



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2011

Country: Georgia

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants (if possible on 1 January 2011)

4 469 200

2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP)

	Amount
State level	2 312 362 869
Regional / federal entity level (total for all regions / federal entities)	NA

3) Per capita GDP (in €)

1 972

4) Average gross annual salary (in €)

3 026

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2011

2.3708GEL

A.1

Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

National Statistics Office of Georgia (www.geostat.ge), National Bank of Georgia (www.nbg.ge)

1. 2. Budgetary data concerning judicial system

1. 2. 1. Budget (courts, public prosecution, legal aid, fees)

6) Annual approved public budget allocated to the functioning of all courts, in €(if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	16 214 854
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	11 026 251
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	118 976
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	<input checked="" type="checkbox"/> Yes	3 920 373
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	227 382
5. Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	128 809
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	428 188
7. Other (please specify):	<input checked="" type="checkbox"/> Yes	364 875

7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:

NAP

8) Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

for criminal cases?

for other than criminal cases?

If yes, are there exceptions to the rule to pay court a tax or fee? Please provide comments on those exceptions:

Exceptions are allowed by Civil Procedural Code and by the Law on State Duty. For example, the plaintiffs with disabilities, plaintiffs claiming their salary, plaintiffs who receive state financial assistance from the state, and some other categories of disputes or plaintiffs are exempted from court fees.

9) Annual income of court taxes or fees received by the State (in €)

NA

10) Annual approved public budget allocated to the whole justice system, in € (this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)

NA

11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.

Court system	Yes
Legal aid	No
Public prosecution services	Yes
Prison system	No
Probation services	No
Council of the judiciary	Yes
Judicial protection of juveniles	No
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	No

Comment :

12) Annual approved public budget allocated to legal aid, in €- If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total annual approved public budget allocated to legal aid (12.1 + 12.2)	12.1 Annual public budget allocated to legal aid in criminal law cases	12.2 Annual public budget allocated to legal aid in non criminal law cases
Amount (in €)	1 080 548	NA	NA

13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided.

Amount

7 333 463

Comment :

14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	No	No	No	No
Other ministry	No	No	No	No
Parliament	No	Yes	No	No
Supreme Court	Yes	No	Yes	No
Judicial Council	Yes	No	Yes	No
Courts	No	No	No	No
Inspection body	No	No	No	Yes
Other	No	No	No	No

15) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):

Inspection body includes Chamber of Control

A.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Question 6#2#2 : Since January 2009, salaries of judges of the courts of all instances were increased by 200 GEL, and correspondingly, the salary amount was more by 200 GEL in 2010 compared to 2008. As a result of merging the district (city) courts of first instances in 2009-2010, 9 unified courts were established in addition, where the salaries of staff members were increased. All the above mentioned resulted in the increased budget that had been allocated for salaries.

Question 6#2#3 : During 2008-2009, the judiciary system was completely equipped with IT appliances, which resulted in the reduction of the budget envisaged for system computerization.

Question 6#2#4 : Compared to 2008, certain types of expenses were increased significantly in 2010, namely:

- Forensic service expenses increased by – 115,000 GEL
- Translation service expenses increased by – 103,000 GEL
- Mailing expenses increased by – 365,000 GEL
- Internet expense (due to the creation of VPN) increased by – 126,000 GEL
- Mobile telephone communication increased by – 109,000 GEL

Utility expenses increased after repairing the courthouses, namely:

- Expenses of diesel fuel used for heating was increased by – 476,000 GEL (before refurbishment, firewood was used for heating the courthouses)
- Electricity expenses increased by – 122,000 GEL
- Water – by 66,000 GEL.

Unlike 2008, the budget of 2010 allocated for justice administration expenses contains the costs incurred for equipping the buildings (for providing furniture and other appliances), which totaled 1,112,000 GEL in 2010. In order to adjust the budget of 2010 with the budget of 2008, 1,112,000 GEL should be extracted from 3,920,373 Euros – the budget allocated for the justice in 2010, and 1,112,000 GEL should be added to 128,809 EUR - the budget allocated for investing in new courthouses in 2010.

Question 6#2#5 : Unlike the data of 2008-2010, the cycle of 2010-2012 includes the data of the budget of common courts, among them those of the Supreme Court. This serves as an explanation for discrepancy between the annual data of the budget.

Question 6#2#6 : Unlike the budget of 2008, the budget allocated for investing in new courthouses in 2010 does not include the expenses incurred for equipping the buildings (with furniture and other appliances), which totaled 1,112,000 GEL in 2010 (this expense is included in the budget allocated for justice expenses in the budget of 2010). In order to adjust the budget of 2010 with the budget of 2008, 1,112,000 GEL should be extracted from the budget allocated for justice expenses in 2010 - 3,920,373 Euros, and 1,112,000 GEL should be added to the budget allocated for investing in new courthouses in 2010 - 128,809 Euros.

Repair-reconstruction works of most part of courthouses were finished in 2009, inclusive. This resulted in the reduction of budget allocated for investing in new courthouses in 2010 as compared to the budget of 2008.

Please indicate the sources for answering the questions 6, 9, 10, 11, 12 and 13.

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes

17) Does legal aid include the coverage of or the exemption from court fees?

Yes

No

If yes, please specify:

18) 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

No

If yes, please specify:

19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

	Criminal cases	Other than criminal cases
	Yes	Yes

Comment :

The legal aid provided in criminal cases – representation of the defendants in the court procedures covers all the expenses related to the lawyer's performance – fees for experts, travel costs, all other activities carried out by the lawyer

The legal aid provided in the administrative cases – representation of the patients in the court procedures related with compulsory psychiatric treatment covers all the expenses related to the lawyer's performance – travel costs, all other activities carried out by the lawyer

20) Number of cases referred to the court and for which legal aid has been granted. Please specify in the "comment" box below, when appropriate. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	10 140
in criminal cases	9452
other than criminal cases	688

Comment :

Other than criminal cases – free court representation provided by Legal Aid Service for the patients in the administrative court procedures related with compulsory psychiatric treatment

21) 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? Please specify in the "comment" box below.

Accused individuals	Yes
Victims	No

Comment :

The accused individuals are assisted by a free lawyer, if: 1. The accused is registered in the entire database of the socially vulnerable families, 2. The accused is not registered in the database, but requests for free legal aid, because of poverty, that may be proved by other relevant information

22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system

Yes

No

23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? Please provide in the "comment" box below any information to explain the figures provided. If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	NAP	NA
for other than criminal cases?	NA	No

Comment :

According to the Legal Aid Provision regulations, the accused is to be granted free advocacy in the Criminal Procedure, if the score number in the socially vulnerable`s database does not exceed 70.000 (does not exceed 100.000 if the accused is IDP after Russian Federation aggression, veteran of armed forces and war conflict, person with physical disabilities, the member of the family with 3 or more minors)

24) In other than criminal cases, 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

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

25) Is the decision to grant or refuse legal aid taken by :

the court?

an authority external to the court?

a mixed decision-making authority (court and external bodies)?

26) 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

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

27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:

criminal cases?	No
other than criminal cases?	Yes

B.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

The characteristics of the service and main reforms available at www.legalaid.ge

Please indicate the sources for answering the questions 20 and 23

Question 20 - http://www.legalaid.ge/index.php?action=page&p_id=161&lang=eng

Question 23 - Decree of the Minister of Corrections and Legal Assistance of Georgia - 3 August, 2009 -, The identification of insolvency` - source Codex 2007 R2

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

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

The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:

- | | | |
|---|---|---|
| <input type="checkbox"/> legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): | <input checked="" type="checkbox"/> Yes | , www.parliament.ge ,
www.matsne.gov.ge |
| <input type="checkbox"/> case-law of the higher court/s? Internet address(es): | <input checked="" type="checkbox"/> Yes | Internet address(es):
www.supremecourt.ge |
| <input type="checkbox"/> other documents (e.g. downloadable forms, online registration)? | <input checked="" type="checkbox"/> Yes | Internet address(es):
www.supremecourt.ge ,
www.hcoj.gov.ge |

Comment :

Other documents include the forms of lawsuits, appellate and cassation claims; forms of answers to lawsuits and appellate and cassation claims on civil and administrative cases as well as the decisions of the High Council of Justice.

29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- Yes
 No

If yes, please specify:

30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?

- Yes
 No

If yes, please specify:

In Tbilisi Appeals and Kutaisi Appeals Courts there is electronic program functioning which allows the possibility of online monitoring by the parties of the cases.

31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.

[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to

34.]

	Information mechanism	Special arrangements in court hearings	Other
Victims of rape	Yes	Yes	Yes
Victims of terrorism	Yes	No	Yes
Children (witnesses or victims)	Yes	Yes	No
Victims of domestic violence	Yes	Yes	Yes
Ethnic minorities	Yes	No	Yes
Disabled persons	Yes	No	Yes
Juvenile offenders	Yes	Yes	No
Other (e.g. victims of human trafficking)	Yes	No	Yes

Comment :

32) Does your country allocate compensation for victims of crime?

- Yes
 No

If yes, for which kind of offences

The Law of Georgia on Fight against Trafficking entitles victims of trafficking to request compensation for moral, physical or material damage in accordance with the Civil or Criminal procedure laws. In case compensation for damage is otherwise impossible, victim of trafficking is compensated from the State fund.

Also, according to the civil and criminal legislation of Georgia, victim of any crime is entitled to request compensation for damage in accordance with Civil Procedure Code of Georgia.

The compensation procedure is used in criminal cases - if the court finds out that the detention was illegal or ungrounded, the court shall order the compensation to be paid for the victim. Based on Court decision the compensation shall be paid to the victims of repressions during soviet era or to their successors.

33) If yes, does this compensation consist in:

- a public fund?
 damages to be paid by the responsible person (decided by a court decision)?
 a private fund?

34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

- Yes
 No

If yes, please inform about the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

- Yes
 No

If yes, please specify:

- Informing the victim about his/her rights during the proceedings;
- Consulting with victims before signing a plea agreement;
- Within the prosecutor's office, the special body exists which is in charge of coordinating communication between prosecutors and victims or witnesses.

36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?

Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a judicial decision".

- Yes
- No
- NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A judicial decision is needed).

If necessary, please specify:

Victims have a right to appeal public prosecutor's decision regarding the discontinuation of a case to a supervising prosecutor.

2. 2. 2. Confidence of citizens in their justice system

37) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
- non execution of court decisions?
- wrongful arrest?
- wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

Compensation is paid from the budget. Its amount is determined by the Court.

38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at the parties
- (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

1. In 2010, the Ministry of Justice has initiated Georgian Crime and Security Survey in order to identify crime perception in Georgia and existing crime trends as well as analyze public victimization index (real indicator of damage from crime) in the society. It is a unique mechanism that focuses, among others, on unreported crime, perception of public safety, public opinions concerning penalties for particular crimes as well as on the justice system in general. It would enable policy makers to determine the underlying motives of the crime, social attitude towards crime and security, crime trends and registered crime rate in long-term perspective

Web site: www.justice.gov.ge

2. www.supremecourt.ge/researches

- (i) Researches conducted by District Courts;
- (ii) Researches conducted by Supreme Court and USAID contractor DPK;
- (iii) Researches of the court users conducted by IPM;
- (iv) Researches conducted by Supreme Court

39) If possible, please specify:

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	Yes	No
Surveys at court level	Yes	No

40) Is there a national or local procedure for making complaints about the functioning of the judicial system (for example the treatment of a case by a judge or the duration of a proceeding)?

Yes

No

41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint	No time limits
Court concerned	No	No	No
Higher court	No	No	No
Ministry of Justice	No	No	No
High Council of the Judiciary	No	Yes	No
Other external bodies (e.g. Ombudsman)	No	No	No

Comment :

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	40
42.2 First instance specialised Courts (legal entities)	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)	43

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If "other specialised 1st instance courts", please specify it in the "comment" box below. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Total (must be the same as the data given under question 42.2)	NAP
Commercial courts	NAP
Labour courts	NAP
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	NAP
Administrative courts	NAP
Insurance and / or social welfare courts	NAP
Military courts	NAP
Other specialised 1st instance courts	NAP

Comment :

44) 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

If yes, please specify:

The process of enlargement of first instance courts is ongoing. Instead of 40 courts there will be 26 enlarged first instance courts. The cases will be heard by judges according to their specialization in the enlarged courts that will contribute to increase of quality of judicial decisions.

45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number of courts
a debt collection for small claims	NAP

a dismissal	NAP
a robbery	NAP

Please give the definition for small claims and indicate the monetary value of a small claim:

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

Organic Law of Georgia on Courts of General Jurisdiction and the Decision of High Council of Justice of Georgia "On Creation of District (City) Courts, Tbilisi and Kutaisi Appeals Court, Defining the Their Territory and Quantity of Judges".

Question 42#1#3 : There was an institutional reorganization of the judiciary system actively going on in Georgia during 2009-2010, and within its frameworks 30 district (city) courts of the first instance were merged, and 9 unified courts were established instead. The decreased number of district (city) courts of the first instance resulted in the reduction of the number of courts of all instances.

3. 1. 2. Judges and non-judge staff

46) Number of professional judges sitting in courts (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful comment for interpreting the data above.

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.

Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	234	124	110
1. Number of first instance professional judges	163	86	77
2. Number of second instance (court of appeal) professional judges	52	25	27
3. Number of supreme court professional judges	19	13	6

Comment :

47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	43	31	12
1. Number of first instance court presidents	40	28	12
2. Number of second instance (court of appeal) court presidents	2	2	NA
3. Number of supreme court presidents	1	1	NA

48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2010). If necessary, please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure

NAP

If possible, in full-time equivalent

NAP

Comment :

49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2010) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury).

Gross figure

NAP

50) Does your judicial system include trial by jury with the participation of citizens?

Yes

No

If yes, for which type of case(s)?

If the accusation envisages arrest as a sentence the case is heard by the Jury unless based on the joint motion of the parties the court agrees to hear the case without jury.

Because jury hearing is a novelty for Georgia until October 1 2012 the Jury system shall function only in Tbilisi City Court and shall hear cases of aggravated murder. From October 2012 Kutaisi City Court shall also start hearing the same cases by Jury system.

51) Number of citizens who were involved in such juries for the year of reference:

NA

52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2010) (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). If "other non-judge staff", please specify it in the "comment" box below.

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	<input checked="" type="checkbox"/> Yes	1622
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal		NAP
2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars	<input type="checkbox"/> Yes	549
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)	<input type="checkbox"/> Yes	914
4. Technical staff	<input type="checkbox"/> Yes	159
5. Other non-judge staff		NAP

Comment :

First of all we need to point out the fact that the data of 2008 did not include the data of the Supreme Court of Georgia. Increased number of employees is related to the optimization of number of staff members as the result of unifying the district (city) courts of the first instance, among them by adding new positions, such as: court manager, head of chancellery and citizens' reception, networks administrator, etc.

53) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and duties:

nap

54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?

Yes

No

If yes, please specify:

In Tbilisi and Kutaisi Appeals Courts as well as in Rustavi City Court the building cleaning and maintenance services are provided by private companies who won special tender.

C.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

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

3. 1. 3. Public prosecutors and staff

55) Number of public prosecutors (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	356	284	72
1. Number of prosecutors at first instance level	NA	NA	NA
2. Number of prosecutors at second instance (court of appeal) level	NA	NA	NA
3. Number of prosecutors at supreme court level	NA	NA	NA

Comment :

In Georgia, there is no such system, which grants prosecutors a power to represent separately for a particular court level; prosecutor who is represented at a first instance court for instance, can at the same time be represented at an appellate court level.

56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	41	39	2
1. Number of heads of prosecution offices at first instance level	NA	NA	NA
2. Number of heads of prosecution offices at second instance (court of appeal) level	NA	NA	NA
3. Number of heads of prosecution offices at supreme court level	NA	NA	NA

Comment :

57) Do other persons have similar duties to public prosecutors?

Yes

No

Number (full-time equivalent)

21

58) If yes, please specify their title and function:

Paid Interns at Georgian prosecution offices perform the same duties as prosecutors and investigators.

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

Yes

No

60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2010) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

Number

Yes

242

C.2**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

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

Office of the Chief Prosecutor of Georgia and Department of Human Resources of the Ministry of Justice of Georgia

3. 1. 4. Court budget and new technologies

61) Who is entrusted with responsibilities related to the budget within the court? If "other", please specify it in the "comment" box below.

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	No	No	No	No
Court administrative director	No	No	No	No
Head of the court clerk office	No	No	No	No
Other	Yes	Yes	Yes	Yes

Comment :

The Department of General Courts of High Council of Justice is the body which is in charge of dealing with finances of general courts under Organic Law on General Law.

Together with Supreme Court of Georgia High Council of Justice also makes propositions to the Government on financing of the Judiciary budget.

When drafting the judiciary budget special attention is paid to the requirements of the president and managers of the courts. According to their requests as well as previous years experience and taking into consideration the requirements of contemporary technologies the budget is planned. The Department of General Courts is somehow an intermediary between the court and Ministry of Finance. During planning the budget as well as during expenses the courts determine quantity and quality of the goods to be purchased while the department of General Courts fulfils courts' such requests. The Supreme Court carries out such functions independently.

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

Word processing	100% of courts
Electronic data base of jurisprudence	100% of courts
Electronic files	100% of courts
E-mail	100% of courts
Internet connection	100% of courts

63) For administration and management, what are the computer facilities used within the courts?

Case registration system	+50% of courts
Court management information system	+50% of courts
Financial information system	0 % of courts
Videoconferencing	0 % of courts

64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts?

Electronic web forms	100% of courts
Website	100% of courts
Follow-up of cases online	100% of courts
Electronic registers	100% of courts
Electronic processing of small claims	0 % of courts
Electronic processing of undisputed debt recovery	0 % of courts
Electronic submission of claims	0 % of courts
Videoconferencing	100% of courts
Other electronic communication facilities	0 % of courts

65) The use of videoconferencing in the courts (details on question 65). Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.

	65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses?	65.2 Can such court hearing be held in the police station and/or in the prison?	65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	65.4 Is videoconferencing used in other than criminal cases?
	Yes	No	Yes	Yes

Comment :

C.3**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that has been implemented over the last two years

3. 2. Performance and evaluation**3. 2. 1. Performance and evaluation****66) Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?** Yes No

If yes, please indicate the name and the address of this institution:

Department of Statistics and Information of the Supreme Court of Georgia. Address - #31 Dzmebi Zubalashvilebi Street, Tbilisi, Geiorgia High Council of Justice of Georgia
Address - #12 Bochorma street,

67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets

and assessment of the activity)?

- Yes
 No

68) Do you have, within the courts, a regular monitoring system of court activities concerning:

The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).

- number of incoming cases?
 number of decisions delivered?
 number of postponed cases?
 length of proceedings (timeframes)?
 other?

If other, please specify:

All the above mentioned measures are included in quarterly statistics which the courts submit to the Supreme Court and to the High Council of Justice. Those data are studied and appropriate recommendations are drafted.

69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).

- Yes
 No

Please specify:

The performance of each court is made every quarter as well as annually based on statistics submitted. Subject to evaluation are the activity of the court as well as an individual judge according to the number of cases dealt with, timeframes and stability of adopted decisions.

70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)

- Yes
 No

71) Please select the 4 main performance and quality indicators that have been defined:

- incoming cases
 length of proceedings (timeframes)
 closed cases
 pending cases and backlogs
 productivity of judges and court staff
 percentage of cases that are processed by a single sitting judge
 enforcement of penal decisions
 satisfaction of court staff
 satisfaction of users (regarding the services delivered by the courts)
 judicial quality and organisational quality of the courts
 costs of the judicial procedures
 other:

If other, please specify:

72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

- Yes
 No

73) Who is responsible for setting the targets for each judge?

- executive power (for example the ministry of Justice)?
 legislative power
 judicial power (for example a High Judicial Council or a Higher Court)
 other

If other, please specify:

Base on statistical data received from the courts High Council of Justice evaluates the judges individually as well as the court in general. Such information is used when deciding reorganization of the courts, number of judges, their secondment to other courts etc.

74) Are there performance targets defined at the level of the court (if no please skip to question 77)?

- Yes
 No

75) Who is responsible for setting the targets for the courts?:

- executive power (for example the ministry of Justice)?
 legislative power
 judicial power (for example a High Judicial Council, Higher Court)
 other

If other, please specify:

76) Please specify the main targets applied to the courts:

Defining main target serves to caring out fast and efficient justice. The targets are also used during making proposals on judicial reform in order to have proper judicial system.

77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)

- High Council of judiciary
 Ministry of justice
 inspection authority
 Supreme Court
 external audit body
 other

If other, please specify:

78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

- Yes
 No

If yes, please specify:

High Council of Justice adopted communication standards with court users by the court staff, as well as the forms of lawsuits, appellate and cassation claims have been elaborated.

79) Do you have specialised court staff that is entrusted with these quality standards?

- Yes
 No

80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:

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

81) Do you monitor waiting time during court procedures?

- Yes
 No

If yes, please specify:

The High Council of Justice studies the reasons of excessive length of time-frames according to statistical data as well as by on-site visits.

82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?

This question does not concern the specific evaluation of performance indicators.

- Yes
 No

Please specify the frequency of the evaluation:

83) Is there a system for monitoring and evaluating the performance of the public prosecution service?

- Yes
 No

If yes, please give further details:

Management of prosecutorial offices carries out this function

C.4

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your court monitoring and evaluation systems

4. Fair trial

4. 1. Principles

4. 1. 1. General information

84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a legal professional)?

NA

85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

Yes

No

If possible, number of successful challenges (in a year):

20

86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	NA	NA	NA	NA
Civil proceedings - Article 6§1 (non-execution)	NA	NA	NA	NA
Criminal proceedings - Article 6§1 (duration)	NA	NA	NA	NA

Please indicate the sources:

D.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter

4. 2. Timeframes of proceedings

4. 2. 1. General information

87) Are there specific procedures for urgent matters as regards:

civil cases?

criminal cases?

administrative cases?

there is no specific procedure

If yes, please specify:

1. In civil cases in family relations the law allows to use Temporary Order, which a court may adopt based on the request of the party. Such Temporary Order may concern the issues of care of child by parents, to give custody over the child to one of the parents, provision of the child with sufficient resources etc. The court is also authorized to discuss the requests of the parties to secure evidences if there is a risk that obtaining of the evidence may become impossible or more difficult. At the same time, the court is authorized to use injunction to secure the lawsuit base on the written request of the party. If court has a grounded presumption that without injunction the enforcement of judgement may be difficult or impossible the court within one day from the request (application) adopts a ruling about using injunction.
2. In criminal cases the law envisages the specific procedure for interrogation of witnesses which implies that before trial the witness maybe interrogated by magistrate judge if there is a risk to life of that witness or the risk of deterioration of his/her health or if the witness leaves the country for the long period.
3. In administrative cases the court is authorized to adopt a temporary ruling when there is a risk that existing situation may prevent or make it difficult for the applicant to realize his/her rights. Such measure may also be adopted for preliminary regulation of disputed situation when such regulation is necessary in long term legal relations because of significant damage or existing danger etc.

88) Are there simplified procedures for:

- civil cases (small disputes)?
- criminal cases (small offences)?
- administrative cases?
- there is no simplified procedure

If yes, please specify:

1. Those civil cases that are subject to magistrate judges can be heard through so called quick procedure which means reduction of certain stages of hearing. Civil process also envisages simplified procedure as one of the ways of carrying out justice and subject to procedure are disputes based on promissory notes and checks, payment of indebtedness (payment order), return of the objects subject to leasing agreement etc.
2. In criminal cases it is possible to finalize the case by means of conclusion of procedural agreement (so called plea bargain) which implies making a decision without discussion of the case on merits when the prosecution and accused person agreed either on accusation or on sentence.
3. In administrative cases the court may adopt a judgement on the case through so called quick procedure based on the request of the parties.

89) 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
- No

If yes, please specify:

[4. 2. 2. Caseflow management and timeframes of judicial proceedings](#)

90) Comment:

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

91) First instance courts: number of other than criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should reflect the total number of other than criminal law cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)*	7 032	75 435	75 242	7 225
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	4 036	19 176	18 448	4 764
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	806	11 638	11 649	795
3. Enforcement cases	NA	NA	NA	NA
4. Land registry cases**	NA	NA	NA	NA
5. Business register cases**	NA	NA	NA	NA
6. Administrative law cases (litigious and non-litigious)	2 190	11 658	12 619	1 229
7. Other cases (e.g. insolvency registry cases)	NA	32 963	32 526	437

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

In the first cell there are litigious cases in the second cell – non-litigious which include payment orders, establishment of legal facts etc.

93) If "other cases", please indicate the case categories included:

Other cases include administrative violations

94) First instance courts: number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	3 056	11 533	16 909	1 680
8. Criminal cases (severe criminal offences)	NA	NA	NA	NA
9. Misdemeanour and / or minor offences cases	NA	NA	NA	NA

95) The classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases may be difficult. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedures).

Please indicate, if feasible, what case categories are included under "severe criminal cases" and the cases included under "misdemeanour and /or minor criminal cases".

The Criminal Code of Georgia does not classify the cases as felony and misdemeanour. All crimes included in the Code are serious criminal cases as they pose a danger to the society. All other minor cases which do not pose a danger to the society are included in the Code on Administrative Offences of Georgia. Broadly speaking, severe cases include severe and extremely severe crimes, misdemeanour may imply less severe crimes.

96) Comments on questions 91 to 95. You can indicate, for instance, the specific situation in your country, give explanations on NA or NAP answers or explain the calculation of the total number of other than criminal law cases or differences in horizontal consistency, etc.

97) Second instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal" cases includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	4 022	16 247	18 007	2 262
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	2 435	11 061	11 765	1 731
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NA	NA	NA	NA
3. Enforcement cases	NA	NA	NA	NA
4. Land registry cases	NA	NA	NA	NA
5. Business register cases	NA	NA	NA	NA
6. Administrative law cases (litigious and non-litigious)	619	3 911	4 050	480
7. Other cases (e.g. insolvency registry cases)	968	1 275	2 192	51

98) Second instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	419	2 519	2 730	208
8. Criminal cases (Severe criminal offences)	337	1 610	1 773	174
9. Misdemeanour and/or minor offences cases	82	909	957	34

Comment :

99) Highest instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal law cases" includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	686	3 251	2 944	993
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	314	1 342	1 279	377
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc.	NA	NA	NA	NA

(if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)				
3. Enforcement cases	NA	NA	NA	NA
4. Land registry cases	NA	NA	NA	NA
5. Business register cases	NA	NA	NA	NA
6. Administrative law cases (litigious and non-litigious)	327	1 909	1 665	616
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

100) Highest instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	293	1 244	1 271	266
8. Criminal cases (severe criminal offences)	NA	NA	NA	NA
9. Misdemeanour cases (minor offences)	NA	NA	NA	NA

Comment :

101) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Jan. '10
Litigious divorce cases	276	2 013	1 894	394
Employment dismissal cases	56	247	250	53
Robbery cases	228	464	588	104
Intentional homicide	92	93	144	41

102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[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. New: the question concerns first, second and third instance proceedings.]

	% of decisions subject to appeal	% pending cases more than 3 years	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)
Litigious divorce cases	2,8%	NA	NA	NA	NA	NA
Employment dismissal cases	18%	NA	NA	NA	NA	NA
Robbery cases	28,7%	NA	NA	NA	NA	NA
Intentional homicide	68,7%	NA	NA	NA	NA	NA

103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):

If there is a property dispute between spouses or if they have juvenile children their divorce case is heard by the court which adopts the decision within 2 months after admission of the lawsuit of in case of difficult case in period no more than 5 months. In case there is no dispute between spouses or they have not juvenile children they divorce may take place in territorial unit of Civil Registry Agency.

104) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.

The length of proceedings is calculated from the moment of admission of the case until the entrance of the decision

into the force.

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

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

If "other significant powers", please specify:

106) Does the public prosecutor also have a role in civil and/or administrative cases?

- Yes
- No

If yes, please specify:

107) Case proceedings managed by the public prosecutor: total number of 1st instance criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	NA	15 906	16 393	14 898

108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	15 906
1. Discontinued by the public prosecutor because the offender could not be identified	NAP
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	15 906
3. Discontinued by the public prosecutor for reasons of opportunity	NAP

109) Do the figures include traffic offence cases?

- Yes
- No

D.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years**

Questions 91 – 100

Decreased number of pending cases as of January 2010 compared to the data of the same period of 2008 is the result of improved rate of case hearing at courts of all instances, because of which the number of pending cases decreased. Number of cases filed to courts is increasing annually (except criminal cases), which is mostly the result of increased public trust in the judiciary, improved economic relationships, raised public awareness and other factors. In addition, the number of finished cases has increased significantly, which is caused by the right case flow management and effective performance of courts.

As for the criminal cases, the reduced number of pending cases of this category at all the instances is the result of improved rate of case hearing at courts of all instances, and the reduced number of filed cases.

Reduced number of filed cases (at trial courts) is caused by the reforms being carried out in the country, which resulted in the improved criminal situation throughout the country.

As for the decreased number of criminal cases filed to the court of appeal and court of cassation, first of all, it is caused by the reduced number of cases filed to the trial courts and high rate of approval of plea agreements, which obviously results in the reduced number of appealed cases.

Q101: In relation to the high clearance rate in Figure 9.36 (p. 61), the following three elements can explain it. First of all, the establishment of common practice within the judiciary (common interpretation and usage of the law) contributed to the faster resolution of the cases. Secondly, intentional homicide cases involve the situations when a pre-trial detention is used against the accused individual. When pre-trial detention is used the law envisages very strict timeframes for resolution of such cases and usually such cases are priorities in the courts. Thirdly, constant increase of qualification of judges and the staff is also a significant element in faster resolution of the intentional homicide cases.

To my mind, this answer is also applicable to explain the 24% clearance rate in Figure 9.36 bis (p. 62).

(cf. CN 12/07)

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

5. Career of judges and public prosecutors

5. 1. Recrutement and promotion

5. 1. 1. Recrutement and promotion

110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If other, please specify:

After passing the qualification exam the person who is willing to be a judge shall take part in the competition announced by High Council of Justice and should be enrolled in the High School of Justice as a student where the student should pass 10 month study term.

111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

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:

The High Council of Justice

112) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, which authority is competent for the promotion of judges ?

113) Which procedures and criteria are used for promoting judges? Please specify.

In case there is a vacancy in higher court the competition shall be announced. The judge willing promotion shall take part in the competition. During competition special attention is paid to the qualification of candidate, experience of working as a judge, his/her case turnover ratio, skills of a judge, reputation etc. District (city) court judge may be appointed in appeals court if he/she has been working as judge at least 2 years. The criteria of promotion of judge is elaborated by High Council of Justice.

114) Is there a system of qualitative individual assessment of the judges' activity?

- Yes
- No

115) Is the status of prosecution services:

- Indépendant?
- Under the authority of the Minister of justice ?
- Other?

Please specify:

Following to the amendments to the Constitution of Georgia and appropriate laws, the Prosecution Service of Georgia falls under institutional subordination of the Ministry of Justice of Georgia. As a result of the reforms, Minister of Justice, unlike to the then existing Prosecutor General, is a member of the Cabinet and accordingly he/she is accountable to the Parliament of Georgia. Political accountability and parliamentary supervision concerns only the criminal justice policy. Prosecution service as a whole, maintains necessary indicia for independence in its everyday prosecutorial work. Along with the rules regarding appointment of the Chief Prosecutor and other prosecutors discussed below, the Law on Prosecution Service guarantees that no government body or official, including the Prime-Minister and the President, can repeal the legal acts issued by the Minister of Justice and/or officials of the Prosecution Service of Georgia with respect to execution of the authority of the Prosecution Service of Georgia.

116) How are public prosecutors recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If "other", please specify:

Appointment of prosecutors is based on a competitive selection process (Law Degree, competitive exam) and successful completion of a paid internship (working experience of minimum 6 months and maximum 12 months).

117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:

[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]

- 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?

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:

Internship Completion Evaluation Commission

118) Is the same authority formally responsible for the promotion of public prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting public prosecutors:

Management of prosecution offices

119) Which procedures and criteria are used for promoting public prosecutors? Please specify:

Professional achievements

120) Is there a system of qualitative individual assessment of the public prosecutors' activity?

- Yes
- No

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

- Yes
- No

If yes, are there exceptions? (e.g. dismissal as a disciplinary sanction)? Please specify:
According to constitutional amendments which shall enter into force after inauguration of a president elected as a result of presidential election in 2013 the judges of general courts (except of judges of Supreme Court) shall be appointed for indefinite term, until they reach age stipulated by Law. Until their appointment for indefinite term, it may be envisaged to appoint judges for certain period but not more than 3 years.

122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of probation period (in years)
	3

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

Yes

No

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:
Yes. According to the Law of Georgia on Prosecution, prosecutor can be dismissed from the position in following cases:

1. Based on prosecutors personal application on dismissal;
2. Deterioration of health conditions due to which prosecutor is not able to perform her/his duties;
3. Improper performance of her/his duties;
4. Incompatibility to her/his office;
5. Gross or systematic violation internal discipline rules;
6. Staff reduction;
7. In case of election or appointment on/at legislative, executive, judiciary and local authorities;
8. Breaking the professional oath, disclosing professional secrecy or commission of other improper behaviour incompatible to the position;
9. Based on a court verdict of guilty;
10. Recognition by the court of being legally incapable or of limited capability;
11. Loss of the citizenship of Georgia;
12. Breach of the requirements introduced to her/him upon acceptance for the position;
13. Retirement.

124) If there is a probation period for public prosecutors, how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
	1

125) If the mandate for judges is not for an undetermined period (see question 121), is it renewable? What is the length of the mandate (in years)?

NA

126) If the mandate for public prosecutors is not for an undetermined period (see question 123), is it renewable? What is the length of the mandate (in years)?

NA

E.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

5. 2. Training

5. 2. 1. Training

127) Training of judges

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Optional
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Optional
In-service training for management functions of the court (e.g. court president)	Optional
In-service training for the use of computer facilities in courts	Optional

128) Frequency of the in-service training of judges:

General in-service training	Annual
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Annual
In-service training for management functions of the court (e.g. court president)	Annual
In-service training for the use of computer facilities in courts	Occasional (e.g. at times)

129) Training of public prosecutors

Initial training	Compulsory
General in-service training	Compulsory
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Optional
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Optional
In-service training for the use of computer facilities in office	Compulsory

130) Frequency of the in-service training of public prosecutors

General in-service training	Annual
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Annual
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Annual
In-service training for the use of computer facilities in office	Occasional (e.g. at times)

**131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate in the "comment" box below the budget of such institution(s).
If your judicial training institutions do not correspond to these criteria, please specify it.**

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	No	No	Yes
One institution for prosecutors	No	No	Yes
One single institution for both judges and prosecutors	No	No	No

Comment :

E.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that has been implemented over the last two years

5. 3. Practice of the profession

5. 3. 1. Practice of the profession

132) Salaries of judges and public prosecutors.

	Gross annual salary in €, on 31 December 2010	Net annual salary in €, on 31 December 2010
First instance professional judge at the beginning of his/her career	11 642	9 313
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)	22 270	17 817
Public prosecutor at the beginning of his/her career	8 976	7 188
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 Public prosecutor General)	15 480	12 384

Comment :

Salary levels for public prosecutors is defined by the Order #27 of the Ministry of Justice of Georgia of January 26, 2009. Salary of the judges is regulated by special law.

Question 132#2#1 : Ensuring financial independence of the judiciary and increased salaries of judges represent a necessary precondition for strengthening the independence of the judiciary and that of individual judges. This priority is a part of the general anti-corruption policy being implemented throughout the country and within the judiciary system. Salary increase rate is 7.98% between 2008, which was 8,625 and 2010, which was 9,313.

Question 132#2#2 : increase rate is 4.19% between 2008, which was 17,100 and 2010, which was 17,817.

133) Do judges and public prosecutors have the following additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	Yes	Yes
Housing	Yes	No
Other financial benefit	Yes	Yes

134) If other financial benefit, please specify:

135) Can judges combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	No
Research and publication	Yes	No
Arbitrator	No	No
Consultant	No	No
Cultural function	No	No
Political function	No	No
Other function	No	No

136) 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 ?

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	Yes	Yes
Political function	No	No
Other function	No	No

138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:

To perform the above-marked functions prosecutor must notify his/her direct supervisor in writing.

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

- Yes
 No

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

Additions to the salaries (bonuses) maybe given to the judges taking into consideration their caseload.

5. 4. Disciplinary procedures

5. 4. 1. Disciplinary procedures

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

- Citizens
 Relevant Court or hierarchical superior
 High Court / Supreme Court
 High Judicial Council
 Disciplinary court or body
 Ombudsman
 Parliament

- Executive power
- Other?
- This is not possible

If "executive power" and/or "other", please specify:

Investigator or prosecutor
Mass media (through information distributed by them)

141) Who has been 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 (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other?
- This is not possible

If "executive power" and/or "other", please specify:

General Inspection Unit of the Ministry of Justice is entitled to initiate disciplinary proceedings against prosecutors based on application of any person, would it be ordinary citizen, Member of Parliament, Public Defender etc.

142) Which authority has disciplinary power on judges? (multiple options possible):

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other?

If "executive power" and/or "other", please specify:

Disciplinary cases are discussed by Disciplinary Panel of Judges of General Courts of Georgia consisting of 3 judge and 3 non-judge members;
The decision of the Disciplinary Panel maybe appealed in the Disciplinary Chamber of the Supreme Court of Georgia.

143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):

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

If "executive power" and/or "other", please specify:

144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Judges	Public prosecutors
Total number (1+2+3+4)	24	5
1. Breach of professional ethics	NAP	NA
2. Professional inadequacy	NAP	4
3. Criminal offence	NA	1
4. Other	24	NA

Comment :

Ungrounded exceed of the terms of proceedings – 12;

Gross violation of law when carrying out judicial functions – 2;

Non-adequate performance of judges' functions – 10

145) Number of sanctions pronounced against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Judges	Public prosecutors
Total number (total 1 to 9)	23	3
1. Reprimand	1	NA
2. Suspension	NAP	NA
3. Removal of cases	1	NA
4. Fine	NAP	NA
5. Temporary reduction of salary	NAP	1
6. Position downgrade	NAP	NA
7. Transfer to another geographical (court) location	NAP	NA
8. Resignation	1	NA
9. Other	20	2

Comment :

In case of Public Prosecutors - Remark, criminal sentence.

In case of Judges – application with private recommendation letter.

According to Article 19.1 of the Law of Georgia on Disciplinary Responsibility and Disciplinary Proceedings, if during disciplinary proceedings it is established that judge made a disciplinary violation but it is not reasonable to impose disciplinary responsibility, appropriate body or official may terminate disciplinary proceedings and apply to judge with private recommendation letter.

E.3

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 144 and 145

6. Lawyers

6. 1. Status of the profession and training

6. 1. 1. Status of the profession and training

146) Total number of lawyers practising in your country.

3 470

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

Yes

No

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

NA

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

Civil cases?

Criminal cases - Defendant?

Criminal cases - Victim?

Administrative cases?

There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

150) Is the lawyer profession organised through? (multiple options possible)

a national bar?

a regional bar?

a local bar?

151) Is there a specific initial training and/or examination to enter the profession of lawyer?

Yes

No

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

152) Is there a mandatory general system for lawyers requiring in-service professional training?

Yes

No

153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?

Yes

No

If yes, please specify:

F.1

Please indicate the sources for answering questions 146 and 148:

Comments for interpreting the data mentioned in this chapter:

6. 2. Practising the profession

6. 2. 1. Practising the profession

154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?

Yes

No

155) Are lawyers' fees freely negotiated?

Yes

No

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

F.2

Useful comments for interpreting the data mentioned in this chapter:

6. 3. Quality standards and disciplinary proceedings

6. 3. 1. Quality standards and disciplinary proceedings

157) Have quality standards been determined for lawyers?

Yes

No

If yes, what are the quality criteria used?

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

the bar association?

the Parliament?

other?

If "other", please specify:

159) Is it possible to file a complaint about :

the performance of lawyers?

the amount of fees?

Please specify:

160) Which authority is responsible for disciplinary procedures?

- the judge
- the Ministry of justice
- a professional authority
- other

If other, please specify:

Georgian Bar Association

161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	1. Breach of professional ethics	2. Professional inadequacy	3. Criminal offence	4. Other
Number	12	12	NAP	NAP	NAP

Comment :

162) Sanctions pronounced against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Total number of sanctions (1 + 2 + 3 + 4 + 5)	1.Reprimand	2. Suspension	3. Removal	4. Fine	5. Other (e.g. disbarment)
Number	6	1	NAP	NAP	NAP	NAP

Comment :

F.3

You can indicate below any useful comments for interpreting the data mentioned in this chapter

7. Alternative Dispute Resolution

7. 1. Alternative Dispute Resolution

7. 1. 1. Alternative Dispute Resolution

163) Does the legal system provide for mediation procedures? If no skip to question 168

[Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).]

- Yes
- No

164) Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	No	No	No	No	No
Family law cases (ex. Divorce)	No	No	No	No	No
Administrative cases	No	No	No	No	No
Employment dismissals	No	No	No	No	No
Criminal cases	No	No	No	No	No

165) Is there a possibility to receive legal aid for mediation procedures?

- Yes
- No

If yes, please specify:

166) Number of accredited or registered mediators who practice judicial mediation:

NA

167) Number of judicial mediation procedures.

Please indicate the source in the "comment" box below:

Total number of cases (total 1+2+3+4+5)	NA
1. civil cases	NA
2. family cases	NA
3. administrative cases	NA
4. employment dismissals cases	NA
5. criminal cases	NA

Comment :

168) Does the legal system provide for the following ADR.

If "other", please specify it in the "comment" box below:

Mediation other than judicial mediation?	No
Arbitration?	Yes
Conciliation?	

	No
Other alternative dispute resolution?	No

Comment :

G.1

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

Please indicate the source for answering question 166:

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

170) Number of enforcement agents

137

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

- judges?
 bailiffs practising as private professionals under the authority (control) of public authorities?
 bailiff working in a public institution?
 other enforcement agents?

Please specify their status and powers:

Bailiffs are authorised for enforcement of decisions of the court and administrative bodies by distraint of debtors' property, auctioning debtors' effects, real estate, shares and all types of property, distributing returns.

172) Is there a specific initial training or examination to become an enforcement agent?

- Yes
 No

173) Is the profession of enforcement agents organised by?

- a national body?
 a regional body?
 a local body?
 NAP (the profession is not organised)

174) Are enforcement fees easily established and transparent for the court users?

- Yes
 No

175) Are enforcement fees freely negotiated?

- Yes
 No

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

- Yes
 No

Please indicate the source for answering question 170:

8. 1. 2. Efficiency of enforcement services

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

- Yes
 No

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

- a professional body?
 the judge?
 the Ministry of justice?
 the public prosecutor?
 other?

If other, please specify:

Internal Supervision Unit of the National Bureau of Enforcement (NBE) and regional departments of NBE

179) Have quality standards been determined for enforcement agents?

- Yes
 No

If yes, what are the quality criteria used?

Professionalism, respectability, managerial and communication skills in line with the Code of Conduct

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

- a professional body
 the judge
 the Ministry of Justice
 other

If "other", please specify:

National Bureau of Enforcement which is a Public Law Legal Entity under the Ministry of Justice

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

- Yes
 No

if yes, please specify

Special Department within National Bureau of Enforcement deals with execution of court decisions rendered against public authorities.

182) Is there a system for monitoring the execution?

- Yes
 No

If yes, please specify

Heads of territorial bureaus, regional and internal supervision departments – within NBE

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?

If other, please specify:

184) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- Yes
- No

If yes, please specify:

185) Is there a system measuring the timeframes of the enforcement procedures:

- for civil cases?
- for administrative cases?

186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more

If more, please specify

187) Number of disciplinary proceedings initiated against enforcement agents. If other, please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

Total number of disciplinary proceedings (1+2+3+4)	<input type="checkbox"/> number:	48
1. for breach of professional ethics	<input type="checkbox"/> number:	8
2. for professional inadequacy	<input type="checkbox"/> number:	40
3. for criminal offence		NA
4. Other		NA

Comment :

188) Number of sanctions pronounced against enforcement agents.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number of sanctions (1+2+3+4+5)	<input type="checkbox"/> number:	21
1. Reprimand	<input type="checkbox"/> number:	20
2. Suspension		NA
3. Dismissal		NA
4. Fine	<input type="checkbox"/> number:	1
5. Other		NA

Comment :

H.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that has been implemented over the last two years

Reforms: debtor's registry, electronic auction, changed auction proceedings

Please indicate the source for answering the questions 186, 187 and 188:

NBE- HR and Internal Supervision departments

8. 2. Execution of decisions in criminal matters

8. 2. 1. Execution of decisions 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 his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

National Bureau of Enforcement in case if court decisions include the sanctions of criminal forfeiture

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

- Yes
- No

191) If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%
- it cannot be estimated

Please indicate the source for answering this question:

Territorial bureaus of NBE

H.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years

9. Notaries

9. 1. Notaries

9. 1. 1. Notaries

192) Do you have notaries in your country? If no go to question 197

- Yes
 No

193) Are notaries:

If other, please specify it in the "comment" box below.

- | | | |
|--|--|-----|
| private professionals (without control from public authorities)? | <input type="checkbox"/> number | |
| private professionals under the authority (control) of public authorities? | <input checked="" type="checkbox"/> number | 207 |
| public agents? | <input type="checkbox"/> number | |
| other? | <input type="checkbox"/> number | |

Comment :

194) Do notaries have duties (multiple options possible):

- within the framework of civil procedure?
 in the field of legal advice?
 to certify the authenticity of legal deeds and certificates?
 other?

If "other", please specify:

195) Is there an authority entrusted with supervising and monitoring the the notaries' activity?

- Yes
 No

196) Which authority is responsible for supervising and monitoring notaries:

- a professional body?
 the judge?
 the Ministry of justice?
 the public prosecutor?
 other?

If other, please specify:

Georgian Notary Chamber is a member of UINL (International Union of Latin Notaries). All notaries are members of the Georgian Notary Chamber that is responsible for administrative and fiscal functions and is the representative body of notaries on national and international level. Ministry of Justice is responsible for supervision of notaries, and directs the necessary legislative and other changes. The main reform of Georgian Notary was the utilization of IT in notary services that lead the way for further development of E-notary.

- E-statistic was launched in 2010: zeroing administrative costs, providing the statistics based on regions, subjects of the notary act, type of the notary act, etc.
- E-verification started in 2010: online verification of power of attorney acts and statements. Online verification became possible via Skype.
- E-financial monitoring: sending the necessary notary acts directly to the financial monitoring service – successful combination of notary act and report.

I.1

You can indicate below:

- **any useful comments for interpreting the data mentioned in this chapter**
- **the characteristics of your system of notaries and the main reforms that have been implemented over the last two years**

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Court interpreters

197) Is the title of court interpreters protected?

- Yes
 No

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

- Yes
 No

199) Number of accredited or registered court interpreters:

NA

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

- Yes
 No

If yes, please specify (e.g. having passed a specific exam):

Procedural law stipulates the rights and obligations of the interpreter. The interpreter may be held criminally liable for incorrect translation.

201) Are the courts responsible for selecting court interpreters? If no, please indicate in the "comment" box below which authority selects 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

Comment :

J.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 199:

11. Judicial experts

11. 1. Judicial experts

11. 1. 1. Judicial experts

202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation
- "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal
- "law 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)

203) Is the title of judicial experts protected?

- Yes
- No

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

- Yes
- No

205) Number of accredited or registered judicial experts (technical experts)

NA

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

- Yes
- No

If yes, please specify, in particular the given time to provide a technical report to the judge:
Procedural law stipulates the rights and obligations of experts. The expert carries out expertise according to his/her knowledge and conscious, and for what he/she pronounces an oath.

207) Are the courts responsible for selecting judicial experts?

If no, please indicate in the "comment" box below which authority selects 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 .

Comment :

1. National Bureau of Forensic Expertise;
2. Licensed private legal entities;

K.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 205:

12. Foreseen reforms

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. If possible, please observe the following categories:

1. (Comprehensive) reform plans

2. Budget

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)

4. High Judicial Council

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

7. Enforcement of court decisions

8. Mediation and other ADR

9. Fight against crime and prison system

10. Other

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)

Institutional reform of judicial system is ongoing which envisages enlargement of the courts and creation of 26 enlarged district (city) courts. Contemporary technologies are introduced in the courts and electronic case management systems are installed.

4. High Judicial Council

1. There was a quality control department created in the High Council of Justice the function of which is to establish quality indicators of judiciary and of its standards, to introduce easily accessible services and procedures for citizens and court officials.

2. There was a human resource department also created in the High Council of Justice the function of which is to elaborate the strategy of management of human resources, description of the duties, criteria for evaluation of the public official and performance of their tasks, evaluation of the results.

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.

The High School of justice constantly carries out trainings on legislative novelties as well as on problematic issues of law practice.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

Within the framework of the Criminal Justice Reform, Georgia plans to revise the Criminal Code of Georgia in order to bring it in compliance with international standards.