



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2013

## 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 2013)

4 483 800

##### 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 or federal level	3 150 834 836
Regional / federal entity level (total for all regions / federal entities)	

##### 3) Per capita GDP (in €)

2 642

##### 4) Average gross annual salary (in €)

##### 5) Exchange rate of national currency (non-Euro zone) to € on 1 January 2013

2,1845

##### A1. Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Official information from National Bank of Georgia and The Department of Statistics

CN :

Q. 2: 6 882 998 700 GEL

Q. 4 NA

#### 1. 1. 2. Budgetary data concerning judicial system

##### 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	16 714 717
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	9 449 530
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input type="checkbox"/> Yes	266 018
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 type="checkbox"/> Yes	2 259 422
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input type="checkbox"/> Yes	1 193 376
5. Annual public budget allocated to investments in new (court) buildings	<input type="checkbox"/> Yes	2 151 800
6. Annual public budget allocated to training and education	<input type="checkbox"/> Yes	453 189
7. Other (please specify):	<input type="checkbox"/> Yes	941 379

##### 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:

Above mentioned budget (total) includes the budget allocated to the functioning of all courts, except The Supreme court, that is why this number does not match with the number from question 15.2.

Exchange rate: 2.1844

**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:

CN:

According to Civil Procedures Code of Georgia and Law on State Customs it is possible for a party to be released from court fees, also fees may be deferred or decreased if the person proves, with appropriate evidences, that s/he cannot pay court fees or if the person qualifies and has been registered at the "Databases of Socially Unsecured Families".

**8.1) Please briefly present the methodology of calculation of courts fees?**

CN:

According to the Article 39 of the Civil Procedures Code of Georgia court fees in the courts of the first instances are 3 per cent of litigation costs, but not less than 100 GEL. In Appellate Courts - 4 per cent of litigation costs, but not less than 150 GEL. In the Supreme Court - 5 per cent of litigation costs, but not less than 300 GEL. As well as there are other cases prescribed by legislation.

**8.2) Please indicate, if possible, the amount of court fees to commence an action for 3000€ debt recovery?**

CN:

In accordance with Article 39 (a) of the Civil Procedures Code of Georgia, fee for a claim is 3 per cent of litigation costs, but not less than 100 GEL. Therefore, in aforementioned case the amount of court fee for debt recovery case would be 3 per cent of 3000€.

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

NA

**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. (Question modified)**

**If your system enables to be granted legal aid for cases which are non litigious or not brought to court, please specify:**

	Amount (in €)
Total annual approved public budget allocated to legal aid (12.1 + 12.2)	1 428 885 (NBG's official exchange rate of GEL against EUR as of 2012-12-21: 1 EUR=2.1845 GEL)
12.1 Annual public budget allocated to legal aid for cases brought to court	NA
12.1.1 in criminal law cases	NA
12.1.2 in other than criminal law cases	NA
12.2 Annual public budget allocated to legal aid for non litigious cases or cases not brought to court (legal consultation, ADR, etc)	NAP

Comment :

**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 7 836 580

Comment :

CN:

Source: Budget Law of Georgia

**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 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
High Judicial Council	Yes	No	Yes	No
Courts	No	No	No	No
Inspection body	No	No	No	Yes
Other	Yes	No	Yes	No

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

CN:

Other entity competent for preparation and management of budget is the Department of Common Courts - legal entity of public law under the umbrella of High Council of Justice of Georgia.

Inspection body is State Audit Office.

**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

CN : 17/04

Q. 6 : Annual public budget allocated to computerisation (equipment, investments, maintenance) - Comment: In 2012 new computer program was launched. Therefore, old computer hardware and equipment was replaced.

Annual public budget allocated to court buildings (maintenance, operating costs) - - Comment: Differences between 2010 and 2012 are caused by the fact, that in 2010 utility bills (water, electricity, garbage, etc.) were mentioned in paragraph 3 (justice expenses), in this report utility bills are mentioned in paragraph 4.

Annual public budget allocated to investments in new (court) buildings - Comment: Differences between 2010 and 2012 are caused by the fact, that in 2012 new computer programs were purchased.

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

Law of Georgia on State Budget of 2012; Plan of the Department of Common Courts on State Procurement of 2012.

[1. 1. 3. Budgetary data concerning the whole justice system](#)

**15) The following data would be useful for information**

**15.1) (Former question 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

85274925

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

Court (see question 6)	Yes
Legal aid (see question 12)	Yes
Public prosecution services (see question 13)	No
Prison system	No

Probation services	No
Council of the judiciary	Yes
Constitutional court	No
Judicial management body	No
State advocacy	No
Enforcement services	No
Notariat	No
Forensic services	No
Judicial protection of juveniles	No
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	No

Comment :

CN 23/05:

Court (see question 6) 42 303 300 GEL - 19 822 980,08 EUR

Legal aid (see question 12) 3 121 400 GEL - 1 428 885,32 EUR

Council of the judiciary 1 075 000 GEL - 492 103,45 EUR

Functioning of the Ministry of Justice 58 525 100 GEL - 26 791 073,47 EUR

Court's budget includes Common court's budget (36 513 300 GEL) and The Supreme court's budget (5 790 000) = 42 303 300 GEL / 19 299 831,1 EUR.

The Ministry of Corrections and Legal Assistance - 58 574 300 € (according to the official exchange rate 21.12.2012)

Source: Budget law of Georgia 2012

## 2. Access to justice

### 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	No

Comment :

In criminal cases where the State (relevant agency) cannot conduct an expertise, the Legal Aid Service is mandated with this responsibility.

#### 20) Number of cases referred to the court for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

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Please specify in the "comment" box below, when appropriate.

[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	7173
in criminal cases	6536
other than criminal cases	637

Comment :

CN:

Non-criminal cases include:

1. Cases of disciplinary proceeding against inmates (Total number of cases: 13).
2. Cases of Administrative offences that imply administrative imprisonment (Total number of cases: 4).
3. Cases of compulsory psychiatric treatment (Total number of cases: 620)

CN 17/04:

The significant difference between 2010 and 2012 data is correlated with a drastic decrease of crime across the country in 2012.

**20.1) Number of cases not brought to court (see 12.2 above) for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

Number of cases
121

Comment :

**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 :

In case an individual is registered in the Unified Base of the Socially Vulnerable Families and is not able to hire a lawyer, a state lawyer is provided free. There is the system of calculating points based on which it is determined whether the person is eligible to the free legal aid or not.

**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 ? If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.**

-----  
Please provide in the "comment" box below any information to explain the figures provided.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	yes	
for other than criminal cases?	yes	

Comment :

According to the Decree No 426 dated 3 August, 2009 and issued by the Minister of Correction and Legal Assistance of Georgia, legal aid is granted to an insolvent person registered in the United Database of Socially Vulnerable Families and whose social-economic index is equal to or less than 70 000.

Registration of a person in the United Database of Socially Vulnerable Families is managed by the Ministry of Labor, Health and Social Affairs, in particular by the LEPL (Legal Entity of Public Law) "Social Service Agency". The Decree No 140 dated 20 May, 2010 and issued by the Minister of Labor, Health and Social Affairs of Georgia establishes application and registration procedures as well as special forms for registration, abolition of registration and assessment of social-economic conditions of socially vulnerable families.

In order to be registered in the Database or assessed, a family shall submit a specific application form set out in the Decree to the LEPL "Social Service Agency". As a next step, the application form is thoroughly considered by the Agency. In order to assess the application form submitted by the family (applicant), the Agency (the officer in charge) shall visit the family, assess its social and economic conditions; ask questions or request additional information. After the assessment process is conducted, the decision to register the family in the Database will be made and the relevant index will be indicated.



**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) In other than criminal cases, is the decision to grant or refuse legal aid taken by:**

- the court?  
 an authority external to the court?  
 a mixed authority (court and external bodies)?

**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?	Yes
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

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

Information provided by the Legal Aid Service of Georgia

## 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:**

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**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:**

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

Comment :

CN:

Other documents consist with the court forms, namely: forms of claims on civil and administrative cases, forms of complaints in Court of Appeal and Supreme Court and decisions of High Council of Justice of Georgia.

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

- Yes  
 No  
 Yes only in some specific situations

If yes only in some specific situations, 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:

CN:

There is an electronic programme in the courts of first instance, as well as in the courts of appeals of Tbilisi and Kutaisi, which allows the parties to monitor on-line case development of their 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 sexual violence/rape	Yes	Yes	No
Victims of terrorism	Yes	No	No
Children (witnesses or victims)	Yes	Yes	No
Victims of domestic violence	Yes	Yes	No
Ethnic minorities	Yes	No	No
Disabled persons	Yes	No	No
Juvenile offenders	Yes	Yes	No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	Yes	No	No

Comment :

**31.1) Is it possible for minors to be a party to a judicial proceedings :**

- Yes  
 No

If yes, please specify which procedure can be concerned (civil, criminal, administrative/normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.) :

CN:

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

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

According to Criminal Code of Georgia, the age of criminal responsibility is 14. Therefore, persons from the age of 14 till the age of 18 are called Juvenile offenders. Criminal proceedings for juvenile offenders are different than those of full aged offenders, and are subject of the following different criminal regime:

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

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

- Yes  
 No

If yes, for which kind of offences

CN:

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

### 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 illustrate with available data concerning 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:

CN:

- 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 decision by a judge".**

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

If necessary, please specify:

CN:

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):

CN:

The compensation is issued from the state budget. The amount is defined 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:

CN:

Information about the researches:

In May 2012, CoE funded the court user satisfaction survey, conducted by the Applied Research Company (ARC), covering 6 big First Instance Courts (city courts of Tbilisi, Batumi, Kutaisi and Rustavi, district courts of Gori and Zugdidi). According to the overall evaluation, on average 85.01% of the respondents reported their trust towards the court, and 76.4% thought that there was no bribery any more at the courts of Georgia. Analysis of the survey clarifies that the level of confidence towards the judiciary is increasing annually. (The web site of the Supreme Court of Georgia: [www.supremecourt.ge](http://www.supremecourt.ge)).

**39) If possible, please specify:**

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	No	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 handling 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
Court concerned	No	No
Higher court	No	No
Ministry of Justice	No	No
High Council of the Judiciary	Yes	Yes
Other external bodies (e.g. Ombudsman)	No	No

Comment :

CN:

The procedure is prescribed by the law "On Disciplinary liability and Disciplinary proceedings of the Judges of the Common Courts of Georgia". An interested person is entitled to file the complaint to the High Council of Justice of Georgia, which shall examine the grounds of such a complaint and make the decision whether to start disciplinary proceedings in two months or not. If the judge is disciplinary sanctioned and the decision is served accordingly, disciplinary case is transferred to the Disciplinary Board for consideration. Disciplinary Board considers the case within 2 months. The decision of Disciplinary Board can be appealed in the Disciplinary Chamber of the Supreme Court within 10 days. Disciplinary proceedings will be considered by the Disciplinary Chamber within a month from the moment of submission of the complaint. If there are any objective circumstances, Chief Justice may extend the period of disciplinary proceedings for a month.

**41.1) Please indicate the number of complaints that are upheld and the amount of compensation given to users in 2012 for complaints about the functioning of the judicial system**

CN:

In 2012, 2 disciplinary proceedings were undertaken based on misconduct. The final decisions of the disciplinary board were as follows: reprimand and notice respectively.

Georgian laws do not foresee compensation to users for complaints about the functioning of the judicial system.

### 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)	26
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)	29

**43) Number (legal entities) of first instance specialised courts (or specific judicial order). If data is not available, please indicate NA.**

-----  
**If the situation is not applicable in your country, please indicate NAP.**

	Number
Total (must be the same as the data given under question 42.2)	NAP
Commercial courts (excluded insolvency courts)	NAP
Insolvency courts	NAP
Labour courts	NAP
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	NAP
Fight against terrorism, organised crime and corruption	NAP
Internet related disputes	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:

**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
a debt collection for small claims	26
a dismissal	26
a robbery	26

**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:**

CN:

Sources:

Organic Law of Georgia on "Common Courts of Georgia" and decisions of the High Council of Justice "On creation of courts, determination of their territories and the number of judges of the district (City), Tbilisi and Kutaisi Courts of Appeal".

CN:

Q. 42 : It should be noted that since 2010 the process of reorganization in the common courts of Georgia was underway. The process was finished in the end of 2012, as a result the courts were merged and the number of courts has been decrease considerably.

### 3. 1. 2. Judges, court staff

**46) Number of professional judges sitting in courts (if possible on 31 December 2012) (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	NAP
Total number of professional judges (1 + 2 + 3)	242	137	105	
1. Number of first instance professional judges	168	96	72	
2. Number of second instance (court of appeal) professional judges	58	29	29	
3. Number of supreme court professional judges	16	12	4	

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	NAP
Total number of court presidents (1 + 2 + 3)	29	27	2	
1. Number of first instance court presidents	26	24	2	
2. Number of second instance (court of appeal) court presidents	2	2	0	
3. Number of supreme court presidents	1	1	0	

**48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2012).**

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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 2012) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury):**

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If such non-professional judges exists in your country, please specify it in the "comment" box below:

Gross figure NAP

Comment :

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

- Yes  
 No

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

CN:

If a person is accused for a crime for which the law determines imprisonment, then such a case falls under the jurisdiction of jury trial, unless defendant files the petition that his/her case be heard without participation of jurors.

Since trial by jury is novelty for Georgian legal system, till October 1 2012 only Tbilisi City Court is entitled to conduct jury trial hearing on the alleged violations of Article 109 of the Criminal Code of (Georgia Premeditated Murder under Aggravating Circumstance). From 1 October 2012, Kutaisi City Court is also entitled to conduct jury trial hearings on the alleged violations of Article 109 of the Criminal Code of Georgia; Additionally, starting from 1 October 2012, the range of crimes as to be heard at the jury trial has been enlarged at the Tbilisi City Court and now covers Articles 110-114 of the CCG (Article 110-Mercy-killing; Article 111-Premeditated Murder under Sudden Rush of Anger; 112-Infanticide by a Mother of the Newly Born Child; 113-Manslaughter beyond the Necessity of Defense; 114 Manslaughter beyond the Measures Necessary for Capturing a Criminal).

Pursuant to the article 330 of the Criminal Procedure Code (Temporary Jurisdiction of Jury Court) from October 1, 2012 to October 1, 2014, along with Tbilisi City Court, jury trials will be implemented in Kutaisi

City Court considering severe criminal cases committed under aggravating circumstances. The first hearing of a Jury Trial was held on 9 November, 2011 at Tbilisi City Court. As prescribed by CPC 12 juror and three spare jurors were selected before the trial. The hearings were public. The Second jury trial against three defendants was initiated on December 6, 2011 at Tbilisi City Court. The third jury trial was conducted on July 11, 2012.

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

14

**52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2012) (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)  Yes (among which women) 1 151 (6 28)

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal  Yes (among which women) 2 (2)

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  Yes (among which women) 398 (3 22)

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)  Yes (among which women) 574 (2 07)

4. Technical staff  Yes (among which women) 17 7 ( 97)

5. Other non-judge staff NAP

Comment :

CN:

It should be noted that since 2010 the process of reorganization in the common courts of Georgia was underway. The process was finished in the end of 2012, as a result the courts were merged and the number of courts has been decrease considerably. There is the same explanation for decrease of non-judge staff in common courts. The process of reorganization made it evident that there was no need of big number of non-judge staff and new rule was adopted respectively on the number of staff of common courts of Georgia



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

CN:

In Georgia the person with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal is called Magister.

CN 8/04:

In 2011 some changes were made in our Civil Procedure Code. According to the Article 3161 of the Code of Civil Procedure of Georgia, cases involving finding the facts of legal significance (request for a change of name, establishment of paternity etc.) may be considered by the professional judge or by a Magister.

This changes came into force January 1, 2012.

**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:

CN:

In Tbilisi and Kutaisi Courts of Appeal, also in Tbilisi, Kutaisi and Rustavi city courts, cleaning are done by the private companies that have successfully participated and won in tender.

**C1 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

CN: q. 47: It should be noted that since 2010 the process of reorganization in the common courts of Georgia was underway. The process was finished in the end of 2012, as a result the courts were merged and the number of courts has been decreased considerably. For the same reason there is significant decrease in the number of female court presidents.

**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 2012) (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	NAP
Total number of prosecutors (1 + 2 + 3)	405	306	99	
1. Number of prosecutors at first instance level				NAP
2. Number of prosecutors at second instance (court of appeal) level				NAP
3. Number of prosecutors at supreme court level				NAP

Comment :

CN:

In Georgian prosecutor's office there is no division of prosecutors according to court instances, that is the reason why the "NAP" is indicated.

**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	NAP
Total number of heads of prosecution offices (1 + 2 + 3)	51	49	2	

1. Number of heads of prosecution offices at first instance level				NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level				NAP
3. Number of heads of prosecution offices at supreme court level				NAP

Comment :

CN:

In Georgian prosecutor's office there is no division of prosecutors according to court instances, that is the reason why the "NAP" is indicated.

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

- Yes  
 No  
 NA

Number (full-time equivalent)

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

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

- Yes  
 No

**59.1) Do all prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?**

- Yes

**60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2012) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

Number  NA 85  
Among which women  NA 73

**C2 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

CN: Q. 60: Due to prosecutor number increase in 2012, the non- public prosecutor staff quantity has increased as well.

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

Source: General Prosecutor's Office of Georgia

[3. 1. 4. Management of the court budget](#)

**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 :

CN:

Department of Common Courts – legal entity of public law under the umbrella of High Council of Justice of Georgia  
In accordance with Organic law “On Common Courts of Georgia” Department of Common Courts – legal entity of public law of High Council of Justice of Georgia manages the finances of activities of courts and for maintenance of material-technical base.

The draft annual budget of common courts (except for the Supreme Court), which is the part of the annual state budget, is presented to the Georgian Government by the High Council of Justice, on the basis of proposal of the Department of Common Courts.

The department of common courts, during formation of the budget of common courts (except for the Supreme Court), pays significant attention to the requests of the court Presidents and managers, previous year's expenses (There are Different item limits approved for different courts. Limits are adopted after consultations with the Presidents of each court) and modern technologies and innovations. While drafting the courts' budget, the Department of Common Courts is liaison between the common courts and the Ministry of finances.

During the process of formation of annual budget, as well as during spending procedure (how courts should spend their budget) courts determine qualitative and quantitative standards of the purchasable goods and services. Department of Common Courts guarantees implementation in accordance with the procedures defined by the law.

Aforementioned functions are carried out by themselves at the Supreme Court.

### 3. 1. 5. Use of Technologies in courts

#### 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 caselaw	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	100% of courts
Videoconferencing	100% 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 ?

-----  
Si "autres moyens de communication électronique", veuillez le préciser dans la boîte de commentaires ci-dessous.

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	-10% of courts
Other electronic communication facilities	0 % of courts

Comment :

**65) The use of videoconferencing in the courts (details on question 63).**

-----  
**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 or victims?	Yes
65.2 Can such court hearing be held in the police station and/or in the prison?	Yes
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?	Yes
65.4 Is videoconferencing used in other than criminal cases?	Yes

Comment :

**C3 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**

Q. 63: Financial IS and Videoconferencing are NA

**3. 2. Monitoring 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:

CN:

High Council of Justice of Georgia.

Address: 12 Bochorma Street

Supreme Court of Georgia, Department of Statistics and Information.

Address: 31 Brother Zubalashvilebi Street.

**66.1) Does this institution publish statistics on the functioning of each court on the internet:**

Yes

No, only in an intranet website

No

**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, only in an intranet website

**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:

CN:

The Courts are obliged to submit statistical data to the Supreme Court periodically.

The courts also submit statistical data to the High Council of Justice every 6 months. The High Council of Justice studies the data and makes appropriate recommendations.

**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

If yes, please specify:

CN:

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

**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, Higher Court)

President of the court

other

If other, please specify:

**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)

President of the court

other

If other, please specify:

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

CN:

The main targets applied to the courts are:

a) to close cases in timeframes defined by the law;

b) to avoid delays in case hearings;

c) to prepare decision and deliver them to parties in timeframes defined by the law.

**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:

CN:

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

The Supreme Court of Georgia has adopted guidelines for judges on the general principles of communication during trials.

**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:

CN:

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

**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:

CN:

Twice a year

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

- Yes  
 No

If yes, please give further details:

CN:

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 principles

**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 lawyer)?**

NA

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

- Yes  
 No

Number of successful challenges (in a year):

1

**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)				
Civil proceedings - Article 6§1 (non-execution)				
Criminal proceedings - Article 6§1 (duration)				

**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:



Article 112 of the Criminal Procedure Code of Georgia stipulates that there are several investigative actions that needs a court order. Without court order such investigative action is illegal. But if during investigative process there are urgent matters that can cause serious damage to a person or interfere with the investigation, then prosecutor can conduct investigative action without court order and should inform the court within the next 24 hours. The court then decides the lawfulness of this action and can legitimize or recognize the action as illegal. In this latter case information obtained as a result of investigative action is invalid.

On administrative cases with respect to inspection of an entrepreneur's activities (Article 212 of the Administrative Procedure Code of Georgia) - In case where there may be an immediate and direct threat to state security, human life or health, or proofs, the controlling agency may suspend those activities of the enterprise that fall within the scope of the inspection, and immediately submit the inspection request to the judge. If the activities of the enterprise may not be suspended, or if such suspension will cause significant damage to the enterprise, or if inspection is requested by the entrepreneur, the controlling agency may commence the inspection and submit the inspection request to the judge within 24 hours. Upon submission of the request the controlling agency shall substantiate the urgent necessity of the inspection.

CN:

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

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.

The only case where there is urgent matter on civil cases, plaintiff is entitled to request claim provision from the court, before s/he files a claim. If the court is satisfied with the request then plaintiff, after request is granted, is obliged to file a claim in 10 days (Article 192 of Civil Procedures Code of Georgia).

### 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. Cases considered by magistrate judges are heard in a simplified manner;
2. Georgian penal legislation envisages the simplified procedure for criminal cases. Plea bargaining, which is the form of summary criminal proceedings implies rendering the court decision without the main hearing. Georgian legislation provides for two types of plea bargaining - guilty pleas and pleas of nolo contendere (agreement on punishment without admitting the guilt). The procedure may be initiated either by the defendant or the prosecutor during the investigation phase of criminal proceedings. In addition, before during the trial prior to the main hearing court may propose plea agreement to the parties. The plea agreement concluded at the stage of investigation is approved with the court decision.
3. Civil cases considered by magistrate judges are minor disputes, therefore, they are heard in the manner of simplified manner;
4. On administrative cases, judge is entitled, on the request of parties, to make a decision and fasten the court hearing.

### 88.1) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

- Yes
- No

**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. Case flow 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 and criminal law cases.**

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 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 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should r

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)*	12162	60155	62102	10215
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	4640	23986	24445	4181
2. General 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)*	708	9109	9488	329
3. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases**	NA	NA	NA	NA
5. Non litigious business registry cases**	NA	NA	NA	NA
6. Administrative law cases	6814	8623	9744	5693
7. Other cases (e.g. insolvency registry cases)	0	18437	18425	12

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

Here are given the indisputable and summary proceedings of civil cases

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

Administrative infractions (offences)

**94) 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 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. 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	Incoming cases	Resolved cases	Pending cases on 31
--	--------------------	----------------	----------------	---------------------

	Jan. '12			Dec. '12
Total of criminal cases (8+9)	1225	9052	9120	1157
8. Severe criminal cases	819	4174	4308	685
9. Misdemeanour and / or minor criminal cases	406	4878	4812	472

**95) To differentiate between misdemeanour / minor offenses and serious offenses and ensure the consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of deprivation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":**

The grave and especially grave crime types are included in the category of serious crimes, and the less serious crimes are included in the category of minor crimes

**96) Comments on questions 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, differences in horizontal consistency etc.)**

The forms of the statistical data do not envisage these data

**97) Second instance courts: total number of cases**

**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.**

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	948	7 533	7 561	920
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	709	4 799	4 808	700
2. General 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. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases	NA	NA	NA	NA
5. Non litigious business registry cases	NA	NA	NA	NA
6. Administrative law cases	232	2 272	2 292	212
7. Other cases (e.g. insolvency registry cases)	7	462	461	8

**98) 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	147	929	962	114
8. Severe criminal cases	115	704	718	101
9. Misdemeanour and/or minor criminal cases	32	225	244	13

Comment :

**99) Highest instance courts: total number of cases**

**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.**

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	647	2624	2579	692
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	319	1724	1711	332
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law	NA	NA	NA	NA

cases; without enforcement cases, registration cases and other cases, see categories 3-7)				
3. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases**	NA	NA	NA	NA
5. Non litigious business registry cases	NA	NA	NA	NA
6. Administrative law cases	328	900	868	360
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

**99.1) At the level of the Higher court, is there a procedure of manifest inadmissibility?**

- Yes. If yes, please indicate the number of cases closed by this procedure?  
 No

Number

Civil cases -

667;

Administrative

law cases -

524; Criminal

law cases -

545

**100) 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	92	405	465	32
8. Severe criminal cases	84	342	400	25
9. Misdemeanour and/or minor criminal cases	8	63	65	7

Comment :

**101) Number of litigious divorce cases, employment dismissal cases, insolvency, 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 January 2012	Incoming cases	Resolved cases	Pending cases on 31 December 2012
Litigious divorce cases	312	2489	2523	278
Employment dismissal cases	25	89	99	15
Insolvency	49	76	76	49
Robbery cases	24	94	89	29
Intentional homicide	23	73	64	32

**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.]**

	% 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	1,1%	0	39	63	70	172
Employment dismissal cases	NA	0	40	60	59	159
Insolvency	17%	0	216	8	NA	224
Robbery cases	22,5%	0	152	41	69	262
Intentional homicide	64,1%	0	138	60	50	248

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

**non-litigious):**

CN:

If there is any dispute between spouses 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 they divorce may take place in territorial unit of Civil Registry Agency.

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

The time spent the hearing every case is summarized by the each category (the difference between the hearing and the date of submission) and the calculated sum is divided on the number of examined cases.

**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 request 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 the enforcement procedure
- to discontinue a case without needing a decision by a judge (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:

**106.1) Does the public prosecutor also have a role in insolvency 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	47771	18031	7897	9120

**107.1) Among cases charged by the public prosecutor before the courts, how many were brought to court under a guilty plea procedure or similar ?**

	Before the court case:	During the court case:
If possible, please distinguish the number of guilty plea procedure:		

**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)	18 031
1. Discontinued by the public prosecutor because the offender could not be identified	2 145
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	13 246
3. Discontinued by the public prosecutor for reasons of opportunity	75

**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**

CN:

As for questions 91, 94, 97, 98, 99, 100, 101, 102 , Some differences between 2010 and 2012 are caused by the fact that, In 2012 less amount of cases were brought before the court than in 2010.

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

Question 108 source – official statistical database of Prosecutor’s Office of Georgia

CN:

High Council of Justice of Georgia. The Supreme Court of Georgia.

Q. 107: Source: General Prosecutor's Office of Georgia.

## 5. Career of judges and public prosecutors

### 5. 1. Recruitment and promotion

#### 5. 1. 1. Recruitment 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:

Except for the qualification exam and experience, candidates are also required to complete special training course of ten-months duration conducted by the High School of Justice.

##### 110.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- Yes
- No

If "yes", please specify:

##### 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 School of Justice of Georgia is responsible to provide initial training for Judicial Candidates and after their graduation to end the Qualification List (candidates' ranking) and the evaluation of the Independent Board of the High School of Justice to the High Council of Justice of Georgia for appointment purposes.

The High Council of Justice of Georgia is responsible for recruitment of judges.

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

- Yes
- No

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

High Council of Justice of Georgia is responsible for the promotion of judges.

##### 112.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

- Yes
- No

If "yes", please specify:

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

In accordance with the Organic Law of Georgia on the Courts of General Jurisdiction a judge may be appointed in the court of higher instance if he/she has judicial experience no less than two years. Under the Law, the promotion criteria are to be developed by the High Council of Justice of Georgia. In 2011, the Council adopted a decision #1/226 on "The Rules for Assessing the Efficiency of Judges of the Courts of General Jurisdiction" and amended in 2012, establishing the criteria for evaluating judges. The decision was adopted in order to be evaluated the efficiency of judicial work of a judge on a quantitative basis. Since the evaluation procedure has merely been based on quantitative and not on qualitative criteria, it has not been used for the promotion of a judge. The Council works on improvement of the decision in terms of development of qualitative criteria for the evaluation of judicial work.

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

- Yes  
 No

If yes, please indicate the frequency

**115) Is the status of prosecution services:**

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

Please specify:

**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:

**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:

Selection Committee is responsible for recruitment and nomination of public prosecutors. The members of the Commission are the Chief Prosecutor and staff of Chief Prosecutor's office.

**117.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?**

- Yes  
 No

If "yes", please specify:

Selection Committee is concerned to maintain gender balance in the internal selection process.



**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:  
 The competent persons/authorities for promoting public prosecutors are the Chief Prosecutor, Department of Human Resource Management and Development; Direct Supervisor of the prosecutor.

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

Chief Prosecutor’s office does not have a special procedure for promoting public prosecutors yet. However, the criteria for promoting the public prosecutors are the following: workload, quality of work, competencies, such as: integrity, emotional stability, communication skills, responsibility, managerial skills.

**119.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?**

- Yes
- No

If “yes”, please specify:

**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)?**

-----  
**If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below**

Yes. If yes, please indicate the compulsory retirement age	65
No	

Comment :

The constitutional amendment to be entered into force from the moment of taking an oath by the newly elected President through the election of October 2013, the judges (except for the judges of the Supreme Court) will be recruited for lifetime until the age of retirement prescribed by law. The law may envisage probation period for a judge, but no more than three years.

CN:

In 2010 cycle it was indicated that judges were to be recruited for life as far as Constitutional amendment on lifetime appointment of judges was adopted in 2010. However this amendment came into force in October 2013, when newly elected president took an oath. Before amendments came into force, the mandate of judges of the Common Courts of Georgia has been determined as 10 years. Therefore, as far as the present questionnaire covers the information of 2012 we have indicated then-existing norm providing for 10 years as the term of office for judges.

Therefore in 2010 cycle, lifetime appointment of judges was indicated as a future prospective, and informed you about constitutional novelty of 2013 which determined life tenure of judges and in 2010 judges were appointed for ten- year term.

**121.1) Can a judge be transferred to another court without his consent:**

- For disciplinary reasons
- For organisational reasons
- For other reasons. Please specify modalities and safeguards

Please specify modalities and safeguards

In general, in accordance with the law a judge may be transferred to another court with his/her consent for no more than one year.  
However, only in case where the interests of justice so requires a judge may be transferred to another court without his/her constant.

CN:

The constitutional amendment entered into force from the moment of taking an oath by the newly elected President through the election of October 2013, providing for that the judges (except for the judges of the Supreme Court) will be recruited for lifetime until the age of retirement prescribed by law. The law may envisage probation period for a judge, but no more than three years. Retirement age is 65.

**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 the probation period (in years)
Yes	no more than 3 years
No	
NAP	

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

-----

**If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below:**

Yes. If yes, please indicate the compulsory retirement age	60/65
No	

Comment :

According to the Law on State Pension, in case of male (prosecutor) the official age of retirement is 65 years old, and in case of the female (prosecutor) – 60 years old.

Rebuke, Reprimand, Suspension, and Dismissal.

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

	Duration of the probation period (in years)
Yes	
No	No
NAP	

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

Yes Renewable

No

For judges : length of the mandate (in years):

10

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

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 public prosecutors and the main reforms that have been implemented over the last two years**

CN: Q.124: There are two different procedures while recruiting prosecutors in prosecutor's office of Georgia; For interns the one year probation period is still in force, but in other case if a person has worked in law field as a lawyer at least 3 years, he/she will be recruited without using probation. Q. 125: Before amendments came into force in autumn 2013, the mandate of judges of the Common Courts of Georgia has been determined as 10 years. Therefore, as far as the present questionnaire covers the information of 2012, we have indicated then-existing norm providing for 10 years as the term of office of judges. (comment: this is the reason we have indicated two different answers in questions 121 and 125). In 2010 cycle it was indicated that judges were to be recruited for life as far as Constitutional amendment on lifetime appointment of judges was adopted in 2010. However this amendment came into force in October 2013, when newly elected president took an oath. Before amendments came into force, the mandate of judges of the Common Courts of Georgia has been determined as 10 years. Therefore, as far as the present questionnaire covers the information of 2012 we have indicated then-existing norm providing for 10 years as the term of office for judges. Therefore in 2010 cycle, lifetime appointment of judges was indicated as a future prospective, and informed you about constitutional novelty of 2013 which determined life tenure of judges and in 2010 judges were appointed for ten- year term.

## 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 / Regular (e.g. every 3 months)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Annual / Regular (e.g. every 3 months)
In-service training for management functions of the court (e.g. court president)	Annual / Regular (e.g. every 3 months)
In-service training for the use of computer facilities in courts	Annual / Regular (e.g. every 3 months)

#### 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)	Compulsory
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 / Regular (e.g. every 3 months)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Occasional (e.g. at times)
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 the budget of such institution(s) in the "comment" box below.**

**If your judicial training institutions do not correspond to these criteria, please specify it:**

	Initial training only	Continuous training only	Initial and continuous training	2012 budget of the institution, in €
One institution for judges	No	No	Yes	Yes
One institution for prosecutors	No	No	Yes	Yes
One single institution for both judges and prosecutors	No	No	No	NAP

Comment :

2012 budget of the institution, One institution for judges - 402 300

2012 budget of the institution, One institution for prosecutors - 211 009

**131.1) If there is no initial training for judges and/or prosecutors in such institutions, please indicate briefly how these judges and/or prosecutors are recruited and trained ?**

There is initial mandatory training for prosecutors and for the interns at the prosecutor's office.

**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 public prosecutors and the main reforms that have been implemented over the last two years**

CN:

Q. 130: The main reason why In-service training for specialised functions (e.g. public prosecutor specialised on organised crime) and In-service training for management functions of the court (e.g. Head of prosecution office, manager) was regular is the amendment of criminal procedure code of Georgia in 2010 and the need of training for new material. New information is fully mastered by prosecutors and now it is occasional.

### 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 2012	Net annual salary, in €, on 31 December 2012
First instance professional judge at the beginning of his/her career	12634,47 € (27600 GEL)	10107,58 € (22080 GEL)
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)	24170,29 € (52800 GEL) 13733,12 € (30000 GEL)	19336,23 € (42240 GEL) 10986,50 € (24000 GEL)
Public prosecutor at the beginning of his/her career	9072	7248
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)	NAP	NAP

Comment :

The amount of salaries of the judges of common courts of Georgia is determined by the special law.

\* In the Prosecutor's Office the interns (beginners) receive the salary as well, but their official status is an intern and not a prosecutor. Their salary is 213 € (480 GEL) - Gross, 171 € (384 GEL) - Net.

\* GEL exchange rate in 1 Euro for 03/10/2013 is 2.2515 GEL.

CN:

In Georgian prosecutor's office there is no division of prosecutors according to court instances.

CN 23/05:

If the prosecutor has not been promoted, his salary at the beginning and the end of his career remains the same.

**133) Do judges and public prosecutors have 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:**

Judge, apart from salary, may receive additional financial benefits after taking into consideration his/her monthly performance.

Prosecution's Office

Other financial benefit is – Bonus. The Bonus system is functioning in the Prosecutor' Office. The receipt of the bonus depends on the individual professional performance of the prosecutor – on fulfillment of his/her duties and obligations.

**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	Yes
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.**

NAP

**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	No	No
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:**

If prosecutor is involved in activities listed in question 137 that are not prohibited during the office hours, the permission from the Deputy Chief Prosecutor is required in this case.

**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:

Judge, apart from salary, may receive additional financial benefits after taking into consideration his/her monthly performance.

#### 5. 4. Disciplinary procedures

##### 5. 4. 1. Disciplinary procedures

#### 140) Who has been 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:

- 1) Investigator or public prosecutor (with notification).
- 2) Media (with the information disseminated by media sources).

#### 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:

CN:

After several amendments in legislation due to conducted reforms, starting from May 30 2013 year, Prosecutor General is entitled to initiate disciplinary proceedings against prosecutors.

#### 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:

CN:

In 2010 "other" was indicated in order to specify disciplinary body entitled to rule on disciplinary matters. However, question 142 of the present questionnaire indicates all the appropriate authorities which have disciplinary power on judges (such as disciplinary court or body, which covers disciplinary Board and Panel in it). Therefore, there is no more need to indicate "other" in order to specify disciplinary Board or Panel.

**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)	4	19
1. Breach of professional ethics	0	9
2. Professional inadequacy	3	10
3. Criminal offence	0	NAP
4. Other	1	0

Comment :

Gross violation of law.

CN:

After the increase of prosecutor number in 2012, it is possible to expect the increase of used disciplinary measures.

**145) Number of sanctions pronounced in 2012 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)	2	33
1. Reprimand	1	19
2. Suspension	NAP	NA
3. Removal of cases	NAP	NA
4. Fine	NAP	NA
5. Temporary reduction of salary	NAP	NA
6. Position downgrade	NAP	NA
7. Transfer to another geographical (court) location	NAP	NA
8. Resignation	NA	NA

9. Other	1	14
----------	---	----

Comment :

Notice - a type of disciplinary measure.

For clarification of the question 144 it should be mentioned that:

- a. In one case, a private advisory note was sent to a judge, which is a type of disciplinary measure.
- b. In another case, based on judge's personal statement disciplinary proceeding has been terminated.

CN:

Prosecutors - After the increase of prosecutor number in 2012, it is possible to expect the increase of used disciplinary measures.

Judges - Differences between 2010 and 2012 is caused by the fact, that in 2012 there were less number of complaints against judges and most of them were ill-founded.

### **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 public prosecutors and the main reforms that have been implemented over the last two years

Since March 27 2012, gross violation of a law is no longer a disciplinary misconduct.

As for the reform, the main reform is that, the author of the complaint, in case of written request, is informed about the outcome of the disciplinary proceedings. This means that the results of the disciplinary proceedings is no longer confidential, unless otherwise is stated by the law.

### **Please indicate the sources for answering questions 144 and 145**

Decisions of disciplinary board of judges.

Reports of Inspectorate General.

CN:

General Prosecutor's Office of Georgia.



## 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.**

3703

**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:

NGO, family member may represent client in civil cases and administrative cases in the court of first Instance.

**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:

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

**F1 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

**F2 Useful comments for interpreting the data mentioned in this chapter:**

CN:

Q. 154:

Court users can contact to attorney's office and easily find out the average fee.

## 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:

CN:

It is only possible to file a complaint about the performance of lawyer. The complaint concerning the amount of fees is not the competence of the ethics commission.

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

the judge

the Ministry of justice

a professional authority

other

If other, please specify:

CN:

Ethics Commission of 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.]**

	Number
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	118
1. Breach of professional ethics	118
2. Professional inadequacy	NAP
3. Criminal offence	NAP
4. Other	0

Comment :

CN:

Source: Bar Association.

**162) Sanctions pronounced against lawyers.**

**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.**

	Number
Total number of sanctions (1 + 2 + 3 + 4 + 5)	54
1.Reprimand	18
2. Suspension	9
3. Removal	NAP
4. Fine	NAP
5. Other (e.g. disbarment)	27

Comment :

Warning – 25. In 15 cases commission decided not to impose disciplinary responsibility and in 26 cases disciplinary proceedings are not finished yet.

**F3 You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

## 7. Alternative Dispute Resolution

### 7. 1. Mediation and other forms of ADR

#### 7. 1. 1. Mediation and other forms of ADR

**163) Does the judicial system provide for judicial 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

**163.1) In some fields, does the judicial system provide for mandatory mediation procedures?**  
-----

**If there are mandatory mediation procedures, please specify which fields are concerned in the "comment" box below.**

- Before going to court
- Ordered by a judge in the course of a judicial proceeding

If there are mandatory mediation procedures, please specify which fields are concerned:

**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	Yes	No	No	No	No
Family law cases (ex. divorce)	Yes	No	No	No	No
Administrative cases	No	No	No	No	No
Employment dismissals	No	No	No	No	No
Criminal cases	No	No	Yes	No	No

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

- Yes
- No

If yes, please specify:

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

17

**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	NAP
4. employment dismissals cases	NAP
5. criminal cases	NAP

Comment :

Since this institution is a new one, the new mediators have not yet conducted any mediation procedure

**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?	Yes
Arbitration?	Yes
Conciliation?	Yes
Other alternative dispute resolution?	No

Comment :

CN:

According to the amendments to the Criminal Procedure Code of Georgia made in 2010, if there is a probable cause that a person has committed a less grave or grave criminal offence the first time and if at the moment of the act the person had not reached the age of 18, a prosecutor is entitled to take a decision based on a well-evidenced order against the initiation of criminal proceedings or about the termination of already initiated criminal proceedings due to the lack of public interest in prosecution. In case the decision is taken, a prosecutor is entitled to make an agreement with a juvenile about diversion and mediation. The prosecutor offers a victim as well to participate in the diversion and mediation programme and if a victim agrees, the mediation conference is held. Mediators working with juveniles in conflict with law are the employees of the LEPL Center for Crime Prevention. For further development of the mediation mechanism, the Mediation House is planned to be operational based on the Center for Crime Prevention in the nearest future. The aim of the establishing the Mediation House is crime prevention through application of mediation tool. The Crime Prevention center plans to work in different field in this regard and one of the priority areas will be a family mediation.

**G.1 You can indicate below:**

- 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

CN:

Q. 164: In 2011 some changes were made in Georgian Civil Procedure Code and Court annexed mediation was introduced in Georgian judicial system.

CN 12/05:

Q. 163, judicial mediation does not apply to administrative cases or employment dismissals, but, in case of consent of the parties, their case may be referred to the mediation.

As for the criminal cases, the mediation process is conducted by a representative of Mediation Center of the Ministry of Justice.

CN 23/05:

q. 164

Judicial mediation does not apply to administrative cases or employment dismissals, but, in case of consent of the parties, their case may be referred to the mediation.

**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**

158

**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:

In Georgia, there is a mixed enforcement system, where state and private enforcement systems are coexisting. This novelty of private enforcement was introduced in 2009 in order to increase the competition and quality of service. State enforcement is provided by the National Bureau of Enforcement, which is the legal entity of public law under the supervision of Ministry of Justice. Private enforcement agents act independently, though the overall control is exercised by Ministry of Justice. The number 156, given in question #170, represents 122 state enforcement agents employed by NBE and 34 self-employed private enforcement agents that operate in the country.

**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:**

According to databases of National Bureau of Enforcement of Georgia, in the reporting period, the state entity was employing 122 Enforcement Agents. As for the Private Enforcement Agents, number of the active licenses issued by Ministry of Justice equalled to 36.

**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:

CN:

Internal Inspection Office of National Bureau of Enforcement and the General Inspection of the Ministry of Justice as for the control of state enforcement agents.

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

- Yes  
 No

If yes, what are the quality criteria used?

For state enforcement agents, it is up to the National Bureau of Enforcement to recruit a new employee as an enforcement agent. For which vacancy is announced and successful candidates are selected. Before the person occupies position of State Enforcement Agent he/she has to undergo 6 months internship at the National Bureau of Enforcement or one month preparatory trainings provided by Training Center of the Ministry of Justice. While recruiting an intern or hiring a professional, at least Bachelor Degree in Law is a requirement. As for the Private Enforcement Agents, except for degree in law he/she should have passed qualification exams either for judges in civil, administrative or general matters or qualification exams organized for enforcement agents solely. Private Enforcement Agents are also required to have office accommodated in accordance to the requirements set in the respective degree of the Minister of Justice.

**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:

Some of the requirements are set by Law of Georgian on Enforcement Proceedings.

CN:

When it comes to private enforcement agents it's mainly the law and respectful regulations that impose quality standards on their activity, market and free competition is the main incentive for quality growth for them. As for state enforcement, National Bureau of Enforcement and Ministry of Justice as a supervising institution of NBE address quality issues. Different internal units of NBE are dedicated to contribute to the development of services of state enforcement. Ministry of Justice exercises its right as a supervising body to ask NBE to pay attention to different aspects of its business processes.

**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

The cases where either of the parties, creditor or debtor is state agency, can be only enforced by state enforcement entity i.e. by the National Bureau of Enforcement, which has separate unit dealing with the cases where enforcement has to be executed against state institution. The aforementioned unit of the National Bureau of Enforcement exercises this activity from the special allocated budget by the the Ministry of Finance of Georgia. In case the debtor is the municipality or legal entity of public law sums is recovered from the budget of these entities.

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

- Yes  
 No

If yes, please specify

For private enforcement agents, Inspectorate General of the Ministry of Justice and the Office of Chief Prosecutor can be regarded as the monitoring bodies. As for state enforcement agents, the National Bureau of Enforcement has internal inspection office that searches and identifies breaches of enforcement legislation conducted by state enforcement agents. The National Bureau of Enforcement created easily accessible mechanism for citizens to submit complaints. Applications on complaint are published and easily accessible from the National Bureau of Enforcement web site. Complaints can be submitted at any of the territorial units of the National Bureau of Enforcement across Georgia and any of the 12 Public Service Halls of Georgia.

**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 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 length of 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 initiated disciplinary proceedings (1+2+3+4)	<input type="checkbox"/> number:	86
1. for breach of professional ethics		NAP
2. for professional inadequacy		NAP
3. for criminal offence		NAP
4. Other	<input type="checkbox"/> number:	86

Comment :

It has to be specified that internal inspection office of NBE classifies complaints in this rather big group which covers violations of internal regulations of NBE, Law on Enforcement Proceedings of Georgia and Secondary Legislation.

CN:

This is the only statistical data that can be extracted from the work of last year of internal inspection office. This body is the only unit capable and responsible to conduct regular and random control actions against state enforcement agents and after to collect and classify the data.

For the moment internal inspection office of NBE classifies complaints in this rather big group which covers violations of internal regulations of NBE, Law on Enforcement Proceedings of Georgia and Secondary Legislation. Unfortunately, NBE is lacking the ability to categorize the data in more specified way.

**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 initiated 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:	37
1. Reprimand	<input type="checkbox"/> number:	9
2. Suspension	<input type="checkbox"/> number:	
3. Dismissal	<input type="checkbox"/> number:	
4. Fine	<input type="checkbox"/> number:	1
5. Other	<input type="checkbox"/> number:	27

Comment :

Until October 2013, there was existing regulation that was enabling management to use recommendation letter, which qualified for the lowest category of disciplinary sanctions. In 2012, 2 such letters were issued. It has to be indicated that the

rest of other 25 disciplinary sanctions were imposed on employees of the Bureau as notification and is relatively soft measure of sanctioning and it can be regarded as warning as well.

Though there is a little difference between the number of complaints and the disciplinary sanctions, it has to be mentioned here that sizable part of disciplinary sanctions were imposed after monitoring procedures exercised regularly by respective units of the Bureau.

CN:

This is the only statistical data that can be extracted from the work of last year of internal inspection office. This body is the only unit capable and responsible to conduct regular and random control actions against state enforcement agents and after to collect and classify the data.

For the moment internal inspection office of NBE classifies complaints in this rather big group which covers violations of internal regulations of NBE, Law on Enforcement Proceedings of Georgia and Secondary Legislation. Unfortunately, NBE is lacking the ability to categorize the data in more specified way.

#### **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 have been implemented over the last two years**

During the past couple of years the biggest change that occurred in enforcement system of Georgia was in direction of digitalization. Since 2010, in the enforcement system of Georgia various IT solutions have been implemented, among them E-auction, Tablet PCs for e-attachment, case management soft of enforcement, Debtor Registry, documentation flow soft and the soft for summary proceedings could be highlighted.

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

Law of Georgia on Enforcement Proceedings, Statistics of The National Bureau of Enforcement – collected and processed by the Internal Inspection Office of the National Bureau of Enforcement

## 8. 2. Execution of decisions in criminal matters

### 8. 2. 1. Functioning

#### **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:

CN:

The National Bureau of Enforcement is the organization in charge of enforcement of fines connected with criminal cases - for example if a person was sentenced imprisonment for 5 years and court also imposed fine of 3,000 GEL to be paid, NBE is the organization to enforce the second part of this decision as a regular enforceable case.

#### **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%
- cannot be estimated

Please indicate the source for answering this question:

**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. Statute

#### 9. 1. 1. Functionning

**192) Do you have notaries in your country? If no please skip 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)?		NAP
private professionals under the authority (control) of public authorities?	<input type="checkbox"/> number	247
public agents?		NAP
other?		NAP

Comment :

CN:

There is a Latin -type Notary in Georgia. A notary is appointed to the position by the Minister of Justice, based on the order. Consequently, there are no private licensed Notaries in Georgia. A notary shall become the member of the Notary Chamber of Georgia as soon as he/she is appointed to the position. Public management of the notariate and supervision on a notary's official activities on the basis of the current legislation shall be carried out by the Ministry of Justice of Georgia.

**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:

Notaries may also act as mediators in Alternative Dispute Resolution matters.

#### 9. 1. 2. Supervision

**195) Is there an authority entrusted with supervising and monitoring 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:

**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**

Notary system in Georgia is based on the principles of the Latin Notary. The notaries are appointed by the Minister of Justice. The Minister also determines the number of positions of notaries. Georgian notaries are members of Notary Chamber of Georgia, which is an association of notaries formed on the principle of self-government and is based on mandatory membership. Since 2007, Georgia is the member of the International Union of Notaries (UINL).

In recent years, reforms in the notary system are the most noticeable as there have been the major legislative changes that were supported by technological innovations and eventually as a result of all these implementations, notary service had been greatly simplified for the Citizens of the Country and for Foreigners.

Since March 2012, the Execution Paper is being issued for the expanded list of notary deeds (loan, debt and other monetary obligation contracts). According to the subsequent changes, a notarial act performed by notaries shall be registered in the electronic notary registry. There is an independent registry of Inheritance procedures and the registry of wills. They are administered by the Chamber of Notaries.

Since September 2012, in order to avoid overburdened courts and raise the effectiveness of the judiciary system, the notaries in Georgia have been granted the right to mediate disputes in the following areas: (a) Family law disputes restriction of parental rights and seizure of parental rights); (b) Succession and inheritance related legal disputes; (c) Neighborhood legal disputes; (d) Other disputes unless the laws of Georgia define a special procedure for mediation in such disputes. All the notaries of Georgia went through special trainings about mediation organized by the Notary Chamber of Georgia. These amendments will enter into force after November 1st, 2013.

Notary has an online electronic communication with the Agency of public register and also is entitled to submit statements and contracts in electronic form for registration. In certain cases the Notary has the right to act as the registrar and can directly register establishment, amendment or termination of the right in the public register. Due to the fact that in Georgia works the German system of the organization of the state registers and the rights to real estate arise only after registration, this function of the notary has a special value.

**Please indicate the sources for answering question 193:**

Notary Law of Georgia, entered into force on 4 December 2009.

## 10. Court interpreters

### 10. 1. Court interpreters

#### 10. 1. 1. Functioning

**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:**

21

**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):

The rights and obligations of the interpreter are regulated by procedural law, in case of incorrect translation an interpreter may be subject to prosecution.

**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:  
 The rights and obligations of the experts are regulated by procedural law, in case of incorrect report an expert may be subject to prosecution.

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

-----

**If no, please specify in the "comments" 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 :

**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. Foreseen reforms

**208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. 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)**

**3.1 Access to justice and legal aid**

**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**

**6.1 Personal status**

**7. Enforcement of court decisions**

**8. Mediation and other ADR**

**9. Fight against crim**

1.(Comprehensive) reform plans

There exists the Criminal Justice Reform Strategy and Action Plan, which covers the reforms in the respective spheres, such as:

- Criminal Legislation Reform;
- Juvenile Justice Reform;
- Police Reform;
- Prosecution Reform;
- Penitentiary Reform;
- Probation Reform;
- Legal Aid Service Reform;
- Judiciary Reform;
- Efficient Public Defender's Office.

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)

#### Reform of the Prosecution Service

Reform of the Prosecution Service of Georgia is aimed at strengthening its institutional independence in order to ensure that the prosecutions can carry out their professional functions impartially and objectively.

In 2013, amendments were introduced in the Law of Georgia on Prosecution Service in order to strengthen its institutional independence and ensure that the prosecutors can carry out their professional functions impartially and objectively. Reform aims to bring the status of the Prosecution Service in line with best international and European standards including Venice Commission Report on the European Standards as regards the Independence of the Judicial System (Part II the Prosecution Service). As a result, the power of Minister of Justice to interfere in individual cases has been abolished. According to the amendments, therefore, the Minister of Justice only has the authority to define general criminal justice policy and issue respective guidelines.

Further reform of the Prosecution Service of Georgia aims at strengthening its institutional independence in order to ensure that the prosecutors can carry out their professional functions impartially and objectively. With this purpose, the Prosecution Service plans further structural changes.

#### Reform of the Judiciary

Government of Georgia plans to continue its efforts to secure true independence of judiciary from any outside interference and increase public trust towards the Court system of Georgia. The reform will be carried out in several stages.

The legislative package of amendments aimed at increasing independence of judiciary was proposed for adoption to the Parliament by the end of 2012. Amendments are related to the rules regulating composition of the High Council of Justice, Administrative Committee of Judicial Conference and Disciplinary Chamber for disciplinary proceedings against judges and are aimed wider decentralization and balanced allocation of powers within the judiciary as well as civil society involvement in the decision-making on organizational issues of judiciary. In addition, the proposed changes aimed at increasing the transparency of the court proceedings as well as disciplinary proceedings by amending the articles regulating the recording and broadcasting of the court proceedings and publication of the decisions of the



Disciplinary Chamber and Disciplinary Collegium.

The draft amendments were elaborated on the basis of international and European standards, including Venice Commission Report on the European Standards as regards the Independence of the Judicial System. The recommendations of the coalition of civil society organisations working on the independence of judiciary have been taken into account. In November 2012 the public discussion of the draft amendments was held with the participation of legislative, executive, and judicial authorities, foreign and international missions accredited to Georgia, as well as Georgian and foreign non-governmental organizations. Consultations were held with representatives of the Supreme Court of Georgia and High Council of Justice, the Coalition for Independent and Transparent Judiciary and other stakeholders. All reasonable comments and suggestions were incorporated in the drafts amendments. The final version of the draft was submitted to the Venice Commission for the expertise. The Venice Commission adopted its Opinion on Draft Amendments to the Organic Law on Courts of General Jurisdiction of Georgia at its 94th Plenary Session (8-9 March, 2013). When the Opinion of the Venice Commission on Draft Amendments to the Organic Law on Courts of General Jurisdiction of Georgia became available in March, 2013 the amendments were refined accordingly.

### 3.1 Access to justice and legal aid

To ensure independence and transparency of the Legal Aid Service (LAS), it is planned to renew the legal status of the service and strengthen its legal guarantees. In addition, a new mechanism of management, which will ensure transparency, independence and accountability of the service and reinforce social guarantees for public lawyers, is planned to be established.

Based on pre-developed concept, Legal Aid Service plans to expand its mandate on civil and administrative cases.

LAS plans to develop its infrastructure and equip every office with modern hardware. On the basis of the needs assessment survey, new bureaus/consultation centers will be opened in remote locations, outside from regional centers, as well as in mountainous regions and regions with ethnic minorities.

Furthermore, in order to ensure the effective performance of contracted public lawyers, Legal Aid Service plans to amend legal framework and case management procedures for lawyers listed in the register.

The Draft Law on Legal Aid Service prepared by Sub-working group on legislative development under the Criminal Justice Reform Council, guarantees the independence of Legal Aid Service and its accountability before the Parliament. According to the draft, the Legal Aid Service is supervised by Managing Board. The Board is a collegial body and has inclusive and balanced membership. The Director of the LAS is not the member of the Board. Basic function of the Board is to ensure the smooth management of the LAS activities, effective implementation of functions and guaranteeing independence and accountability of the LAS.

As to the case management procedure, new case processing software dealing with the flow of documentation and incorporate the modules on HR and accounting is being piloted in Tbilisi Legal Aid Bureau and Legal Aid Service plans to expand the said software throughout the country.

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

#### Public Prosecutors

Professional development is one of the key priorities for Prosecution Service. With this purpose Prosecution Service plans to conduct the following training courses for prosecutors:

- Trainings on Interrogation of Witness;
- Trainings on Selection of Juries;
- Trainings on Hate Crimes;
- Trainings on Case Law of European Court of Human Rights;
- Trainings on Criminal Procedure Code of Georgia;

#### Lawyers

The LAS plans to:

- develop annual training plans based on the needs assessment system established by the agency;
- assess and analyse the results of the training;
- develop concept of the training center.

To ensure that juvenile defendants are provided with high quality legal assistance, public lawyers will undertake specialized training programs in juvenile justice issues and specifics.

#### Notaries

In the scope of Mortgage reforms, it is planned to increase a role of the notary in verification of mortgage contracts (recovery of compulsory notarial agreements for a mortgage). Current objective of the Notary Chamber of Georgia is to make possible certifying of notarial instrument electronically using electronic IDs as well as enable their further circulation. In such case a notarial instrument performed in electronic form shall have the power equal to paper document and accordingly there will be no need to submit paper document of notarial instruments in relevant bodies. The said project is processing concurrently to considering the relevant technical and safety arrangements. Thus, significant changes are to be anticipated in the nearest future.

#### Enforcement agents

The National Bureau of Enforcement plans to develop Human Resources Management System, implement within daily business tools of mentorship and coaching, set refined minimum competence criteria for enforcement agents

employed in State Enforcement and to introduce regular trainings for them in conflict and stress management, time management skills and work ethics.

Another major breakthrough that is going to be exercised in state enforcement system will be introduction of the revised labour division in enforcement business process. Previously single enforcement agent was dealing with the case throughout whole enforcement process from the registration of application to the transfer of recovered sums to the creditor. This project was launched as a pilot program in one of the regional units of the Bureau in Spring 2013. The reframed labour division scheme was introduced and implemented in all bureaus during the autumn of 2013. Furthermore, as a result of the new labour division, several groups, i.e. teams concentrating solely on separate stage of enforcement, were established in 2013.

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

##### Revision of the Criminal Code of Georgia

Within the framework of the Criminal Justice Reform Programme, the Criminal Justice Reform Inter-Agency Coordinating Council is established by the Decree #591 December 13, 2008 of the President of Georgia. The members of the Council are the representatives of the Parliament and Government of Georgia, heads of governmental agencies, representatives of non-governmental and international organizations, as well as independent experts. Several working groups are established under the Council. One of the working groups is the Working Group on Criminal Legislation. The mandate of the Working Group includes, inter alia, the revision of the Criminal Code of Georgia and other legislative developments and draft laws in relevant area.

Criminal Code of Georgia was adopted on 22 June, 1999. Since its adoption, more than 100 amendments were incorporated in the Code, changing rules for determination of sentences, adding liability of legal persons, as well as adding new crimes and abolishing others, etc. Despite wide range of changes already implemented in general and special parts of the Code, development of international and regional standards of criminal law, particularly in the field of probation and alternative sentences, proportionality of sanctions and regulation of transborder crimes (money laundering, human and drug trafficking, terrorism, etc) - they call for additional changes to further reform the Code. The reform of the Criminal Code of Georgia is being carried out. The main objective of the revision is to reform substantive criminal law of Georgia in light of the new criminal policy of liberalization and to bring it in line with the international and regional human rights standards applicable in the field of criminal law. The new criminal code of Georgia shall also be harmonized with the rest of legal system, particularly new Criminal Procedure Code of Georgia and to legal and social developments affecting criminal law at national and international level. New criminal code shall be coherent, accessible and foreseeable for all the concerned parties – defenders, prosecutors and courts, as well as public at large.

The revision process of the Criminal Code is planned to be finalised by the end of 2014.

##### Code on Administrative Offences of Georgia

In terms of the reforms of the Code on Administrative Offences of Georgia, it is planned to regulate the administrative detention in the near future.

The objective of the elaboration of the Draft General Part of the Code on Administrative Offences is to develop the legislation of Georgia on administrative violations. The new Code shall be harmonized with the modern Georgian legal system. Besides, one of the main objectives of the revision of the Code on Administrative Offences is to elaborate the unified and effective case management system of administrative violations, and high standard procedures in terms of protection of universal human rights and freedoms.

The revision of the whole Code is planned to be finalised by the end of 2014.

##### Civil Code of Georgia

With the aim of reforming the civil law system in Georgia the Consultative Council of the Private Law Reform was established on April 23, 2013 by the decree of the Minister of Justice. The members of the Council are representatives of the Ministry of Justice as well as other state bodies, NGOs, international organizations, experts and academia. The Council aims to deliver a strategy of the private law reform, give recommendations and draft amendments in the legislation regulating different areas of the private law.

The Council has six separate working groups on the following issues: Property law; Procedural legislation; Company law and insolvency/bankruptcy legislation; Law of obligations; Personal rights and Other issues of private law.

1. Property law – the working group has already started drafting the amendments to the Civil Code. The amendments envisage imposing additional regulations dealing with the malpractices of the private individuals who lend mortgage loans. On the basis of the aforementioned reform enforcement mechanisms as well as separate legal institutions shall become more reasonable.

2. Procedural legislation – the group works on the amendments to the Law on Arbitration and Civil Procedure Code;

3. Company law and insolvency/bankruptcy legislation – the working group aims to revise the existing company regulations substantially by introducing more imperative and declarative provisions in the law. The types of companies, their registration as well as capital requirements, liability of the managers, etc. will be detailed imperative regulations. The law will provide further detailed provisions other than imperative regulations. However, these provisions might be subject of further changes in each corporate charter by the shareholder(s).

As for the insolvency and bankruptcy legislation, the working group started discussing the draft amendments proposed by one of its members. However, the consensus is not reached yet. At any rate, the draft will try to improve the regulations of the insolvency proceedings aiming at protecting both the interests of the insolvent company and the creditors by ensuring maximum recovery of the creditors' demands.

The working process regarding the remaining thematic issues - law of obligations, personal rights, and other issues of private law - has not started yet.

##### International Conventions and Cooperation Activities

The Third Optional Protocol to the European Convention on Extradition of 13 December 1957 will be signed and ratified by Georgia in the near future. In order to reflect the requirements of the aforementioned Protocol in the legislation of Georgia, the Legal Drafting Department of Chief Prosecutor's Office is preparing the legislative amendments to the Law of Georgia on "International Cooperation in Criminal Justice Sphere".