

- Court
- Higher Court / Supreme Court
- High Judicial Council
- Disciplinary court or body

- Ombudsman
- Parliament
- Executive power (please specify): .....
- Other (please specify): .....

Comments

**143. Which authority has disciplinary power over public prosecutors? (multiple options possible):**

- Supreme Court
- Head of the organisational unit or hierarchical superior
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify): .....
- Other (please specify): .....

Comments

**5.4.2. Number of disciplinary procedures and sanctions**

**144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

	Judges	Prosecutors
<b>Total number (1+2+3+4)</b>	449 <input type="checkbox"/> NA <input type="checkbox"/> NAP	66 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Breach of professional ethics</b>	81 <input type="checkbox"/> NA <input type="checkbox"/> NAP	22 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	256 <input type="checkbox"/> NA <input type="checkbox"/> NAP	42 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Criminal offence</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other</b>	112 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If “other”, please specify: Prosecutor: Breach of rules of conduct at the office.

Judges: According to the organic law of Georgia on Common Courts Article 751 types of disciplinary misconduct are as follows:

a) a corruption offence or misuse of one’s official position to the detriment of justice and official interests. An offence under the Law of Georgia on Conflict of Interest and Corruption in Public Institutions shall be considered a corruption offence unless it entails criminal or administrative liability;

- b) any activity incompatible with the position of a judge, or conflicts of interest with the duties of a judge;
- c) an inappropriate act of a judge, which encroaches on the authority of a court or impairs the confidence in a court;
- d) ungrounded delay in hearing a case;
- e) failure to perform or improper performance of duties of a judge;
- f) disclosure of secrecy of deliberations or professional secrecy of judges;
- g) hinderance to the activities of, or showing of disrespect for a body with disciplinary powers;
- h) violation of judicial ethics.

**145. Number of sanctions pronounced during the reference year against judges and public prosecutors:**

	Judges	Prosecutors
<b>Total number (total 1 to 10)</b>	1 [ ] NA [ ] NAP	7 [ ] NA [ ] NAP
<b>1. Reprimand</b>	0 [ ] NA [ ] NAP	5 [ ] NA [ ] NAP
<b>2. Suspension</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>3. Withdrawal from cases</b>	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>4. Fine</b>	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>5. Temporary reduction of salary</b>	[ ] NA [X] NAP	0 [ ] NA [ ] NAP
<b>6. Position downgrade</b>	[ ] NA [X] NAP	0 [ ] NA [ ] NAP
<b>7. Transfer to another geographical (court) location</b>	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>8. Resignation</b>	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>9. Other</b>	1 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>10. Dismissal</b>	0 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP

Comments - If “other”, please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. Judges: Apart from disciplinary penalties, there are types of disciplinary actions listed in the article 753 of the Organic Law on Common Courts the following shall be the disciplinary actions:

- a) application to a judge with a private letter of recommendation;
- b) dismissal of the chairperson, the first deputy or a deputy chairperson of a court, the chairperson of a judicial panel or chamber from office.

In 2018 in one case judge was given a private recommendation letter. Prosecution: According to the legislation of Georgia, the term of



disciplinary proceedings covers entire disciplinary process, which includes the stages of conducting administrative investigations, bringing administrative charges, consideration by the Career Management, Ethics and Incentives Council and imposition of sanction by the General Prosecutor. Statistics table 144 contains information on opened administrative investigations, which is the first stage of disciplinary proceedings. Some of these investigations ended up with finding persons guilty in disciplinary violations and imposition of sanctions, while in some cases, the violations were either not confirmed or disciplinary proceeding were pending during the reporting period. Furthermore, following the number of administrative investigations in 2018, the decision was made to send recommendations to 23 individuals on what to improve in their practice.

In view of the above, there is a difference between the numbers of disciplinary proceedings (administrative investigations) and imposed sanctions.

**E3. Please indicate the sources for answering questions 144 and 145:**

Sources: Prosecution Service of Georgia.  
High Council of Justice.

**6.Lawyers**

**6.1.Profession of lawyer**

**6.1.1.Status of the profession of lawyers**



**146. Total number of lawyers practising in your country:**

	Total	Male	Female
Number of lawyers	4 580 <input type="checkbox"/> NA	2 376 <input type="checkbox"/> NA	2 204 <input type="checkbox"/> NA

Comments

**147. Does this figure include “legal advisors” who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?**

Yes ( )

No ( X )

Comments

**148. Number of legal advisors who cannot represent their clients in court:**

[ ]

NA

NAP

Comments

**149. Do lawyers have a monopoly on legal representation in (multiple options are possible):**

First instance	Second instance	Highest instance court (Supreme Court)

<b>Civil cases</b>	[ ]	[ X ]	[ X ]
<b>Dismissal cases</b>	[ ]	[ X ]	[ X ]
<b>Criminal cases – Defendant</b>	[ X ]	[ X ]	[ X ]
<b>Criminal cases – Victim</b>	[ X ]	[ X ]	[ X ]
<b>Administrative cases</b>	[ ]	[ X ]	[ X ]

[ ] NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' monopoly:

**149-0. If there is no monopoly, please specify the organisations or persons that may represent a client in court:**

	<b>First instance</b>	<b>Second instance</b>	<b>Highest instance court (Supreme Court)</b>
<b>Civil society organisation</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Family member</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Self-representation</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Trade union</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments - If "other", please specify. In addition, please specify for the categories mentioned the types of cases concerned by this/these representation(s):

**149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?**

- [ ] Notarial activity
- [ X ] Arbitration / mediation
- [ X ] Proxy / representation
- [ X ] Property manager
- [ X ] Real estate agent
- [ X ] Other law activities (please specify): .....

Comments

**149-2. What are the statuses for exercising the profession of lawyer?**

- [ X ] Self-employed lawyer
- [ X ] Staff lawyer
- [ X ] In-house lawyer

Comments

**150. Is the lawyer profession organised through:**

- a national bar association
- a regional bar association
- a local bar association

Comments

**151. Is there a specific initial training and/or exam to enter the profession of lawyer?**

- Yes
- No

Comments - If not, please indicate if there are other specific requirements as regards diplomas or university degrees:

**152. Is there a mandatory general in-service professional training system for lawyers?**

- Yes
- No

Comments

**153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?**

- Yes
- No

Comments - If yes, please specify: In Juvenile Justice

**F1. Please indicate the sources for answering questions 146 and 148:**

Sources: General database of the Georgian Bar Association and professional regulations (the law of Georgia on Advacotes).

**6.1.2. Practicing the profession**

**154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?**

- Yes
- No

Comments

**155. Are lawyers' fees freely negotiated?**

- Yes
- No

Comments

**156. Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?**

- Yes, laws provide rules
- Yes, standards of the bar association provide rules
- No, neither laws nor bar association standards provide rules

Comments

**6.1.3. Quality standards and disciplinary procedures**



**157. Have quality standards been determined for lawyers?**

- Yes
- No

Comments - If yes, what are the quality criteria used? A lawyer is required to provide a qualified and bona fide advice to a client and represent him/her with due diligence.

Quality criteria for a qualified and bona fide advice/representation are: professional activity according specialization (license of GBA, for example: if lawyer has criminal law specialization, he/she shouldn't take civil cases unless passes exam and takes license for civil law), professional activity according the international and national law; fulfilling client's legitimate indications.

**158. If yes, who is responsible for formulating these quality standards:**

- the bar association
- the Parliament
- other (please specify): .....

Comments

**159. Is it possible to file a complaint about:**

- the performance of lawyers
- the amount of fees

Comments - Please specify:

**160. Which authority is responsible for disciplinary procedures?**

- a judge
- Ministry of Justice
- a professional authority
- other (please specify): .....

Comments

**161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

	Number of disciplinary proceedings
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	41 <input type="checkbox"/> NA <input type="checkbox"/> NAP

1. Breach of professional ethics	41 [ ] NA [ ] NAP
2. Professional inadequacy	[ ] NA [ X ] NAP
3. Criminal offence	[ ] NA [ X ] NAP
4. Other	[ ] NA [ X ] NAP

Comments - If "other", please specify:

## 162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	14 [ ] NA [ ] NAP
1. Reprimand	0 [ ] NA [ ] NAP
2. Suspension	1 [ ] NA [ ] NAP
3. Withdrawal from cases	[ ] NA [ X ] NAP
4. Fine	[ ] NA [ X ] NAP
5. Other	13 [ ] NA [ ] NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons. In 4 cases Commission used – personal letter of reprimand, in 9 cases – Warning. Despite disciplinary proceedings was initiated in 4 cases, the final decision was absolvent.

By the end of 2018 final decision was not taken at 23 cases, that's the reason of difference between the number of disciplinary proceedings and the number of sanctions.

## 7. Court related mediation and other alternative Dispute Resolution

### 7.1 Court related mediation

#### 7.1.1 Details on court related mediation

### 163. Does the judicial system provide for court-related mediation procedures?

( X ) Yes

( ) No

**163-1. In some fields, does the judicial system provide for mandatory mediation with a mediator?**

- Before/instead of going to court
- Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding
- No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned: Currently, the Georgian legislation provides mandatory mediation for fields, such as: Family disputes, (except for adoption, annulment of adoption, abolition of adoption, restriction of parental rights, deprivation of parental rights, and harassment of women and / or domestic violence), heritage and neighborhood legal disputes. Judge if he/she considers the case relevant for mediation, he/she transfers the case to the Mediation Center, despite parties consent.

**163-2. In some fields, does the legal system provide for mandatory informative sessions with a mediator?**

- Yes
- No

Comments - If there are mandatory informative sessions, please specify which fields are concerned:

**164. Please specify, by type of cases, who provides court-related mediation services:**

	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
<b>Civil and commercial cases</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Family cases</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Administrative cases</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
<b>Labour cases including employment dismissals</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Criminal cases</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Consumer cases</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments In that case, private mediators are the ones, who are certified court mediators and conduct the cases in Court Mediation Centers (only after the judge transfers the case to the center). Those mediators also have legal or other kind of practice in their profession, so they can do private mediations outside the court, there is no such restriction for them no to do so.

**165. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?**

- Yes

( ) No

[ ] NAP

Comments - If yes, please specify (only one or both options):: Interested parties can receive legal consultation, also about mediation, for free of charge, but only outside the court, e.g.”Legal Aid Service”, “GYLA” and etc.

**166. Number of accredited or registered mediators for court-related mediation:**

	Total	Males	Females
Number of mediators	57 [ ] NA [ ] NAP	24 [ ] NA [ ] NAP	33 [ ] NA [ ] NAP

Comments

**167. Number of court-related mediations:**

	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
Total ( 1 + 2 + 3 + 4 + 5 + 6)	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
1. Civil and commercial cases	58 [ ] NA [ ] NAP	49 [ ] NA [ ] NAP	49 [ ] NA [ ] NAP
2. Family cases	18 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
3. Administrative cases	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
4. Labour cases including employment dismissal cases	6 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
5. Criminal cases	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
6. Consumer cases	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - Please indicate the source: Criminal case statistics are not included in the table above.

**168. Do the following alternative dispute resolution (ADR) methods exist in your country?**

[ X ] Mediation other than court-related mediation

[ X ] Arbitration

[ ] Conciliation (if different from mediation)

[ ] Other ADR (please specify): .....

Comments

**G1. Please indicate the source for answering question 166:**

Source: Tbilisi City Court's mediators (<http://www.tcc.gov.ge/ka/Mediators>), Rustavi City Court's Mediators ([http://www.court.ge/courts/rustavis\\_saqalaqo\\_sasamartlo/?page=594](http://www.court.ge/courts/rustavis_saqalaqo_sasamartlo/?page=594)), Gori City Court's Mediators.

## 8.Enforcement of court decisions

### 8.1.Execution of decisions in civil matters

#### 8.1.1.Functioning

#### 169. Do you have enforcement agents in your judicial system?

Yes

No

Comments

#### 170. Number of enforcement agents

	Total	Male	Female
Number of enforcement agents	180 [ ] NA	106 [ ] NA	74 [ ] NA

Comments

#### 171. Are enforcement agents (multiple options are possible):

judges

bailiffs practising as private professionals under the authority (control) of public authorities

bailiffs working in a public institution

other

Comments - Please specify their status and powers: Both, private bailiffs and enforcement agents of National Bureau have similar functions and responsibilities. The only exception is that private bailiffs are not allowed to enforce cases where amount of request exceeds 500.000 GEL.

#### 171-1. Do enforcement agents have the monopoly in exercising their profession?

Yes

No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with:

#### 171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

Option



<b>Seizure of movable tangible properties</b>	<input type="checkbox"/> Yes with monopoly <input checked="" type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of immovable properties</b>	<input type="checkbox"/> Yes with monopoly <input checked="" type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure from a third party of the debtor claims regarding a sum of money</b>	<input type="checkbox"/> Yes with monopoly <input checked="" type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of remunerations</b>	<input type="checkbox"/> Yes with monopoly <input checked="" type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of motorised vehicles</b>	<input type="checkbox"/> Yes with monopoly <input checked="" type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Eviction measures</b>	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Enforced sale by public tender of seized properties</b>	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other</b>	<input type="checkbox"/> Yes with monopoly <input checked="" type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments

### **171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?**

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary sale of moveable or immoveable property at public auction
- Seizure of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts

Drawing up private deeds and documents

Building manager

Other

Comments

**172. Is there a specific initial training or exam to become an enforcement agent?**

Yes

No

Comments

**172-1. Is there a system of mandatory general continuous training for enforcement agents?**

Yes

No

Comments

**173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):**

a national body

a regional body

a local body

NAP

Comments

**174. Are enforcement fees easily established and transparent for court users?**

Yes

No

Comments

**175. Are enforcement fees freely negotiated?**

Yes

No

Comments

**176. Do laws provide any rules on enforcement fees (including those freely negotiated)?**

Yes

No

Comments

**H0. Please indicate the sources for answering question 170**

Source: LAW OF GEORGIA ON ENFORCEMENT PROCEEDINGS

<https://matsne.gov.ge/ka/document/view/18442?impose=translateEn&publication=90>

## 8.1.2. Efficiency of enforcement services



**177. Is there a body entrusted with supervising and monitoring the enforcement agents' activity?**

Yes

No

Comments

**178. Which authority is responsible for supervising and monitoring enforcement agents?**

professional body

judge

Ministry of Justice

public prosecutor

other (please specify): National Bureau of Enforcement

Comments Internal Control and Auditing Office of the National Bureau of Enforcement inspects the legality of the activities carrying out by the bailiffs of the NBE.

**179. Have quality standards been determined for enforcement agents?**

Yes

No

Comments - If yes, what are the quality criteria used? A bailiff shall take all legitimate measures for enforcing a decision rapidly and effectively, inform the parties of their rights and duties, the substance and possibilities for individual types of enforcement, and assist them in protecting their rights and legitimate interests.

**180. If yes, who is responsible for establishing these quality standards?**

professional body

judge

Ministry of Justice

other (please specify): Bureau of Enforcement

Comments

**181. Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?**

Yes

No

Comments - If yes, please specify:

**182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?**

Yes

No

Comments - If yes, please specify:

**183. What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.**

- no execution at all
- non execution of court decisions against public authorities
- lack of information
- excessive length
- unlawful practices
- insufficient supervision
- excessive cost
- other (please specify): .....

Comments

**184. Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular regarding decisions against public authorities?**

- Yes
- No

Comments - If yes, please specify: General Inspection of the Ministry of Justice of Georgia – to monitor the activities of private bailiffs and Department of Internal Control and Audit of National Bureau of Enforcement - to monitor the activities of enforcement agents of National Bureau of Enforcement.

**185. Is there a system measuring the length of enforcement procedures:**

	Existence of the system
for civil cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
for administrative cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

**186. Regarding a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):**

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more (please specify): .....
- NA

Comments

**187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and**

for the main reason.)

	Number of disciplinary proceedings initiated
<b>Total number of initiated disciplinary proceedings (1+2+3+4)</b>	3 [ ] NA [ ] NAP
<b>1. For breach of professional ethics</b>	0 [ ] NA [ ] NAP
<b>2. For professional inadequacy</b>	0 [ ] NA [ ] NAP
<b>3. For criminal offence</b>	0 [ ] NA [ ] NAP
<b>4. Other</b>	3 [ ] NA [ ] NAP

Comments - If “other”, please specify:

### 188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
<b>Total number of sanctions (1+2+3+4+5)</b>	5 [ ] NA [ ] NAP
<b>1. Reprimand</b>	5 [ ] NA [ ] NAP
<b>2. Suspension</b>	0 [ ] NA [ ] NAP
<b>3. Withdrawal from cases</b>	0 [ ] NA [ ] NAP
<b>4. Fine</b>	0 [ ] NA [ ] NAP
<b>5. Other</b>	0 [ ] NA [ ] NAP

Comments - If “other”, please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons:

### H1. Please indicate the sources for answering questions 186, 187 and 188:

Source: Statistical data provided by the General Inspection of the Ministry of Justice.

## 8.2. Execution of decisions in criminal matters

### 8.2.1. Functioning of execution in criminal matters

189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority (please specify): .....

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions).

190. Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes
- No

Comments

191. If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%

Comments - Please indicate the source for answering this question:

## 9. Notaries

### 9.1. Profession of notary

#### 9.1.1. Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

	Total	Male	Female
<b>TOTAL (1+2+3+4)</b>	266 <input type="checkbox"/> NA <input type="checkbox"/> NAP	43 <input type="checkbox"/> NA <input type="checkbox"/> NAP	223 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Private professionals (without control from public authorities)</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professionals appointed by the State</b>	266 <input type="checkbox"/> NA <input type="checkbox"/> NAP	43 <input type="checkbox"/> NA <input type="checkbox"/> NAP	223 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Public officials</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>4. Other</b>	0	0	0
	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments - If "other", please specify the status:

**192-1. What are the access conditions to the profession of notary (multiple options possible):**

- diploma
- professional experience/professional training
- exam
- appointment procedure by the State
- other (please specify): .....

Comments A notary is free in its professional activities and exercises public authorities through notarial and other associated activities on the basis of the Law on Notary of Georgia and other legal acts. While performing its notary duties, a notary is independent and impartial. A notary is appointed to the position by the Minister of Justice. Any capable citizen with higher legal education, who has undergone internship (or has 5 year working experience at specialization) and a qualifying examination for notaries can be appointed to the position of a notary.

**192-2. Are notaries appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

- yes, please indicate the age of retirement:65
- no, please specify the duration of the appointment: .....

Comments - are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Based on the proposal of the Notary Chamber, the Minister of Justice may extend a notary’s term of office for no more than 5 years.

**194. What kind of activities do notaries perform (multiple options possible):**

- Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)
- Authentication
- Certification of signatures
- Legality control of documents submitted by the parties
- Mediation
- Taking of oaths
- Other, for example collect taxes, keep registers etc. (please specify): .....

Comments A notary public shall issue a writ of execution on the basis of a matured claim for the enforcement of the payment of monetary indebtedness, the assignment of title to property, also, on the basis of a request, compulsory enforcement against a mortgaged/charged property, if the consent of the parties thereto exists, and the legal consequences of the issuance of a writ of execution are explained in writing by the notary public in a notarial act.

Besides, a notary public may make a public offering of a thing. The public offering of the thing may be made through an electronic auction and/or other electronic means. Forms of public offering, as well as the electronic means used for public offering, shall be determined by the Minister of Justice. On the basis of the right to make a public offering of a thing, a notary public is also authorized to provide a consultation to an interested party.

**194-1. Do notaries have the exclusive rights when exercising their profession:**

- Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)

- Authentication
- Certification of signatures
- Legality control of documents submitted by the parties
- Mediation
- Taking of oaths
- Other, for example collect taxes, keep registers etc. (please specify): .....

Comments - Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or on the opposite regarding the competition they have to deal with: Issues certificates of inheritance; Certifies the accuracy of the translation from one language to another.

Authentication of the contracts in relation to immovable property can be done by the Public Registry officers as well.

**194-2. In which areas of law do notaries perform their activities (multiple options possible)?**

- Real estate transaction
- Family law
- Succession law
- Company law
- Legality control of gambling activities
- Other

Comments

**194-3. Do notaries use specialised digital systems in their activity?**

- In establishing authentic instruments
- In recording authentic instruments (archives)
- Other activity (please specify): .....

Comments

**195. Is there an authority entrusted with supervising and monitoring the notaries' work?**

- Yes
- No

Comments

**196. If yes, which authority is responsible for supervising and monitoring notaries (multiple options possible)?**

- professional body
- court
- Ministry of Justice
- public prosecutor
- other (please specify): .....

Comments Together with the Ministry of Justice, the Notary Chamber of Georgia is an authority entrusted with supervising and monitoring the notaries' work. It is a legal entity of public law operating under the supervision of the Ministry of Justice of Georgia pursuant to the Law on Notary (see [www.notary.ge](http://www.notary.ge)).



**196-1. Is there a system of general continuous training for all notaries?**

Yes

No

Comments

**I1. Please indicate the sources for answering question 192:**

Sources: Data provided by the Ministry of Justice of Georgia (see [www.moj.gov.ge](http://www.moj.gov.ge));  
Data provided by the Notary Chamber of Georgia (see [www.notary.ge](http://www.notary.ge))  
The electronic Registry of Notaries;  
The Order 1627 of Minister of Justice of Georgia 2016, December 14;  
Statistical data provided by the Notary Chamber  
<https://www.matsne.gov.ge/ka/document/view/90928?impose=translateEn&publication=17>

---

**10.Court interpreters**

**10.1.Details on profession of court interpreter**

**10.1.1.Status of court interpreters**

**197. Is the title of court interpreters protected?**

Yes

No

Comments

**198. Is the function of court interpreters regulated by legal norms?**

Yes

No

Comments

**199. Number of accredited or registered court interpreters:**

[            ]

NA

NAP

Comments

**200. Are there binding provisions regarding the quality of court interpretation within judicial proceedings?**

Yes

No

Comments - If yes, please specify (e.g. having passed a specific exam): According to Art. 213 of the Civil Procedure Code The court shall instruct an interpreter on his/her duty to interpret the explanations, testimonies and statements of persons who have no command of the language of the legal proceedings, and to interpret for these persons the content of the explanations, testimonies, statements, and documents made public in court, as well as the content of court orders, rulings and judgements. The court shall warn the interpreter that he/she shall incur criminal liability for deliberately incorrect interpretation. If an interpreter does not appear before the court without reasonable cause or avoids fulfilling his/her duties, he/she shall be penalised with GEL 50.

Document proving the knowledge.

## 201. Are the courts responsible for selecting court interpreters?

- Yes, for recruitment and/or appointment for a specific term of office
- Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No, please specify which authority selects court interpreters Common Courts Department LEPL

Comments Recruitment and/or appointment for a specific term of office as well as on an ad hoc basis is done by the Department of Common Courts and not by the specific court which conducts a hearing.

## J1. Please indicate the sources for answering question 199

Sources: Data received from the High Council of Justice [www.hcoj.gov.ge](http://www.hcoj.gov.ge)

---

## 11. Judicial experts

### 11.1. Profession of judicial expert

#### 11.1.1. Status of judicial experts

## 202. In your system, what types of judicial experts can be requested to participate in judicial procedures (multiple choices possible):

- experts who are requested by the parties to bring their expertise to support their argumentation,
- experts appointed by a court to put their scientific and technical knowledge on issues of fact at the court's disposal,
- "legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).
- Other (please specify): .....

Comments

## 202-1. Are there lists or databases of registered judicial experts?

- Yes
- No

Comments - Please indicate any useful comment regarding these lists or databases of experts, if they do exist (e.g. : Does the expert take an oath? How is his/her skill evaluated? By whom?):

## 202-2. Who is responsible for registering judicial experts?

- Ministry of justice

Courts

Independent body (association of judicial experts)

Other

Comments NAP

**202-3. Is the registration of judicial experts limited in time?**

Yes, for how long .....

No

Comments NAP

**203. Is the title of judicial experts protected?**

Yes

No

Comments - If appropriate, please explain the meaning of this protection: According to article 335 of Criminal Code of Georgia Coercion of a person by deception, blackmail or other unlawful act by an official or by a person equal thereto to provide an explanation or evidence, or coercion of an expert to provide an opinion, shall be punished by imprisonment for a term of two to five years, with deprivation of the right to hold an official position or to carry out a particular activity for up to five years.

According to Article 365 Any threat to kill or to damage the health or destroy the property committed against a prosecutor, investigator, lawyer, expert, enforcement officer, other participant of the legal proceedings or their close relatives, in connection with the investigation, conduct of defense, court hearing of a case or material and/or with the enforcement of a judgement or other court decisions, shall be punished by a fine or imprisonment for up to two years.

Article 372 of the same code regulates the exertion of influence on an interviewee, a witness, a victim, an expert or an interpreter.

**203-1. Does the judicial expert have an obligation of training?**

	Obligation of training
<b>Initial training</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Continuous training</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

**203-2. If yes, does this training concern:**

judicial proceedings

the profession of expert

other

Comments

**204. Is the function of judicial experts regulated by legal norms?**

Yes

No

Comments

**204-1. On the occasion of a task entrusted to him/her, does the judicial expert have to report any**

## potential conflicts of interest?

Yes

No

Comments

## 205. Number of accredited or registered judicial experts:

	Total	Male	Female
Number of experts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

## 205-1. Who sets the expert remuneration?

- Remuneration is set by the contract.

## 206. Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

Yes

No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge: The rights and obligations of the experts are regulated by procedural law, in case of incorrect report an expert may be subject to prosecution.

According to Art. 51 (2) of the Criminal Procedure Code of Georgia, "an expert shall be impartial regardless of the party that has summoned him/her". Furthermore, Art. 52 (2) of the Code defines the obligation of the expert to:

- include in the expert opinion the circumstance established during the expert examination about which the person who initiated the expertise, and/or other authorized participants of the proceedings have not asked questions ;
- safeguard the object of expert examination and return it after the expert examination to the person who initiated the expertise, unless this object has been fully used up during the examination;
- file for self-disqualification if there are relevant grounds provided for by law.

## 206-1. Number of cases where expert opinion was ordered by a judge or requested by the parties

	Number of cases
Total (1+2+3+4)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
1.Civil and commercial litigious cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.Administrative cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

3.Criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4.Other cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

**207. Are the courts responsible for selecting judicial experts?**

- Yes, for recruitment and/or appointment for a specific term of office
- Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No, please specify which authority selects judicial experts .....

Comments

**207-1. Does the judge control the progress of the expertise?**

- Yes
- No

Comments

**K1. Please indicate the sources for answering question 205**

Sources: Data provided by the High Council of Justice of Georgia [www.hcoj.gov.ge](http://www.hcoj.gov.ge)

**12.Reforms in judiciary**

**12.1.Foreseen reforms**

**12.1.1.Reforms**

**208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. Have innovative projects been implemented? If possible, please observe the following categories:**

1. (Comprehensive) reform plans NA

2. Budget NA

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) In 2018, the Prosecution Service of Georgia (PSG) has continued to be subject of important reforms aiming at further strengthening its independence, transparency and effectiveness.

On 16 December 2018, the new Organic Law of Georgia on Prosecution Service and the amendments to the Constitution of Georgia entered into force. The main improvements provided by the legislative amendments can be summarized as follows:

The clause on independence of the PSG was enshrined in the Constitution of Georgia;

The PSG was established as a separate branch of power, outside of the Ministry of Justice, headed by the General Prosecutor;

The status of the Prosecutorial Council was upgraded by defining its role and mandate in the Constitution;

The ex officio membership and chairmanship of the Minister of Justice to the Prosecutorial Council were abolished. Based on the legislative amendments, chairmen is elected by the Prosecutorial Council itself;

The selection of the candidate for the Prosecutor General to be nominated to the Parliament of Georgia is carried out by the Prosecutorial Council rather than by the Minister of Justice;

The Rules of Procedure of the Prosecutorial Council are approved by the Prosecutorial Council itself instead of the Minister of Justice;

The disciplinary procedures for prosecutors were introduced to the Organic Law. Previously, they were not provided in the law;

The basic rules and criteria for performance assessment of prosecutors were introduced to the Organic Law. Before, the law did not contain such rules and criteria; The rules and criteria for recruitment of prosecutors were specified in the law and new provision on vetting of candidates was introduced to the legislation;

The basic rules for promotion of prosecutors were introduced to the Organic Law; The legislative guarantees were provided by the Organic Law to the collegial body in charge of career management and disciplining of prosecutors, now the Career Management, Ethics and Incentives Council. Before, there was a Consultative Council which was established based on the Order of the Chief Prosecutor;

The composition of the Career Management, Ethics and Incentives Council was defined in the legislation and participation of elected representatives of the PSG was ensured in its activities. Prior to that, composition of such council was fully decided by the Chief Prosecutor;

The possibility of addressing the Career Management, Ethics and Incentives Council by the interested investigators and prosecutors was enshrined in the legislation. Previously, this was unregulated at all.

Following the very recent finalization of the extensive reforms, currently PSG is in the process of monitoring their practical impact as well as identifying and exploring new areas for introducing progressive changes. In parallel, PSG routinely continues implementation of its Strategy and Action Plan as well as capacity building activities for its prosecutors and investigators. The goals under the PSG Strategy and Action Plan include strengthening crime prevention measures, increasing the quality of investigation and prosecution, improving the human rights protection, increasing the independence of prosecutors, capacity building of PSG staff and improving the public trust in the Prosecution Service.

### 3.1. Access to justice and legal aid NA

4. High Judicial Council In the draft law which encompasses the change in the Organic Law on Common Courts the listeners of the High School of Justice are selected by the independent board of the High School of Justice (in the current version of the law the listeners are selected by the High Council of Justice).

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. A new draft Code of Enforcement has been prepared by the Ministry of Justice. The novelty will significantly modify the structure of activities of the National Bureau of Enforcement. The draft Code aims to create a new effective enforcement system and clearly separate the rights and responsibilities of the parties involved in the enforcement process, to simplify the enforcement proceedings and improve the services both – within and out of the enforcement process and to propose the new services to the consumers. According the changes, a Chamber of Enforcement Agents will be established. The main goal of the draft law is to introduce the principle of proportionality for the whole process, which entails the proportionality of enforcement actions and its extent towards the existing debt. The changes will also considerably contribute to the fast and effective dispute resolution. Furthermore, it is essential to introduce new standards of bailiff performance that will protect the interests of creditors and reduce the possibility of the debtor's rights being violated. In addition to the abovementioned, the draft code aims to harmonize Georgian enforcement legislation with the standarts of EU countries. This factor will stimulate the quality of the protection of human rights, including property rights, and develop the investment environment.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities NA

7. Enforcement of court decisions A new draft Code of Enforcement has been prepared by the Ministry of Justice. The novelty will significantly modify the structure of activities of the National Bureau of Enforcement. The draft Code aims to create a new effective enforcement system and clearly separate the rights and responsibilities of the parties involved in the enforcement process, to simplify the enforcement proceedings and improve the services both – within and out of the enforcement process and to propose the new services to the consumers. According the changes, a Chamber of Enforcement Agents will be established. The main goal of the draft law is to introduce the principle of proportionality for the whole process, which entails the proportionality of enforcement actions and its extent towards the existing debt. The changes will also considerably contribute to the fast and effective dispute resolution. Furthermore, it is essential to introduce new standards of bailiff performance that will protect the interests of creditors and reduce the possibility of the debtor's rights being violated. In addition to the abovementioned, the draft code aims to harmonize Georgian enforcement legislation with the standarts of EU countries. This factor will stimulate the quality of the protection of human rights, including property rights, and develop the investment environment.

#### 8. Mediation and other ADR New Law on Mediation

In Georgia courts are overburdened with vast caseload. Mediation is thought to be one of the solutions to this problem. Through mediation, specially trained neutral experts help people solve their civil disputes in a fast and efficient manner without entering into lengthy and costly judicial proceedings. Now the time has come to institutionalize and expand mediation based on Georgian traditions, modern needs and international experience. European Union and UNDP, along with other international donors, had actively supported this process, including by coordinating works over a new Law on Mediation and its implementation in line with international standards. Key Objectives of the Legislative Package are the following:

Developing mediator's profession

Setting up a strong and credible institutional framework for self-regulation of mediators

Creating balanced supply and demand in mediation market

Encouraging the resolution of disputes by means of mediation

Reducing the existing backlog of cases in courts

The Law applies to:

Court-annexed mediation – a mediation process which takes place after a lawsuit is lodged with the court, when the court hands the case over to a mediator pursuant to the Civil Procedure Code. A mediator must be selected from the Unified Mediators Registry.

Private mediation – an out-of-court mediation process which takes place based on a mediation agreement between the parties. A mediator is selected by the parties from the Unified Mediators Registry.

Besides, 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 enforcement via court if the mediator was chosen from the Unified Mediators Registry. If the private mediation is led by the person who is not enlisted in the unified registry, the reached settlement will be considered a regular contract and breach of contract rules may accordingly apply.

The Association of Mediators will be established as a legal entity of public law and a self- regulated body. It will be composed of the mediators enlisted in the unified registry. Abovementioned legislative amendements have been already adopted by the Parliament of Georgia through two sessions.

9. Fight against crime NA

9.1. Prison system NA

9.2 Child friendly justice NA

9.3. Violence against partners NA

10. New information and communication technologies NA



11. Other NA