



Reference data 2020 (01/01/2020 - 31/12/2020)

Start/end date of the data collection campaign : 19/03/2021 - 01/10/2021

Objective :

The CEPEJ decided, at its 35th plenary meeting, to launch the ninth evaluation cycle 2020 – 2022, focused on 2020 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

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

Instruction :

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

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

1. General and financial information

1.1. Demographic and economic data

1.1.1. Inhabitants and economic general information



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

[3 728 600]

Comments

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

	Amount
State or federal level	3 899 414 460 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

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

[3 812]

Comments

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

[3 552]

NA

Comments

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

[4.0233]

Allow decimals : 5

NAP

Comments There has been inflation to Georgian Lari (GEL) in relation to Euro.

A1. Please indicate the sources for answering the questions in this part

Sources: www.geostat.ge - Web-site of the National Statistics Office of Georgia
Department of Common Courts

1.1.2 Budgetary data concerning judicial system

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

question 6, please answer NA to question 7.

	Approved budget (in €)	Implemented budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	22 717 734 [] NA [] NAP	19 182 652 [] NA [] NAP
1. Annual public budget allocated to (gross) salaries	16 274 412 [] NA [] NAP	13 984 696 [] NA [] NAP
2. Annual public budget allocated to computerisation (2.1 + 2.2)	518 643 [] NA [] NAP	485 426 [] NA [] NAP
2.1 Investments in computerisation	354 798 [] NA [] NAP	322 206 [] NA [] NAP
2.2 Maintenance of the IT equipment of courts	163 845 [] NA [] NAP	163 219 [] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)	565 433 [] NA [] NAP	429 108 [] NA [] NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	2 064 464 [] NA [] NAP	1 936 934 [] NA [] NAP
5. Annual public budget allocated to investments in new (court) buildings	648 890 [] NA [] NAP	27 509 [] NA [] NAP
6. Annual public budget allocated to training	183 512 [] NA [] NAP	142 128 [] NA [] NAP
7. Other (please specify)	2 462 380 [] NA [] NAP	2 176 852 [] NA [] NAP

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences: The savings received as a result of conducted tender; Remained unused funds from signed service contracts during the year, The construction of the new building of the Tbilisi City Court has not started, No bonus was paid to employees. Other - Business trip, Goods & Services for Office, Uniform, Vehicle Fuel, Repair & Insurance, Judges' Apartment Rent, Funds allocated from the budget for the High School of Justice in addition to the funds provided for training).

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

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to all courts and the public prosecution services together	[X] NA [] NAP	[X] NA [] NAP

Total annual public budget allocated to all courts and legal aid together	[X] NA [] NAP	[X] NA [] NAP
Total annual public budget allocated to all courts, public prosecution services and legal aid together	[X] NA [] NAP	[X] NA [] NAP

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

DEPARTMENT

HCOJ

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

	Litigants required to pay a court fee to initiate a proceeding at a court of general jurisdiction ?
for criminal cases	() Yes, at the beginning of the procedure () Yes, at a later stage (X) No
for other than criminal cases	(X) Yes, at the beginning of the procedure () Yes, at a later stage () No

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

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

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

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

[90]

[] NA

[] NAP

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

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

[3 826 876]

NA

NAP

Comments Annual income of court fees received by the state in 2020 in the national currency of Georgia - GEL is 6.95% lower than the income received in 2018, however, the depreciation of the GEL against the Euro (01.01.2019 Euro / GEL - 3.0597, 01.01.2021 Euro / GEL - 4.0233) led to a nearly 30% reduction in annual court fee income depicted in euros in 2020 compared to 2018.

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

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	2 115 546 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
12.1 for cases brought to court (court fees and/or legal representation)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
12.2 for cases not brought to court (legal advice, ADR and other legal services)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

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

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	1 947 081 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
12-1.1 for cases brought to court (court fees and/or legal representation)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
12-1.2 for cases not brought to court (legal advice, ADR and other legal services)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences: Due to the fact that the Public Advocates of the Legal Aid Service receive a monthly salary, it is therefore impossible to calculate the cost of each case or consultation.

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012-2. Does legal aid include:

	Legal aid includes:
Coverage of court fees	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Exemption from court fees	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments According to the law on "State Fees" (art. 5, par. 1, 11), the socially vulnerable parties registered in the database are exempt from the court fees.

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012-3. Do legal aid budgets indicated in Q12 and Q12-1 include:

	Amount calculated/estimated included
Coverage of court fees	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Exemption from court fees	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments The costs of the process are court costs (fees) and extra judicial costs (lawyer services), the beneficiaries of the legal aid service are socially vulnerable persons who are exempt from paying the fees, and the lawyer costs are reimbursed by the service. Please see <http://www.legalaid.ge/en> By the legislation of Georgia, costs of the process are court costs (fee), and extra judicial costs (lawyer services). According to the Law of Georgia On State duty (Article 5, paragraph 1 , sub-paragraph U), institutions (organizations) whose costs are financed only from the state budget (such as Legal Aid Service of Georgia) are exempt from paying any fee. Beneficiaries of the Legal Aid Service are fully exempted from paying the state fee for civil and administrative cases. Free legal aid implies that all costs are covered by the state, but while covering these costs, there is no actual transfer of funds from Legal Aid Service budget. Legal Aid Service does not have to pay any funds in the form of state fees, therefore these costs are not calculated when planning the budget of the Service.

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

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in € (including 13.1)	12 266 476 [] NA [] NAP	11 275 060 [] NA [] NAP
13.1. Annual public budget allocated to training of public prosecution services	[] NA [X] NAP	[] NA [X] NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: The Prosecution Service of Georgia (PSG) finances trainings of prosecutors through its budget. There is no separate budget for it. See the numbers above. The implemented budget is different from the approved budget because of not conducting certain planned activities in 2020, due to the COVID-19 pandemic. The information on the budget of the Prosecution Service of Georgia (PSG) was mistakenly provided in GEL. In EUR the approved budget is 12 266 476, while the implemented budget is 11 275 060.

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

Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
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Ministry of Justice	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other ministry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Parliament	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Supreme Court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
High Judicial Council	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Inspection body	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If "Other Ministry" and/or "Inspection body" and/or "Other", please specify: The "Other" is the Department of Common Courts, 1st pl of the High Council of Justice of Georgia,

"Inspection body" is the State Audit Office of Georgia.

The Supreme Court does not participate either in preparation of the total court budget or in management and allocation of the budget among the courts (probably in 2018 the answer "yes" was incorrectly marked in this part).

The Supreme Court has a separate budget from other courts.

014-0. What are the criteria used to allocate financial resources among courts? Furthermore, please select maximum three main criteria of allocation

	Criteria used	Main criteria
Previous years' budget costs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Special needs assessment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Number of judges/non judges' staff	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Number of incoming cases	<input type="checkbox"/>	<input type="checkbox"/>
Number of pending cases	<input type="checkbox"/>	<input type="checkbox"/>
Number of resolved cases	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

NAP

014-1. Who is entrusted with responsibilities related to the budget within a first instance court?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Court President and/or judge(s)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Head of court administration and/or non-judges	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Mixed body (judge(s) and non-judge(s))	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If "Other", please specify. If the responsibilities are different depending on the type/instance of courts, please answer the question for the first instance court of general jurisdiction and describe the differences in the comment box: The "Other" is the Department of Common Courts, lepl of high council of justice of Georgia.

A2. Please indicate the sources for answering the questions in this part

<p>Sources: Question 6. Law of Georgia on State Budget of 2020; Plan of the Department of Common Courts on State Procurement of 2020</p> <p>Question 8. Law of Georgia on State Fees</p> <p>Question 9. Consolidated budget revenues of Georgia</p>

1.1.3 Budgetary data concerning the whole justice system



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

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	74 049 909 <input type="checkbox"/> NA <input type="checkbox"/> NAP	69 288 567 <input type="checkbox"/> NA <input type="checkbox"/> NAP

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

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

	Included
Courts	(X) Yes () No [] NAP
Legal aid	(X) Yes () No [] NAP
Public prosecution services	(X) Yes () No [] NAP

Comments

015-3. Other budgetary elements

	Included
Prison system	(X) Yes () No [] NAP
Probation services	(X) Yes () No [] NAP
High Judicial Council	(X) Yes () No [] NAP
High Prosecutorial Council	() Yes (X) No [] NAP
Constitutional court	() Yes (X) No [] NAP
Judicial management body	() Yes (X) No [] NAP
State advocacy	() Yes (X) No [] NAP
Enforcement services	() Yes (X) No [] NAP
Notariat	() Yes (X) No [] NAP
Forensic services	() Yes (X) No [] NAP
Judicial protection of juveniles	() Yes (X) No [] NAP

Functioning of the Ministry of Justice	() Yes (X) No <input type="checkbox"/> NAP
Refugees and asylum seekers services	() Yes (X) No <input type="checkbox"/> NAP
Immigration Service	() Yes (X) No <input type="checkbox"/> NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	() Yes (X) No <input type="checkbox"/> NAP
Other	() Yes (X) No <input type="checkbox"/> NAP

If "Other", please specify:

A3. Please indicate the sources for answering the questions in this part

Sources: <http://treasury.ge/5741> Execution of 2020 state budget payments.

1.2. Organisation and management of courts and public prosecution services

015-4. Please describe who has responsibilities for the management of individual courts, what management roles they have, what is their status and their position in the organisational hierarchy of the court concerned.

- Pursuant to the legislation of Georgia there is three-tier system of common courts of Georgia: The first instance courts – District/City Courts, the second instance courts – Courts of Appeals and the third instance court – the Supreme Court of Georgia. The court administration in all three instance courts is carried out by the Chairperson of particular court with the assistance of a court manager, who is authorized to manage the administrative Office of a court. In accordance with Article 21.1 of the organic law of Georgia "on common courts" (the organic law) the Chairperson of the Supreme Court shall be entitled inter alia to provide overall management of the activity of the Supreme Court; to serve as the chairperson of one of the Chambers of the Court; to preside over the sessions of the Plenum and the Grand Chamber of the Supreme Court and, if necessary, the sessions of the Chambers of the Supreme Court; to communicate on behalf of the judiciary with the other branches of state authority, the media and the population with regard to general issues of justice in Georgia; to lead the operation of the Office of the Supreme Court; to adopt decisions on the appointment to the position (recruitment) and discharging from the position (dismissal from office) of public servants of the Office of the Supreme Court.

In accordance with Articles 25.1 and 32.2 of the organic law the Chairpersons of the Court of Appeals and District/City Court, beyond the judicial performance shall: supervise the operation of the Court Office, adopt decisions on the appointment to the position (recruitment) and discharging from the position (dismissal from office) of a court manager, head of the Bailiffs Office, a court bailiff, assistant to the judge and a secretary of the court session; impose measures of disciplinary liability prescribed by the Law of Georgia "on Public Service" upon the court manager and the other public servants of the Court Office; under the procedure determined by the legislation of Georgia ensure generalisation of applications, complaints and proposals of citizens, and submit materials of the generalisation to the High Council of Justice (the HCoJ); organise the operation of the court, examine and generalise information on case-flow management (including the indicators of filing and resolving of cases, time limits of the proceedings, reasons for

adjournment of sessions and impediment of proceedings), and submit, at least annually, this information to judges and the HCoJ; within the scope of his/her competence, take measures for eliminating the systemic reasons that impede the proceedings; ensure the observance of the order in the court, have the right to introduce rules for checking participants and attendees of the process before beginning of a session and to prohibit the admission of certain items into the court building or courtroom to ensure the safety of the session; also have the right to limit the number of attendees of a session depending on the courtroom space; if the order in the court is violated, any contempt of court is expressed or the normal operation of the court is interrupted, have the right to subject the offender to the measures provided for by the procedural legislation of Georgia, etc.

In order to ensure the effective and efficient court administration and to relieve judges/court chairpersons from administrative tasks, in 2011 the institution/the position of a court manager has been introduced. A court manager shall manage the operation of an administrative office of a court. The court manager shall, under the procedure determined by the legislation of Georgia, appoint and dismiss employees of the Office of a court (except for the head of the Bailiffs Office, a court bailiff, assistant to the judge and a secretary of the court session).” The administrative Offices of the courts are created in order to administer justice without delay, study and generalise judicial practice, analyze judicial statistics, and support any other activities of courts.

Max characters value : 10 000

015-5. Please describe who has responsibilities for the management of individual public prosecution offices, what management roles they have, what is their status and their position in the organisational hierarchy of the office concerned.

- The Prosecution Service of Georgia consists of the Office of the Prosecutor General, the Prosecutor’s Offices of the Autonomous Republics of Abkhazia and Adjara, the Tbilisi Prosecutor’s Office, the Regional Prosecutor’s Offices and the District Prosecutor’s Offices. The General Prosecutor of Georgia is at the top of the managerial hierarchy, followed by the First Deputy General Prosecutor and 3 Deputy General Prosecutors. The General Prosecutor undertakes the overall management of the Prosecution Service together with his/her deputies, while the heads of the Prosecutor’s Offices of the Autonomous Republics of Abkhazia and Adjara, the Tbilisi Prosecutor’s Office, the Regional Prosecutor’s Offices and the District Prosecutor’s Offices manage the subordinated territorial offices of the Prosecution Service. The organizational chart of the Prosecution Service of Georgia is available here:

<https://pog.gov.ge/en/structure>

<https://pog.gov.ge/en/district-structure>

The main responsibilities of the management of the Prosecutor’s Office include, per the areas and scope of their competence:

Distribution of tasks among subordinated prosecutors and ensuring equal workload;

Supervision over the fulfilment of the legislative obligations by the subordinated prosecutors;

Supervision over the fulfilment of the policy guidelines by the subordinated prosecutors; Monitoring the other elements of the work performance of the subordinated prosecutors; Undertaking the vested functions under the Criminal Procedure Code of Georgia, i.e., reviewing complaints regarding the activities of the subordinated prosecutors and issuing consents for carrying out certain procedural actions;

Identifying the areas of improvement and issuing or recommending (depending on the managerial level) new or adjusted policy guidelines; Monitoring the implementation of the work discipline.

Max characters value : 10 000

2. Access to justice and all courts

2.1. Legal Aid

2.1.1 Scope of legal aid

016. Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP
Legal advice, ADR and other legal services	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP

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

- Legal advice is available to anyone on any legal matter at the expense of the state.

Drafting legal documents, representation in court in administrative and civil cases and in the administrative body, as well as in criminal proceedings are available at the expense of the state in cases provided by law.

According to the Georgian Law on Legal Aid, Art 5, In civil and administrative cases legal assistance (representation in court, representation in an administrative body) is provided if the case meets the criteria of importance and complexity.

Legal aid regardless of solvency is provided to the following persons (special mandate):

- For the recipient of support (A recipient of support is an individual who has solid mental/intellectual disorder while the interplay of these disorders and various barriers may prevent him/her from fully and effectively participating in public life under equal conditions enjoyed by others) whose status is to be recognized by the court, as well as for the recipient of support who is a party to a civil and / or administrative case, unless he or she has chosen a private lawyer.
- For the asylum seeker, as well as for the person under international protection, whose dispute over the request for international protection is to be examined by a court, unless he / she has chosen a private lawyer.
- For a woman victim / alleged victim of violence / domestic violence, when the court is examining issuing a protective order to protect the victim / alleged victim and to restrict certain actions of the abuser, unless she has chosen a private lawyer.
- Victims of domestic violence in civil and administrative cases related to domestic violence, unless he or she has generally chosen a lawyer.
- For all juveniles in criminal, civil and administrative cases, unless he / she has generally chosen a lawyer. At any stage of the criminal case, the accused / convict from 18 to 21 years enjoys the right to legal aid, unless his / her lawyer participates in the case (defense by agreement).
- In criminal, civil and administrative matters for persons with disabilities, unless he or she has chosen a private lawyer.

Legal aid (representation in an administrative body / court) in civil and administrative proceedings, depending on the importance and complexity of the case, is provided in all cases if the person meets the insolvency criteria.

Moreover, The Director of the Legal Aid Service may decide on granting legal aid to a person who is not a family member registered in the Unified Database of Socially Vulnerable Households on the basis of criteria set by the Legal Aid Council.

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

Yes

No

NAP

If yes, please specify:

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

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

Comments - If yes, please specify:

2.1.2 Information on legal aid

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

	Total	Cases brought to court	Cases not brought to court
TOTAL	13 324 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 769 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 555 <input type="checkbox"/> NA <input type="checkbox"/> NAP
In criminal cases	9 755 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 774 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7 981 <input type="checkbox"/> NA <input type="checkbox"/> NAP
In other than criminal cases	3 569 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 995 <input type="checkbox"/> NA <input type="checkbox"/> NAP	574 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify when appropriate: The decrease in the number of cases produced by the Legal Aid Service compared to previous years is due to the spread of the new Corona virus.

020-1. Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request:

	Time in days
Maximum duration prescribed in law/regulation	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Actual average duration	2 [] NA [] NAP
--------------------------------	------------------------

Comments - Please specify if the envisaged timeframe is set in a statutory law, or in other regulation. Furthermore, if different timeframes are envisaged for criminal and other than criminal cases please provide more information: Georgian Law on Legal Aid stipulates that this procedure takes maximum 2 days.

=

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

	Assisted by a free of charge lawyer
Accused individuals	(X) Yes () No
Victims	(X) Yes () No

Comments - If yes, please specify: Legal advice is available to anyone on any legal matter at the expense of the state. Drafting legal documents, representation in court in administrative and civil cases and in the administrative body, as well as in criminal proceedings are available at the expense of the state in cases provided by law.

Legal aid can be granted to an insolvent defendant if he / she requests the appointment of a lawyer or there is a case of mandatory defence (Art.45 criminal procedure code of Georgia) and a private lawyer hired by the accused does not participate in the criminal case (protection by agreement).

Insolvent person means a person registered in the unified database of socially vulnerable households with the ranking score of 70 000 and less, as well as individuals falling under specific categories with the ranking score of 100 000 or less are eligible to free legal aid at the Legal Aid Service.

In criminal cases, Legal aid can be granted to an insolvent defendant if he / she requests the appointment of a lawyer or there is a case of mandatory defence (Art.45 criminal procedure code of Georgia) and a private lawyer hired by the accused does not participate in the criminal case (protection by agreement). As for the victims, LAS provides free legal aid when the client is a minor.

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

	free selection of lawyer
Accused individuals	() Yes (X) No [] NAP
Victims	() Yes (X) No [] NAP

Comments Services provided by LAS is of a voluntary nature and the client himself/herself decides whether or not to defend his rights with the assistance of the counsel. However, the Georgian legislation defines the cases in which the appointment of the counsel does not depend on the will of the party (Art.45 criminal procedure code of Georgia lists the cases of mandatory defence).

After the client addressed LAS for its services and the case falls within the scope of LAS mandate, an attorney is appointed by the rules of the Case Allocation System, which means that cases are distributed among lawyers depending on their workload through an online case management platform – CaseBank.

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

aid?

Yes

No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above: The Legal Aid Service provides full free legal aid to those who have the status of an accused, as well as in cases of compulsory defense provided by the Criminal Code.

Any person is able to enjoy free legal aid in civil and administrative cases, if he / she is insolvent and the case is important and difficult.

The categories of persons benefit from free legal aid (preparation of documents, representation in court) are as follows:

- Victims of violence against women and domestic violence
- Minors
- Individuals with disabilities
- Support recipients
- Asylum seekers and persons under international protection.

In exceptional cases, the Director of the Legal Aid Service is authorized to appoint a lawyer to the individual if the latter has severe social-economic conditions and meets the criteria set by the Legal Aid Service Board.

Legal aid can be granted to an insolvent defendant if he / she requests the appointment of a lawyer or there is a case of mandatory defense (Art.45 criminal procedure code of Georgia) and a private lawyer hired by the accused does not participate in the criminal case (protection by agreement).

Insolvent person means a person registered in the unified database of socially vulnerable households with the ranking score of 70 000 and less, as well as individuals falling under specific categories with the ranking score of 100 000 or less are eligible to free legal aid at the Legal Aid Service.

The change is caused by the amendments to the Law of Georgia on Legal Aid.

023. If yes, please specify in the table:

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

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

Yes

No

Comments - If yes, please explain the exact criteria for denying legal aid: According to the Georgian Law on Legal Aid, Art 5, In civil and administrative cases legal assistance (representation in court, representation in an administrative body) is provided if the case meets the criteria of importance and complexity.

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

- the judge(s) dealing with the main case
- another judge or official
- an authority external to the court
- several authorities (court and external bodies)

Comments The only institution that decides whether to grant or refuse the legal aid is the Legal Aid Service.

Legal aid can be provided to a person both at the request of the court and the investigative body, as well as on the basis of a personal application. Refusal may be made by the court and the legal aid service.

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

- Yes
- No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon? In 2018, the system operated in test mode, but did not work.

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

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

Comments - If no, please specify how legal costs are distributed: Courts in Georgia distribute the legal costs amongst the parties at the end of proceedings, but it happens in civil cases only and if it is demanded by the party itself.

B1. Please indicate the sources for answering the questions in this part

Sources: Legal Aid Service.

2.2. Court users and victims

2.2.1 Rights of the users and victims

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

	Yes, internet adresse(es)	No
Legal texts (e.g. codes, laws, regulations, etc.)	<input checked="" type="checkbox"/> matsne.gov.ge	<input type="checkbox"/>
Case-law of the higher court/s	<input checked="" type="checkbox"/> supremecourt.ge; ecd.court.ge	<input type="checkbox"/>

Information about the judicial system (organisation of courts, court proceedings, etc)	(X) hcoj.gov.ge	()
Other documents (e.g. forms, downloadable forms, online registration forms)	(X) ecourt.ge; hcoj.gov.ge/	()

Comment - Please specify what documents and information are included in "Other documents" There are downloadable claim and Counterclaim forms on hcoj.gov.ge and online registration is possible on ecourt.ge

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

(X) Yes, always

() No

() Yes, only in some specific situations

Comment - If "Yes, only in some specific situations", please specify:

030. Is there a public and free-of-charge information system for providing information and facilitating access to justice:

	Information system
General for citizens	<input type="checkbox"/> Online information <input type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input checked="" type="checkbox"/> No
Specific for victims of offences	<input type="checkbox"/> Online information <input type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input checked="" type="checkbox"/> No
Specific for minors (child-friendly systems)	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input checked="" type="checkbox"/> Other <input type="checkbox"/> No

Comment - Please provide more information on these systems. Furthermore, please specify how this assistance is provided. In terms of Diversion and Restorative Justice, a person under the age of 21, who is in conflict with the law can access the information system through the Diversion and Mediation website, as well as a social network. The website is tailored (child-friendly blocks) to the persons, who are in conflict with the law and their parents/guardians. Children under the age of 14, children with difficult behavior, their parents, and carers can access information via a 24-hour hotline, social networking site, and information booklet.

All the beneficiaries of the Agency can receive exhaustive information and assistance through social networks and hotlines. Diversion-Mediation website; 24-hours hotline of National Agency for Crime Prevention and Probation; 24-hour hotline of Referral Centre; social networking site of National Agency for Crime Prevention and Probation.

031. Are there special favourable arrangements to be applied, during judicial proceedings, to the

following categories of vulnerable persons:

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	(X) Yes () No	(X) Yes () No	() Yes (X) No
Victims of terrorism	(X) Yes () No	() Yes (X) No	() Yes (X) No
Minors (witnesses or victims)	(X) Yes () No	(X) Yes () No	() Yes (X) No
Victims of domestic violence	(X) Yes () No	(X) Yes () No	() Yes (X) No
Ethnic minorities	(X) Yes () No	(X) Yes () No	() Yes (X) No
Persons with disabilities	(X) Yes () No	(X) Yes () No	() Yes (X) No
Juvenile offenders	(X) Yes () No	(X) Yes () No	(X) Yes () No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	(X) Yes () No	() Yes (X) No	() Yes (X) No

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

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

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

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

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

031-0. If there are special arrangements for minors, what are the settings / tools / facilities / practises employed to protect them when they participate in judicial proceedings?

- [X] Special and child-adequate preparation for participation in trials / lawsuits (explaining in a child-friendly manner the proceedings)
- [X] Special room in court designated for child-friendly hearings
- [X] Special person / team of trained professional(s) (such as psychologists) to accompany a minor throughout the proceedings
- [X] Special ways to communicate and explain meaning of court decisions
- [] Interagency/multidisciplinary structure such as “Children’s Houses”
- [] Other, please specify

[] NAP

031-1. What are the main criteria for a minor to initiate a proceeding, take procedural actions in his/her own name or to be a witness?

	Civil proceedings	Criminal proceedings
Capacity to initiate a proceeding and take other procedural actions in his/her own name	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Age threshold [Comment]14 <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP
To be a witness	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP

Comment - Please specify if you selected answers “Exceptions from the threshold” and “Other”. If your system distinguishes between full and limited capacity to take legal actions, please describe the basis for this differentiation (age, capacity for discernment, type of action, type of cases, other).

031-2. If a minor cannot conduct proceedings in his/her own name, who can represent him/her in judicial proceedings?

	Civil proceedings	Criminal proceedings
Parent/legal guardian	<input checked="" type="checkbox"/> Yes, always <input type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes, always <input type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP
Other representative (instead of parent/legal guardian)	<input checked="" type="checkbox"/> Social care services or other public institution <input checked="" type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Social care services or other public institution <input checked="" type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input type="checkbox"/> NAP

Comment

031-3. What are the different criteria for the criminal liability of minors? (multiple replies possible)

Age threshold(s)

Capacity for discernment

Other criteria

Comment

031-3-1. What is the age threshold for the criminal liability of minors?

Criminal liability resulting in sentence without privation of liberty (for example, educational measures)

[14]

NA

NAP

Criminal liability resulting in sentence of privation of liberty

[14]

NA

NAP

Comment - Please describe, briefly, the specifics of your system. Could you, please specify if the possibility of mitigation applies to the sanctions and how? If there is a probable cause that a minor has committed a minor or a serious crime, the possibility of applying diversion shall be considered in the first place and it shall be evaluated whether diversion can ensure the re-socialisation and rehabilitation of the minor and the prevention of a new crime.

Fixed-term imprisonment may be imposed on a minor if he/she has committed a serious or a particularly serious crime, if he/she has avoided serving a non-custodial sentence, and/or a judgment of conviction has been delivered against him/her in the past. For minors aged between 14 and 16, the imposed sentence shall be reduced by one third. In addition, the final sentence shall not exceed 10 years. For minors aged between 16 and 18, the imposed sentence shall be reduced by one fourth. In addition, the final sentence shall not exceed 12 years. Paragraphs 2 and 3 of this article shall apply irrespective of the circumstances provided for by Article 76 of this Code.

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

Yes, but only if offender is unknown

Yes, but only if compensation could not be obtained from offender

Yes, always

No

Comment 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 has a right to seek compensation through civil or administrative proceedings, if there was wrongful or unreasoned decisions made against him/her during investigation or at court hearings.

032-0. If yes, for what types of offences the compensation is allocated?

For all types of offences

For some types of offences

NAP

Comment - Please specify:

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

Yes

No

Comments

032-0. If yes, for what types of offences the compensation is allocated?

For all types of offences

For some types of offences

NAP

Comment - Please specify:

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

Yes

No

Comments

032-0. If yes, for what types of offences the compensation is allocated?

For all types of offences

For some types of offences

NAP

Comment - Please specify:

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

Yes

No

Comments

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

Yes

No

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

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

Yes

No

Comments - If yes, please specify: According to the Criminal Procedure Code of Georgia, the prosecutor is responsible for granting the status of victim to a person and informing him/her about his/her rights.

The Prosecutor is obliged to send to the victim the decree on termination of investigation/prosecution within one week after rendering the decree. In case of renewing the prosecution, the prosecutor shall inform the victim on this matter. Before terminating the prosecution, using discretionary power, applying diversion, or concluding a plea agreement, the prosecutor shall consult with the victim.

035-1. Do public prosecutors have a specific role with respect to minor victims (protection and assistance)?

Yes

() No

Comment - If yes, please specify: Prosecutors play active role with respect to the protection and assistance of minor victims. For instance, in 2020, the Prosecutor's Office referred 31 minors who were victims/possible victims of violence to LEPL Agency for State Care and Assistance For the (Statutory) Victims of Human Trafficking.

036. Do victims of offences have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answers in this question and question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".

(X) Yes

() No

[] NAP

Comment - If necessary, please specify: According to the Criminal Procedure Code of Georgia, the victim can appeal to a superior prosecutor the decree of the prosecutor on termination of investigation and/or prosecution. The decision of the superior prosecutor on this is final and cannot be appealed, unless the crime concerned belongs to the category of especially grave offences or it is under the investigative competence of the State Inspector Service.

If the decision of a superior prosecutor qualifies for appeal, the victim concerned can appeal it to the court. The court issues the final judgement on the matter.

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

	Number of requests for compensation	Number of condemnations	Total amount (in €)
Total	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Excessive length of proceedings	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Non-execution of court decisions	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Wrongful arrest	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Wrongful conviction	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Other	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comment - Where appropriate, please give details of the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): According to Article 1005 of the Civil Code of Georgia, the person has a right to seek compensation for damages by submitting civil complaint in case of wrongful arrest and/or wrongful conviction (same right is provided by Article 92 of the Code of Criminal Procedure).

2.2.2 Confidence and satisfaction of citizens with their justice system



038. Does your country implement surveys to measure trust in justice and satisfaction with the

services delivered by the judicial system?

	National level	Court level
Surveys for judges	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for court staff	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for public prosecutors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for lawyers	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for other professionals	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for the parties	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs)	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for victims	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for minors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for the general public	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

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

On 17 December 2018, the High Council of Justice of Georgia adopted the decision (1/290) on approving the rule for conducting surveys on the satisfaction of the court users (parties, lawyers, prosecutors, etc.). Based on the decision, the surveys are conducted once in every six months, pursuant to the approved rule and questionnaire. Since 2019 the court users' surveys has been conducted three times: twice in 2019 and once in 2020.

039. Are there statistical data concerning male and female court users, persons who initiate a case, victims, accused persons, etc.

() Yes, please specify:

(X) No

Comment - If you have additional comments please specify:

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

(X) Yes

() No

Comments The Office of an Independent Inspector was established in 2018 on the basis of legislative changes, during which a particularly large number of complaints were filed with the Office of the Independent Inspector. And in 2020 the number of complaints was reduced due to the global pandemic and restrictions imposed in the country.

Georgian legislation does not provide for compensation. In the 2018 data, a technical error was made, which was later corrected.

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

	Authority responsible for dealing with the complaint	Existence of a time limit to deal with the complaint for this authority
Court concerned	() Yes (X) No	() Yes (X) No
Higher court	() Yes (X) No	() Yes (X) No
Ministry of Justice	() Yes (X) No	() Yes (X) No
High Judicial Council	(X) Yes () No	(X) Yes () No
Other external bodies (e.g. Ombudsman)	() Yes (X) No	() Yes (X) No

Comments

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

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

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment: As a

result of judicial reform, the Institute of Independent Inspector was established in 2017. Only an independent inspector is authorized to conduct an in-depth preliminary examination / investigation of a complaint against judges. According to the organic law, if during the preliminary examination and investigation of a disciplinary case an independent inspector is convinced that there are signs of a criminal offense in the case, s/he is given the opportunity to submit a substantiated submission to the High Council of Justice to decide on the transfer of case materials to the Prosecutor's Office. Interference in the activities of an independent inspector is not allowed, an independent inspector is obliged to conduct a preliminary examination and investigation of a disciplinary case objectively, thoroughly and impartially.

The High Council of Justice, on the basis of the conclusion prepared by the independent inspector after the preliminary examination of the case, makes a decision to terminate the disciplinary proceedings against the judge or to initiate disciplinary proceedings against the judge. Following the initiation of disciplinary proceedings against a judge, the High Council of Justice of Georgia shall make a decision on disciplinary action against a judge or termination of disciplinary proceedings against a judge. When the High Council of Justice decides on the disciplinary action of a judge, the case is referred to the Disciplinary Board of Judges of the Common Courts, which is authorized to review disciplinary cases against judges. And decisions made by the Disciplinary Board may be appealed to the Disciplinary Chamber of the Supreme Court.

The Office of the Independent Inspector was established in 2018 on the basis of legislative changes, during which a particularly large number of complaints were filed with the Office of the Independent Inspector. And in 2020 the number of complaints was reduced due to the global pandemic and restrictions imposed in the country.

Georgian legislation does not provide for compensation. In the 2018 data, a technical error was made, which was later corrected.

3. Organisation of the court system

3.1. Courts

3.1.1 Number of courts

042. Number of courts - legal entities.

	Number of courts
Total number of all courts - legal entities (1 + 2)	29 [] NA [] NAP
1 Total number of courts of general jurisdiction - legal entities (1.1 + 1.2 + 1.3)	29 [] NA [] NAP
1.1 First instance courts of general jurisdiction - legal entities	26 [] NA [] NAP
1.2 Second instance courts of general jurisdiction - legal entities	2 [] NA [] NAP
1.3 Highest instance courts of general jurisdiction - legal entities	1 [] NA [] NAP
2 Total number of specialised courts - legal entities	[] NA [X] NAP

Comments

043. Number of specialised courts – legal entities.

	First instance	Higher instances
Total number of specialised courts - legal entities	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Commercial courts (excluded insolvency courts)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Insolvency courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Labour courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Family courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Rent and tenancies courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Enforcement of criminal sanctions courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Fight against terrorism, organised crime and corruption	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Internet related disputes	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Administrative courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Insurance and / or social welfare courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Military courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Juvenile courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other specialised courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If “Other specialised courts”, please specify:

044. Number of courts - geographic locations.

	Number of courts (geographic locations)
First instance courts geographic locations (this includes 1st instance courts of general jurisdiction and first instance specialised courts)	26 <input type="checkbox"/> NA <input type="checkbox"/> NAP

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
[] NA
[] NAP

Comments There are 26 first instance (district/city) courts in Georgia, covering all territorial units of Georgia. In order to cover all Municipalities of Georgia the composition of a district (city) court may include magistrate judges as well. A magistrate judge is a judge of a district (city) court who exercises judicial functions in an administrative-territorial unit (Municipalities) within the jurisdictional area of the district (city) court.

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

	Number of courts
A small claim	26 [] NA [] NAP
An employment dismissal	26 [] NA [] NAP
A robbery	26 [] NA [] NAP
An insolvency case	26 [] NA [] NAP

Comments

045-1. Is your definition of a small claim the same as the one in the Explanatory note?

() Yes

(X) No

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

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

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

[1 610]

Comments

C. Please indicate the sources for answering the questions in this part

Sources: The High Council of Justice

3.2. Court staff

3.2.1 Judges and non-judge staff

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

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	329 [] NA [] NAP	152 [] NA [] NAP	177 [] NA [] NAP
1. Number of first instance professional judges	219 [] NA [] NAP	102 [] NA [] NAP	117 [] NA [] NAP
2. Number of second instance (court of appeal) professional judges	90 [] NA [] NAP	39 [] NA [] NAP	51 [] NA [] NAP
3. Number of Supreme Court professional judges	20 [] NA [] NAP	11 [] NA [] NAP	9 [] NA [] NAP

Comment - Please provide any useful comment for interpreting the data above: An increase of number of judges of the second instance courts and the Supreme Court of Georgia was a result of filling of vacancies which existed in the system.

Between 2018 and 2020 there were only 8 judges at the Supreme Court of Georgia and 20 places were vacant. Total number of judges at the Supreme Court of Georgia is 28.

=

046-1-1. Does your system allow part-time work for judges with proportionally reduced remuneration?

() Yes

(X) No

Comments

046-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):

[] Child-care

[] Elderly care

[] For the purposes of early retirement

[] Other reason, please specify:

[] Without reason

Comments

046-1-3. If yes, what is the percentage of judges working part-time (in relation to the total number of judges)?

	Total (%)	Male (%)	Females (%)
Total (1 + 2 + 3) (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. At first instance level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. At second instance (court of appeal) level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. At Supreme Court level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

046-1-4. What is the percentage of work time of a judge working part-time compared to a full-time equivalent judge?

- Less than 50%
- 50 – 60%
- 60 - 80%
- More than 80%
- NA
- NAP

Comments

=

046-2. Number of judges (FTE) by case type:

	Total	Civil and/or commercial	Criminal	Administrative	Other
Total number of judges	329 <input type="checkbox"/> NA <input type="checkbox"/> NAP	174 <input type="checkbox"/> NA <input type="checkbox"/> NAP	89 <input type="checkbox"/> NA <input type="checkbox"/> NAP	66 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
First instance	219 <input type="checkbox"/> NA <input type="checkbox"/> NAP	126 <input type="checkbox"/> NA <input type="checkbox"/> NAP	58 <input type="checkbox"/> NA <input type="checkbox"/> NAP	35 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Second instance	90 <input type="checkbox"/> NA <input type="checkbox"/> NAP	38 <input type="checkbox"/> NA <input type="checkbox"/> NAP	26 <input type="checkbox"/> NA <input type="checkbox"/> NAP	26 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Supreme court	20 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

If "Other", please explain which types of cases:

=

047. Number of court presidents (professional judges).

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	20 [] NA [] NAP	17 [] NA [] NAP	3 [] NA [] NAP
1. Number of first instance court presidents	17 [] NA [] NAP	15 [] NA [] NAP	2 [] NA [] NAP
2. Number of second instance (court of appeal) court presidents	2 [] NA [] NAP	2 [] NA [] NAP	0 [] NA [] NAP
3. Number of Supreme Court presidents	1 [] NA [] NAP	0 [] NA [] NAP	1 [] NA [] NAP

Comments The number of chairpersons was reduced due to the fact that chairpersons in specific courts were re-appointed in other courts (Ozurgeti, Gori, Mtskheta), and one of the chairpersons was elected as a judge in the Constitutional Court. No chairman of that court was appointed for the reporting period. This led to this difference.

048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible, on 31 December of the reference year):

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

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

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

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

Comments

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

	Figure
Gross figure	[] NA [X] NAP

In full time equivalent	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
-------------------------	--

Comments

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

	Yes	No	Echevinage / mixed bench
Criminal cases (severe)	()	()	()
Criminal cases (misdemeanour and/or minor)	()	()	()
Family law cases	()	()	()
Labour law cases	()	()	()
Social law cases	()	()	()
Commercial law cases	()	()	()
Insolvency cases	()	()	()
Other civil cases	()	()	()

NAP

Comments - If "Other civil cases", please specify:

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

Yes

No

Comments

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

Criminal cases

Other than criminal cases

Comments According to Article 226.1 of the Code of Criminal Procedure, a case falls within the jurisdiction of the jury in case of: Murder; Murder under aggravating circumstances; Intentional infliction of grave injury that has caused death; Intentional grave bodily injury in relation to the official or public duties of the victim or the victim's close relative, or related to hostage taking or in a manner that intentionally endangers the life or health of other persons or aimed at concealing or facilitating any other crime which has caused the loss of life; Intentional grave bodily injury caused by the offender knowingly to a pregnant women or by the offender knowingly to a minor or a helpless person or with hooligan motives or due to racial, religious, national or ethnic intolerance or by more than one person that caused the loss of life; Intentional grave bodily injury to two or more persons or with the extreme cruelty or for mercenary purposes or by contract or aimed at transplanting or otherwise using an organ, part of an organ or tissue of the victim's body or repeatedly (except for the murders provided for by Articles 110-114 of this Code) or by a person who has previously committed the murder that caused the loss of life; Certain cases of violence; Trade in human organs; Certain cases of unlawful imprisonment; Taking a hostage; Certain cases of threat of torture; Malicious criminal prosecution of innocent persons accompanied by a charge of a serious or a particularly serious crime;

Intentional illegal detention or arrest; Illegal placement or detention in a psychiatric hospital; Certain falsification; Manufacturing, import or sale of products hazardous to human life or health that caused the death of the victim or resulted in other grave consequences; and Explosion.

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

[75]

[] NA

[] NAP

Comments



=

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

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	1 585 [] NA [] NAP	559 [] NA [] NAP	1 026 [] NA [] NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	3 [] NA [] NAP	0 [] NA [] NAP	3 [] NA [] NAP
2. Non-judge (judicial) staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, helping to draft the decisions)	710 [] NA [] NAP	114 [] NA [] NAP	596 [] NA [] NAP
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)	80 [] NA [] NAP	42 [] NA [] NAP	38 [] NA [] NAP
4. Technical staff	792 [] NA [] NAP	403 [] NA [] NAP	389 [] NA [] NAP
5. Other non-judge staff	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If "Other non-judge staff", please specify: Trainees are not included.

One of them was appointed as a judge on December 1, 2020. As of December 31, 2020 (data filled according to the positions of existing employees as of that date) no new employee has been hired for this position.

052-1. Number of non-judge staff by instance (if possible, on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give

the information in full-time equivalent and for posts actually filled).

	Total	Males	Females
Total non-judge staff working in courts (1+2+3)	1 782 [] NA [] NAP	637 [] NA [] NAP	1 145 [] NA [] NAP
1. Total non-judge staff working in courts at first instance level	1 293 [] NA [] NAP	464 [] NA [] NAP	829 [] NA [] NAP
2. Total non-judge staff working in courts at second instance (court of appeal) level	292 [] NA [] NAP	95 [] NA [] NAP	197 [] NA [] NAP
3. Total non-judge staff working in courts at Supreme Court level	197 [] NA [] NAP	78 [] NA [] NAP	119 [] NA [] NAP

Comments Trainees are not included in the number of employees indicated in questions 52 and 52-1.

Total number of non-judge staff at the Supreme Court increased because number of new judges were appointed and court requires additional staff.

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053. If there are Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal in your judicial system, please specify in which fields they have a role:

- Legal aid
- Family cases
- Payment orders
- Registry cases (land and/or business registry cases)
- Enforcement of civil cases
- Enforcement of criminal cases
- Non-litigious cases
- Other cases not mentioned (please describe in comment)
- NAP

Comments - Please briefly describe their status and duties: According to 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 a professional judge or by a relevant employee.

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

- Yes
- No

Comments

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

- IT services

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

Comments

C1. Please indicate the sources for answering the questions in this part

Sources: Data received from the Department of Common Courts of Georgia (see www.court.ge).
 Data received from the High Council of Justice (see www.hcoj.gov.ge).

3.3. Public prosecution

3.3.1 Public prosecutors and staff

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

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	414 <input type="checkbox"/> NA <input type="checkbox"/> NAP	282 <input type="checkbox"/> NA <input type="checkbox"/> NAP	132 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Number of prosecutors at first instance level	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Number of prosecutors at second instance (court of appeal) level	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Number of prosecutors at Supreme Court level	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - Please indicate any useful comment for interpreting the data above: PSG is not organised according to the court instances. Its structure is as follows: District Prosecutor’s Offices; Regional Prosecutor’s Offices; Tbilisi Prosecutor’s Office; Prosecutor’s Offices of the Autonomous Republics of Adjara and Abkhazia; and the General Prosecutor’s Office

Each structural body of PSG has prosecutors and management subordinated to the General Prosecutor and other prosecutors in the hierarchy.

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055-1-1. Does your system allow part-time work for prosecutors with proportionally reduced remuneration?

() Yes

(X) No

Comments

055-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):

- Child-care
- Elderly care
- For the purposes of early retirement
- Other reason, please specify:
- Without reason

Comments

055-1-3. If yes, what is the percentage of prosecutors working part-time (in relation to the total number of prosecutors)?

	Total (%)	Male (%)	Females (%)
Total (1 + 2 + 3) (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. At first instance level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. At second instance (court of appeal) level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. At Supreme Court level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

055-1-4. What is the percentage of work time of a prosecutor working part-time compared to a full-time equivalent prosecutor?

- Less than 50%
- 50 - 60%
- 60 - 80%
- More than 80%
- NA
- NAP

Comments

056. Number of heads of prosecution offices.

Total	Males	Females

Total number of heads of prosecution offices (1 + 2 + 3)	55 [] NA [] NAP	48 [] NA [] NAP	7 [] NA [] NAP
1. Number of heads of prosecution offices at first instance level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Number of heads of prosecution offices at Supreme Court level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Please provide any useful comment for interpreting the data above:

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

- () Yes
(X) No

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

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

[]
[] NA

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

- () Yes
() No
[] NAP

Comments

059-1. Do prosecution offices have prosecutors who are specially trained in areas of domestic violence and sexual violence?

	-
Domestic violence	[X] Yes [] Yes, specifically for minor victims [] No [] NA [] NAP
Sexual violence	[X] Yes [] Yes, specifically for minor victims [] No [] NA [] NAP

Comments - If yes, please specify

=



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

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	363 [] NA	191 [] NA	172 [] NA

Comments

C2. Please indicate the sources for answering the questions in this part

Sources: Prosecution Service of Georgia

3.4. Gender equality

3.4.1 Specific provisions for facilitating gender equality

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

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

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify: Article 35(7) of the Organic Law of Georgia “on Common Courts”, states that the competition for holding a position of a judge must be conducted in full compliance with the principles of objectivity and equality and during the competition, equality of candidates for judge must be guaranteed regardless of their gender.

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

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

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

Comments - If the situation changed since the reference year or you have additional comments, please specify: see question 61.3.1.

=

061-3-1. Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of:

	Yes / No
Court president	() Yes If “yes”, please specify:[Comment] (X) No
Head of prosecution services	(X) Yes If “yes”, please specify:[Comment] () No

Comments It is one of the fundamental principles of the legislation of Georgia that discrimination in any form, including based on gender, is strictly prohibited. The above-mentioned principle is also enshrined in the Organic Law of Georgia on Prosecution Service. Respectively, the legislation of Georgia effectively protects individuals from discrimination. Additionally, there are specific provisions in the Organic Law on Prosecution Service aiming at facilitating the gender balance during the nomination of the General Prosecutor and election of prosecutor members of the Prosecutorial Council. Namely, according to the said provisions, following consultations, the Prosecutorial Council selects three candidates for the position of the General Prosecutor out of which 1/3 must belong to different gender; while out of eight members of the Prosecutorial Council elected by the Conference of Prosecutors, 1/4 must be of different gender. Meanwhile, protection of gender equality is the policy priority for the Prosecution Service of Georgia (PSG), which is also indicated in the HR policy section of the official website of the Office. In line with this priority, PSG pays great attention to ensuring the gender balance during the recruitment and promotion of prosecutors.

3.4.2 At national level

061-5. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary?

() Yes

(X) No

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

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

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

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

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

(title, date, nature of the text)

[X] NAP

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

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

[X] NAP

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

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

[X] NAP

3.4.3 At court/public prosecution services level



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

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

Comments - Please specify the details of this person/institution, in particular its titles and function:

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

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

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

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

have been already implemented (please specify) : In 2020, in collaboration with the UN Women, a gender audit was conducted aiming at assessing the gender mainstreaming in the Prosecution Service.

are planned (please specify) : N/A

Comments - If the situation changed since reference year, please specify in the comments. No additional comments.

[] NAP

061-10. Are there evaluation studies or official reports regarding the main causes of possible inequalities with regard to:

- [] Recruitment procedures, please specify:
- [] Appointment to the position of court president, please specify:
- [] Appointment to the position of head of prosecution services, please specify:
- [X] Promotion procedures and access to the functions of responsibility, please specify:
- [] Other studies, please specify:

[] NAP

Comments - Please specify also the reference documents. In October 2019 Council of Europe presented the results of the study on “The main factors contributing to the underrepresentation of women judges in the management of the common courts in Georgia”, conducted by the “Applied Research Company”. Interestingly, the research demonstrated that the judges themselves do not believe the system facing the challenge associated with gender. It is not the discriminatory approach, but the lack of willingness among women to apply for managerial positions. The research identified time poverty as a barrier for women to achieve career advancement, as unlike their male counterparts, women judges often struggle to balance work and family responsibilities. The study found that the burden of administrative tasks related to the managerial position in the judiciary makes it less attractive to women. “The main factors contributing to the underrepresentation of women judges in the management of the common courts in Georgia”, available at: <https://rm.coe.int/study-main-factors-contributing-to-the-under-representation-of-women-j/1680986e7d>

3.5 Use of information technologies in courts

3.5.1 General policies in Information Technology in judicial systems

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

	Organisation
IT policies and strategies	<input type="checkbox"/> Defined and coordinated at national level by one institution <input type="checkbox"/> Defined and coordinated at national level by several institutions <input checked="" type="checkbox"/> Defined and coordinated at unit/stakeholder level <input type="checkbox"/> Other
IT Governance	<input type="checkbox"/> Governed at national level by one institution <input type="checkbox"/> Governed at national level by several institutions <input checked="" type="checkbox"/> Organised at unit/stakeholder level <input type="checkbox"/> Other

Comments

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

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

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

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

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

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

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

- Yes
- No

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

- Business processes
- Workload
- Human resources
- Costs
- Other, please specify

Comments (please specify examples of the impact)

3.5.2 Security of courts information system and personal data protection

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

- Yes
- No

Comments (please specify in particular if national frameworks of information security exist): During our work, no independent or global information systems security policy audits or other documents have been circulated in the judiciary.

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

Yes

No

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

This issue is regulated by the Law of Georgia on Personal Data Protection. According to Article 26 of the law, a data subject has the right to apply to the State Inspector's Office or a court in accordance with the law in case of violation of the rights provided by this law, and if the data processor is a public institution, a complaint can also be filed with the same or higher administrative body.

3.5.3 Centralised databases for decision support

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

Yes

Non

Comments

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

	For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
Civil and/or commercial	<input type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Criminal	<input type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Administrative	<input type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - if it exists in other matters please specify June 2019 the new webpage (<http://ecd.court.ge/>) had been launched for publication of all court decisions. By the law in force at the launching date, the HCJ had the obligation to publish the decisions with covered/redacted personal data. Therefore, the HCJ started uploading the redacted court decisions gradually. At the same time, in June 2019, the Constitutional Court of Georgia declared unconstitutional the aforementioned legislative provisions that limit the access to the court

rulings made at an open hearing and the personal information contained within. The Court decided that court decisions are of particular public interest and access to them are crucial for controlling the judiciary, raising public trust towards the court system and ensuring a right to a fair trial and legal security. Therefore, the argued provisions have been declared invalid. As soon as the Parliament of Georgia adopts the new regulation in line with the decision of the Constitutional Court of Georgia, the HCJ will continue uploading court rulings in compliance with the legislative amendments.

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

- Yes
- No

Comments

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

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

Comments - Please specify who is the authority delivering the access

3.5.4 Writing assistance tools

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

- Yes
- No

Comment – if it exists in other matters please specify

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

	Availability rate
Civil and/or commercial	<input type="checkbox"/> 100% (all templates are available for all courts of this matter) <input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) <input type="checkbox"/> NA

Criminal	<input type="checkbox"/> 100% (all templates are available for all courts of this matter) <input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) <input type="checkbox"/> NA
Administrative	<input type="checkbox"/> 100% (all templates are available for all courts of this matter) <input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) <input type="checkbox"/> NA

062-8. Are there voice recording tools?

Yes

No

Comments

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

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

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

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

Availability rate:

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

NA

Comments

3.5.5 Technologies used for administration of the courts and case management

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

- Yes
- No

Comments - if it exists in other matters please specify

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

CMS deployment rate	Status of case online	Centralised or interoperable database	Early warning signals (for active case management)	Status of integration/connection of a CMS with a statistical tool

Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input checked="" type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input checked="" type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input checked="" type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input checked="" type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input checked="" type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input checked="" type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comment - If it exists in other matters please specify:

063-2. Computerised registries managed by courts

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

Comment – if it exists in other matters please specify:

Budgetary and financial monitoring

063-6. Budgetary and financial management systems of courts

	Tool deployment rate	Data consolidated at national level	System communicating with other ministries (financial among others)
Budgetary and financial management of courts	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Justice expenses management	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Other (please specify in comments)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

Other tools of courts management

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

Yes

No

Comments The court system uses the electronic case distribution system, which has been introduced across common courts since 2018, to calculate the workload of judges. As for the burden on the prosecutor, the judiciary does not in itself have an obligation to assess the workload of prosecutors, but in the interests and demands of the prosecution, the court's electronic system provides e-mail. The service automatically shows the time spent at the prosecutors' meeting, which ultimately participates in the prosecution system in their workload calculation coefficient.

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

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

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

users

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

Yes

No

Comments Electronic registration service ecourt.ge has been launched in the system of common courts, which allows individuals and legal entities to send cases electronically. The legislative framework for its use was adopted by the High Council of Justice decree 1 / 209 of December 6, 2013

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

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

Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
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Comments - if it exist in other matters please specify

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

Yes

No

Comments

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

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

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

Yes

No

Comments There is the possibility to try online mediation at all stages of court hearing (also, this includes the possibility of non-formal format, called: “informational sessions” with mediators if all parties agree to it, or there is mechanism - judge’s order about transferring of the case to the mediation with or without parties agreement, which can be used at any court hearing stages, including the preparatory hearing with the judge.

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

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

Comments

Use of information technologies for improving the quality of the communication between courts and professionals

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

Tool deployment rate	Trial phases concerned	Modalities (if there are different according to the trial phases or if other, please specify in a comment)	Specific legal framework	Availability for

Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer
Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer

Comments Electronic registration service ecourt.ge has been launched in the system of common courts, which allows individuals and legal entities to send cases electronically. The legislative framework for its use was adopted by the High Council of Justice decree 1 / 209 of December 6, 2013

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

Tool deployment rate	Modalities (if there are different according to the deeds or if other, please specify in a comment)	Specific legal framework
-----------------------------	--	---------------------------------

Enforcement agents (as defined in Q169 and following)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
Notaries (as defined in Q192 and following)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
Experts (as defined in Q202 and following)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
Judicial police services	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes

Comments

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

Yes

No

Comments – Please describe the system that exists.

Use of information technologies between courts, professionals and users in the framework of judicial proceedings

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

Yes

No

Comments

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

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

Comments

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

(X) Yes

() No

Comments

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

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

Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
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064-12. Is electronic evidence admissible?

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

Comments - Other devices of electronic communication between courts, professionals and/or users

3.6. Performance and evaluation

3.6.1 National policies applied in courts and public prosecution services

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

Yes

No

Comments - If yes, please specify: The High Council of Justice adopted the effective communication standards for the court staff, for the improvement of the functioning of courts. It also adopted court forms, namely: forms of claims and petitions on civil and administrative cases, forms of complaints in the Courts of Appeal and the Supreme Court that are available on the website of High Council of Justice.

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

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

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



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

Yes

No

Comments

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

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

Comments

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

Yes

No

Comments

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

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs

- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the public prosecutors)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments Overall quality of prosecutorial activities.

The PSG introduced the performance appraisal system of prosecutors in 2017, based on the Order of the Chief Prosecutor. Since December 2018, it is enshrined in the Organic Law of Georgia on Prosecution Service. The PSG conducts the performance appraisal of prosecutors once in 2 years, using the special personnel and electronic criminal case management system. The PSG takes into account the performance appraisal results for deciding the matters of promoting, incentivising and grading prosecutors (see also the answers to questions 063-7-1 and Q 119-2).

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

- Yes
- No

Comments

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

- Annual
- Less frequent
- More frequent

Comments - If “Less frequent” or “More frequent”, please specify:

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

- Yes
- No

Comments

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

- Identifying to the causes of improved or deteriorated performance
- Reallocating resources (human/financial resources based on performance (treatment)
- Reengineering of internal procedures to increase efficiency (treatment)
- Other (please specify):

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

073-3. Do you have a system to evaluate regularly the performance of the public prosecution

services based primarily on the defined indicators?

Yes

No

Comments

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

Annual

Less frequent

More frequent

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

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

Yes

No

Comments

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

Identifying to the causes of improved or deteriorated performance

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

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify):

Comments

=

079. Who is responsible for evaluating the performance of the courts (multiple replies possible)?

High Judicial Council

Ministry of Justice

Inspection authority

Supreme Court

External audit body

Other (please specify):

Comments

079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple replies possible)?

Public Prosecutorial Council

Ministry of Justice

Head of the organisational unit or hierarchically superior public prosecutor

- Prosecutor General /State public prosecutor
- External audit body
- Other (please specify):Special Department at the Prosecution Service

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

3.6.3 Measuring courts' / public prosecution services activity

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

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

Comments

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

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

[] other (please specify):

Comments

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

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

Comments

072. Do you monitor waiting time during judicial proceedings?

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

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

Regarding the monitoring of waiting time, it should be noted that the answer given in 2018 - no - was a technical defect and as indicated in the commentary, the monitoring body is a council that periodically evaluates the periodicity of cases based on information received from common courts.

3.6.4 Information regarding courts /public prosecution services activity

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

- Yes (please indicate the name and the address of this institution):The Supreme Court of Georgia Address: #32 Br. Zubalashvili street, Tbilisi 0110, Georgia.
- No

Comments

080-1. Are the statistics on the functioning of each court published?

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

Comments

=

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

- Yes (please indicate the name and the address of this institution):Prosecution Service of Georgia and National Statistics Office of Georgia.

() No

Comments

080-3. Are the statistics on the functioning of each public prosecution service published?

(X) Yes, on the internet

() No, only internally (on an intranet website)

() No

Comments

=

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

(X) Yes

() No

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

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

[X] Internet

[] Intranet (internal) website

[] Paper distribution

Comments The common courts provide for the statistics and data regarding the number of judges and administrative staff, the activities of judges including the number of filed, processed and pending cases. The above mentioned data is public.

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

(X) Annual

() Less frequent

() More frequent

Comments

=

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

(X) Yes

() No

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

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

Internet

Intranet (internal) website

Paper distribution

Comments The Report of the Prosecutor General is intended for the public. It concerns the results of implementation of the criminal justice policy, assessment of general crime situation in the country, including crime statistics, protection of human rights and freedoms, areas of priority as well as professional training and development programmes for prosecutors.

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

Annual

Less frequent

More frequent

Comments

3.6.5 Courts administration

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

Yes

No

Comments - If yes, please specify:

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

Yes

No

Comments - If yes, please specify:

3.6.6 Performance and evaluation of judges and public prosecutors

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

Yes

No

Comments

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

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example the High Judicial Council, Supreme Court)

President of the court

Other (please specify):

NAP

Comments

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

Yes

No

Comments

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

Annual

Less frequent

More frequent

=

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

Yes

No

Comments

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

Executive power (for example the Ministry of Justice)

Prosecutor General /State public prosecutor

Public Prosecutorial Council

Head of the organisational unit or hierarchically superior public prosecutor

Other (please specify):

NAP

Comments Setting individual performance targets for each prosecutor is not a commonly pursued practice under the current performance appraisal system.

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

Yes

No

Comments

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

Annual

Less frequent

More frequent

C4. Please indicate the sources for answering the questions in this part

Sources: Prosecution Service of Georgia.

4. Fair trial

4.1. Principles

4.1.1 Principles of fair trial

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

[]

NA

NAP

Comments - Please add methodology for calculation used.

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

Yes

No

Comments - Please could you briefly specify: Self-recusals are included in this response. In particular, when there are grounds for avoidance, the judge is obliged to immediately withdraw, which is an additional guarantee to ensure the principle of impartiality of the judge in the proceedings.

085-1. If yes, what is the ratio between the total number of initiated procedures and the total number of recusals pronounced (in the reference year):

[]

NA

Comments

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

For civil procedures (non-enforcement)

For civil procedures (timeframe)

For criminal procedures (timeframe)

NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to

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

<https://matsne.gov.ge/ka/document/view/2177616?publication=7> The Ministry of Justice of Georgia submits an annual report to the Parliament of Georgia on the enforcement of judgments by the European Court of Human Rights on Georgia.
<https://info.parliament.ge/file/1/BillReviewContent/272649>

086-1. 1 Is there in your country a possibility to review a case after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights?

Yes

No

NAP

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

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

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

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

D1. Please indicate the sources for answering the questions in this part

Sources: High Council of Justice
Supreme Court of Georgia

4.2. Timeframe of proceedings

4.2.1 General information

087. Are there specific procedures for urgent matters regarding:

civil cases

criminal cases

administrative cases

There is no specific procedure for urgent matters

Comments - If yes, please specify:

088. Are there simplified procedures for:

civil cases (small disputes)

criminal cases (misdemeanour cases)

administrative cases

There is no simplified procedure

Comments - If yes, please specify:

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

civil cases

criminal cases

administrative cases

Comments - If yes, please specify: No

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

Yes

No

Comments - If yes, please specify:

4.2.2 Case flow management – first instance



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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of other than criminal law cases (1+2+3+4)	62 044 [] NA [] NAP	94 056 [] NA [] NAP	83 252 [] NA [] NAP	72 848 [] NA [] NAP	15 775 [] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	52 105 [] NA [] NAP	57 551 [] NA [] NAP	50 141 [] NA [] NAP	59 515 [] NA [] NAP	15 196 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	1 891 [] NA [] NAP	4 542 [] NA [] NAP	4 227 [] NA [] NAP	2 206 [] NA [] NAP	100 [] NA [] NAP

2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.1. Non litigious land registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.3. Other non-litigious cases	1 891 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 542 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 227 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 206 <input type="checkbox"/> NA <input type="checkbox"/> NAP	100 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Administrative law cases	8 048 <input type="checkbox"/> NA <input type="checkbox"/> NAP	12 313 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9 234 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11 127 <input type="checkbox"/> NA <input type="checkbox"/> NAP	479 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	19 650 <input type="checkbox"/> NA <input type="checkbox"/> NAP	19 650 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The accounting methodology has changed.

In 2019, compared to 2018, the number of both incoming and pending cases increased, which was further reflected in the 2020 data. In 2020 there was also an added factor of the pandemic and the Government policies against the pandemic which affected the activity of courts.

Despite the fact that the number of incoming cases decreased in 2020 since this number was high in 2018 and 2019 the courts were unable to handle all cases due to the pandemic and with the same number of judges. As a result the number of pending cases increased in 2020. The high number of cases received in previous years (2018 and 2019) has led to the accumulation of cases pending annually, thus increasing the percentage of cases that have not been reviewed for more than 2 years.

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

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

. see question 91

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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of criminal law cases (1+2+3)	3 118 [] NA [] NAP	13 717 [] NA [] NAP	12 513 [] NA [] NAP	4 322 [] NA [] NAP	177 [] NA [] NAP
1. Severe criminal cases	1 490 [] NA [] NAP	4 470 [] NA [] NAP	4 321 [] NA [] NAP	1 639 [] NA [] NAP	90 [] NA [] NAP
2. Misdemeanour and / or minor criminal cases	1 628 [] NA [] NAP	9 247 [] NA [] NAP	8 192 [] NA [] NAP	2 683 [] NA [] NAP	87 [] NA [] NAP
3. Other criminal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories. If “Other criminal cases”, please specify Please see comment under Question 091

4.2.3 Case flow management – second instance

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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of other than criminal law cases (1+2+3+4)	4 583 [] NA [] NAP	8 857 [] NA [] NAP	8 886 [] NA [] NAP	4 554 [] NA [] NAP	389 [] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	2 808 [] NA [] NAP	4 119 [] NA [] NAP	4 386 [] NA [] NAP	2 541 [] NA [] NAP	200 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[] NA [X] NAP	29 [] NA [] NAP	29 [] NA [] NAP	[] NA [X] NAP	[] NA [X] NAP

2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	29 [] NA [] NAP	29 [] NA [] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Administrative law cases	1 639 [] NA [] NAP	3 110 [] NA [] NAP	2 805 [] NA [] NAP	1 944 [] NA [] NAP	189 [] NA [] NAP
4. Other cases	136 [] NA [] NAP	1 599 [] NA [] NAP	1 666 [] NA [] NAP	69 [] NA [] NAP	[] NA [X] NAP

Comments - If "Other cases" please specify The accounting methodology has changed.

In 2019, compared to 2018, the number of both incoming and pending cases increased, which was further reflected in the 2020 data. In 2020 there was also an added factor of the pandemic and the Government policies against the pandemic which affected the activity of courts.

Despite the fact that the number of incoming cases decreased in 2020 since this number was high in 2018 and 2019 the courts were unable to handle all cases due to the pandemic and with the same number of judges. As a result the number of pending cases increased in 2020. The high number of cases received in previous years (2018 and 2019) has led to the accumulation of cases pending annually, thus increasing the percentage of cases that have not been reviewed for more than 2 years.

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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of criminal law cases (1+2+3)	645 [] NA [] NAP	2 720 [] NA [] NAP	2 619 [] NA [] NAP	746 [] NA [] NAP	15 [] NA [] NAP

1. Severe criminal cases	419 [] NA [] NAP	806 [] NA [] NAP	705 [] NA [] NAP	520 [] NA [] NAP	15 [] NA [] NAP
2. Misdemeanour and / or minor criminal cases	226 [] NA [] NAP	1 914 [] NA [] NAP	1 914 [] NA [] NAP	226 [] NA [] NAP	0 [] NA [] NAP
3. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify. The numbers are accurate.

4.2.4 Case flow management – Supreme Court

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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of other than criminal law cases (1+2+3+4)	2 223 [] NA [] NAP	3 021 [] NA [] NAP	2 731 [] NA [] NAP	2 513 [] NA [] NAP	107 [] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	1 206 [] NA [] NAP	1 629 [] NA [] NAP	1 562 [] NA [] NAP	1 273 [] NA [] NAP	91 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.3. Other non-litigious cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Administrative law cases	1 017 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	1 392 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	1 169 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	1 240 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	16 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Other cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If “Other cases”, please specify In 2019, compared to 2018, the number of both incoming and pending cases increased, which was further reflected in the 2020 data. In 2020 there was also an added factor of the pandemic and the Government policies against the pandemic which affected the activity of courts.

Despite the fact that the number of incoming cases decreased in 2020 since this number was high in 2018 and 2019 the courts were unable to handle all cases due to the pandemic and with the same number of judges. As a result the number of pending cases increased in 2020. The high number of cases received in previous years (2018 and 2019) has led to the accumulation of cases pending annually, thus increasing the percentage of cases that have not been reviewed for more than 2 years.

In addition a small number of judges at the Supreme Court has been also a factor:

Small number of judges in the Chamber of Administrative Cases in 2018-2019 (3 judges instead of 9)

Small number of judges in the Chamber of Civil Cases in 2018-2019 (6 judges instead of 12).

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

(X) Yes, please indicate the number of cases closed by this procedure: 2587

() No

Comments

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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of criminal law cases (1+2+3)	874 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	1 014 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	1 176 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	712 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	56 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
1. Severe criminal cases	354 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	472 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	567 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	259 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	24 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Misdemeanour and / or minor criminal cases	520 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	542 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	609 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	453 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	32 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Other criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comment - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories.. If “Other criminal cases”, please specify In 2019, compared to 2018, the number of both incoming and pending cases increased, which was further reflected in the 2020 data. In 2020 there was also an added factor of the pandemic and the Government policies against the pandemic which affected the activity of courts.

Despite the fact that the number of incoming cases decreased in 2020 since this number was high in 2018 and 2019 the courts were unable to handle all cases due to the pandemic and with the same number of judges. As a result the number of pending cases increased in 2020. The high number of cases received in previous years (2018 and 2019) has led to the accumulation of cases pending annually, thus increasing the percentage of cases that have not been reviewed for more than 2 years.

In addition, in 2019, there was only one judge instead of 6 judges in the Criminal Chamber of the Supreme Court.

4.2.5 Case flow management and timeframes – specific cases

101. Number of specific litigious cases received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending for more than 2 years
Litigious divorce cases	580 [] NA [] NAP	1 331 [] NA [] NAP	1 202 [] NA [] NAP	709 [] NA [] NAP	20 [] NA [] NAP
Employment dismissal cases	121 [] NA [] NAP	399 [] NA [] NAP	263 [] NA [] NAP	257 [] NA [] NAP	16 [] NA [] NAP
Insolvency	146 [] NA [] NAP	55 [] NA [] NAP	58 [] NA [] NAP	143 [] NA [] NAP	95 [] NA [] NAP
Robbery case	41 [] NA [] NAP	83 [] NA [] NAP	82 [] NA [] NAP	42 [] NA [] NAP	1 [] NA [] NAP
Intentional homicide	77 [] NA [] NAP	86 [] NA [] NAP	65 [] NA [] NAP	98 [] NA [] NAP	5 [] NA [] NAP

Comments This change may be caused due to Government policies affecting the activity of courts.

=

101-0. Number of procedures/cases relating to asylum seekers and to the right of entry and stay for aliens.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending for more than 2 years
Non-court procedures relating to asylum seekers (refugee status under the 1951 Geneva Convention)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Non-court procedures relating to the right of entry and stay for aliens	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Court cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	89 [] NA [] NAP	230 [] NA [] NAP	109 [] NA [] NAP	210 [] NA [] NAP	0 [] NA [] NAP

Court cases relating to the right of entry and stay for aliens	460 [] NA [] NAP	2 156 [] NA [] NAP	2 166 [] NA [] NAP	450 [] NA [] NAP	1 [] NA [] NAP
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Comments

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

. The Law of Georgia on International Protection (the "Law") regulates the entry into and the stay in Georgia of aliens and stateless persons and who have requested international protection in accordance with this Law. It provides the standards for treatment of aliens and stateless persons; defines the legal status, rights and obligations as well as the social and economic guarantees of asylum seekers, refugees and humanitarian status holders, and persons under temporary protection; the grounds and procedures for granting, terminating, revoking and withdrawing refugee and humanitarian status or the status of a person under temporary protection, and grounds for exclusion from the relevant status; the authorities of state agencies in the field of ensuring asylum procedures. Pursuant to article 47 of the Law any decision made by the Ministry for Internally Displaced Persons from Occupied Territories, Accommodation and Refugees of Georgia (the "Ministry") may be appealed in a court within a month after the issuance of the decision. Pursuant to the Code of Administrative Procedure of Georgia, a refugee, a humanitarian status seeker or an asylum seeker shall have the right to apply to a district (city) court for a refugee or humanitarian status or asylum within 1 month after receiving the refusal for a status. The District (City) Court shall consider the dispute over the issue of international protection or asylum case and send the decision to the parties within two months after submitting the claim to the court. An appeal to annul the decision shall be filed with the court rendering the decision within 1 month after its delivery to the party. The judge shall immediately forward the appeal, together with the case material, to the court of appeals. An appeal shall be considered at the court of appeals within one month after the court admits the appeal. Failure of the parties to appear at the court of appeals shall not hinder considering the appeal. The decision of the Court of Appeal is final. Pursuant to Article 4 of the Law of Georgia on The Legal Status of Aliens and Stateless Persons aliens shall enter and depart from Georgia during the hours established for cross-border movement via border checkpoints if they hold a valid travel document and will obtain a permit to stay in Georgia. An authorized body of the Ministry of Internal Affairs (MIA) of Georgia may, in special cases defined by the Ministry of Internal Affairs, permit an alien to cross the state border of Georgia without a travel document and stay in Georgia for up to three months.

101-2. Number of cases relating to child sexual abuse and child pornography received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Child sexual abuse	25 [] NA [] NAP	97 [] NA [] NAP	83 [] NA [] NAP	39 [] NA [] NAP	0 [] NA [] NAP
Child pornography	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP

Comments - Please explain what are the legal definitions of these categories of offences in your system:

102. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases. 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 investigation phase in criminal cases as well as enforcement procedure.

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
Civil and commercial litigious cases	_____ Max numeric value allowed : 100 1 [] NA [] NAP	184 [] NA [] NAP	142 [] NA [] NAP	271 [] NA [] NAP	961 [] NA [] NAP	_____ Max numeric value allowed : 100 30 [] NA [] NAP
Litigious divorce cases	_____ Max numeric value allowed : 100 1 [] NA [] NAP	126 [] NA [] NAP	123 [] NA [] NAP	187 [] NA [] NAP	709 [] NA [] NAP	_____ Max numeric value allowed : 100 37 [] NA [] NAP
Employment dismissal cases	_____ Max numeric value allowed : 100 17 [] NA [] NAP	120 [] NA [] NAP	182 [] NA [] NAP	271 [] NA [] NAP	993 [] NA [] NAP	_____ Max numeric value allowed : 100 52 [] NA [] NAP
Insolvency cases	_____ Max numeric value allowed : 100 52 [] NA [] NAP	525 [] NA [] NAP	15 [] NA [] NAP	0 [] NA [] NAP	527 [] NA [] NAP	_____ Max numeric value allowed : 100 0 [] NA [] NAP
Robbery cases	_____ Max numeric value allowed : 100 36 [] NA [] NAP	186 [] NA [] NAP	218 [] NA [] NAP	175 [] NA [] NAP	540 [] NA [] NAP	_____ Max numeric value allowed : 100 30 [] NA [] NAP
Intentional homicide cases	_____ Max numeric value allowed : 100 56 [] NA [] NAP	263 [] NA [] NAP	215 [] NA [] NAP	164 [] NA [] NAP	604 [] NA [] NAP	_____ Max numeric value allowed : 100 8 [] NA [] NAP

Comments

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

. Under article 1123 of the Civil Code of Georgia, if there is a dispute between spouses, the divorce shall be obtained through legal

proceedings in court. In other cases, the civil registration agency of the Ministry of Justice is authorized to issue decision on divorce. Under article 1127 of the Civil Code of Georgia, a court shall hear divorce cases pursuant to adversary proceedings established by the Civil Procedure Code. The court shall take measures to reconcile the spouses. It may adjourn the hearing and fix a period of a maximum of six months for reconciliation of the spouses. A divorce shall be granted if the court finds that it is no longer possible for the spouses to live together and preserve the family. When delivering a divorce decision, the court shall, if necessary, take actions to safeguard the interests of the minor children and a disabled spouse.

Under article 14 of the Civil Procedure Code of Georgia, divorce cases are heard in the first instance by the magistrate judges.

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

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

The average length of case review is calculated using the arithmetic mean as follows: The difference (in days) between the closing and entry dates of each case is summed and divided by the number of cases.

The methodology for calculating the average length of proceedings has not changed.

4.2.6 Case flow management – public prosecution



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

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

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

According to the legislation of Georgia, only competent authority for application of criminal penalty is a court. In diversion proceedings,

prosecutor may divert individual from criminal prosecution if he/she agrees to fulfill the diversion conditions. This process is relevant to the part of the bullet point referring to the power of prosecutor to end the case by negotiating measure without requiring a judicial decision.

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

- civil cases
- administrative cases
- insolvency cases

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

107. Public prosecutors: Total number of 1st instance criminal cases.

	Number of cases
1.Pending cases on 1 Jan. ref. year	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.Incoming/received cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3.Processed cases (3.1+3.2+3.3+3.4)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.Discontinued during the reference year (3.1.1+3.1.2+3.1.3+3.1.4.)	19 120 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.1 Discontinued by the public prosecutor because the offender could not be identified	2 795 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	14 037 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.3 Discontinued by the public prosecutor for reasons of opportunity	1 885 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.4 Discontinued for other reasons	403 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.2.Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	1 518 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.3.Cases closed by the public prosecutor for other reasons	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3.4.Cases brought to court	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4.Pending cases on 31 Dec. ref. year	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

107-1. If the guilty plea procedure exists, how many cases were concluded by this procedure?

	Total	Severe criminal cases	Misdemeanour and / or minor criminal cases
Total number of guilty plea procedures	7 666 [] NA [] NAP	3 183 [] NA [] NAP	4 483 [] NA [] NAP
Before the main trial	5 360 [] NA [] NAP	1 575 [] NA [] NAP	3 785 [] NA [] NAP
During the main trial	2 306 [] NA [] NAP	1 608 [] NA [] NAP	698 [] NA [] NAP

Comments

109. Do the figures provided in Q107 include traffic offence cases?

Yes

No

Comments

D2. Please indicate the sources for answering the questions in this part

Sources: Prosecutor's Office of Georgia
<https://pog.gov.ge/en>

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1 Recruitment and promotion of judges

110. How are judges recruited?

mainly through a competitive exam (open competition)

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

a combination of both (competitive exam and working experience)

other (please specify):

Comments Apart from passing the qualification exam, candidates are expected to have masters' degree in law and 5 years' experience. Candidates should complete special training course of 16-months duration conducted by the High School of Justice. Candidates participate in a competition announced by High School of Justice. The later requirement does not extend to candidates who are former Supreme Court judges, or former judges with 18 months experience of judgeship. Decision on appointment of the first and second instance judges is made by the High Council of Justice. Supreme Court judges are nominated by High Council of Justice and appointed by the Parliament of Georgia.

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

- An authority made up of judges only
- An authority made up of non-judges only
- An authority/authorities made up of judges and non-judges
- Other

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles: The judges of District/City Court and Court of Appeals are appointed by the High Council of Justice. The Supreme Court judges are selected and nominated by the High Council of Justice and elected by the Parliament of Georgia.

111-1. How many members compose this authority?

	Total	Male	Female
Members	15 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments – Please specify what is the status of this authority and who is proposing its members? Pursuant to Article 64(1) of the Constitution of Georgia, “the High Council of Justice of Georgia – a body of the common courts system – shall be established to ensure the independence and efficiency of the common courts, to appoint and dismiss judges and to perform other tasks.” “The High Council of Justice shall consist of 14 members appointed for a term of 4 years, and the Chairperson of the Supreme Court.” In accordance with Article 47(2) of the Organic Law of Georgia “On Common Courts” eight judge members of the High Council of Justice, of whom at least one member represents a court of every instance, shall be elected by a self-governing body of judges of the common courts of Georgia according to the procedure determined by Organic Law. As regards the election of non-judge members of the High Council of Justice “the Parliament of Georgia shall elect five members of the High Council of Justice of Georgia on a competition basis, by secret ballot, by a majority of less than three-fifths of full composition, under the procedure established by the Rules of Procedure of the Parliament of Georgia. Candidates for membership of the High Council of Justice of Georgia shall be selected from among the professors and scholars working at higher education institutions of Georgia, members of the Bar Association of Georgia and/or the persons nominated by non-entrepreneurial (non-commercial) legal entities of Georgia, upon recommendation of a collegial management body of the organisation concerned. One of the fields of activity of the above non-entrepreneurial (non-commercial) legal entities shall be, for at least the last two years before the announcement of the competition, participation with representative authority in court proceedings. Each of the organisations mentioned above may present a maximum of three candidates for membership of the High Council of Justice of Georgia to the Parliament of Georgia. A member of the Parliament of Georgia, a judge or a prosecutor may not be nominated as candidates for membership of the High Council of Justice of Georgia.”

One member of the High Council of Justice is elected by the President of Georgia on the basis of a competition. This member should meet the same requirements.

111-2. May non-selected candidates appeal against the decision on recruitment/appointment?

- Yes
- No

Comments – please specify which body is competent to decide on appeal? The Qualification Chamber of the Supreme Court.

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

- Yes
- No

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

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

Comments - Please specify how the promotion procedure for judges is organised (especially if there is no competition or examination): In accordance with the Rules of Procedure of the High Council of Justice, for the purpose of ensuring the right to be promoted, also for the purposes of the mobility of judges and efficient use of the experience of the acting judges, the High Council of Justice may, in case of existence of vacancies at the Court of Appeals, determine the number of the vacant positions designated for judicial promotion. The information concerned shall be published on the official website of the High Council of Justice. Any judge of the common courts is entitled to submit an application. The application shall be submitted in writing to the High Council of Justice within 7 days upon the publication of the information on the official website. The High Council of Justice of Georgia reviews the applications and invites the candidates for interview. The High Council of Justice shall appoint a person as a judge of another court, if the candidate is supported by at least 2/3 of the full composition of the High Council of Justice, by a secret ballot.

Based on the decision 1 / 166 of the High Council of Justice of October 19, 2015, an amendment to the Rules of Procedure of the High Council of Justice defined the procedure and criteria for the promotion of a judge.

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

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

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box “performance” or “other”): A judge may be appointed as a judge of the Court of Appeals, if his/her competence, experience, business and moral reputation is compliant with the high rank of the judge of Court of Appeals and he/she has at least five years’ experience of working as a judge of district/city court. While making the decision, the member of the High Council of Justice shall take into consideration the quantitative and qualitative indicators of the judge’s performance, the number of ratios of cases considered, the complexity of the cases completed, adherence to procedural time frames of considering cases, adherence to procedural time frames for preparing decision, stability of the decisions, working discipline, reputation of the judge among colleagues, participation of the judge in mentoring and teaching young judges and lawyers, his/her active role in discussing judicial and legal issues, his/her organizational skills, scientific and pedagogical activity, adherence to ethical and professional standards, tendencies of his/her professional growth and etc.

5.1.2 Status, recruitment and promotion of prosecutors

115. What is the status of public prosecution services?

- Has an independent status as a separate entity among state institutions
- Is part of the executive power but enjoys functional independence (please briefly explain how and to what extent)
- Is part of the executive power (without functional independence)
- Is part of the judicial power but enjoys functional independence (please briefly explain how and to what extent)
- Is part of the judicial power (without functional independence)
- Is a mixed model (please explain)
- Has other status (please explain)

Comments - When appropriate, please specify the objective guarantees of this independence (such as funding) and where they are enshrined (Constitution, legislation etc.).Furthermore, if “mixed model” or "other", please specify. The Parliament elects the General Prosecutor for a term of 6 years. The legislation provides strong safeguards regarding his/her dismissal. The term of office of the General Prosecutor is not renewable.

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

Yes

No

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

115-2. If you answered “Yes” to Q115-1, are there exceptions provided by the law/regulations?

Yes

No

Comments - Please describe these exceptions:

115-3. If you answered “No” to Q115-1, which authority can issue the specific instructions?

General Prosecutor

Higher prosecutor/Head of prosecution office

Executive power

Other

Comments - If “Other”, please specify:

115-4. What form these instructions may take?

Oral instruction

Oral instruction with written confirmation

Written instruction

Other

NAP

Comments - If “Other”, please specify:

115-5. In that case, are the instructions:

Issued seeking prior advice from the competent public prosecutor

Mandatory

Reasoned

Recorded in the case file

Other

NAP

Comments - If “Other”, please specify:

115-6. What is the frequency of this type of instructions:

- Exceptional
- Occasional
- Frequent
- Systematic
- NAP

Comments

115-7. Can the public prosecutor oppose/report an instruction to an independent body?

- Yes
- No
- NAP

Comments - If yes, please specify to which body/institution and please describe under which conditions.

116. How are public prosecutors recruited?

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

Comments

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

- An authority composed of public prosecutors only
- An authority composed of non-public prosecutors only
- An authority composed of public prosecutors and non-public prosecutors
- Other

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

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

117-1. How many members compose this authority?

	Total	Male	Female
Members	15 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify what is the status of this authority and who is proposing its members?

117-2. May non-selected candidates appeal against the decision on recruitment/appointment?

Yes

No

Comments - Please specify which body is competent to decide on appeal? The decision of appointment may be appealed in court, as part of administrative proceedings.

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

Yes

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

Comments On 22 April 2019, the General Prosecutor established a new consultative body, the Career Management, Ethics and Incentives Council. The Council is responsible for the sustainable development of PSG as well as the application of incentives, promotion and disciplinary liability in relation to PSG employees. The Career Management, Ethics and Incentives Council is composed of the following 16 members: the General Prosecutor; the First Deputy General Prosecutor; 3 Deputy General Prosecutors; 8 members of the Prosecutorial Council; the head of the General Inspection Unit; the head of the Human Resources Management and Development Department and the head of the Department for Supervision over Prosecutorial Activities and Strategic Development.

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

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

Competitive test / exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion procedure for prosecutors is organised (especially if there is no competition or examination): The additional applicable procedures for promotion of prosecutors are as follows:

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

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

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"): The PSG conducts the performance appraisal of prosecutors once in 2 years, using the special personnel and electronic criminal case management system. The evaluation covers the following areas:

quality of prosecutorial work

workload of prosecutor assessment by a supervisor See additional information in the answer to question 077-1.

5.1.3Mandate and retirement of judges and prosecutors

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

Yes, please indicate the compulsory retirement age:65

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Article 63 (6) of the Constitution of Georgia prescribes the rule for appointment of judges of general courts for life tenure. However, before lifetime appointment of a judge, in case of the first appointment, the judge may be appointed for three-year term until 31 December 2024.

As of 2020 there are number of judges in first instance courts, appellate courts and the Supreme Court who are still appointed for 10-years term.

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

For disciplinary reasons

For organisational reasons

For other reasons (please specify modalities and safeguards):

No

Comments

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

Yes, duration of the probation period (in years):3

No

Comments The High Council of Justice of Georgia is the entity authorized to assess the productivity of the probationary period of a judge appointed for a probationary period; The decision of the High Council of Justice of Georgia to refuse to appoint a judge for life shall be subject to appeal to the Qualification Chamber of the Supreme Court of Georgia in accordance with Article 36(5) of the Organic Law of Georgia on Common Courts.

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

Yes, please indicate the compulsory retirement age:NAP

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: All prosecutors, except for the General Prosecutor, are appointed for an undetermined period. The legislation of Georgia does not stipulate compulsory retirement age. According to the Organic Law of Georgia on Prosecution Service and the Law of Georgia on State Pension, male prosecutors who have reached 65 years and female prosecutors having reached 60 years are eligible for retirement. The retirement in this case is not mandatory. It depends on the will of the person reaching the retirement age. The term of office of the Prosecutor General of Georgia is 6 years. The same person cannot be re-elected for a consecutive term.

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

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

No

Comments

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

[10]

NA

NAP

Comments As of 2020 there are number of judges in first instance courts, appellate courts and the Supreme Court who are still appointed for 10-years term.

125-1. Is it renewable?

Yes

No

NAP

Comments

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

[]

NA

NAP

Comments

126-1. Is it renewable?

Yes

No

NAP

Comments

E1. Please indicate the sources for answering the questions in this part

Sources: Prosecutor's Office of Georgia, <https://pog.gov.ge/en>
 High Council of Justice of Georgia, <http://hcoj.gov.ge/en/>

5.2. Training

5.2.1 Training of judges

127. Types of different trainings offered to judges:

	Compulsory	Optional	No training proposed
Initial training (e.g. attend a judicial school, traineeship in a court)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
General in-service training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

In-service training for management functions of the court (e.g. court president)	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training for the use of computer facilities in courts	() Yes (X) No	() Yes (X) No	(X) Yes () No
In-service training on ethics	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training on child-friendly justice	() Yes (X) No	(X) Yes () No	() Yes (X) No

Comments We provide both compulsory and optional in-service training for specialized judicial functions. The High School of Justice conducts trainings on the basis of in-service training program for judges and other court staff which derives from the annual needs assessment of the state obligations, relevant government action plans, reports of international organizations and NGO-s, etc. Thus, the content of the program varies from year to year. However, some of the general and crucial topics are regularly included in the annual in-service training program of the HSoJ in the context of sustainability of quality training in these fields (e.g. human rights, judicial ethics, juvenile justice, leadership and management, etc.).

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

	Frequency of the judges training
General in-service training	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for management functions of the court (e.g. court president)	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training for the use of computer facilities in courts	[] Regularly (for example every year) [] Occasional (as needed) [X] No training proposed
In-service training on ethics	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training on child-friendly justice	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges: We provide both compulsory and optional in-service training for specialized judicial functions. In regard to changes in respect of frequency of the in-service training of judges, for example, the “In-service training for management functions of the court, is not provided regularly anymore since majority of judges are already trained and there is no need to hold the trainings regularly anymore. Therefore, trainings are held occasionally, when necessary. Because of Covid-19, mostly trainings were held by online platforms and with the mentioned format does not provide

possibility of proposing in-service training for the use of computer facilities in courts.

Although, trainings were held to improve zoom platform utilization. Moreover, video instructions were sent to judges.

5.2.2 Training of prosecutors

129. Types of different trainings offered to public prosecutors:

	Compulsory	Optional	No training proposed
Initial training	(X) Yes () No	() Yes (X) No	() Yes (X) No
General in-service training	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for specialised functions (e.g. public prosecutors specialised in organised crime)	(X) Yes () No	(X) Yes () No	() Yes (X) No
In-service training for management functions (e.g. Head of prosecution office, manager)	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training for the use of computer facilities in office	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training on ethics	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training on child-friendly justice	(X) Yes () No	() Yes (X) No	() Yes (X) No

Comments

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

	Frequency of the in-service training
General in-service training	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for specialised functions (e.g. public prosecutor specialised in organised crime)	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for management functions (e.g. Head of prosecution office, manager)	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training for the use of computer facilities in office	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed

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

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

5.2.3 Training institutions

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

	Initial training only	Continuous training only	Initial and continuous training
Institution(s) for judges	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Institution(s) for prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Institution(s) for both judges and prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

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

	Budget of the institution(s) for the reference year, in €
Institution(s) for judges	545 985 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Institution(s) for prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Institution(s) for both judges and prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

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

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

. see question 127; 129.

5.2.4 Number of trainings

131-2. Number of in-service training courses available and delivered (in days) by the public institution(s) responsible for training

	Number of in-person training courses available	Number of delivered in-person training courses in days	Online training courses available during the reference year (e-learning)
Total	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
1. For judges	7 [] NA [] NAP	13 [] NA [] NAP	40 [] NA [] NAP
2. For prosecutors	150 [] NA [] NAP	150 [] NA [] NAP	298 [] NA [] NAP
3. For other non-judge staff	5 [] NA [] NAP	10 [] NA [] NAP	2 [] NA [] NAP
4. For other non-prosecutor staff	106 [] NA [] NAP	106 [] NA [] NAP	159 [] NA [] NAP
5. Training for other professionals	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments – please specify if there are training courses of judges and/or prosecutors that include other professionals in the field of justice. Because of the government’s policies against covid-19, majority of trainings were held online and, hence, trainings delivered in-person decreased. Also, number of online trainings decreased because some trainings, because of its format could not be held online. In general, year 2020 was a year of adaptation and essential changes. The issue of quantity was solved in 2021.

131-3. Number of participants of the training courses during the reference year

	Number of participants in in-person training courses	Number of participants in online training courses (e-learning)
Total	1 329 [] NA [] NAP	2 003 [] NA [] NAP
Judges	88 [] NA [] NAP	1 059 [] NA [] NAP
Prosecutors	830 [] NA [] NAP	651 [] NA [] NAP
Non-judge staff	68 [] NA [] NAP	109 [] NA [] NAP
Non-prosecutor staff	192 [] NA [] NAP	79 [] NA [] NAP
Other professionals	151 [] NA [] NAP	105 [] NA [] NAP

5.3.Practice of the profession

5.3.1Salaries and benefits of judges and prosecutors



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

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	11 928 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9 540 <input type="checkbox"/> NA <input type="checkbox"/> NAP	48 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	38 400 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	22 404 <input type="checkbox"/> NA <input type="checkbox"/> NAP	17 928 <input type="checkbox"/> NA <input type="checkbox"/> NAP	72 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	57 600 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor at the beginning of his/her career	8 247 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 872 <input type="checkbox"/> NA <input type="checkbox"/> NAP	26 208 <input type="checkbox"/> NA <input type="checkbox"/> NAP	21 840 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	27 656 <input type="checkbox"/> NA <input type="checkbox"/> NAP	23 049 <input type="checkbox"/> NA <input type="checkbox"/> NAP	87 888 <input type="checkbox"/> NA <input type="checkbox"/> NAP	73 248 <input type="checkbox"/> NA <input type="checkbox"/> NAP

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

Inflation of the local currency in relation to Euro.

133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Special pension	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Housing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other financial benefit	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

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

. The other benefits are:

Medical insurance for judges and prosecutors; fuel and cell deposit for prosecutors.

Pursuant to the first paragraph of Article 69 of the Organic Law of Georgia on Common Courts, a judge's salary consists of a salary and a supplement. The monthly salary of a judge is determined by the same article of the Organic Law of Georgia on Common Courts, and the supplement is determined by the decree of the High Council of Justice of Georgia on determining the supplement for judges of common courts.

The remuneration of prosecutors includes salary and bonus (salary increment). The Prosecutor General determines the latter from the allocated remuneration funds, in view of the overtime work and/or additional functions, as well as particularly important responsibilities of a prosecutor. Respectively, bonus falls in the regime of remuneration.

[] NAP

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

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	() Yes (X) No	() Yes (X) No
Consultant	() Yes (X) No	() Yes (X) No
Cultural function	() Yes (X) No	(X) Yes () No
Political function	() Yes (X) No	() Yes (X) No
Mediator	() Yes (X) No	() Yes (X) No
Other function	() Yes (X) No	() Yes (X) No

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

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

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	() Yes (X) No	() Yes (X) No

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

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

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

- Yes
- No

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

5.3.2 Body/institution of ethics

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

- Yes
- No

Comments

138-1. If yes, who are the members of this institution/body?

- Only judges
- Judges and other legal professionals
- Other, please specify:

Comments

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

- Yes
- No

[] NAP

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

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

Yes

No

Comments The General Inspectorate of the General Prosecutor's Office, which is in charge of conducting administrative investigations into the disciplinary violations, also provides counselling to the interested PSG employees regarding the ethical questions of the conduct of prosecutors. The statistics of such consultations is not kept.

138-4. If yes, who are the members of this institution/body?

Only prosecutors

Prosecutors and other legal professionals

Other, please specify:

Comments

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

Yes

No

NAP

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

5.4. Disciplinary procedures

5.4.1 Authorities responsible for disciplinary procedures and sanctions

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

Court users

Relevant Court or hierarchical superior

High Court / Supreme Court

High Judicial Council

Disciplinary court

Disciplinary body (disciplinary prosecutor, investigator etc.)

Ombudsman

Parliament

Executive power (please specify):

Other (please specify):

This is not possible

Comments The Independent Inspector of the High Council of Justice of Georgia is the only person who has the authority to initiate disciplinary proceedings after 2018 (Article 75(6) of the Organic Law of Georgia on Common Courts).

As for the reasons for initiating disciplinary proceedings, it has not changed since 2018 and still provides the following list: a) a complaint or statement by any person other than an anonymous complaint or statement; b) a report card of another judge, a member of the court or a member of the High Council of Justice of Georgia or an official of the staff on the commission of a disciplinary misconduct by a judge; c) notification of the investigative body (correction of a specific fact, which may contain signs of disciplinary misconduct); d) information disseminated through the mass media, as well as information provided in the report and / or proposal of the Public Defender of Georgia on the commission of an action by a judge, which may be considered a disciplinary violation.

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

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

Comments

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

- Court
- Higher Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):

Comments

143. Which authority has disciplinary power over public prosecutors? (multiple replies possible)

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

Comments

5.4.2 Number of disciplinary procedures and sanctions



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

	Judges	Prosecutors
Total number (1+2+3+4)	151 <input type="checkbox"/> NA <input type="checkbox"/> NAP	24 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	20 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	17 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	131 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: Quantitative list of disciplinary violations mentioned in the 131 disciplinary complaints indicated in the column "Other" by the complainant:

- Substantial violation of the term established by the procedural legislation of Georgia by an unreasonable reason - 82;
- Other actions of a judge that do not correspond to the high status of a judge - 21;
- Exercise of judicial power by a judge through personal interest, political or social influence - 20;
- Discriminatory action of a judge, verbally or in any other form, in the exercise of judicial powers, against any person on one ground or another - 7;
- Refusal of the judge to avoid / withdraw the case when there is a clear ground for avoiding the case provided by law - 7;
- Disclosure of the secrets of the meeting - 2;
- Establishment of personal and intensive (friendly, family) relations by the judge directly with the participant in the case under consideration, which leads to the bias of the judge and / or preference for the participant of the process, if he / she had information about the party - 2;
- Pre-disclosure of the result of the case to be considered by the judge, except for the cases provided by the procedural legislation of Georgia - 1;
- Interference by a judge in the activities of another judge in order to influence the outcome of the case - 1.

It should be noted that the amount of disciplinary misconduct varies with the number of complaints, as in some cases the authors of the complaint point to several misconduct.

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

	Judges	Prosecutors
Total number (total 1 to 10)	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP

2. Suspension	0 [] NA [] NAP	0 [] NA [] NAP
3. Withdrawal from cases	[] NA [X] NAP	[] NA [X] NAP
4. Fine	[] NA [X] NAP	[] NA [X] NAP
5. Temporary reduction of salary	0 [] NA [] NAP	0 [] NA [] NAP
6. Position downgrade	[] NA [X] NAP	0 [] NA [] NAP
7. Transfer to another geographical (court) location	[] NA [X] NAP	[] NA [X] NAP
8. Resignation	[] NA [X] NAP	[] NA [X] NAP
9. Other	0 [] NA [] NAP	0 [] NA [] NAP
10. Dismissal	0 [] NA [] NAP	3 [] NA [] NAP

Comments - If “other”, please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. The salary deduction was added as one of the types of disciplinary misconduct based on the legislative change of 13 December 2019 (effective from 1 January 2020), namely the reduction of 5% to 20% of a judge's salary for not more than 6 months.

E3. Please indicate the sources for answering the questions in this part

Sources: Prosecutor's Office of Georgia.
High Council of Justice of Georgia.

6.Lawyers

6.1.Profession of lawyer

6.1.1Status of the profession of lawyers

146. Total number of lawyers practising in your country:

Total	Male	Female

Number of lawyers	4 772 <input type="checkbox"/> NA	2 477 <input type="checkbox"/> NA	2 295 <input type="checkbox"/> NA
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Comments

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

Yes ()

No (X)

Comments

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

[]

[] NA

[X] NAP

Comments

=

149. Is legal representation in courts exclusively exercised by lawyers in: (multiple replies possible)

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	() Yes always () Yes in some cases (X) No <input type="checkbox"/> NAP	(X) Yes always () Yes in some cases () No <input type="checkbox"/> NAP	(X) Yes always () Yes in some cases () No <input type="checkbox"/> NAP
Dismissal cases	() Yes always () Yes in some cases (X) No <input type="checkbox"/> NAP	(X) Yes always () Yes in some cases () No <input type="checkbox"/> NAP	(X) Yes always () Yes in some cases () No <input type="checkbox"/> NAP
Criminal cases – Defendant	(X) Yes always () Yes in some cases () No <input type="checkbox"/> NAP	(X) Yes always () Yes in some cases () No <input type="checkbox"/> NAP	(X) Yes always () Yes in some cases () No <input type="checkbox"/> NAP
Criminal cases – Victim	(X) Yes always () Yes in some cases () No <input type="checkbox"/> NAP	(X) Yes always () Yes in some cases () No <input type="checkbox"/> NAP	(X) Yes always () Yes in some cases () No <input type="checkbox"/> NAP
Administrative cases	(X) Yes always () Yes in some cases () No <input type="checkbox"/> NAP	(X) Yes always () Yes in some cases () No <input type="checkbox"/> NAP	(X) Yes always () Yes in some cases () No <input type="checkbox"/> NAP

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

149-0. If other than lawyers may represent a client in court, please specify who:

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

Comments - If "other", please specify. In addition, for the categories selected please specify the types of cases concerned by this/these representation(s): Civil society organizations may represent a client with disabilities only if they act as special plaintiffs regarding cases related to the persons with disabilities.

According to the civil procedure code of Georgia (article 94) persons who may act as representatives in court also include: Advocates; Employees of state bodies; Municipalities/municipal bodies; Employees of organisations – for cases concerning those bodies and organisations; Organisations with the status of special plaintiff – for cases concerning persons with disabilities; one of the joined parties – under the authorization of the other joined parties; Other persons having legal capacity – only in a court of first instance.

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

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

Comments

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

- Self-employed lawyer
- Staff lawyer
- In-house lawyer

Comments

150. Is the lawyer profession organised through:

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

Comments

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

Yes

No

Comments - Please indicate if there are other specific requirements as regards diplomas or university degrees:

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

Yes

No

Comments

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

Yes

No

Comments - If yes, please specify: Juvenile Justice; Juvenile rights.

F1. Please indicate the sources for answering the questions in this part

Sources: GBA - Georgian Bar Association (legislative framework and data analysis)

6.1.2 Practicing the profession

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

Yes

No

Comments According to the civil code of Georgia, lawyers' fees are freely negotiated. In practice, it depends on the case details, lawyers' experience, the work complexity, duration of the proceedings and in the case of property disputes – value and importance of the disputed subject (cost of claim). According to the ethics code of Georgia (Article 8.8) the procedure of calculation and the rate of lawyer's fees shall be known to and acceptable by client in advance.

155. Are lawyers' fees freely negotiated?

Yes

No

Comments

156. Do laws or bar standards provide any rules on lawyers' fees (including those freely

negotiated)?

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

Comments

6.1.3 Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

- Yes
- No

Comments - If yes, what are the quality criteria used? specialisation, continuing legal education, quality assurance mechanisms – disciplinary proceedings.

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

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

Comments

159. Is it possible to file a complaint about:

- the performance of lawyers
- the amount of fees

Comments - Please specify:

160. Which authority is responsible for disciplinary procedures?

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

Comments

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

	Number of disciplinary proceedings
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	32 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	23 <input type="checkbox"/> NA <input type="checkbox"/> NAP

2. Professional inadequacy	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Criminal offence	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Other	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "other", please specify:

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	23 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Fine	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
5. Other	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons. Total number of disciplinary proceedings initiated are 32 cases ; Breach of professional ethics was found in 23 cases ; Sanctions were used in following cases : Warning – 15 cases, Personal letter of advice – 6 cases, Reprimand of the right to practice law for 6 months – 1 case, Suspension of membership of the Georgian Bar Association – 1 case. In 4 cases was not found breach of professional ethics despite the fact proceedings initiated, in 5 cases proceedings were terminated by the demand of complainant.

7. Court related mediation and other alternative Dispute Resolution

7.1. Court related mediation

7.1.1 Details on court related mediation

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

Yes

No

Comments

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

Before/instead of going to court

Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding

No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned: Family disputes, labour cases, Inheritance cases, Neighbourhood cases, Shared property cases, Property cases, which are under 20000 Gel by its value, The disputes, which involve the Microfinancial, Bank or Non-bank organizations, electronic contractual issues, if the value of the subject matter is under 10000 Gel, Non-property issues (such as, copyright cases, respect and dignity cases).

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

Yes

No

Comments - If there are mandatory informative sessions, please specify which fields are concerned: But, there is the possibility to try online or face-to-face mediation sessions, which is called “informative sessions” with mediators if all parties agree so and also, as mentioned above, there is the mechanism used by the judge - Mandatory Mediation and parties are obliged to participate in mediation sessions.

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

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

Comments Civil and commercial cases, Family cases, Labour cases including employment dismissals, consumer cases. Mediation services are provided by the LEPL Georgian Mediators Association, which has it's own Unified Register of Certified Mediators.

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

Yes

No

NAP

Comments - If yes, please specify (only one or both options)::

=

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

	Total	Males	Females
Number of mediators	53 <input type="checkbox"/> NA <input type="checkbox"/> NAP	21 <input type="checkbox"/> NA <input type="checkbox"/> NAP	32 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

167. Number of court-related mediations:

	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement
Total (1 + 2 + 3 + 4 + 5 + 6)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil and commercial cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	102 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Family cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Administrative cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Labour cases including employment dismissal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	27 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
5. Criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
6. Consumer cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please indicate the source: Number of court-related mediation: Number of cases for which the parties agreed to start mediation – 39. Comment: There is no analysed information in the following dispute categories: Civil and commercial cases , Family cases, Labour cases including employment dismissal cases and Consumer cases. Number of finished court related mediation – Civil and commercial cases - 102 (2020) and 42 (2021), Family cases – 3 (2020) and 3 (2021), Labour cases including employment dismissal cases – 27 (2020) and 5 (2021). Consumer cases – 2 (2020) and 1 (2021).

Number of cases in which there is a settlement agreement – overall 65%.

a)above mentioned number of cases for which the parties agreed to start mediation – 39, is not total, because the cases for which the Judges frequently order mediation may also include the parties will to voluntarily participate and the statistics of such information may refer to court/judges, rather than the mediation center, furthermore, there is no specific information about the number of cases for which the parties agreed to start mediation by the dispute categories. For the general information, Tbilisi City Court Mediation Center had 102 cases in 2020 and 42 discussed and finished cases in 2021. Currently, there are 19 cases in progress, which includes: Civil and commercial cases, Family cases, Labour cases including employment dismissal cases and Consumer cases.

b)Tbilisi City Court Mediation Center’s statistical information about settlements, untill now, is summarized in the percentage format (which is 65% for overall cases), that is the reason, that we couldn’t provide now the exact numbers with regard to the dispute categories.

=

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

- Mediation other than court-related mediation
- Arbitration
- Conciliation (if different from mediation)
- Other ADR (please specify):

Comments

G1. Please indicate the sources for answering the questions in this part

Source: Tbilisi City Court’s mediators (<http://www.tcc.gov.ge/ka/Mediators>)

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1 Number of enforcement agents, status and mandate

169. Number and type of enforcement agents in your country.

	Total	Male	Female
Total (1+2+3+4)	192 [] NA	111 [] NA	81 [] NA
1. Private professionals under the authority (control) of public authorities	35 [] NA [] NAP	26 [] NA [] NAP	9 [] NA [] NAP
2. Enforcement agents working in a public institution (civil servants paid by state)	157 [] NA [] NAP	85 [] NA [] NAP	72 [] NA [] NAP
3. Judges	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
4. Other	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If other, please specify their status and competences:

170. What are the requirements to access the profession of enforcement agent (multiple replies possible)?

- diploma
- professional experience
- specific exam

[X] appointment procedure by the State

[] initial training

[] other

Comments - If "other", please specify:

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

() Yes, please indicate the age of retirement:

(X) No, please specify the duration of the appointment: Not defined by law

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

8.1.2 Activities/scope of competence

171-1. Which debtor's information can the enforcement agent access at the beginning of the enforcement procedure?

	Access to information	Direct electronic access to information
Address	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No
Date of birth	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No
Civil status	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No
Cohabitant	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No
Employer	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No
Motor vehicle	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No
Movable property	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No
Immovable property	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No
Bank account	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No
Other enforcement proceedings underway	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No
Insolvency proceedings (bankruptcy, judicial reorganisation, collective debt settlement etc.)	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No
Other	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No

Comments - If "other", please specify:

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

	Option
Seizure of movable tangible properties	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Preventive seizure of movable tangible properties	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of immovable properties	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Preventive seizure of immovable properties	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Seizure from a third party of the debtor claims regarding a sum of money	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of remunerations	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of motorised vehicles	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Eviction measures	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP

Seizures of boats and ships	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of aircrafts	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of electronic assets (e.g cryptocurrency)	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Enforced sale by public tender of seized properties	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Sale of shares	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments

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

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary or public auctions of moveable or immovable property
- Custody of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice

- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments

8.1.3 Training and ICT

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

- Yes
- No

Comments

172-2. Do you have an e-learning training system established for enforcement agents?

- Yes
- No

Comments - If yes, please specify:

172-3. Does the content of the continuous training system also include ICT (related to enforcement procedures)?

- Yes
- No

Comments - If yes, please specify:

172-4. Have an electronic service of documents or electronic notifications been introduced in your country?

- Yes
- No

Comments

172-5. Does the development of new technologies have an effect on the different stages of the enforcement procedure?

- Yes
- No

Comments - Please explain:

8.1.4 Fees

174. Are enforcement fees easily established and transparent for parties?

- Yes

() No

Comments

175-1. Are the fees charged in case of successful enforcement proceedings freely negotiated?

() Yes

(X) No

Comments

175-2. Who has to pay these fees if the enforcement proceedings are successful?

[X] The debtor

[] The creditor

[] Other – please specify

Comments

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

(X) Yes

() No

Comments 1. For enforcement activities as well as the legal advice and technical work related to it, a private bailiff receives a fee - amount, the method of payment and the conditions of which are defined by the agreement made with interested party.

2. The reimbursement of the fee paid or to be paid by the creditor is the obligation of the debtor and it is recovered together with the claim to be enforced. The debtor cannot be obliged to pay a fee more than the maximum amount indicated in the article 38 of this law.

3. From the amounts received by Enforcement Bureau for rendering the auction services to a private bailiff:

a) The fee paid by the creditor within the limits of the maximum amount indicated in the article 38 of this law will be transferred to the creditor. The creditor will also receive the claim recovered.

b) The fee to be paid by the creditor within the limits of the maximum amount indicated in the subparagraph “a” of this paragraph will be transferred to the private bailiff in proportion to the claim recovered.

The amount of fee to be paid related to the matters of monetary levy should not exceed 7% of enforcement request. The fee on the cases of the monetary levy should not be less than 50 GEL.

The fee for the enforcement of the cases on customs fee, fine imposed as an administrative sentence, compensation of damages, and/or penalty shall be determined as following:

a. Up to 100 GEL on cases of customs fee, fine imposed as an administrative sentence, compensation of damages, and/or penalty – 25% of the customs fee, fine imposed as an administrative sentence, compensation of damages, and/or penalty, but no less than 20 GEL;

b. 100-200 GEL on cases of customs fee, fine imposed as an administrative sentence, compensation of damages, and/or penalty – 20% of the customs fee, fine imposed as an administrative sentence, compensation of damages, and/or penalty, but no less than 30 GEL;

c. 200-500 on cases of customs fee, fine imposed as an administrative sentence, compensation of damages, and/or penalty – 10% of the customs fee, fine imposed as an administrative sentence, compensation of damages, and/or penalty, but no less than 40 GEL

d. 500 GEL and above on cases of customs fee, fine imposed as an administrative sentence, compensation of damages, and/or penalty – 7% of the customs fee, fine imposed as an administrative sentence, compensation of damages, and/or penalty, but no less than 50 GEL

7. On cases related to monetary levy while presenting the enforcement sheet by an enforcement

officer to National Bureau of Enforcement, the fee to be paid should not exceed 2% of enforcement request and should not be less than 50 GEL. The amount paid as a fee shall be returned to the creditor in proportion to the recovered request.

H0. Please indicate the sources for answering the questions in this part

Source: http://nbe.gov.ge/index.php?lang_id=ENG

Ministry of Justice of Georgia - National Bureau of Enforcement

8.1.5 Organisation of profession and efficiency of enforcement services

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

Yes

No

Comments

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

professional body

judge

Ministry of Justice

public prosecutor

other (please specify):National Bureau of Enforcement

Comments

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

Yes

No

Comments - If yes, please specify:

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

Yes

No

Comments - If yes, please specify: The General Inspection of the Ministry of Justice exercises the legal monitoring on the activities of the private bailiffs and the bailiffs of the National Bureau of Enforcement in view of ensuring their compliance with the relevant legislation, based on the information received from applications, complaints, and other kinds of citizens' reports.

The General Inspection identifies activities with possible violations of human rights and other lawful interests of citizens, activities or acts of misconduct, and other unlawfulness committed by the bailiffs of the National Bureau of Enforcement and private bailiffs, and conducts the proceedings respectively.

The PSG General Inspectorate is a competent body for investigating the allegations of corruption and attempts to influence in relation to

prosecutors. The report to the General Inspectorate can be made through any possible means of communication, including a written statement, e-mail, hotline and website (mkhileba.gov.ge). Even anonymous reports are acceptable. Notably, under the existing criminalization of corruption, offering a bribe or accepting such an offer is a complete corruption offense rather than the attempt.

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
- unethical behaviour of enforcement agent
- other (please specify):

Comments

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

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

Comments

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

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

Comments

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

Number of disciplinary proceedings initiated
--

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

Comments - If “other”, please specify: Total number of initiated disciplinary proceedings against private enforcement agents – 2 (unlawful act).

188. Number of sanctions pronounced against enforcement agents:

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

Comments - If “other”, please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons: According to the law, there are two kinds of sanctions for the private bailiff: warning or cancellation of enforcement licenses.

H1. Please indicate the sources for answering the questions in this part

Source: The Ministry of Justice

8.2. Execution of decisions in criminal matters

8.2.1 Functioning of execution in criminal matters



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

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

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions). The Special Penitentiary Service National Agency for Crime Prevention, Execution of Non-Custodial Sentences and Probation

National Bureau of Enforcement

Goals of the LEPL - National Agency for Crime Prevention, Execution of Non-Custodial Sentences and Probation of Ministry of Justice of Georgia include prevention of new crimes, execution of non-custodial sentences, ensuring public safety, and facilitating inmate re-socialization and rehabilitation. The goals of the Agency are fulfilled through offenders' risks and needs assessment, individual sentence planning, electronic monitoring (house arrest), community service, control over offenders, and other non-custodial sentences to support his/her re-socialization and rehabilitation and provision of assistance. The National Agency aims to reduce reoffending by establishing positive relationships with offenders. The Agency contributes to public safety and fair administration of justice. Source: Law 'On Crime Prevention, Execution of Non-Custodial Sentences and Probation'; Juvenile Justice Code; the Criminal Code; Law 'On Enforcement Proceedings.

<https://matsne.gov.ge/ka/document/view/21610?impose=translateEn&publication=26>

The Special Penitentiary Service is a state sub-agency within the system of the Ministry of Justice of Georgia. The executive bodies of imprisonment and deprivation of liberty are the Special Penitentiary Service and the penitentiary institutions subordinated to it. Source: Imprisonment Code, article 71 <https://matsne.gov.ge/ka/document/view/91612?impose=translateEn&publication=33> According to the law on Enforcement Proceedings, a court judgment of conviction in force delivered against a natural and/or legal person in a criminal case imposing a fine and/or deprivation of property as a measure of punishment is subject to enforcement carried out by the National Bureau of Enforcement.

Besides, the National Bureau of Enforcement is in charge of enforcing a decision of a foreign court, as well as of an International Criminal Court, the enforcement of which is provided for under the legislation of Georgia.

<https://matsne.gov.ge/ka/document/view/18442?impose=translateEn&publication=99>

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

- Yes
- No

Comments

191. If yes, what is the recovery rate?

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

Comments - Please indicate the source for answering this question:

9. Notaries

9.1. Profession of notary

9.1.1 Number, status and mandate of notaries

192. Number and status of notaries in your country.

	Total	Male	Female
TOTAL (1+2+3+4)	258 [] NA [] NAP	43 [] NA [] NAP	215 [] NA [] NAP
1. Private professionals (without control from public authorities)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Holders of public offices appointed by the State	258 [] NA [] NAP	43 [] NA [] NAP	215 [] NA [] NAP
3. Civil servants (paid by the State)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
4. Other	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If "Other", please specify the status, or if "holder of a public office appointed by the State", please indicate which ministry is mainly engaged in the appointment procedure:

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

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

Comments A notary is appointed to the position by the Minister of Justice. Any capable citizen with higher legal education, who has undergone internship (or has 5 year working experience at specialization) and passed a qualifying examination for notaries can be appointed to the position of a notary.

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

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

Comments - are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Based on the proposal of the Notary Chamber, the Minister of Justice may extend a notary's term of office for no more than 5 years after s/he becomes 65 years old.

9.1.2 Activities/scope of competences

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

Please select one option

Authentication	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Certification of signatures	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Legalisation of signatures / Apostille	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Legality control of documents	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Mediation	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Taking of oaths	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Non-contentious judicial procedures (e.g. acting as court commissioner in a successions file, performing divorce, division of estate, please specify)	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Act as civil servant (for example performing marriage, please specify)	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP

Other judicial functions (for example, payment orders)	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Public auctions	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Other (for example collect taxes, run registers etc.)	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If “other”, please specify. Please indicate any useful clarifications regarding the content of the notaries’ exclusive rights or, on the opposite, other bodies that also have competences for the listed activities.

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

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

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

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

9.1.3 ICT, organisation of the profession and training

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

- In their relations with the State (e.g. courts, registries, chambers of commerce, tax authorities)
- In their relations with their clients
- In their relations with other notaries (e.g. videoconferencing, system to exchange documents)

Comments

194-4. Which computerised registries can notaries consult?

- Land registry
- Business registry
- Civil status / Population registry
- Succession / Family law registry
- Any other registry (please specify)
- None

Comments

194-5. Are there registries/ registry infrastructures run by the notaries?

- Yes
- No

Comments - If yes, please specify: Electronic notarial registry

194-6. In which computerised registries can notaries modify data (either directly or by submitting an online request)?

	Directly modifying	Indirectly modifying by submitting an online request
Land registry	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Business registry	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Civil status/ Population registry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Succession / Family law registry	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Any other registry (please specify)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
None	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments

194-7. What ICT tools are used by notaries in their relations with clients?

- Videoconferencing (e.g. digital advice)
- Digital act
- Digital identification
- Digital archiving

Other, please specify

None

Comments

194-8. Who is responsible to run the digital archives?

Notariat / Professional body

Other public authority

Another entity (please specify)

Comments The National Archives of Georgia, <https://archive.gov.ge/en>

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

Yes

No

Comments

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

professional body

court

Ministry of Justice

public prosecutor

other (please specify):

Comments

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

Yes

No

Comments

196-2. Do notaries have training on:

	Yes	No
European law	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Law of another Member State (cross-border training programmes)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments - If yes, please indicate the types (e.g. traditional courses, e-learning, webinar) and the major topics of the training activities: Major trainings topics conducted for notaries include: German notary law, mediation in the European countries, national legislation on notariat, civil law [including family law, succession law], ethics of notaries, enforcement law, trainings on service standards, etc. The trainings are held through e-learning and seminars along with traditional courses.

I1. Please indicate the sources for answering the questions in this part

10. Court interpreters

10.1. Details on profession of court interpreter

10.1.1 Status of court interpreters

197. Is the title of court interpreters protected?

Yes

No

Comments

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

Yes

No

Comments The functions of a court interpreter are not regulated by law in detail. However, Article 213 of the Code of Civil Procedure of Georgia stipulates the obligation of the court to explain to the interpreter his/her duties to translate the explanations, testimonies, statements of persons who do not speak the language of the proceedings or have disability which excludes communication with them without sign language, as well as contents of explanations, testimonies, statements, documents published in court, court orders, rulings and decisions. see also comment under Q 200.

199. Number of registered court interpreters:

[]

NA

NAP

Comments

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

Yes

No

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

201. Are the courts responsible for selecting court interpreters?

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

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

J1. Please indicate the sources for answering the questions in this part

Sources: Data received from the High Council of Justice www.hcoj.gov.ge

11.Judicial experts

11.1.Profession of judicial expert

11.1.1Status of judicial experts



202. In your system, what types of judicial experts can participate in judicial procedures (multiple replies possible):

- Experts designated by the parties in support of their arguments but bound by a duty of independence and impartiality to the court
- Experts appointed by the court or other authority independent of the parties
- Other system of judicial expertise, please specify

Comments - Please specify who is proposing and appointing experts in an individual case. 1. If a judge has no specialized knowledge of a matter related to the case at hand, the court may, on its own initiative, order an expert examination at any stage of the hearing, only if clarification of this matter is essential to deciding the case, and if it is impossible to make a decision without it. In that case, the court shall deliver a reasoned judgement.

2. The parties may arrange expert examination independently from the court. In that case, an expert’s report shall be submitted to the court upon filing a claim or during the preparatory stage of the proceedings. When filing a claim (response), the party may request to be allowed a certain period of time for submitting an expert report.

202-1. Are there lists or any other form of official registration for judicial experts?

- Yes
- No

Comments There is no form of official registration of judicial experts. However there exists a specialized forensic institution - LEPL Levan Samkharauli National Forensic Bureau which was established on November 4, 2004. The Bureau is a government forensic agency, a Legal Entity under the Public Law and its operation is regulated by a government decree and other respective normative acts. The Bureau provides its services to the state and budgetary agencies; to private, commercial and non-commercial institutions, as well as to physical and legal entities/persons. The Bureau employs more than 400 qualified professionals, who are consistently trained and updated in various world leading forensic organizations/institutions. see <http://expertiza.gov.ge/>

202-1-1. If yes, at which level is the list established (multiple replies possible):

- national

administrative district or federal entity

judicial district

other

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

202-1-2. Are these lists publicly available?

Yes, available on the internet

Yes

No

Comments

202-2. Which authority is competent for the registration of judicial experts?

Ministry of justice

Courts

Administrative body

Independent body (association of judicial experts)

Other

Comments - Please also specify the registration criteria: There is no such institution.

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

Yes, for how long

No

Comments NAP

202-4. Can an expert who is not on the list or not registered be appointed in a case?

Yes

No

Comment - If yes, please specify in which cases: Pursuant to Article 166 of the Civil procedure Code of Georgia 1. If an expert of a specialized forensic institution is charged by a court with performing an expert examination, the court shall send to this institution its judgement on the appointment of an expert examination, as well as materials required for the examination.

2. After receiving a court judgement, the head of the expert institution shall entrust the performance of the expert examination to one or several employees of that institution.

3. Under the directions from the court, the head of the expert institution shall instruct the employees charged with performing the expert examination, about the rights and duties of an expert under Article 168, as well as the liability under the Criminal Code of Georgia for avoiding the provision of a report, for refusing to provide a report or for intentionally providing a false report. A signed statement to that effect shall be given by them and shall be submitted to the court along with an expert report.

Pursuant to Article 167 of the Civil procedure Code, if, by order of a court, an expert examination is performed at a non-specialised forensic institution, the court itself shall appoint an appropriate person as an expert. The court shall hand over the judgement on the appointment of an expert examination and all materials required for the performance of the examination directly to the person appointed as an expert. When handing over the judgement, the court shall check an expert's identity, speciality and qualification, instruct the expert on his/her rights and duties under Article 168 of this Code, and warn him/her against the liability under the Criminal Code of Georgia for refusing to provide an expert report, for avoiding the provision of an expert report, or for intentionally providing a false report. All these issues shall be recorded in a court judgement on the appointment of an expert examination; the

judgement shall be confirmed by the expert's signature.

203. Is the title of judicial experts protected?

Yes

No

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

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

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

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

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

Comments There is no continuous training requirement.

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

judicial proceedings

the profession of expert

other

Comments

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

Yes

No

Comments By Criminal Procedure Code

Article 51 – Experts

1. An expert shall be assigned all rights and obligations of a witness.
2. An expert shall be impartial regardless of the party that has summoned him/her.
3. It shall be impermissible to conduct an expert examination to prove the reliability of a witness.

Article 52 – Rights and obligations of an expert

1. An expert shall have the right to:
 - a) review materials required for expert examination, make notes and copies of the necessary information;
 - b) request the submission of additional materials; take a test sample of a (bullet) casing, a bullet or any other item during the examination; request from the person, who initiated the conduct of an expert examination, additional information required for the expert examination;
 - c) refuse to provide an expert opinion or to continue an expert examination, provided that the questions posed are outside the area of his/her expertise or the materials submitted are not sufficient for providing an expert opinion;
 - d) be present during an investigative action by permission of the person who initiated the expert examination, of an investigator, a

prosecutor or a court;

e) take part in the examination of evidence relating to the object of expert examination and to the expert examination;

f) use scientific-technical means, expert knowledge and experience for the purpose of detection, examination and demonstration of evidence.

2. An expert shall be obliged to:

a) include in the expert opinion the circumstance established during the expert examination about which the person who initiated the expert examination, and/or other authorised participants in proceedings have not asked questions;

b) safeguard the object of expert examination and return it after the expert examination to the person who initiated the expert examination, unless this object has been fully used up during the examination;

c) file for self-disqualification if there are relevant grounds provided for by law.

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

Yes

No

Comments - If yes, please specify: This obligation is regulated by Articles 35 and 31 of the Civil Procedure Code and Article 52.2.c of the Criminal Procedure Code.

205. Number of accredited or registered judicial experts:

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

Comments

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

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

Comments

205-1. Who defines the amount of the expert remuneration?

	In civil/administrative cases	In criminal cases
Defined by law/by-law or a special regulation	() Yes () No [X] NAP	() Yes () No [X] NAP
Defined by the court/judge	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Defined by Ministry of Justice or another ministry (setting a tariff for example)	() Yes () No [X] NAP	() Yes () No [X] NAP
Salary of public official (in case of forensic or another specialist – who is public employee)	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Freely agreed between expert and the parties	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Other	() Yes () No [X] NAP	() Yes () No [X] NAP

Comments - If other, please specify:

206. Are there binding provisions for judicial experts regarding:

	Yes	No
Deadlines to provide expertise	(X)	()
Quality of expertise	(X)	()
Other	(X)	()

[] NAP

Comments - If yes, please specify, and provide details in case there are possible sanctions: The rights and obligations of experts are regulated by procedural law. In case of incorrect report an expert may be subject to prosecution.

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

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

207-1. Does the judge or another body control the progress of the expertise?

() Yes

(X) No

If yes, please specify:

207-2. Are judicial experts’ associations involved in:

- Selection processes
- Initial or continuous training
- Disciplinary procedures
- NAP

Comments

K1. Please indicate the sources for answering the questions in this part

Sources: The Ministry of Justice of Georgia
Civil Procedure Code of Georgia
Criminal Procedure Code of Georgia
see also <http://expertiza.gov.ge/>

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1Reforms

208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there undergoing or foreseen reforms? If possible, please observe the following categories:

208-1. (Comprehensive) reform plans

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-2. Budget

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts (geographic locations), competences of the courts,

management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Selection and appointment of judges of the Supreme Court The constitutional reform of 2017 entitled the HCJ (instead of the President of Georgia) to select and nominate candidates of judges of the Supreme Court before the Parliament. Based on the legislative amendments of 2019, 2020 and 2021 years, the detailed procedure and the criteria for the selection of candidates of judges of the Supreme Court have been prescribed by the Organic law of Georgia on Common Courts. According to the amendments, the decisions of the HCJ throughout the selection process shall be based on the two main criteria of Integrity and Competence. The amendments have determined the obligation of the HCJ to conduct an open recruitment, determine applicants' eligibility, conduct background checks, and interview each candidate individually at a public hearing, in accordance with the principle of equal treatment towards all candidates. Following the interviews, the members of the HCJ evaluate all characteristics of integrity and competence with respect to each candidate. The scores obtained by the candidates, reasoning for these scores, evaluations of each characteristic of integrity and reasoning of these evaluations shall be published on the webpage of the HCJ together with the identities of the members of the HCJ. The legislative framework allows the candidates with the best results to be presented to the Parliament. In particular, the shortlist of candidates is determined by the HCJ according to their rating, i.e. candidates who have gained the highest scores in competence criterion move to the next stage of selection. Noteworthy, only those candidates are put on the shortlist who gain at least 70% of the total scores available under the competence criterion and at least 10 members of the HCJ consider the candidate to be complying with the integrity criterion. The candidates on the list are then voted individually. The candidate having the best result in competence criterion shall be voted in the first place, while other candidates are voted in sequence based on the same principle. The candidates with at least two-thirds of the members' votes gained via an open ballot are nominated to the Parliament of Georgia. If any of the candidates fails to receive the mentioned majority of votes, the remaining candidates shall not be voted. The nomination, the voting results, the decisions made by the members of the HCJ while voting and reasoning for these decisions shall be published on the webpage of the HCJ. Importantly, a member of the HCJ may render a dissenting opinion in a written form which shall be submitted to the Parliament and shall also be published on the webpage of the HCJ.

Noteworthy, the candidates have the possibility to challenge the decision of the HCJ at any stage of the selection process to the Qualification Chamber of the Supreme Court. Moreover, the amendments have introduced the possibility of a second and final appeal to the Qualification Chamber against the second decision of the HCJ. The nomination is followed by the interviews at a parliamentary committee. Those who receive a majority of votes of the full composition of the Parliament are finally appointed to the Supreme Court.

208-4. Access to justice and legal aid

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Law on the Rights of Persons with Disabilities Ministry of Justice elaborated the draft law on the rights of persons with disabilities to the Government of Georgia. The purpose of the legislative amendments was to improve the legal status of persons with disabilities, to create legislative safeguards for the protection of their rights and freedoms, and to reflect the basic principles and values of the UN Convention on the Rights of Persons with Disabilities in the Georgian legislation.

The law adopted in 2020, July 28, for the first time is a single legislative act specifying mechanisms for safeguarding the rights of persons with disabilities. The law imposes obligations for the protection of the rights of persons with disabilities on state and administrative agencies, defines the obligations of various bodies to timely prepare action plans for the effective implementation of the law within their competencies in health, education, civil integration, employment, social, political and economic areas, as well as, ensuring PWDs access

to all kinds of services.

The law introduces a new personal assistant service. This service is provided by municipalities and is purposed to assist PWDs to live independently. According to the law, municipalities also have other responsibilities: they must support the work of local organizations of persons with disabilities in which they themselves make decisions; They should also facilitate the introduction and development of information-counseling and other support services needed for the independent living of persons with disabilities.

One of most significant novelties of the new law is the approach to be shifted from a medical to a bio-psychosocial model whilst determining the status of a person with a disability. This approach covers a person's disability status and quality together with medical testimony, based on an assessment of his or her actual needs. Besides, the law introduces "Georgian Sign Language" as a means of communicating with deaf and hard of hearing persons in Georgia, and obliges the state to recognize it and to create all necessary preconditions for its proper use by those who need it.

The law also provides for regulations to ensure complete access to litigation for persons with disabilities. in this respect it is noteworthy that a "special plaintiff" institute is set up. Any organization with this status is able to defend the rights of persons with disabilities in court without any obstacles or additional powers.

A 15-year unified government strategy is being developed to establish real guarantees for the rule of law respectively. Based on the strategy, state agencies should develop action plans and take all necessary measures to fully meet their obligations during the same period consistently. In addition, an interagency coordination committee responsible for the implementation of the Convention on the Rights of Persons with Disabilities was set up at the governmental level. The law pays particular attention to public awareness-raising measures to increase the protection of the rights and dignity of persons with disabilities in the public and to create an environment free of discrimination and stereotypes. In conclusion, it should be mentioned that as a result of the constitutional changes implemented in 2018, guarantees for the protection and recognition of the rights of persons with disabilities were directly declared by the Constitution.

According to the article 11, para. 4 of the Constitution, the State shall create special conditions for persons with disabilities to exercise their rights and interests.

The action plan of the system of the Ministry of Justice was adopted on March 30th, 2021. It includes 4 strategic goals: •Further harmonization of Georgian legislation to UN Convention on the Rights of Persons with Disabilities; •Increased access to the services within the system of the Ministry of Justice;

•Further adaptation of infrastructure of system of the Ministry of Justice;

•Protecting rights of prisoners with disabilities, considering their specific needs. Each of these strategic goals consists of additional tasks, baselines and indicators of their fulfillment.

208-5. High Judicial Council

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: The constitutional reform of 2017 entitled the HCJ (instead of the President of Georgia) to select and nominate candidates of judges of the Supreme Court before the Parliament. Based on the legislative amendments of 2019, 2020 and 2021 years, the detailed procedure and the criteria for the selection of candidates of judges of the Supreme Court have been prescribed by the Organic law of Georgia on Common Courts. According to the amendments, the decisions of the HCJ throughout the selection process shall be based on the two main criteria of Integrity and Competence. The amendments have determined the obligation of the HCJ to conduct an open recruitment, determine applicants' eligibility, conduct background checks, and interview each candidate individually at a public hearing, in accordance with the principle of equal treatment towards all candidates. Following the interviews, the members of the HCJ evaluate all characteristics of integrity and competence with respect to each candidate. The scores obtained by the candidates, reasoning for these scores, evaluations of each characteristic of integrity and reasoning of these evaluations shall be published on the webpage of the HCJ together with the identities of the members of the HCJ. The legislative framework allows the candidates with the best results to be presented to the Parliament. In particular, the shortlist of candidates is determined by the HCJ according to their rating, i.e. candidates who have gained the highest scores in competence criterion move to the next stage of selection. Noteworthy, only those candidates are put on the shortlist who gain at least 70% of the total scores available under the competence criterion and at least 10 members of the HCJ consider the candidate to be complying with the integrity criterion. The candidates on the list are then voted individually. The candidate having the best result in competence criterion shall be voted in the first place, while other candidates are voted

in sequence based on the same principle. The candidates with at least two-thirds of the members' votes gained via an open ballot are nominated to the Parliament of Georgia. If any of the candidates fails to receive the mentioned majority of votes, the remaining candidates shall not be voted. The nomination, the voting results, the decisions made by the members of the HCJ while voting and reasoning for these decisions shall be published on the webpage of the HCJ. Importantly, a member of the HCJ may render a dissenting opinion in a written form which shall be submitted to the Parliament and shall also be published on the webpage of the HCJ.

Noteworthy, the candidates have the possibility to challenge the decision of the HCJ at any stage of the selection process to the Qualification Chamber of the Supreme Court. Moreover, the amendments have introduced the possibility of a second and final appeal to the Qualification Chamber against the second decision of the HCJ. The nomination is followed by the interviews at a parliamentary committee. Those who receive a majority of votes of the full composition of the Parliament are finally appointed to the Supreme Court.

208-6. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc.

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-7. Gender balance

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-8. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: Company law reform - New draft law on entrepreneurs Within the framework of the Private Law Reform Inter-agency Council, a new draft law of Georgia on Entrepreneurs had been processed, which aims to strengthen the role and purpose of law in entrepreneurial relations. For this reason, several articles are introduced, which, on the one hand, strengthens the principle of charter autonomy and on the other hand performs some sort of supervisory function in the process of using such autonomy. The draft law introduces dispositive provisions, through which the parties have the opportunity to better regulate corporate relationships and besides, in case of the absence of appropriate regulations in the charter, there will be a proper standard-setting basis, to avoid the legislative vacuum, which nowadays prevents the participants of this relationship and the court to duly review and resolve the case. Also, the draft law comprises the articles of the relevant EU regulations envisaged by the Association Agreement between Georgia and the European Union and its annexes and through this, aims to fulfill the obligations under the Association Agreement and Association Agenda.

The key principles of the law are as follows:

- The draft law defines "entrepreneur" and the activities that are not considered as entrepreneurial activities and then provide regulations related to the establishment of entities and the registration of individual entrepreneurs.
- To register entrepreneurship is necessary to submit a combined document, which is called an "incorporation agreement" according to the draft law. The founding document includes the articles of a charter and other information prescribed by law.
- The principle of publicity of data-related charter holding at the Registry and mandatory disclosure is enshrined in the draft law.
- Also, the functions and powers between the head/representative and supervisory bodies of the entity are given;
- All the issues related to the conflict of interest are clearly articulated, which currently has been regulated in a way that complicates establishing uniform case law so far.
- Besides, the concepts of contributions and subscribed capital are explained, as well as the procedures related to the transformation and liquidation of the entrepreneurial entity. The specific part of the draft includes detailed rules related to the functioning of each entrepreneurial entity such as open partnership, limited partnership, limited liability company, joint-stock company, and cooperative.
- It should be noted that the new draft law exhaustively sets the rules for accounting, reporting, and auditing by enterprises, which triggers more transparency regarding all kinds of entrepreneurial activities and economical transactions.

The Parliament of Georgia adopted the new draft law on Entrepreneurs in the first reading on May 28, 2021.

Insolvency proceedings reform

Law on Rehabilitation and the Collective Satisfaction of Creditors' Claims

Having learned various insolvency systems and considering international best practices, a new draft law on insolvency proceedings had been prepared. The law entered into force in September 2021 fundamentally differs from a previously existing law of Georgia on Insolvency Proceedings, by introducing new mechanisms and making the process more flexible and efficient, providing adequate protection of creditor rights, timely and efficient insolvency processes, and an effective rehabilitation framework in line with best international standards.

The main advantages of the new law are the following:

- Incentives for the rehabilitation of a debtor are provided by the law, such as introducing debtor in possession institution, the possibility of conversion of the bankruptcy proceeding into rehabilitation, suspension of a hearing a bankruptcy application until the decision on a rehabilitation application is made, etc.
- United Registry of insolvency practitioners has been established ensuring the high level of professionalism of case managers;
- The rights and responsibilities of case managers are prescribed by the law in detail to avoid vague and non-uniform practice etc.
- Participation of all creditors, including unsecured creditors, are ensured while voting on significant decisions for the company; •A certain amount of the claims of employees are given preference in satisfaction to other unsecured creditors;
- Flexible tools of selling insolvency property as an alternative to an auction will be provided by the law;
- A voluntary arrangement mechanism are introduced as a means of an out-of-court resolution of disputes etc.

Singapore Convention on Mediation

In August 2019 Georgia signed "The United Nations Convention on International Settlement Agreements Resulting from Mediation" ("the Singapore Convention on Mediation"). The Convention aims to create a unified and harmonized legal framework for the application and enforcement of international settlement agreements resulting from mediation. The convention is a legal instrument for facilitating international trade and promoting mediation as an alternative mechanism of resolving disputes. The Singapore Convention will promote the development of international trade and business relations, allowing the disputing parties to invoke and enforce the settlement agreements resulting from mediation in the member states of the Convention.

The Parliament of Georgia ratified the Convention and provided certain legislative amendments. The rules related to the recognition and enforcement of international mediation settlement have been determined. The changes will facilitate the development of mediation in Georgia as an alternative dispute resolution mechanism, ensuring the possibility of enforcing international mediation arrangements within the Georgian legislative framework. Hague Conventions In order to improve the cooperation of courts in civil and business cases, to simplify the rules and procedures of mutual legal assistance among countries and to settle civil and commercial disputes in a timely and effective way, the Hague Conventions of 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters and on the Taking of Evidence Abroad in Civil or Commercial Matters of 1970 were ratified by the Parliament of Georgia. Due to ratification all the relevant legislative changes were submitted to the Parliament.

To fully implement the 1965 Convention, the Ministry of Justice has developed amendments to the Civil Procedure Code of Georgia (adopted on March 30, 2021), which will fulfill the preconditions set by the Georgian legislation for accession to the Convention. A process of cross border legal assistance among Georgia and the other relevant states shall ensure improved cooperation between Georgian and foreign courts and other competent authorities in civil or commercial matters and facilitate the timely and effective resolution of civil/commercial cases.

208-9. Enforcement of court decisions and in particular regarding decisions against public authorities

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: New Enforcement Code

The main reason for the drafting of the Code of Enforcement is the absence of uniform, systematized legal documents in this field and the necessity of unification of the so-called mixed system. The Code of Enforcement establishes a completely new system. The draft law abolishes the institutes of the private bailiff and the bailiff of the National Bureau of Enforcement and instead of them sets up the Chambers of Bailiffs, where all bailiffs will be united under common regulations. The purpose of the draft law was to create a new, efficient system of enforcement, to simplify the enforcement proceedings, as well as to improve the existing services both - in the process of enforcement and beyond it and to offer the new services to the customers. In addition, the aim of the draft law is the maximum approximation and harmonization of the Enforcement Legislation of Georgia with the legislation of the European Union countries. •The new draft law (adopted by the Parliament at first reading in 2021, May 28) regulates the entire process of enforcement of enforceable documents;

- All kinds of the arrangement and activities of the Chamber of the Bailiffs of Georgia are determined; •The separation of the functions between the bailiffs of the National Bureau of Enforcement and private bailiffs will be abolished;
- As for the individual bailiffs, the jurisdiction of their activities will be determined upon appointment;
- Relevant Enforcement cases between bailiffs in the area of action will be distributed through an electronic distribution system. The National Bureau of Enforcement will retain its status within the Ministry of Justice as a legal entity of public law. The core power of the NBE will be to carry out the supervision on the activities of bailiffs in disciplinary, economic, and legal directions and provide the bailiffs all services necessary for enforcement activities in return for the relevant fee.

208-10. Mediation and other Alternative Dispute Resolution

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: ADR reforms

Recently much work was done to develop ADR mechanisms in Georgia. The legislation on arbitration came in full compliance with `UNCITRAL` Model Law and best practice. In December 2018 Georgia signed a Memorandum of understanding with International Court of Arbitration (ICC) according to which the parties will be exploring dispute resolution market in the region to encourage developing regional Arbitration Hub in Georgia. New Law on Mediation

In Georgia courts are overburdened with vast caseload. Mediation is thought to be one of the solutions to this problem. Through mediation, specially trained neutral experts help people solve their civil disputes in a fast and efficient manner without entering into lengthy and costly judicial proceedings. Now the time has come to institutionalize and expand mediation based on Georgian traditions, modern needs and international experience. European Union and UNDP, along with other international donors, have actively supported this process. Georgia already has a brand new `Law on Mediation` which will enter into force from January 1st, 2020. Key Objectives of the Legislative amendments were:

- Developing mediator's profession
- Setting up a strong and credible institutional framework for self-regulation of mediators
- Creating balanced supply and demand in mediation market
- Encouraging the resolution of disputes using mediation
- Reducing the existing backlog of cases in courts.

The Law applies to:

-Court-annexed mediation – a mediation process which takes place after a lawsuit is lodged with the court, when the court hands the case over to a mediator under the Civil Procedure Code. -Private mediation – an out-of-court mediation process which takes place based on a mediation agreement between the parties. The list of disputes subject to `mandatory mediation` in court has been expanded (labor disputes, property-disputes up to 20000 GEL (nearly 6000 Euros), some minor disputes with commercial banks on loan agreements, etc.). Each district (city) court and court of appeal will be obliged to implement and develop court-annexed mediation programs. Besides, If there is a mediation agreement between the parties, the court will not hear the case until the conditions agreed to in the mediation agreement are fulfilled. If there is no mediation agreement and any party refuses to resort to mediation, the judge:

- at a preparatory hearing, or

- through a phone conversation or video conference with the parties -

will be obliged to find out the reasons of such a refusal and explain to the parties the advantages and legal consequences of mediation. A settlement agreement resulting from mediation may be subject to enforcement via court. The Association of Mediators is established as a legal entity of public law which will be in charge of regulating and developing mediator`s profession.

208-11. Fight against crime

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-12. Prison system

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: In 2018, under the concept of `small government`, which was part of the Georgian government program, the functions and powers of the Ministry of Corrections and Probation of Georgia were transferred to the Ministry of Justice of Georgia and the Ministry of Justice of Georgia was considered the legal successor of the Ministry of Corrections and Probation. According to the law of Georgia `On changes to the Law of Georgia `On the Structure, Powers and Rules of Activity of the Government of Georgia` and the Law of Georgia `On changes to the Code of Detention` the Ministry of Corrections and Probation of Georgia was merged with the Ministry of Justice of Georgia and a state sub-agency - Special Penitentiary Service - operating within the system of the Ministry of Justice of Georgia was established. The scope of tasks and powers of the Special Penitentiary Service include: organizing the execution of imprisonment and deprivation of liberty under the rules determined by the legislation of Georgia, unified management of penitentiary institutions and ensuring their proper functioning; Protection of the rights of accused/convicts placed in penitentiary institutions; Within the scope of competence, prevention of new crimes and re-socialization-rehabilitation of convicts.

208-13. Child friendly justice

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: In September 20, 2019 the Code of the Rights of the Child was adopted. It went into effect on September 1, 2020.

The Code is based on a key principle: All legislative and administrative procedures should be developed and implemented with the primary consideration given to the best interests of the child. The Code defines best interests as “the interests of the child to well-being, safety, healthcare, education, development, social, moral and other interests which are given a priority by parents in accordance with this Code, the Constitution of Georgia, UN Convention on the Rights of the Child, its Optional Protocols and other international treaties as recognized by Georgia, assessing and considering the individual characteristics of the child and his/her views.”

The Code will guide how all state agencies, local government bodies, other administrative bodies and the Common Courts as well as public and private organizations work with and for children. In practice, that means that it provides legal guarantees that make it easier for children to independently exercise and protect their rights through child-friendly justice institutions and other mechanisms. The Code will fundamentally change how Georgian law treats children. Noteworthy new mechanisms—such as the Standing Parliamentary Council for Protection of the Rights of the Child—will be introduced to ensure systematic and coordinated work during the process of establishing the state policy on the rights of the child, improving the legislation, budgeting and parliamentary monitoring. The Code also envisages the creation of specific child rights protection and implementation mechanisms. For instance, it introduces a child-friendly justice system and creates a state system that ensures the welfare and safety of all children. The Code introduces family support programmes and completely bans corporal punishment in all settings. With its passing, the Code makes Georgia the 58th country in the world to completely prohibit corporal punishment.

208-14. Domestic violence

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-15. New information and communication technologies

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-16. Other

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: