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PART 2

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

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

Data collection: 2021

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

Part 2 (A) - Beneficiary profile - Georgia

Executive Summary - Georgia in 2021

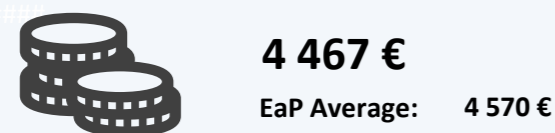
Population in 2021



GDP per capita in 2021



Average annual salary in 2021



Budget

In 2021, Georgia spent 39 406 943€ as implemented judicial system budget. This means that Georgia spent **10,7€ per inhabitant**, which is less than the EaP Average of 12,4€.

59,2% was spent for all courts, 36,2% for prosecution services, 4,6% for legal aid. Compared to 2020, Georgia has spent per inhabitant 22,9% more for courts, 28,1% more for prosecution services, and -6,6% less for legal aid.

The budgets spent per inhabitant in Georgia for all courts (6,3€), prosecution services (3,9€) and legal aid (0.5€) are **lower than the respective EaP Averages.**

Legal aid

In Georgia, legal aid includes legal advice, preparation of legal documents, representation in a court with respect to civil, administrative and criminal cases and in an administrative body. The implemented budget for legal aid spent in 2021 by Georgia was **0,49€ per inhabitant (below the EaP Average of 0,58€).**

In 2021, legal aid has been granted for 16 599 cases, which was 25,9% more compared to 2020. Legal aid was granted predominantly for criminal cases (10 846) in 2021.

On average, Georgia spent **108,4€ per case**, which is higher than the EaP average of 75,76€, while there were **0,45 cases for which legal aid has been granted per 100 inhabitants**, which is still

Efficiency

For the purpose of this Profile, the data of the 1st and 2nd instance courts is analysed. The Clearance Rates were below 100% in first instance courts, with the lowest CR (83%) in administrative cases. Consequently, the number of pending cases at the end of the year showed a considerable increase in **all categories of cases in first instance courts.** The **second instance courts** managed to keep the clearance rates above 100% in all categories of cases and generally showed positive efficiency trends in 2021.

Compared to 2020, the **Clearance Rates** increased in **all categories of cases** in 2021, except criminal law cases, seemingly catching up after the 2020 restrictions related to the public health crisis. Yet, in 2021 only civil and commercial litigious cases caught up with the level of 2018 Clearance rate in first instance. Second instance courts appear to have all gone slightly above the 2018 CR levels in all analysed categories of cases. The number of incoming and resolved cases increased significantly for almost all categories of cases in 2021 compared to 2020. Due to the Covid-19 pandemic there were severe restrictions on the work of courts in 2020 which resulted in a generally lower number of cases in that year. The lifting of Covid-19 restrictions led to consequent increase of incoming and resolved cases that can be observed in 2021 for most of the case categories. The CR and DT in first **instance courts** seem to signal potential courts' efficiency difficulties in time, if no measures are applied.

In 2021, the **Clearance Rates are lower than the EaP** respective averages, except in criminal law cases in first instance courts. Compared to the EaP Averages, in Georgia **the Disposition Time** is considerably lower in criminal law cases (138 days vs 200 days EaP average), while it is higher in civil and commercial litigious cases (326 days vs 172 EaP average) and administrative cases (463 days vs 278 EaP average) in **first instance courts.** In **second instance courts**, compared to EaP Averages, the DT in Georgia is higher in civil and commercial litigious cases (183 days vs 98 EaP), higher in criminal cases (83 days vs 77 EaP) and is almost on a par on administrative cases (145 days vs 143 EaP).

In Georgia, there are quality standards determined for the judicial system at national level. In Georgia, there is a system to annually evaluate the court performance based on the monitored indicators. This evaluation of the court activities is reportedly used for the allocation of resources within the courts by identifying the causes of improved or deteriorated performance, reallocating resources (human/financial resources based on performance) and by reengineering internal procedures to increase efficiency.

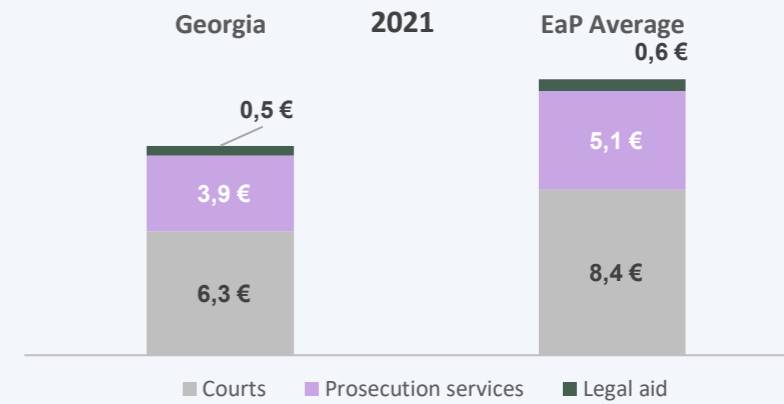
**The CEPEJ has developed two indicators to measure court's performance: clearance rate and disposition time.

Clearance Rate (CR) is the ratio obtained by dividing the number of resolved cases by the number of incoming cases in a given period, expressed as a percentage. It demonstrates how the court or the judicial system is coping with the in-flow of cases and allows comparison between systems regardless of their differences and individual characteristics. Its key value is 100%. A value below 100% means that the courts were not able to solve all the cases they received and, as a consequence, the number of pending cases increases. A CR above 100% means that the courts have resolved more cases than they received (they have resolved all the incoming cases and part of the pending cases) and, as a consequence, the number of pending cases decreases.

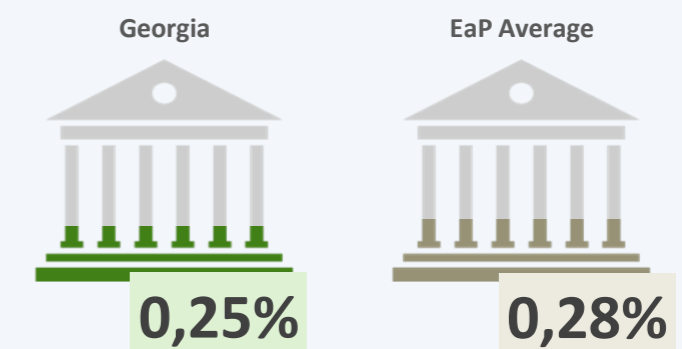
Disposition Time (DT) is the indicator that calculates time necessary for a pending case to be resolved and estimates the lengths of proceedings in days. It is a ratio between the pending cases at the end of the period and the resolved cases within the same period, multiplied by 365 days. More pending than resolved cases will lead to a DT higher than 365 days (one year) and vice versa.

Budget of the Judicial System

Implemented Judicial System Budget per inhabitant in



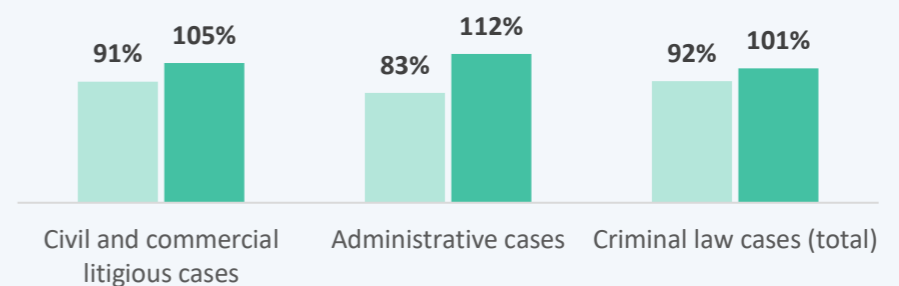
Implemented Judicial System Budget as % of GDP in 2021



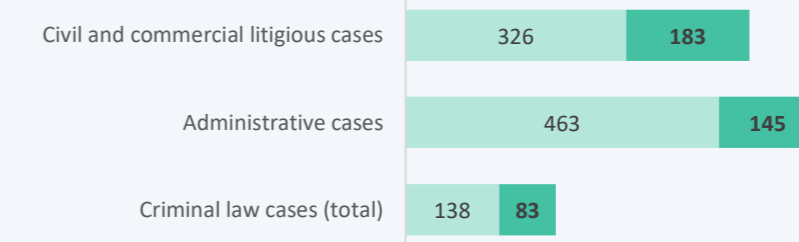
Efficiency

1st instance 2nd instance

Clearance rate in 2021 (%)

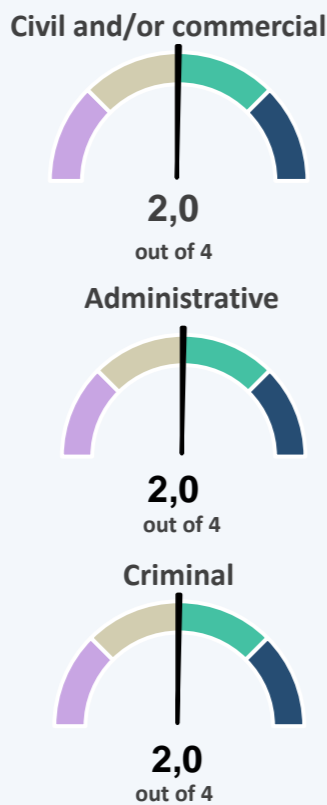


Disposition time in 2021 (in days)



CMS index (scale 0-4)

The Case Management System (CMS) Index is an index from 0 to 4 points calculated based on five questions on the features and deployment rate of the CMS of the courts of the respective beneficiary. The methodology for calculation provides one index point for each of the five questions for each case matter. The points regarding the four questions on the features of the CMS (status of cases online; centralised or interoperable database; early warning signals; status of integration with a statistical tool) are summarized while the deployment rate is multiplied as a weight. In this way if the system is not fully deployed the value is decreased even if all features are included to provide an adequate evaluation.



Electronic case management system and court activity statistics

The current Case Management System (CMS) has been developed more than 10 years ago in Georgia. The CMS is deployed in all courts at 100% deployment rate and for all types of cases. The CMS index for Georgia is 2.0 for each type of cases (civil and/or commercial, criminal and administrative), which is lower than the EaP averages (2.5 for civil and/or commercial cases, and 2.4 for administrative cases and criminal cases, respectively). There was no IT Strategy for the judiciary in 2021. However, plans for a significant change in the IT system in the judiciary, including a concept and vision thereon, have been reportedly initiated. Additionally, the Information Technology Service of the High Council of Justice of Georgia is working on the development of a new CMS.

In Georgia there is a centralised national database of court decisions in which all judgments for all instances are collected, with anonymised data. This case-law database is available for free online. There are no links with ECHR case law (hyperlinks which reference to the ECHR judgments in HUDOC database) in this database. The Georgian Court system has two main websites for the publication of court decisions: (1) www.ecd.court.ge - where all decisions by all courts had been automatically published (with anonymised data); (2) www.supremecourt.ge - where all decisions by the Supreme Court of Georgia are published.

Trainings

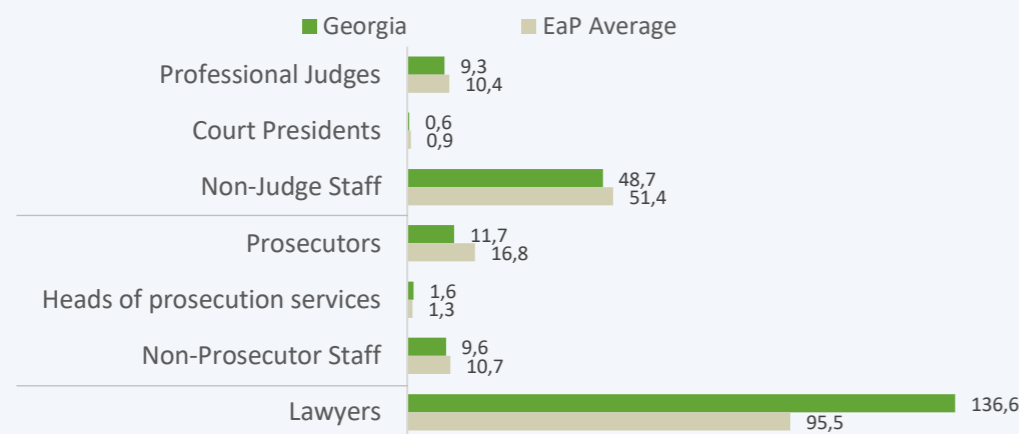
In 2021, the total budget for training of judges and prosecutors in Georgia was **0,09€ per inhabitant, lower than the EaP Average of 0,19€ per inhabitant**. In 2021, 2 757 participants (of which 723 judges and 991 prosecutors) were trained in 211 delivered live trainings (in-person, hybrid or video conferences). The average number of participants per training was 13,1, which was **less than the EaP Average (15,2)**.

ADR (Alternative Dispute Resolution)

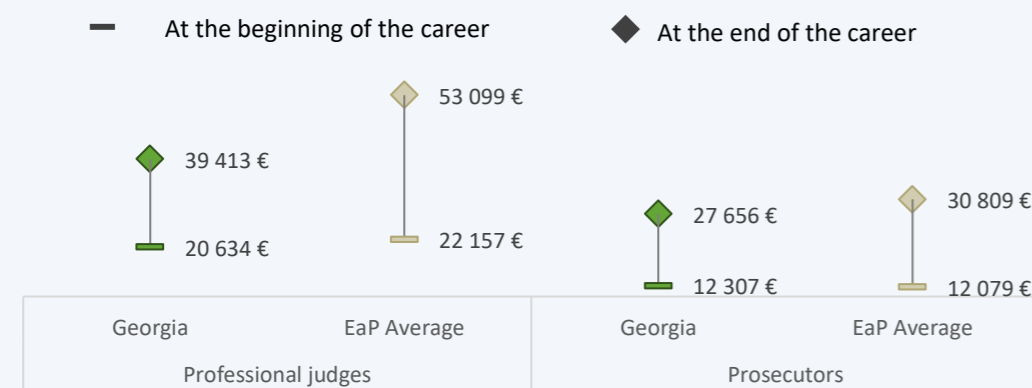
In Georgia, court-related mediation procedures are available and legal aid for court-related mediation can be granted. The judicial system provides for mandatory mediation with a mediator ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding. There was a notable increase of the numbers of mediators (+ 158,5% compared to 2020) in Georgia due to the promotion of the profession. Still the number of mediators per 100 000 inhabitants was 3,7 in Georgia, which was considerably below the EaP average (11,2). The majority of the mediators were women (62,8%). The data on the number cases for which the parties agreed to start mediation and mediation procedures which ended with a settlement agreement was partly available in 2021. There are no mandatory information sessions, but, according to the recommendation of the judge and if all parties agree, it is possible to try online or face-to-face mediation sessions.

Professionals of Justice

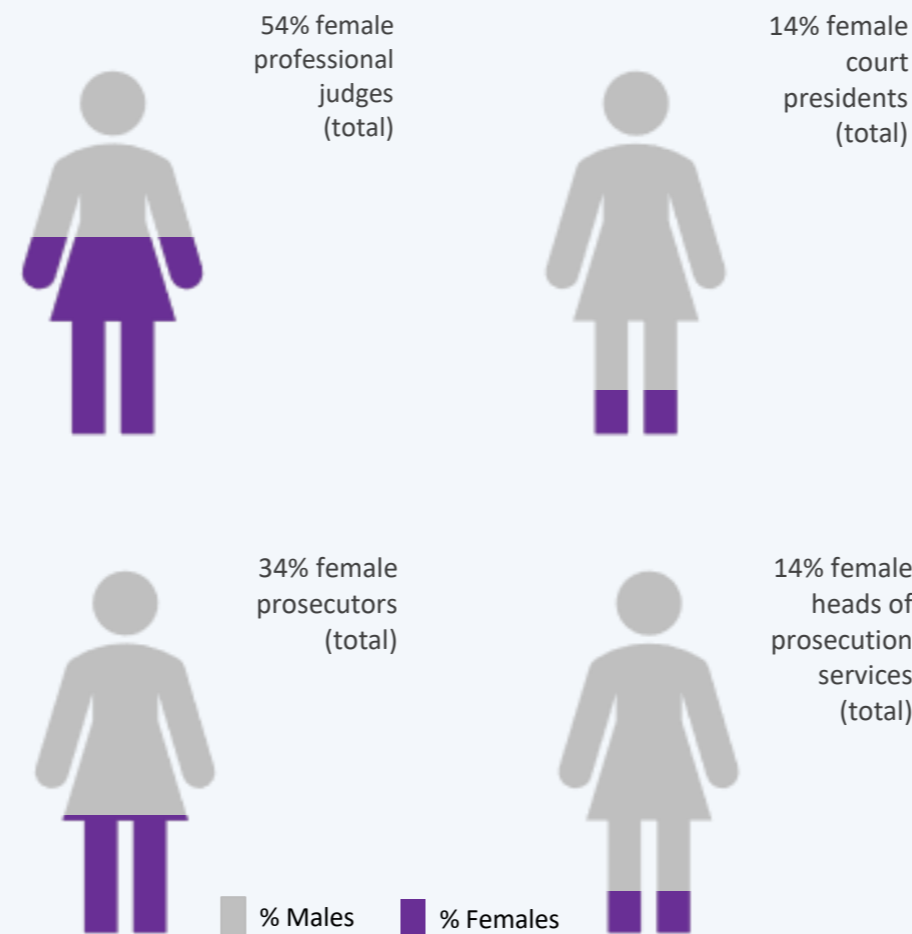
Total number of professionals per 100 000 inhabitants in 2021



Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2021 (€)



Gender Balance



Professionals and Gender Balance

In 2021, Georgia had **9,3 professional judges**, which is lower than the EaP Average (10,4), and **11,7 prosecutors**, which is again lower than the EaP Average (16,8) per 100 000 inhabitants. The number of **lawyers** was 136,6 per 100 000 inhabitants, which is higher than the EaP Average of 95,5.

54% of **professional judges were women**, which was higher than EaP Average (41%). The decrease of the percentage of female professional judges is observed from first instance to the Supreme Court, indicative of glass ceiling. Moreover, there were only 14% female court presidents. The percentage of **female prosecutors** was 34%, which was higher than the EaP Average of 25%. Only 14% of heads of prosecution offices were female, still higher than the EaP Average of 8%, where the glass ceiling is even more apparent.

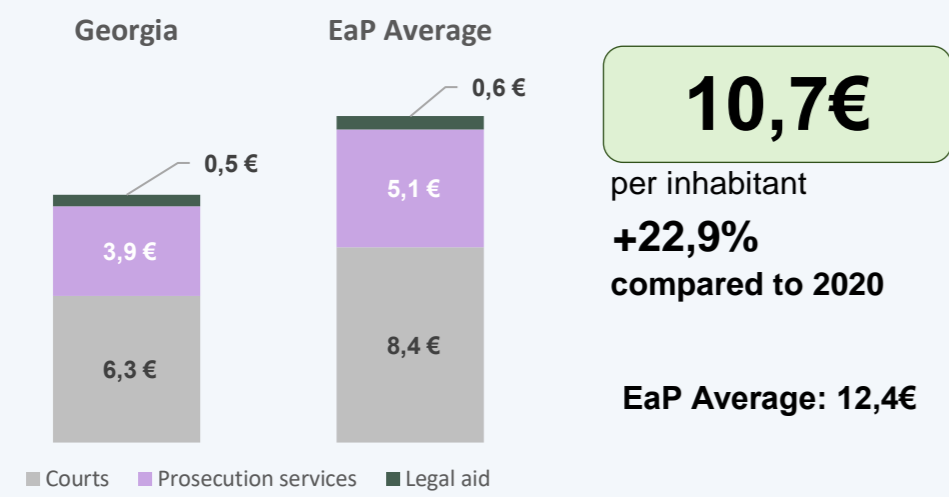
ECHR

In 2021, there were 120 applications against Georgia allocated to a judicial formation of the European Court of Human Rights (i.e. -10 less than in 2020). 12 judgements by the ECHR found at least one violation for Georgia, similarly to 2020. The number of cases considered as closed after a judgement of the ECHR and the execution of judgements process was 2 in 2021; down from 7 in 2020.

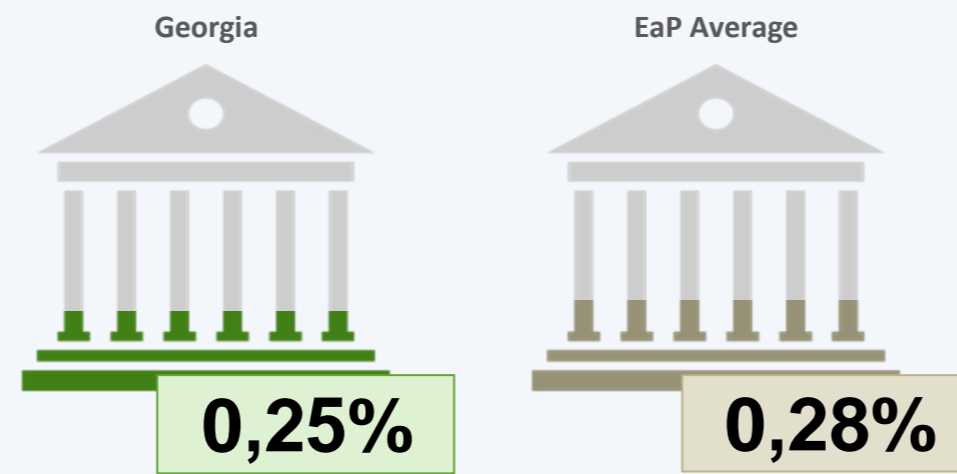
Both under criminal and civil procedural legislation it is possible to review a case if there is a final judgement of the ECHR. The monitoring system for violations related to Article 6 of ECHR for civil procedures (non-enforcement and timeframe) and criminal procedures is reportedly in place.

Budget of the judicial system in Georgia in 2021 (Indicator 1)

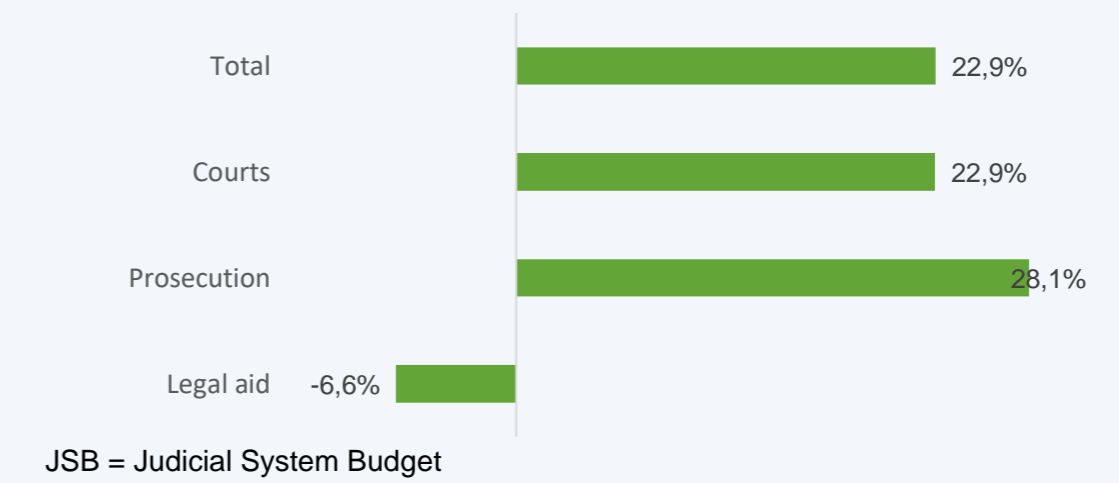
Implemented Judicial System Budget per inhabitant



Implemented Judicial System Budget as % of GDP



% Variation of the JSB per inhabitant between 2020 - 2021



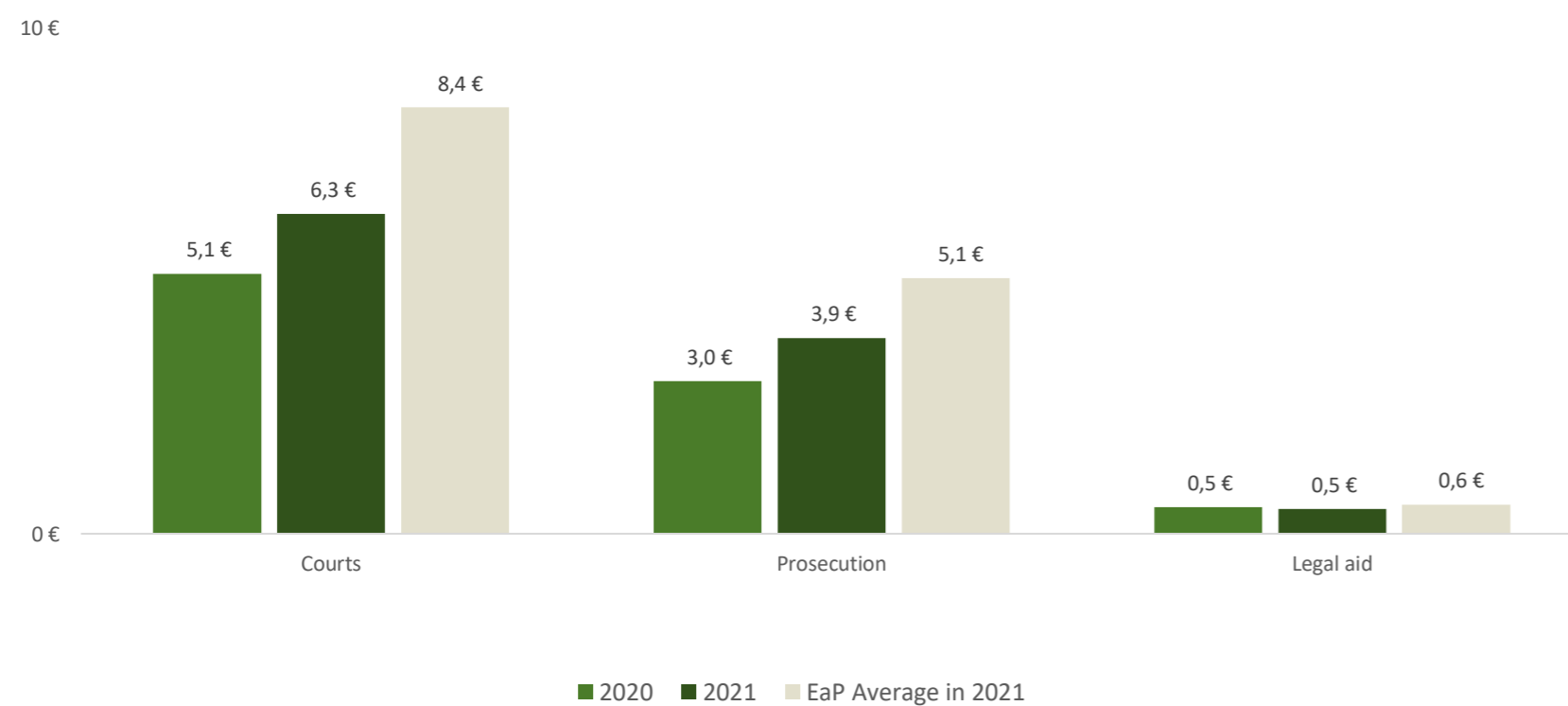
The Judicial System Budget (JSB) is composed of the budgets for courts, public prosecution services and legal aid. In 2021, the implemented JSB for Georgia was 10,7€ per inhabitant (+22,9% compared to 2020). It was still lower than the EaP Average of 12,4€. The expenditure on JSB represented 0,25% of the GDP of Georgia (the EaP Average was 0,28%) in 2021. Compared to 2020, Georgia has spent 22,9% more for courts, 28,1% more for prosecution services, and -6,6% less for legal aid per inhabitant.

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

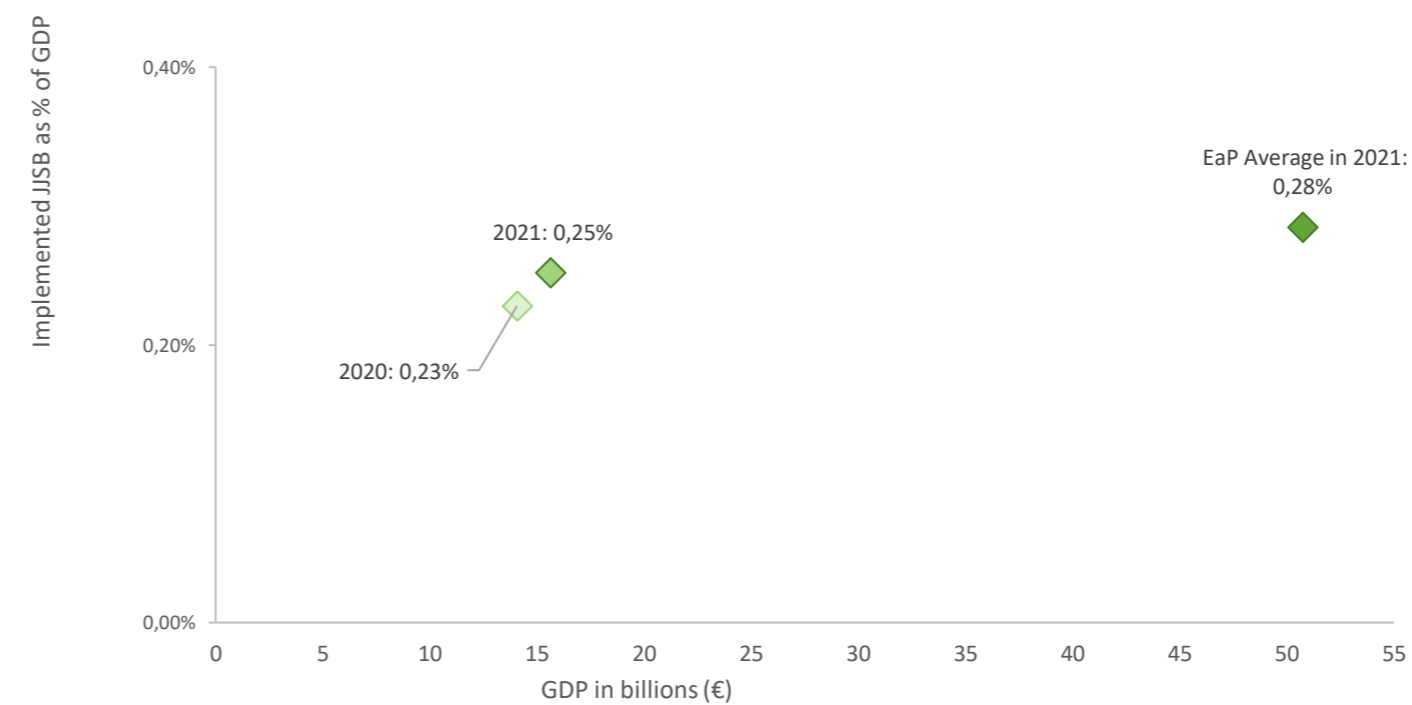
In 2021, Georgia spent 39 406 943€ on the implemented judicial system budget. 59,2% was spent for courts, 36,2% for prosecution services, 4,6% for legal aid.

Judicial System Budget	Judicial System Budget in 2021		Implemented Judicial System Budget per inhabitant			Implemented Judicial System Budget as % of GDP		
	Approved	Implemented	Per inhabitant in 2021	EaP Average in 2021	% Variation between 2020 - 2021	As % of GDP	EaP Average in 2021	Variation (in ppt) 2020 - 2021
Total	40 650 532 €	39 406 943 €	10,7 €	12,4 €	22,9%	0,25%	0,28%	0,02
Courts	24 501 901 €	23 322 858 €	6,3 €	8,4 €	22,9%	0,15%	0,16%	0,01
Prosecution	14 334 200 €	14 284 300 €	3,9 €	5,1 €	28,1%	0,09%	0,11%	0,01
Legal aid	1 814 431 €	1 799 785 €	0,5 €	0,6 €	-6,6%	0,012%	0,013%	-0,002

Implemented judicial system budget per inhabitant between 2020 and 2021 (€)



Implemented Judicial System Budget as % of GDP between 2020 and 2021



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

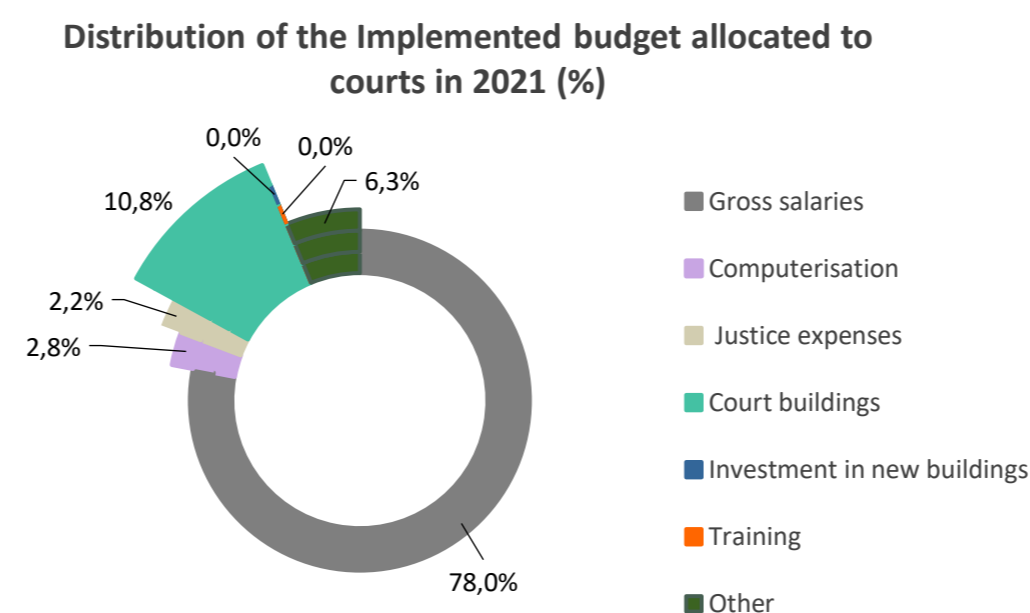
In 2021, the JSB per inhabitant in Georgia continues to be below the EaP median on courts and on prosecution. In 2021, it was also slightly below in EaP Average in respect of legal aid.

Budget allocated to the functioning of courts

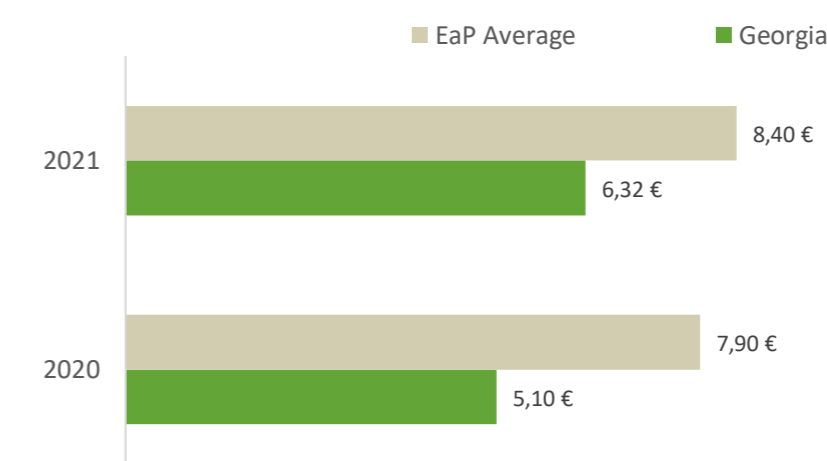
In 2021, Georgia spent 23 322 858€ as implemented budget for courts. 78% was spent for gross salaries, 10,8% for court buildings, 6,3% for Other (business trips; uniforms; vehicles fuel, repairs and insurance; judges' apartment rent), 2,8% for computerisation, 2,2% for justice expenses. Georgia spent 6,32€ on courts per inhabitant, which was lower than the EaP Average per inhabitant in 2021.

Compared to 2020, the implemented budget for courts has increased by 21,6%. The most notable increases account for Computerisation (+32,7%); Salaries (+30%); Court buildings (+30%) and Justice Expenses (+18,6%). The budget for new courts has not been spent as the construction of the new building of the Tbilisi City Court did not start as planned in 2021. The budget for trainings is transferred to the High School of Justice of Georgia (see Training).

	2021		% Variation between 2020 and 2021	
	Approved budget	Implemented budget	Approved budget	Implemented budget
Total (1 + 2 + 3 + 4 + 5 + 6 + 7)	24 501 901 €	23 322 858 €	7,9%	21,6%
1. Gross salaries	18 619 445 €	18 193 508 €	14,4%	30,1%
2. Computerisation (2.1 + 2.2)	650 234 €	644 118 €	25,4%	32,7%
2.1 Investment in computerisation	472 014 €	470 956 €	33,0%	46,2%
2.2 Maintenance of the IT equipment of courts	178 220 €	173 162 €	8,8%	6,1%
3. Justice expenses	573 330 €	509 041 €	1,4%	18,6%
4. Court buildings	2 827 204 €	2 518 416 €	36,9%	30,0%
5. Investment in new buildings	318 653 €	0 €	-50,9%	-100,0%
6. Training	0 €	0 €	-100,0%	-100,0%
7. Other	1 513 035 €	1 457 775 €	-38,6%	-33,0%



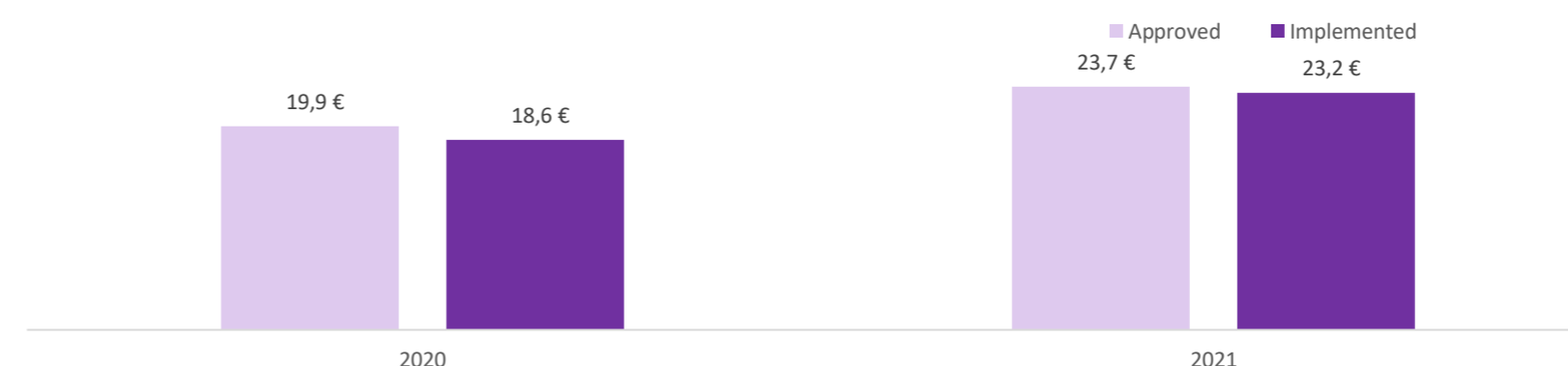
Implemented budget allocated to courts per inhabitant between 2020 and 2021 (€)



Budget allocated to the whole justice system

Whole Justice System Budget	2021		% Variation of the Whole Justice System Budget per inhabitant 2020 - 2021
	Absolute number	Per inhabitant	
Approved	87 560 942 €	23,7 €	19,5%
Implemented	85 452 500 €	23,2 €	24,7%

Whole Justice System Budget between 2020 and 2021 (€ per inhabitant)



The whole justice system budget includes the following elements in 2021:

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

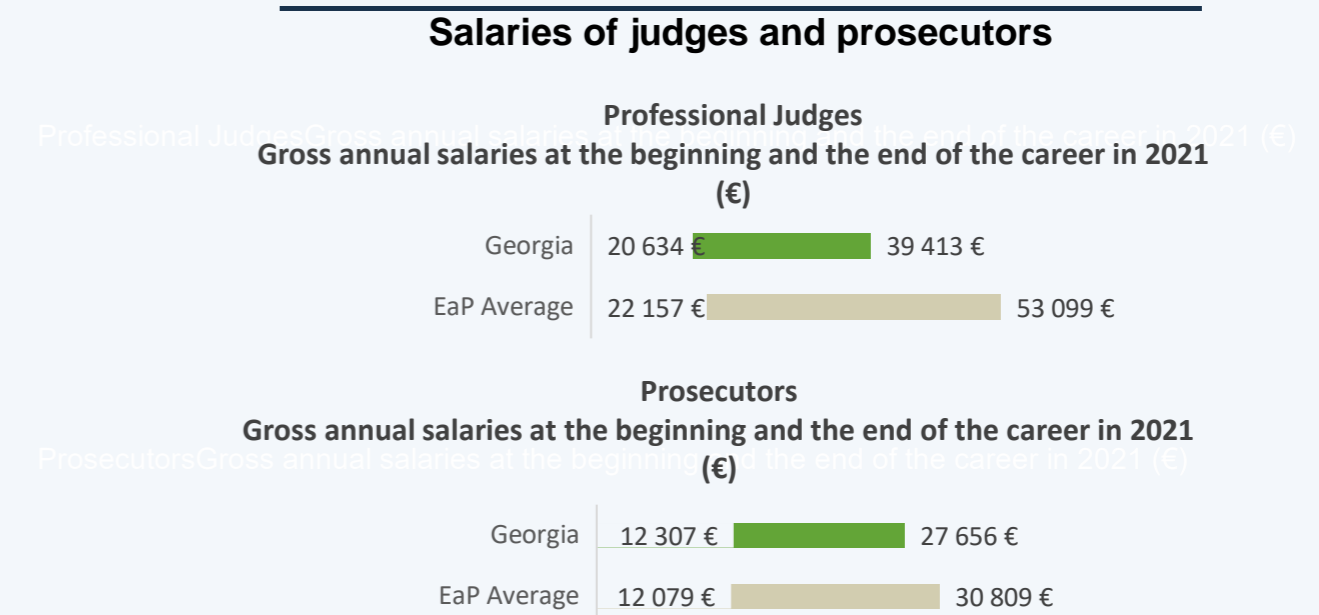
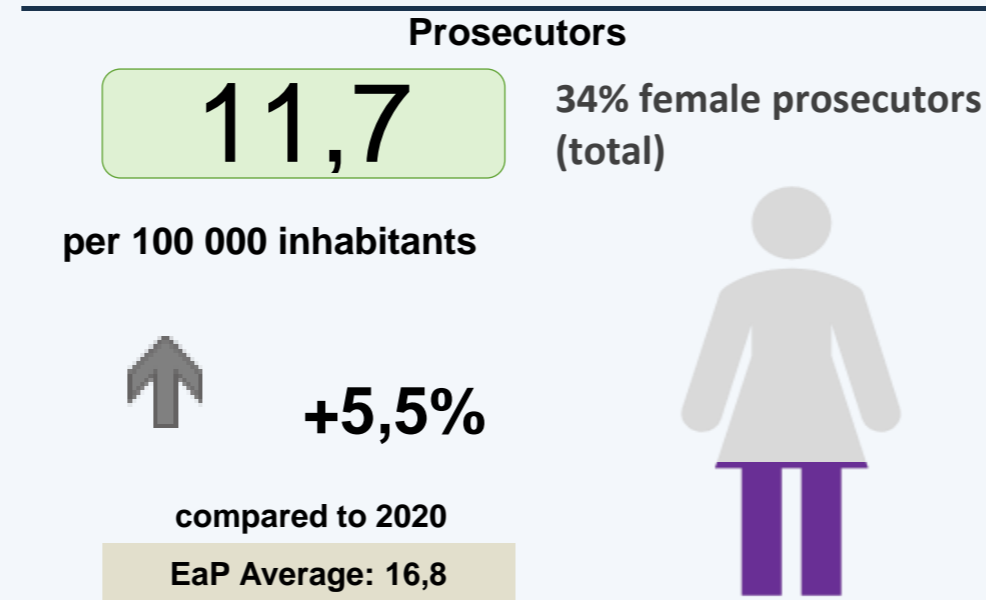
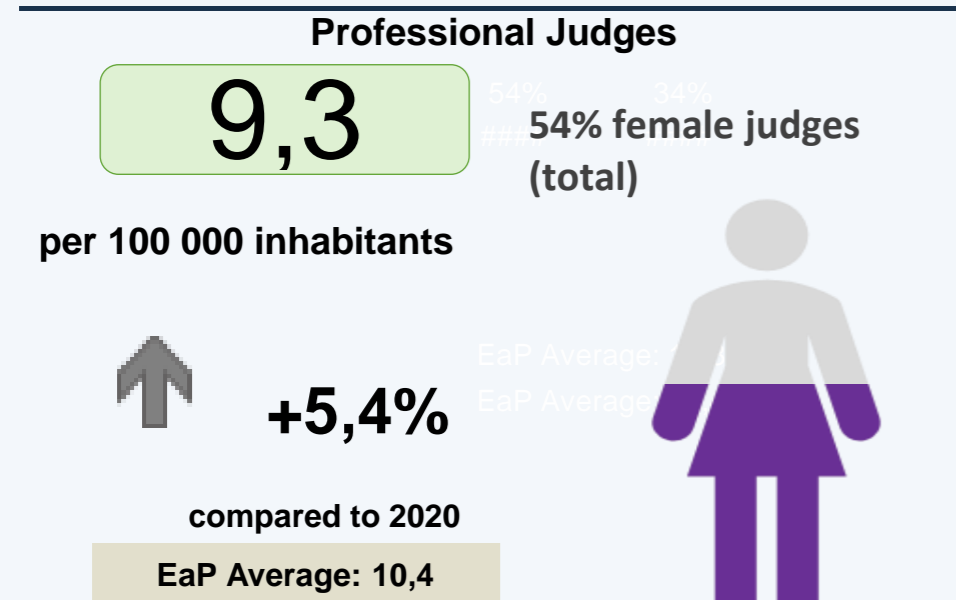
In 2021 the budget implemented for the whole justice system increased by 24,7% compared to 2020. The implemented whole judicial system budget per inhabitant increased by 4,6 PPT in 2021 compared to 2020. The elements of the whole justice system budget remained the same as in 2020.

• Budget received from external donors

	Absolute value	Calculated as %
Courts	NA	NA
Prosecution services	NA	NA
Legal aid	NA	NA
Whole justice system	NA	NA

Authorities reported that the Council of Europe, the European Union, and the US Embassy in Georgia support the Judicial System and PSG in capacity-building activities. They are directly managing their expenses, without the Court system and PSG involvement. For this reason, information on the amount spent by donors for the Courts and PSG is not available. The following data from the Legal Aid Service has been made available for 2021: External Donor Funds 92 132 Euros (Source: contracts and memorandums between the Legal Aid Service and international organizations).

Professionals and Gender Balance in judiciary in Georgia in 2021 (Indicators 2 and 12)



In 2021, Georgia had 9,3 professional judges per 100 000 inhabitants and 11,7 prosecutors per 100 000 inhabitants. Both figures were below the EaP Average of 10,4 and 16,8, respectively. 53,9% of professional judges were women (which is above the EaP Average of 41,2), whereas the percentage of female prosecutors was 33,6% (again above the EaP Average of 25,3).

Professional Judges

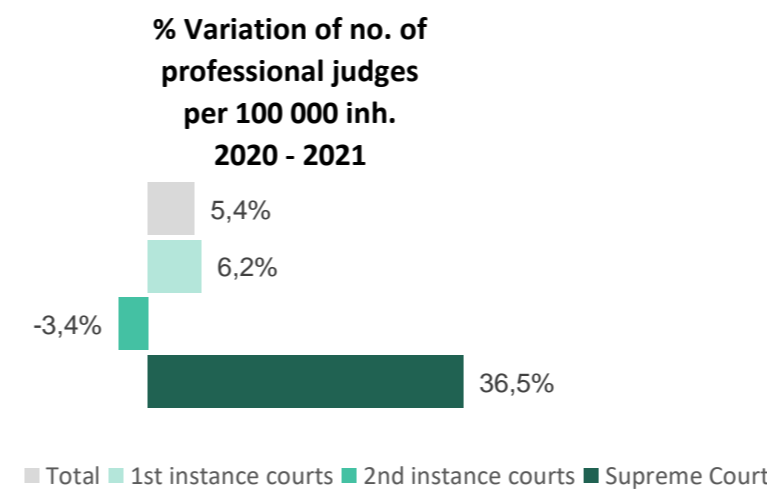
	Professional judges in 2021			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	343	100,0%	9,3	10,4
1st instance courts	230	67,1%	6,2	7,7
2nd instance courts	86	25,1%	2,3	2,1
Supreme Court	27	7,9%	0,7	0,6

For reference only: the 2021 EU median is 24,1 judges per 100 000 inhabitants.

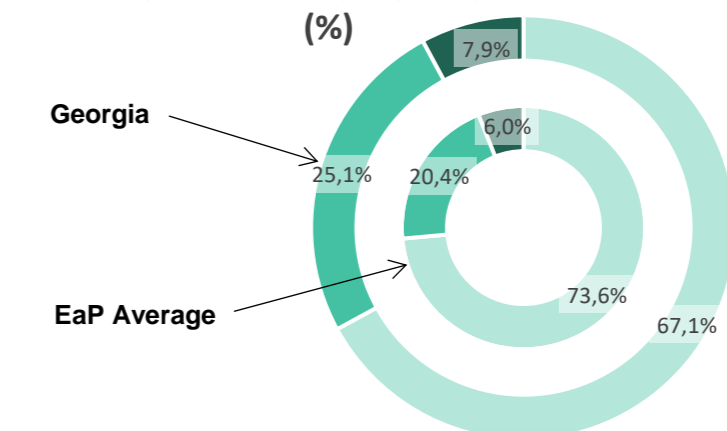
In 2021, the absolute number of professional judges in Georgia was 343 (i.e. 9,3 per 100 000 inhabitants, which was lower than the EaP Average of 10,4).

Compared to 2020, the total number of professional judges per 100 000 inhabitants increased by 5,4%, mainly on the account of increase in the Supreme Court (by 36,5%) and 1st instance courts (by 6,2%).

The figures show a difference of 6,5 percentage points between the percentage of judges in the first instance (67,1%) and the EaP Average (73,6%)



Distribution of professional judges by instance in 2021 (%)

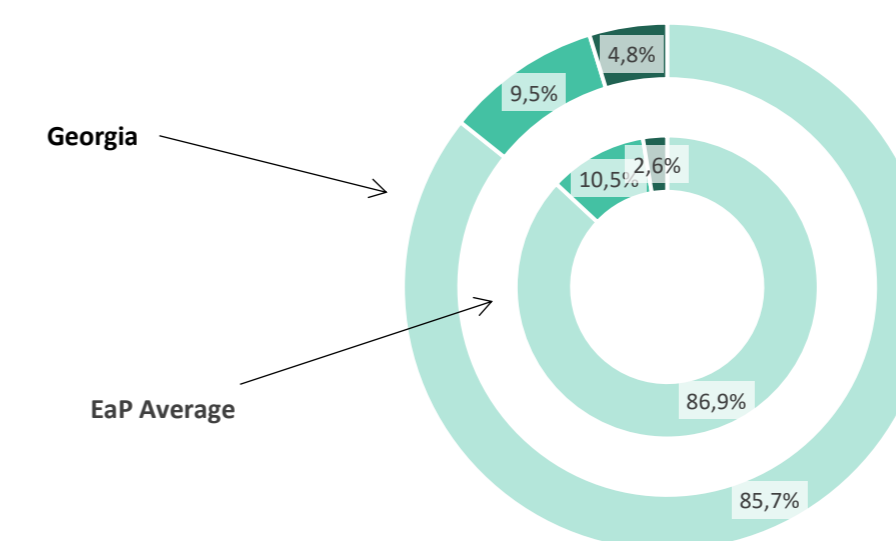


Court presidents

	Court presidents in 2021			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	21	100,0%	0,6	0,9
1st instance courts	18	85,7%	0,5	0,8
2nd instance courts	2	9,5%	0,1	0,1
Supreme Court	1	4,8%	0,03	0,02

The absolute number of court presidents in Georgia in 2021 was 21 (i.e. 0,6 per 100 000 inhabitants, which was below the EaP Average of 0,9). In six District Courts, the positions of Court Presidents were vacant in 2021 (all judges in these courts are in probation period, thus they could not have been appointed as Court Presidents). According to the legislation, the judges with the longest experience perform the duties of the Court President (and they were all females in 2021).

Distribution of court presidents by instance in 2021 (%)



• Non-judge staff

The absolute total number of non-judge staff in Georgia was 1 798, which increased by 13,4% between 2020 and 2021. The number of non-judge staff per 100 000 inhabitants was 48,7, which was below EaP Average of 51,4.

Compared to 2020, there was no significant variation in the distribution of non-judge staff among instances in 2021.

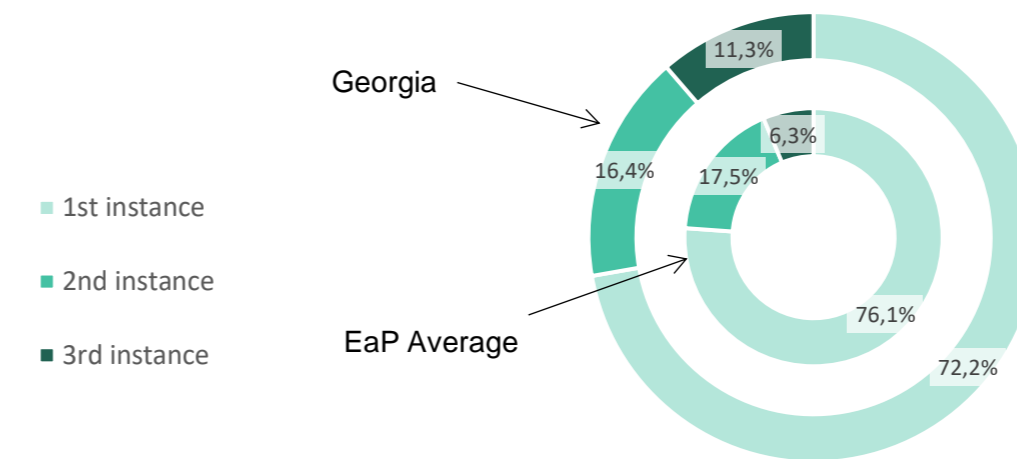
The highest number of non-judge staff were technical staff (46,6% of the total), followed by staff assisting the judge (45,4% of total).

Number of non-judge staff by instance in 2021				
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	1 798	100%	48,7	51,4
1st instance courts	1 299	72%	35,2	39,2
2nd instance courts	295	16%	8	8,7
Supreme Court	204	11%	5,53	4,18

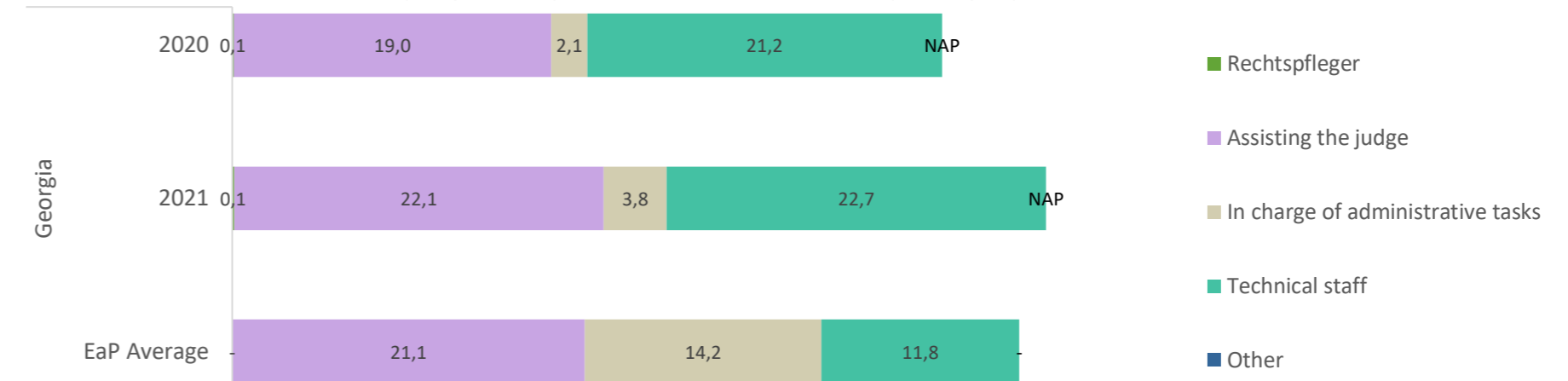
For reference only: the 2021 EU median is 58,5 non-judge staff per 100 000 inhabitants.

Number of non-judge staff by category in 2021				
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	1 798	100,0%	48,7	51,4
Rechtspfleger	4	0,2%	0,1	-
Assisting the judge	817	45,4%	22,1	21,1
In charge of administrative tasks	139	7,7%	3,8	14,2
Technical staff	838	46,6%	22,7	11,8
Other	NAP	NAP	NAP	-

"Distribution of non-judge staff by instance in 2021"



Number of non-judge staff per 100 000 inhabitants by category between 2020 and 2021



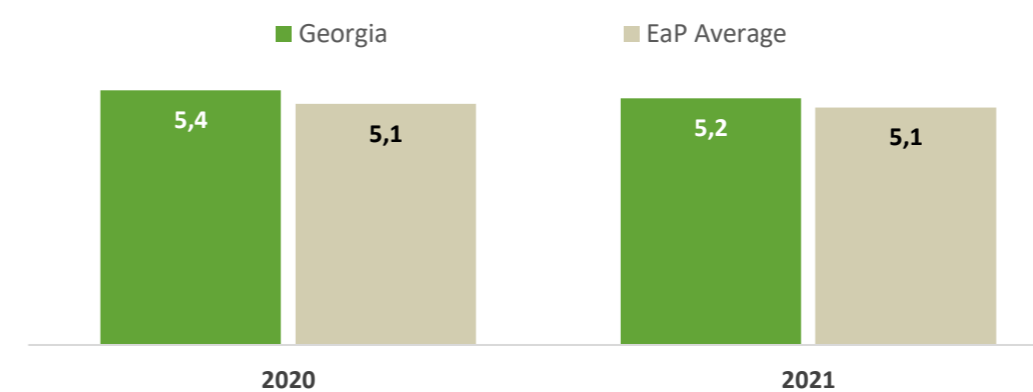
• Ratio between non-judge staff and professional judges

In Georgia, the ratio of non-judge staff per professional judge was 5,2 in 2021, whereas the EaP Average was 5,1. This ratio slightly decreased compared to 2020 (when it was 5,4) in Georgia.

	Ratio in 2021		% Variation between 2020 and 2021
	Georgia	EaP Average	Georgia
Total	5,2	5,1	-3,2%
1st instance courts	5,6	5,3	-4,3%
2nd instance courts	3,4	4,1	5,7%
Supreme Court	7,6	6,7	-23,3%

For reference only: the 2021 EU median ratio of non-judge staff per judge is 3,1.

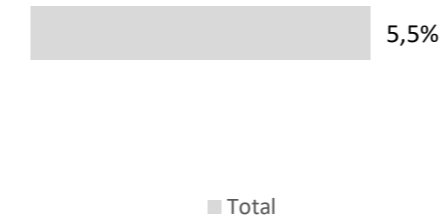
Ratio between non-judge staff and judges between 2020 and 2021



Prosecutors

	Number of prosecutors by instance in 2021			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	432	100,0%	11,7	16,8
1st instance level	NAP	NAP	NAP	-
2nd instance level	NAP	NAP	NAP	-
Supreme Court level	NAP	NAP	NAP	-

% Variation of no. of prosecutors per 100 000 inh. 2020 - 2021



For reference only: the 2021 EU median is 10,8 prosecutors per 100 000 inhabitants

In 2021, the absolute number of prosecutors in Georgia was 432 (i.e. 11,7 per 100 000 inhabitants, which was lower than the EaP Average of 16,8).

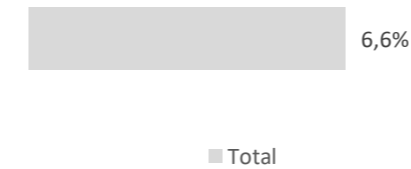
The total number of prosecutors per 100 000 inhabitants increased by 5,5% between 2020 and 2021.

There is no division of prosecutors according to court instances in Georgia. The Prosecution Service of Georgia (PSG) is structured as follows: District Prosecutor's Offices; Regional Prosecutor's Offices; Prosecutor's Offices of the Autonomous Republics of Adjara and Abkhazia; the Office of the Chief Prosecutor of Georgia. Each of the above-mentioned structural bodies of PSG has its own prosecutors and management, which are subordinated to the Chief Prosecutor and other respective prosecutors higher in the hierarchy.

Heads of prosecution services

	Heads of prosecution services in 2021			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	58	100,0%	1,6	1,3
1st instance level	NAP	NAP	NAP	-
2nd instance level	NAP	NAP	NAP	-
Supreme Court level	NAP	NAP	NAP	-

% Variation of no. of heads of prosecution per 100 000 inh. 2020 - 2021



The absolute number of heads of prosecution services in Georgia in 2021 was 58 (i.e. 1,6 per 100 000 inhabitants, which was higher than the EaP Average of 1,3).

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

	Non-prosecutor staff in 2021			Ratio between non-prosecutor staff and prosecutors in 2021		% Variation 2020 - 2021
	Absolute number	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants	Georgia	EaP Average	
Total	355	9,6	10,7	0,8	0,6	-2,20%

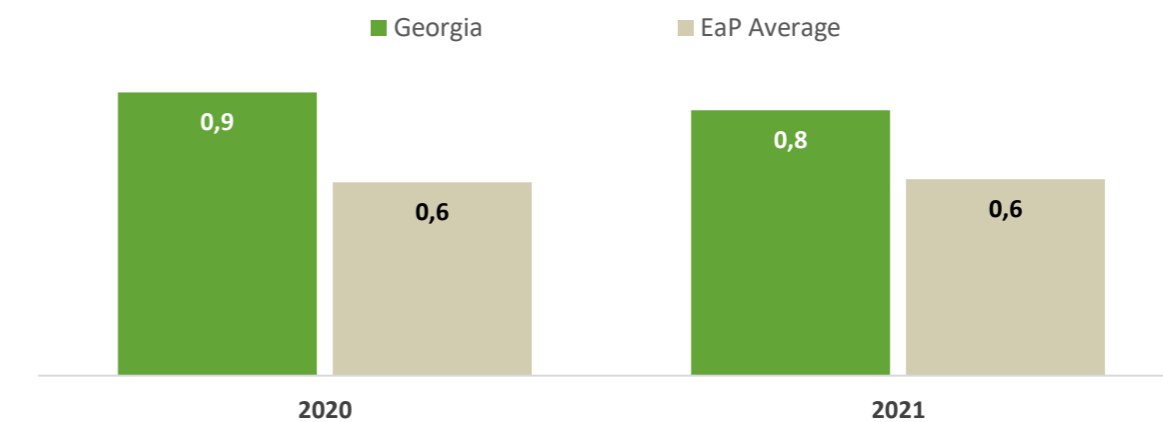
For reference only: the 2021 EU median is 14,7 non-prosecutors staff per 100 000 inhabitants.

In 2021, the total number of non-prosecutor staff in Georgia was 355. Their number decreased by -2,2% compared to 2020.

The number of non-prosecutor staff per 100 000 inhabitants was 9,6, which was below the EaP Average of 10,7.

The ratio of non-prosecutor staff per prosecutor was 0,8 (higher than the EaP Average of 0,6). The data includes PSG investigators, civil servants, and temporary staff.

Ratio between non-prosecutor staff and prosecutors between 2020 and 2021



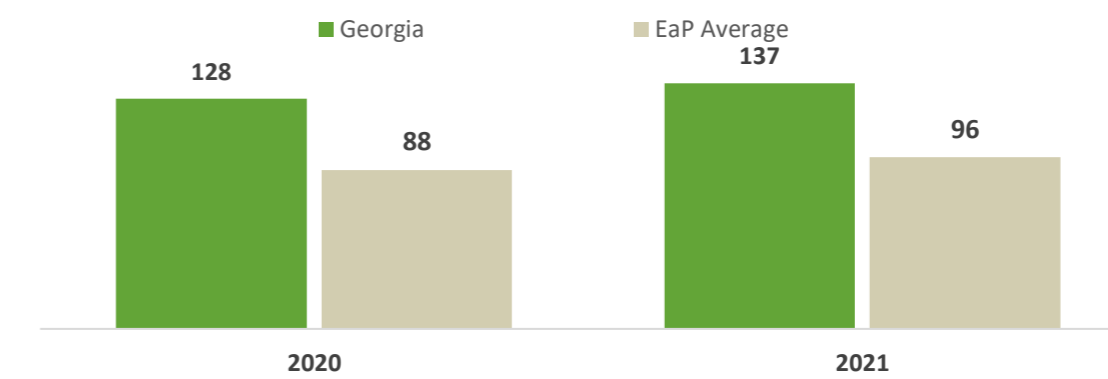
• Lawyers

	Number of lawyers in 2021			% Variation 2020 - 2021
	Absolute number	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants	Georgia
Total	5 038	136,6	95,5	6,7%

For reference only: the 2021 EU median is 122,4 lawyers per 100 000 inhabitants.

In 2021, the number of lawyers was 136,6 per 100 000 inhabitants, which was higher than the EaP Average (95,5). The number of lawyers per 100 000 inhabitants increased by 6,7% between 2020 and 2021 in Georgia.

Number of lawyers per 100 000 inhabitants between 2020 and 2021



• Salaries of professional judges and prosecutors

In 2021, the ratio between the salary of professional judges at the beginning of career with the annual gross average salary in Georgia was 4,6, which was slightly more than the EaP Average (4,5).

At the end of career, judges were paid more than at the beginning of career by 91%, which was more than the variation of EaP Average (+120,2%).

In 2021, the ratio between the salary of prosecutors at the beginning of career with the annual gross average salary in Georgia was 2,8, which was more than the EaP Average (2,5).

At the end of career, prosecutors were paid more than at the beginning of career by 124,7%, which was less than the variation of EaP Average (146,7%).

In Georgia, judges are paid considerably more than prosecutors both at the beginning and at the end of their respective careers, which appears to be valid in the region.

		Salaries in 2021 (absolute values)			Ratio with the annual gross salary	
		Gross annual salary in €	% Variation 2020 - 2021	Net annual salary in €	Georgia	EaP Average ratio
Professional judge	At the beginning of the career	20 634	▲ 73,0%	16 177	4,6	4,5
	Of the Supreme Court or the Highest Appellate Court	39 413	▬ 0,0%	30 900	8,8	
Public prosecutor	At the beginning of the career	12 307	▲ 49,2%	9 846	2,8	2,5
	Of the Supreme Court or the Highest Appellate Court	27 656	▬ 0,0%	23 049	6,2	

For reference only: the 2021 EU median for the ratio of judges and prosecutors' salaries with average gross annual national salary is:

- professional judges' salary at the beginning of career: 1,9

- prosecutors' salary at the beginning of career: 1,7

- professional judges' salary at the end of career: 4,1

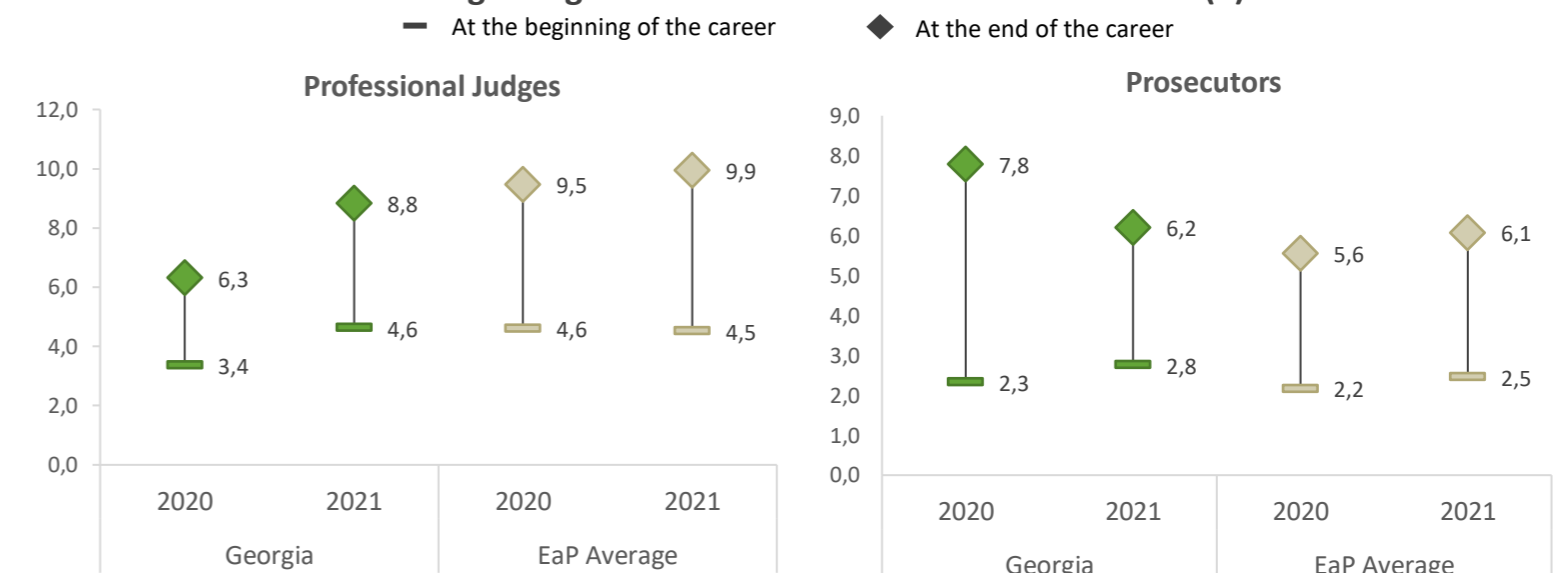
- prosecutors' salary at the end of career: 3,4

2021 data shall not be read as an increase in the salaries compared to 2020. The data on 2021 annual salaries (gross and net) include bonuses which are part of salaries, according to the legislation and are paid to all, irrespective of their personal circumstances. This is valid for both judges and prosecutors.

Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2021 (€)



Ratio of the gross annual salaries of judges and prosecutors with the average annual gross salary at the beginning and the end of career in 2020 and 2021 (€)



Additional benefits and bonuses for professional judges and prosecutors

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

Other financial benefits for judges: Life and health insurance; Fuel and Call deposits. Supreme Court Judges and Court Presidents are provided with official cars.

Other financial benefits for prosecutors: Insurance; Fuel and call deposits; bonuses.

Gender Balance

	% Female per category in 2021		% Variation 2020 - 2021	
	Georgia	EaP Average	Georgia	
Professional Judges	53,9%	41,2%	▲	0,1
Court Presidents	14,3%	21,2%	▼	-0,7
Non-Judge Staff	65,3%	69,9%	▲	7,7
Prosecutors	33,6%	25,3%	▲	1,7
Heads of Prosecution Services	13,8%	8,3%	▲	1,1
Non-Prosecutor Staff	47,0%	67,1%	▼	-0,3
Lawyers	48,6%	35,2%	▲	0,5

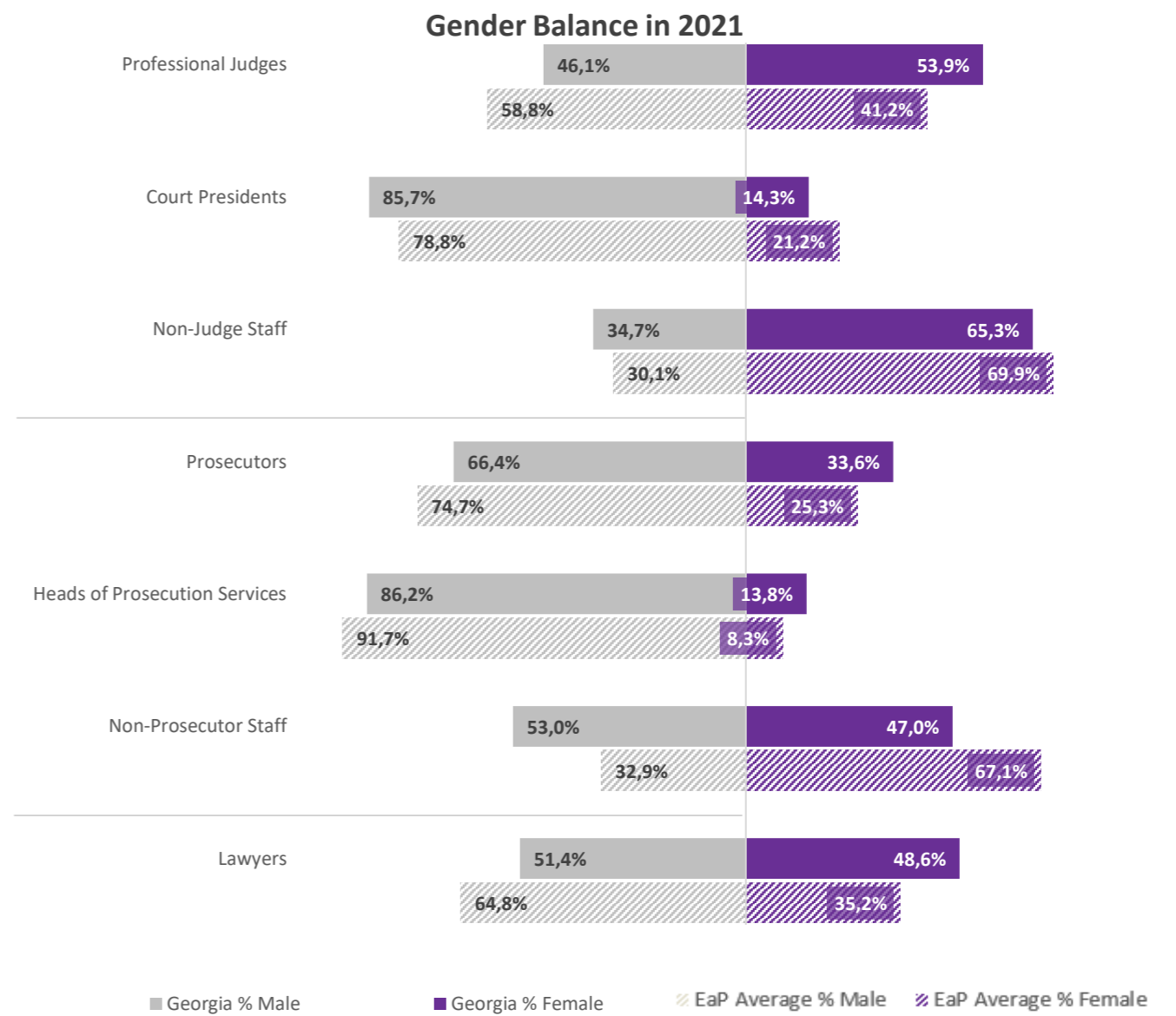
For reference only: 2021 EU medians on gender among professionals are as follows: 62% women judges; 76% women non-judge staff; 60% women prosecutors; 74% women non-prosecutor staff; and 47% women lawyers.

In 2021, the percentage of female professional judges was 53,9%, which was higher than EaP Average (41,2%). With a presence of 14,3%, the number of female court presidents in Georgia was lower than the EaP Average of 21,2%. Moreover, the percentage of female non-judge staff was 65,3%.

Also, the percentage of female prosecutors was 33,6% (higher than the EaP Average of 25,3%).The number of female Heads of prosecution services (14%) although higher than the EaP Average (8%) appears indicative of a glass ceiling. Moreover, the percentage of female non-prosecutor staff was 47%.

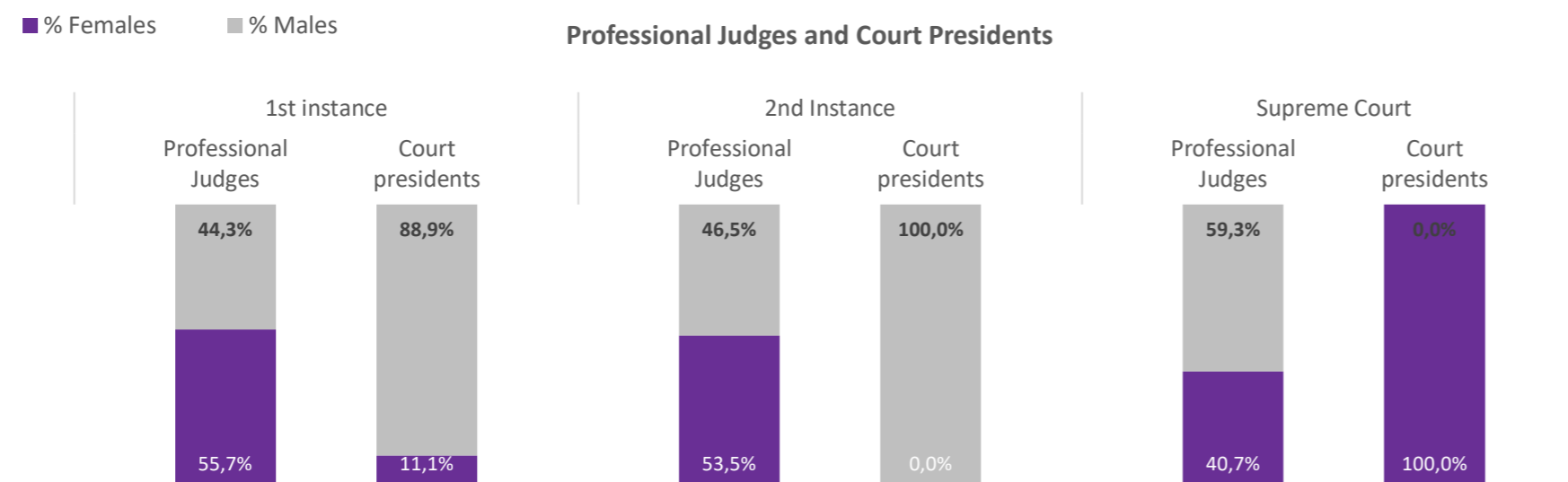
Finally, the percentage of female lawyers was 48,6%, which was higher than EaP Average (35,2%).

The categories of Court Presidents, Prosecutors, Heads of Prosecution Services, Non-Prosecutor Staff and Lawyers have less than 50% of female presence in Georgia.



	Professional Judges % Female		Court presidents % Female		Prosecutors % Female		Heads of Prosecution Services % Female	
	Georgia	EaP Average	Georgia	EaP Average	Georgia	EaP Average	Georgia	EaP Average
1st instance courts	55,7%	42,9%	11,1%	22,7%	NAP	-	NAP	-
2nd instance courts	53,5%	37,3%	0,0%	3,4%	NAP	-	NAP	-
Supreme Court	40,7%	33,7%	100,0%	40,0%	NAP	-	NAP	-

Gender Balance by instance in 2021



The decrease of the percentage of female professional judges is observed from first instance to the Supreme Court. Court presidents are predominantly male in courts except the Supreme Court. The above is indicative of a glass ceiling.

• Gender Equality Policies

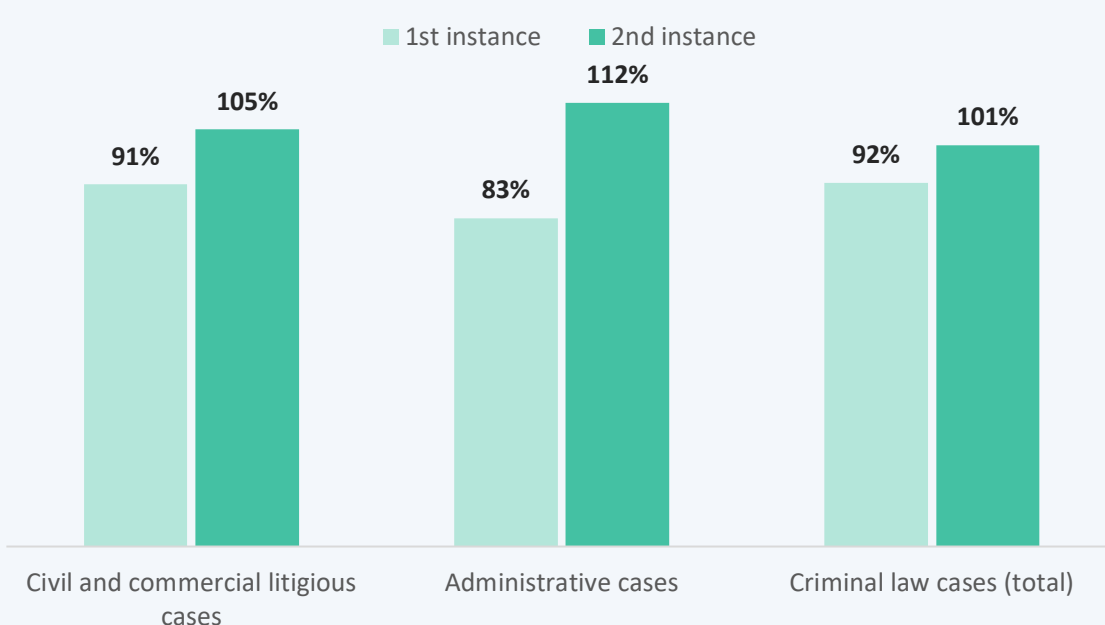
	Recruitment		Appointment	Promotion		Person / institution specifically dedicated to ensure the respect of gender equality on institution level
	Specific provisions for facilitating gender equality	Person / institution dealing with gender issues on national level	Specific provisions for facilitating gender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

In Georgia there is no overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary.

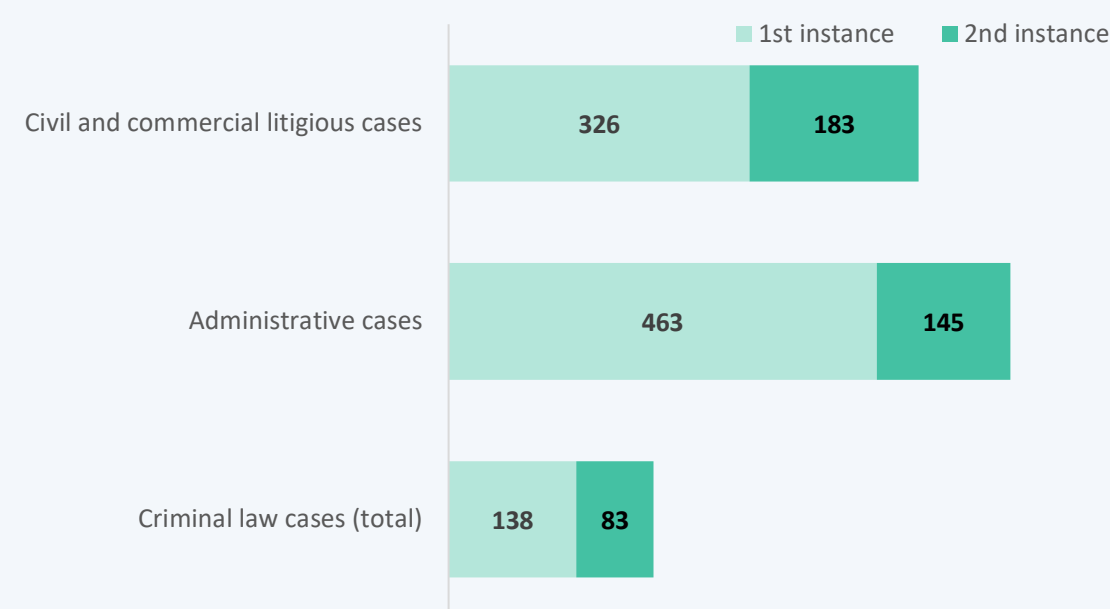
Article 35(7) of the Organic Law of Georgia “on Common Courts” states that the competition for holding a position of a judge must be conducted in full compliance with the principles of objectivity and equality and during the competition, the equality of candidates must be guaranteed regardless of their gender. Same principles are stipulated in all other relevant laws. 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. PSG also reported that there are specific provisions in the Organic Law on Prosecution Service aiming at facilitating the gender balance during the nomination of the General Prosecutor and election of prosecutor members of the Prosecutorial Council. Namely, according to the said provisions, following consultations, the Prosecutorial Council selects three candidates for the position of the General Prosecutor out of which 1/3 must belong to different gender; while out of eight members of the Prosecutorial Council elected by the Conference of Prosecutors, 1/4 must be of different gender. The protection of gender equality is the policy priority for the Prosecution Service of Georgia, which is also indicated in the HR policy section of the official website of the Service. Generally, the Public Defender deals with discrimination issues, including based on gender.

Efficiency in Georgia in 2021 (Indicators 3.1 and 3.2)

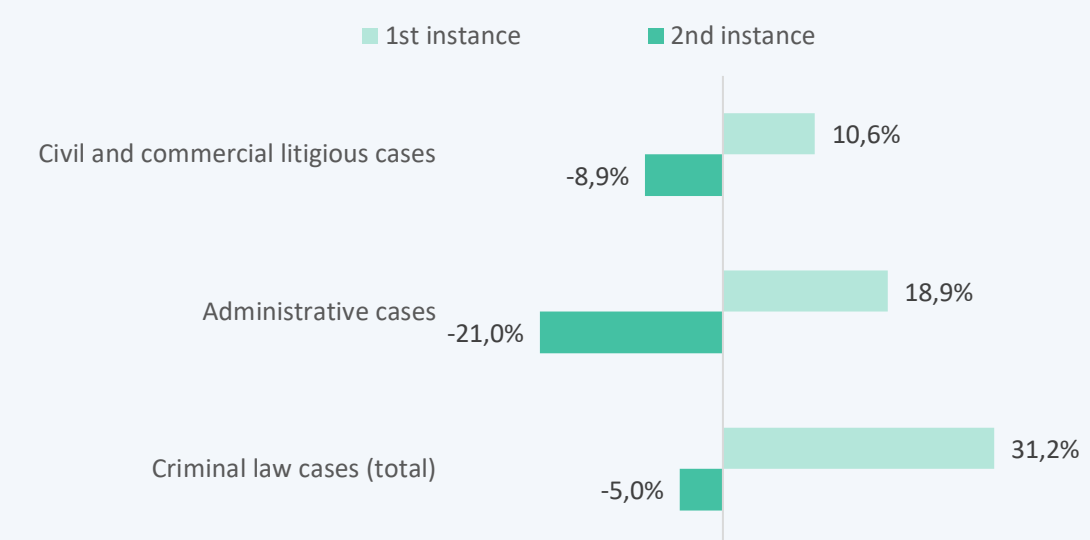
Clearance Rate in 2021



Disposition Time in 2021 (in days)



% Variation of pending cases at the end of year between 2020 and 2021



For the purpose of this Profile, the data for only 1st and 2nd instance courts is analysed. The number of incoming and resolved cases increased significantly for almost all categories of cases in 2021 compared to 2020. Due to the Covid-19 pandemic there were severe restrictions on the work of courts in 2020 which resulted in a generally lower number of cases in that year. The lifting of Covid-19 restrictions led to consequent increase of incoming and resolved cases that can be observed in 2021 for most of the case categories.

In 2021, the two court instances in Georgia demonstrated very different Clearance Rate levels. First instance courts had CR significantly below 100% indicating that they were not able to deal with an increasing number of incoming cases in 2021. Conversely, second instance courts had CR above 100% for all case categories showing good progress in this regard and achieving levels that were even higher than in 2018. The highest CR for Georgia is for the second instance Administrative cases, with a CR of 112%. However, it seems that Georgia was not able to deal as efficiently particularly with the first instance Administrative cases (CR of 83%). With a Disposition Time of approximately 83 days, the second instance total Criminal law cases were resolved faster than the other types of cases in both instances. Nevertheless, the increase in the number of pending cases by 31% in first instance criminal law cases is indicative of a risk of accumulating cases and generating backlog over time.

First instance cases

Clearance rate (%) and Disposition Time (days) for first instance cases from 2018 to 2021



Second instance cases

Clearance rate (%) and Disposition Time (days) for second instance cases from 2018 to 2021



First instance cases

CRs increased in all categories of cases in 2021 compared to 2020, except criminal law cases, where it remained the same. Yet, in 2021 only civil and commercial litigious cases caught up with the level of 2018 Clearance rate in first instance. CRs in 2021 in Georgia are lower than the EaP respective Averages, except criminal law cases.

In 2021, the DT decreased in civil and commercial litigious cases and increased in administrative and in criminal law cases compared to 2020.

In criminal law cases, the DT (138 days) is considerably lower compared to the EaP Average (200), while it is considerably above the EaP Averages in civil and commercial litigious cases and in administrative cases in 2021.

Second instance courts

In 2021 compared to 2020, the CR decreased slightly in civil and commercial litigious cases, while it increased in administrative and in criminal law cases.

In 2021, CRs in Georgia are close to the EaP Averages in civil and commercial litigious cases and criminal cases and higher than the EaP Average in administrative cases. Second instance courts appear to have all gone slightly above the 2018 CR levels in all analysed categories of cases.

In 2021, the DT decreased in all categories of cases compared to 2020. Compared to EaP Averages, the DT is higher in civil and commercial litigious cases (183 days vs 98 EaP); almost on a par in administrative cases (145 days vs 143 EaP) and slightly higher in criminal cases (83 days vs 77 EaP).

First instance cases - Other than criminal law cases

1st instance cases in 2021 (absolute values)	Georgia (2021)				% Variation between 2020 and 2021			
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of other than criminal law cases (1+2+3+4)	118 226	108 720	81 502	28 287	25,7%	30,6%	11,9%	79,3%
1 Civil and commercial litigious cases	80 790	73 714	65 816	23 976	40,4%	47,0%	10,6%	57,8%
2 Non-litigious cases**	6 378	6 114	2 452	181	40,4%	44,6%	11,2%	81,0%
3 Administrative cases	12 596	10 430	13 234	3 555	2,3%	13,0%	18,9%	642,2%
4 Other cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP

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

In 2021, there were 80 790 incoming civil and commercial litigious cases (2,19 per 100 inhabitants vs the EaP Average of 3,07). They increased by 40,4% between 2020 and 2021. There were 73 714 resolved cases (2 per 100 inhabitants in Georgia vs the EaP Average of 2,87). Between 2020 and 2021, the number of resolved cases increased by 47%. The number of resolved cases was thus lower than the number of incoming cases which caused an increase in the number of pending cases by 10,6% compared to 2020. The 2021 Clearance Rate for this type of cases was 91% (below the EaP Average of 95%). This increased by 4,1 percentage points compared to 2020, yet insufficient to catch up to previous CR levels.

The Disposition Time for civil and commercial litigious cases was approximately 326 days in 2021 (above the EaP Average of 172 days). The DT for this category of cases in Georgia decreased by -24,8% compared to 2020, which appears to be a good sign. However, if CR remains low in the future it can be expected that efficiency of courts will decline as the number of pending cases will gradually grow and potentially cause formation of backlog and prolongation of trials.

There were 12 596 incoming administrative cases in 2021 (ie 0,34 per 100 inhabitants vs the EaP Average of 0,31). The number of these cases increased by 2,3% compared to the previous year. There were 10 430 resolved cases (0,28 per 100 inhabitants, on a par with the EaP Average). Between 2020 and 2021, the number of resolved administrative cases increased by 13%. The number of incoming cases was higher than the resolved cases which caused an increase in the number of pending cases by 18,9% compared to 2020. The Clearance Rate for this type of cases was 83% (below the EaP Average (91%). The CR increased by 7,8 percentage points compared to the previous year for this category of cases, a positive aspect, yet insufficient to catch up to previous levels of CR.

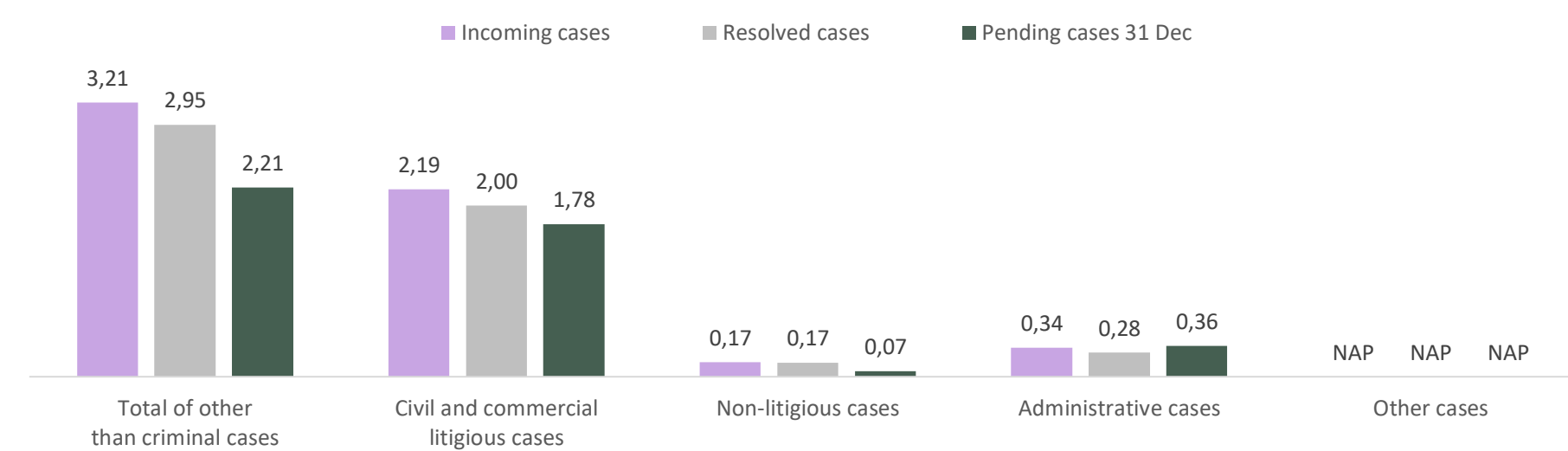
Finally, the Disposition Time for administrative cases was approximately 463 days in 2021. This has increased by 5,3% compared to 2020 and it was considerably above the EaP Average (278 days). A low CR and longer DT risk further case accumulation in the system and delays in delivering justice.

1st instance cases in 2021 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	Georgia	EaP Average	Georgia	EaP Average	Georgia	EaP Average	Georgia	EaP Average
Total of other than criminal law cases (1+2+3+4)	3,21	< 3,27	2,95	< 3,20	2,21	> 1,45	0,77	> 0,32
1 Civil and commercial litigious cases	2,19	< 3,07	2,00	< 2,87	1,78	> 1,33	0,65	> 0,28
2 Non-litigious cases**	0,17	< 0,66	0,17	< 0,67	0,07	< 0,11	0,00	= -
3 Administrative cases	0,34	> 0,31	0,28	= 0,28	0,36	> 0,21	0,10	> 0,04
4 Other cases	NAP	-	NAP	-	NAP	-	NAP	-

For reference only: the 2021 EU Median was as follows:
 - Incoming first instance Civil and Commercial litigious cases per 100 inhabitants: 1,8;
 - incoming first instance Administrative cases per 100 inhabitants: 0,3.

Key: > Higher than the EaP Average
 = Equal to the EaP Average
 < Lower than the EaP Average

First instance Other than criminal cases per 100 inhabitants in 2021



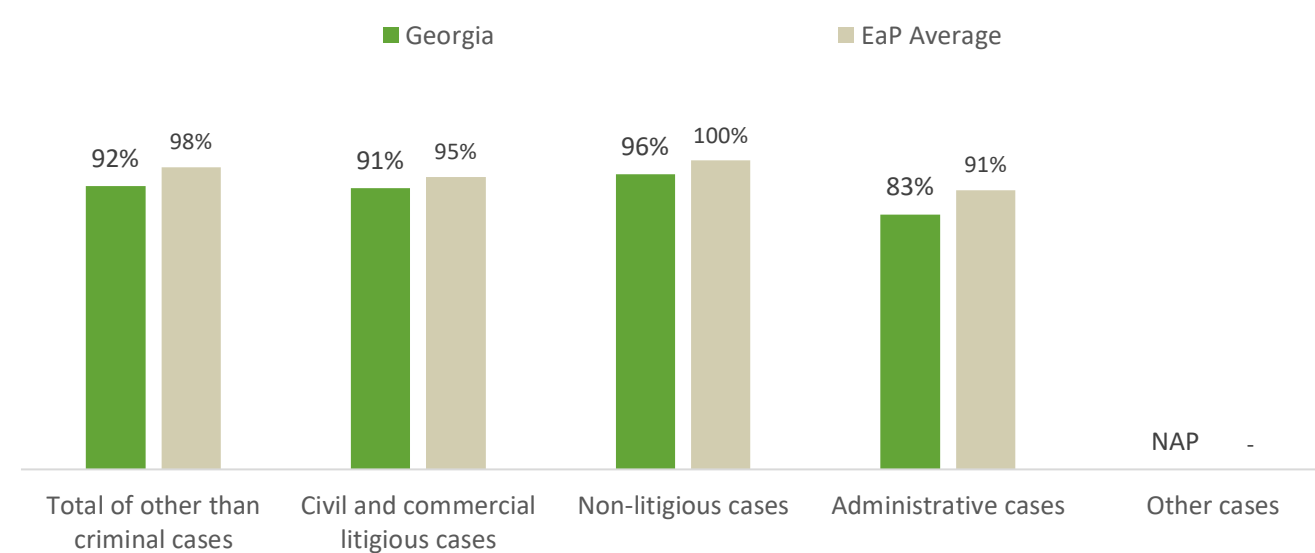
1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2021	CR (%)		DT (days)		% Variation 2020 - 2021	
	Georgia	EaP Average	Georgia	EaP Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	92%	98%	274	160	3,4	-14,3%
1 Civil and commercial litigious cases	91%	95%	326	172	4,1	-24,8%
2 Non-litigious cases**	96%	100%	146	91	2,8	-23,2%
3 Administrative cases	83%	91%	463	278	7,8	5,3%
4 Other cases	NAP	-	NAP	-	NAP	NAP

For reference only: the 2021 EU Median for the first instance Civil and Commercial litigious cases was as follows:
 - Clearance rate: 102,5%; - Disposition time: 234 days.

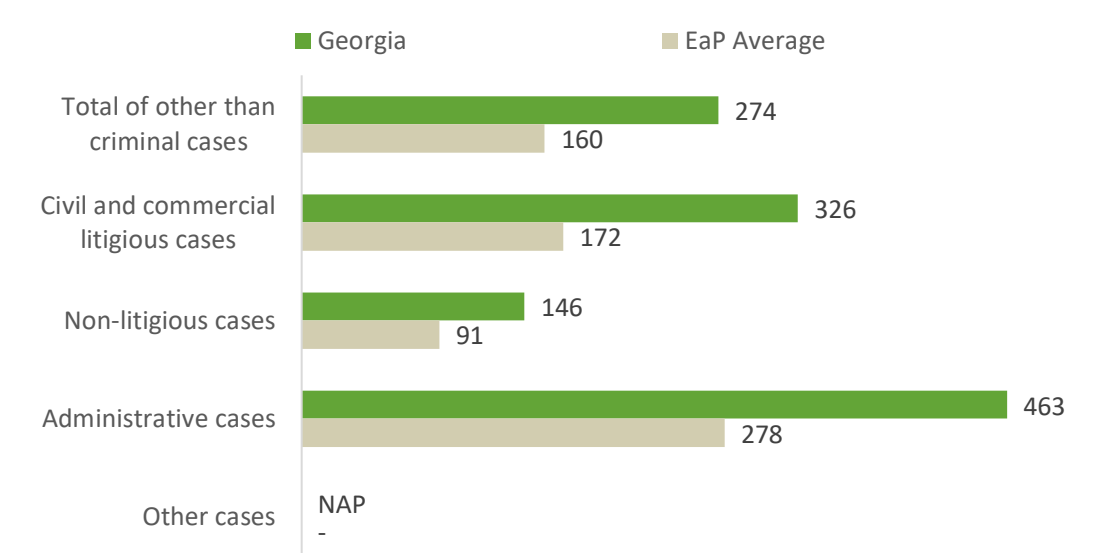
For reference only: the 2021 EU Median for the first instance Administrative cases was as follows:
 - Clearance rate: 101,7%; - Disposition time: 296 days.

PPT = Percentage points

Clearance Rate for first instance Other than criminal cases in 2021 (%)



Disposition Time for first instance Other than criminal cases in 2021 (in days)



First instance cases - Criminal law cases

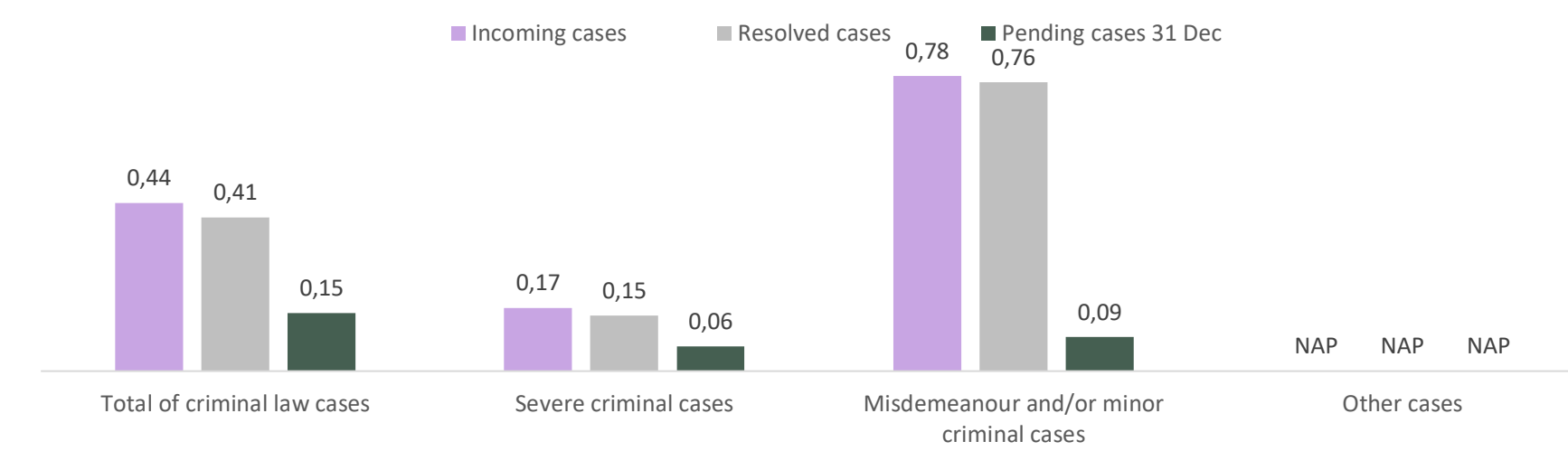
1st instance cases in 2021 (absolute values)		Georgia (2021)				% Variation between 2020 and 2021			
		Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of criminal law cases (1+2+3)		16 309	14 955	5 670	452	18,9%	19,5%	31,2%	155,4%
1	Severe criminal cases	6 121	5 378	2 380	236	36,9%	24,5%	45,2%	162,2%
2	Misdemeanour and / or minor criminal cases	28 650	28 039	3 290	216	209,8%	242,3%	22,6%	148,3%
3	Other cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP

In 2021, there were 16 309 incoming total criminal cases (0,44 per 100 inhabitants vs the EaP Average of 0,90). Their number increased by 18,9% between 2020 and 2021. There were 14 955 resolved cases (0,41 per 100 inhabitants). Between 2020 and 2021, the number of resolved cases increased by 19,5%. The number of resolved cases was still lower than the incoming cases which caused a significant increase in the number of pending cases by 31,2% compared to 2020. The 2021 Clearance rate for this type of cases was 92% (slightly below the EaP Average of 93%). This increased only by 0,5 percentage points compared to 2020.

The Disposition Time for total criminal cases was approximately 138 days in 2021 (below the EaP Average of 200 days). The DT increased by 9,8% over the 2020-2021 period in Georgia. Although DT is currently not on a concerning level, both CR and DT showed negative tendency and the number of pending cases significantly increased in 2021. All this indicates negative efficiency developments for the first instance criminal cases and if situation does not change it might lead to further accumulation of cases and potentially cause a decline of DT in the future.

1st instance cases in 2021 (per 100 inhabitants)		Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
		Georgia	EaP Average	Georgia	EaP Average	Georgia	EaP Average	Georgia	EaP Average
Total of criminal law cases (1+2+3)		0,44	< 0,90	0,41	< 0,87	0,15	< 0,29	0,01	< 0,04
1	Severe criminal cases	0,17	> 0,09	0,15	> 0,08	0,06	> 0,07	0,01	> 0,003
2	Misdemeanour and / or minor criminal cases	0,78	> 0,34	0,76	> 0,34	0,09	> 0,05	0,01	> 0,003
3	Other cases	NAP	-	NAP	-	NAP	-	NAP	-

First instance Criminal law cases per 100 inhabitants in 2021

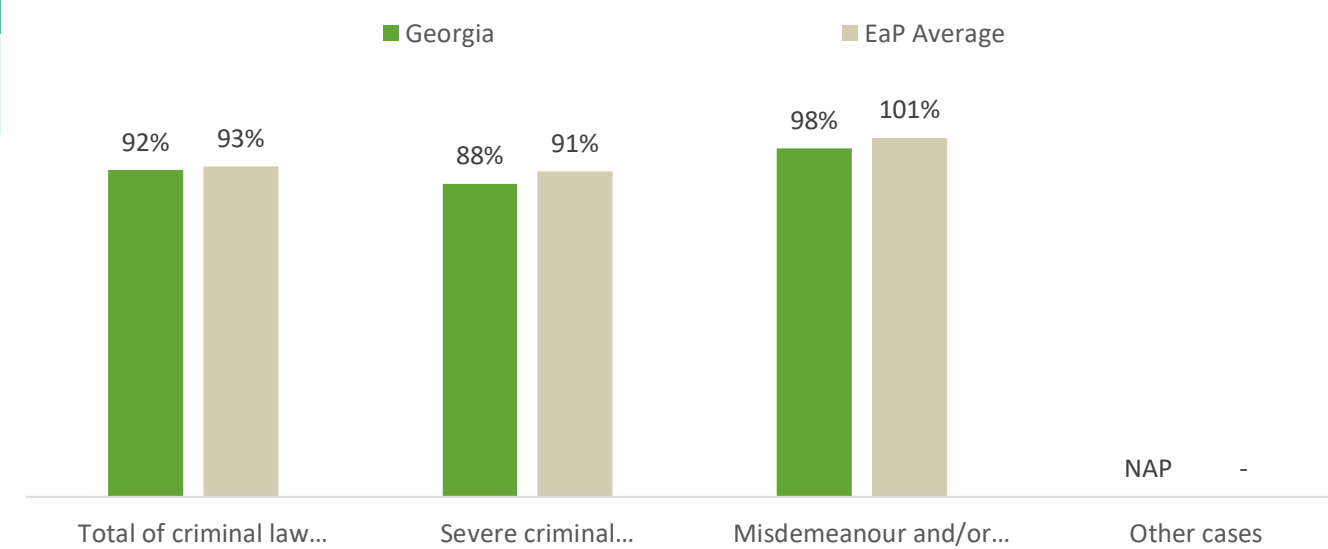


For reference only: for the first instance Total Criminal law cases, the 2021 EU Median was as follows:
- Incoming cases per 100 inhabitants: 1,6.

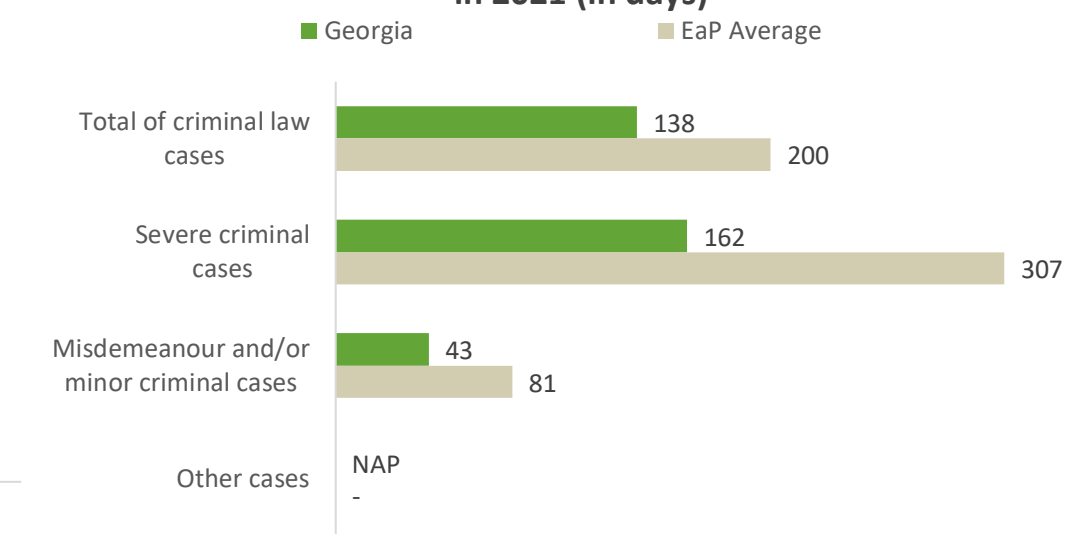
Key: > Higher than the EaP Average
= Equal to the EaP Average
< Lower than the EaP Average

1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2021		CR (%)		DT (days)		% Variation 2020 - 2021	
		Georgia	EaP Average	Georgia	EaP Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)		92%	93%	138	200	0,5	9,8%
1	Severe criminal cases	88%	91%	162	307	-8,8	16,7%
2	Misdemeanour and / or minor criminal cases	98%	101%	43	81	9,3	-64,2%
3	Other cases	NAP	-	NAP	-	NAP	NAP

Clearance Rate for first instance Criminal Law cases in 2021 (%)



Disposition Time for first instance Criminal Law cases in 2021 (in days)



For reference only: for the first instance Total Criminal law cases, the 2021 EU Median was as follows:
- Clearance rate: 100%;
- Disposition time: 134 days.

PPT = Percentage points

Second instance cases - Other than criminal law cases

2nd instance cases in 2021 (absolute values)	Georgia (2021)				% Variation between 2020 and 2021			
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of other than criminal law cases (1+2+3+4)	9 372	10 029	3 897	596	5,8%	12,9%	-14,4%	53,2%
1 Civil and commercial litigious cases	4 394	4 621	2 314	311	6,7%	5,4%	-8,9%	55,5%
2 Non-litigious cases**	33	33	0	NAP	13,8%	13,8%	NAP	NAP
3 Administrative cases	3 460	3 869	1 535	285	11,3%	37,9%	-21,0%	50,8%
4 Other cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP

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

In 2021, there were 4 394 incoming civil and commercial litigious cases (0,12 per 100 inhabitants vs the EaP Average of 0,27). Their number increased by 6,7% between 2020 and 2021. There were 4 621 resolved cases (0,13 per 100 inhabitants). Between 2020 and 2021, the number of resolved cases increased by 5,4%. The number of resolved cases was thus higher than the number of incoming cases which caused a decrease in the number of pending cases by -8,9% compared to 2020. The 2021 Clearance rate for this type of cases was 105% (above the EaP Average of 102%). This decreased by -1,3 percentage points compared to 2020.

The Disposition Time for civil and commercial litigious cases was approximately 183 days in 2021 (above the EaP Average of 98 days). This decreased by -13,6% compared to 2020. This can be interpreted as a positive sign and with the CR above 100% it indicates overall positive efficiency trend for this category of cases.

There were 3 460 incoming administrative cases in 2021 (ie 0,09 per 100 inhabitants vs the EaP Average of 0,11). They increased by 11,3% compared to the previous year. There were 3 869 resolved cases (0,1 per 100 inhabitants, on a par with the EaP Average). Between 2020 and 2021, the number of resolved administrative increased by 37,9%. The number of resolved cases was thus higher than the number of incoming cases which caused a decrease in the number of pending cases by -21% compared to 2020. The Clearance Rate for this type of cases was 112% (above the EaP Average (99%). The CR increased by 21,6 percentage points compared to the previous year.

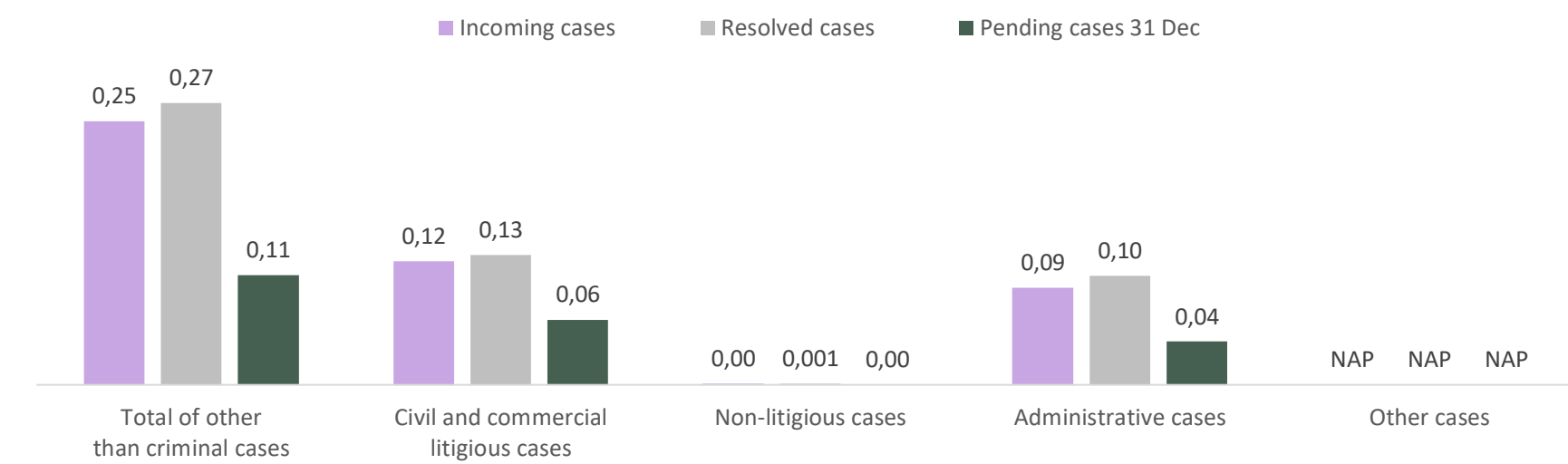
Finally, the Disposition Time for administrative cases was approximately 145 days in 2021. This has decreased by -42,8% compared to 2020 and it was below the EaP Average (169 days). With both efficiency indicators CR and DT showing positive trends in 2021, it can be concluded that second instance courts achieved good progress in dealing with this category of cases.

2nd instance cases in 2021 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	Georgia	EaP Average	Georgia	EaP Average	Georgia	EaP Average	Georgia	EaP Average
Total of other than criminal law cases (1+2+3+4)	0,25	< 0,39	0,27	< 0,40	0,11	= 0,11	0,02	> 0,01
1 Civil and commercial litigious cases	0,12	< 0,27	0,13	< 0,27	0,06	= 0,07	0,01	> 0,003
2 Non-litigious cases**	0,00	= -	0,001	= -	0,00	= -	NAP	-
3 Administrative cases	0,09	< 0,11	0,10	= 0,10	0,04	< 0,05	0,01	> 0,003
4 Other cases	NAP	-	NAP	-	NAP	-	NAP	-

For reference only: the 2021 EU Median was as follows:
 - Incoming Second instance Civil and Commercial litigious cases per 100 inhabitants: 1,8;
 - incoming Second instance Administrative cases per 100 inhabitants: 0,3.

Key: > Higher than the EaP Average
 = Equal to the EaP Average
 < Lower than the EaP Average

Second instance Other than criminal cases per 100 inhabitants in 2021



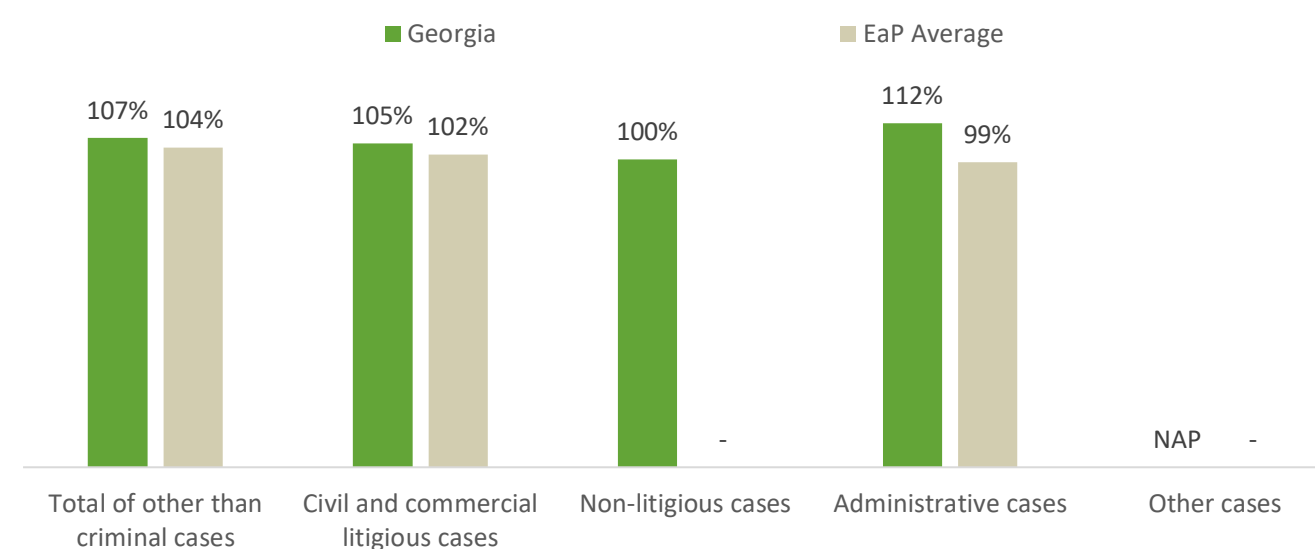
2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2021	CR (%)		DT (days)		% Variation 2020 - 2021	
	Georgia	EaP Average	Georgia	EaP Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	107%	104%	142	104	6,7	-24,2%
1 Civil and commercial litigious cases	105%	102%	183	98	-1,3	-13,6%
2 Non-litigious cases**	100%	-	0	-	0	NAP
3 Administrative cases	112%	99%	145	169	21,6	-42,8%
4 Other cases	NAP	-	NAP	-	NAP	NAP

PPT = Percentage points

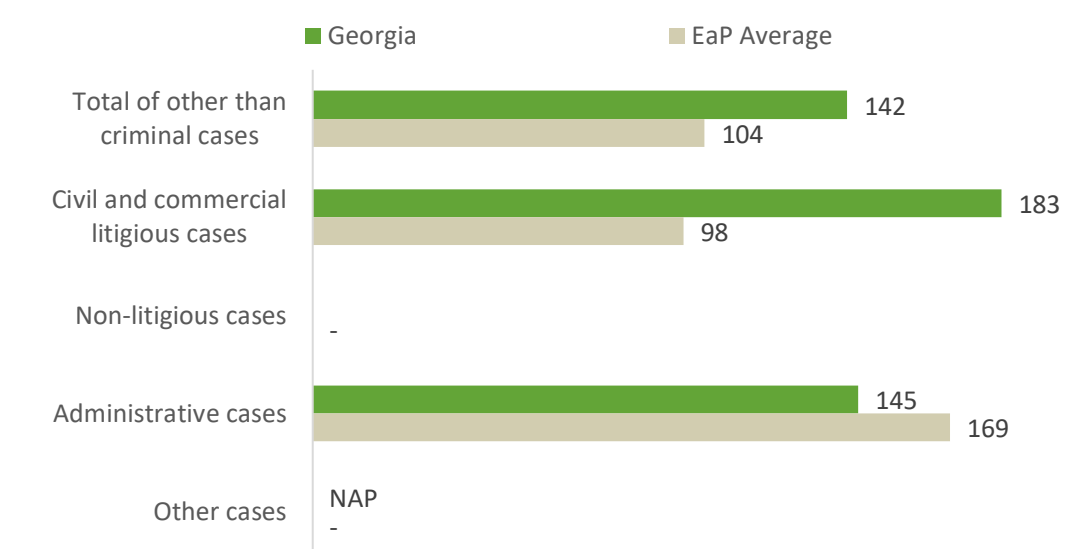
For reference only: the 2021 EU Median for the Second instance Civil and Commercial litigious cases was as follows:
 - Clearance rate: 102,5%; - Disposition time: 234 days.

For reference only: the 2021 EU Median for the Second instance Administrative cases was as follows:
 - Clearance rate: 101,7%; - Disposition time: 296 days.

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



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



Second instance cases - Criminal law cases

2nd instance cases in 2021 (absolute values)	Georgia (2021)				% Variation between 2020 and 2021			
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of criminal law cases (1+2+3)	3 064	3 101	709	35	12,6%	18,4%	-5,0%	133,3%
1 Severe criminal cases	836	852	505	34	3,7%	20,3%	-2,9%	126,7%
2 Misdemeanour and / or minor criminal cases	3 713	3 755	252	1	94,0%	96,2%	11,5%	NA
3 Other cases	NAP	NAP	NAP	NAP	NA	NA	NA	NA

In 2021, there were 3 064 incoming total criminal cases (0,08 per 100 inhabitants vs the EaP Average of 0,28). They increased by 12,6% between 2020 and 2021. There were 3 101 resolved cases (0,08 per 100 inhabitants). Between 2020 and 2021, the number of resolved cases increased by 18,4%. The number of resolved cases was thus slightly higher than the number of incoming cases which caused a decrease in the number of pending cases by -5% compared to 2020. The 2021 Clearance Rate for this type of cases was 101% (above the EaP Average of 98%). This increased by 4,9 percentage points compared to 2020.

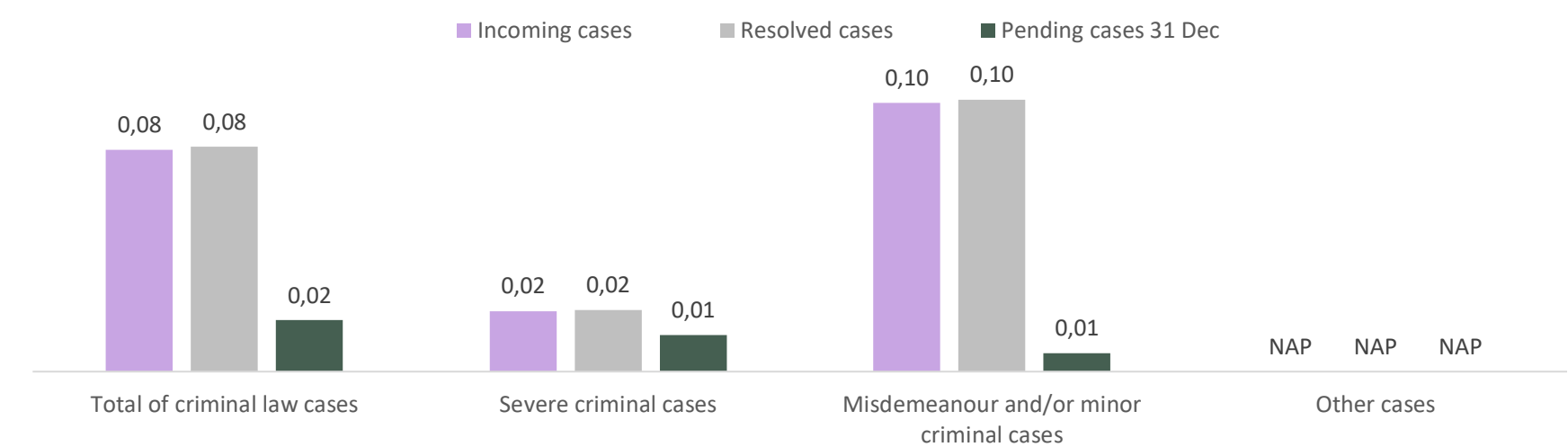
The Disposition Time for total criminal cases was approximately 83 days in 2021 (which was above the EaP Average of 77 days). The DT decreased by -19,7% compared to 2020. With both efficiency indicators CR and DT showing positive trends in 2021, it can be concluded that second instance courts achieved good progress in dealing with this category of cases.

2nd instance cases in 2021 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	Georgia	EaP Average	Georgia	EaP Average	Georgia	EaP Average	Georgia	EaP Average
Total of criminal law cases (1+2+3)	0,08	< 0,28	0,08	< 0,26	0,02	< 0,06	0,00	< 0,02
1 Severe criminal cases	0,02	= -	0,02	= -	0,01	= -	0,00	= -
2 Misdemeanour and / or minor criminal cases	0,10	> -	0,10	> -	0,01	= -	0,000	= -
3 Other cases	NAP	-	NAP	-	NAP	-	NAP	-

For reference only: for the second instance Total Criminal law cases, the 2021 EU Median was as follows:
 - Incoming cases per 100 inhabitants: 1,6.

Key: > Higher than the EaP Average
 = Equal to the EaP Average
 < Lower than the EaP Average

Second instance Criminal law cases per 100 inhabitants in 2021

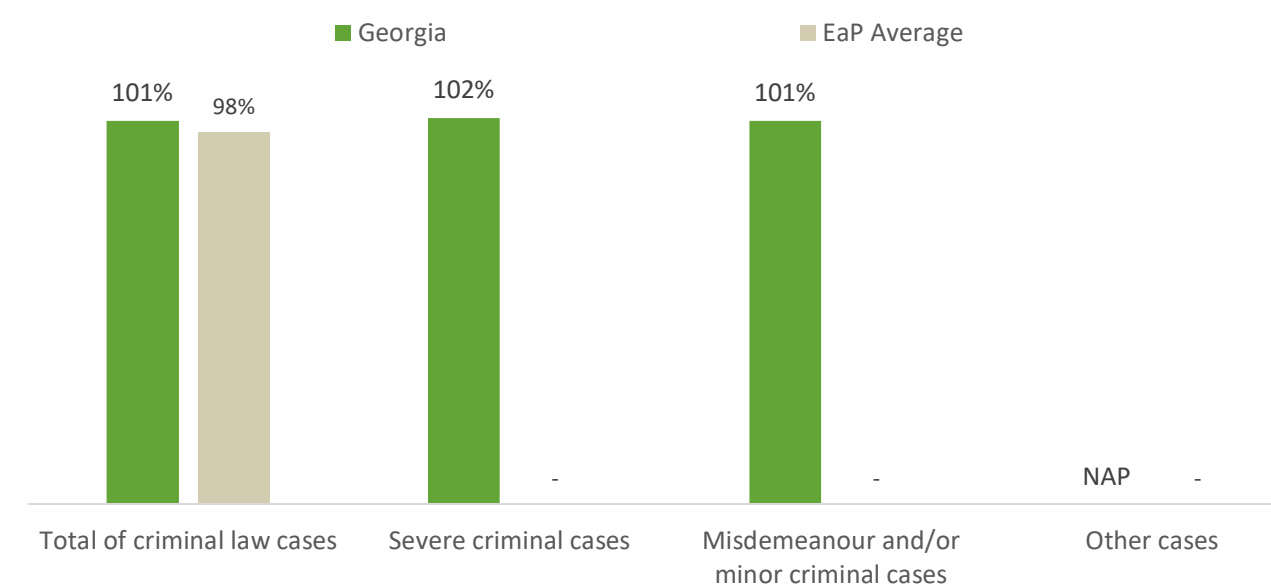


2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2021	CR (%)		DT (days)		% Variation 2020 - 2021	
	Georgia	EaP Average	Georgia	EaP Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)	101%	98%	83	77	4,9	-19,7%
1 Severe criminal cases	102%	-	216	-	14,4	-19,6%
2 Misdemeanour and / or minor criminal cases	101%	-	24	-	1,1	-43,2%
3 Other cases	NAP	-	NAP	-	NAP	NAP

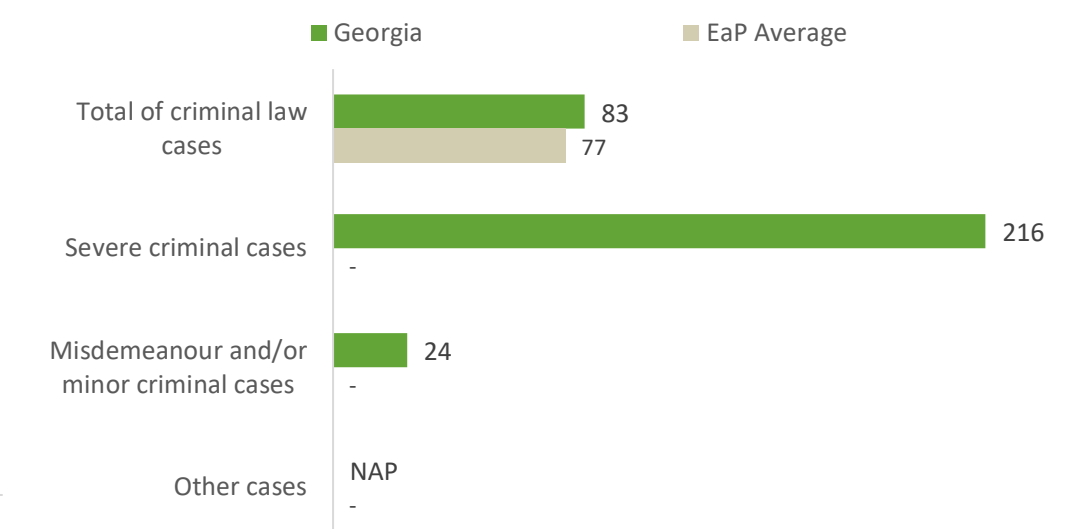
PPT = Percentage points

For reference only: for the second instance Total Criminal law cases, the 2021 EU Median was as follows:
 - Clearance rate: 100%;
 - Disposition time: 134 days.

Clearance Rate for second instance Criminal Law cases in 2021 (%)

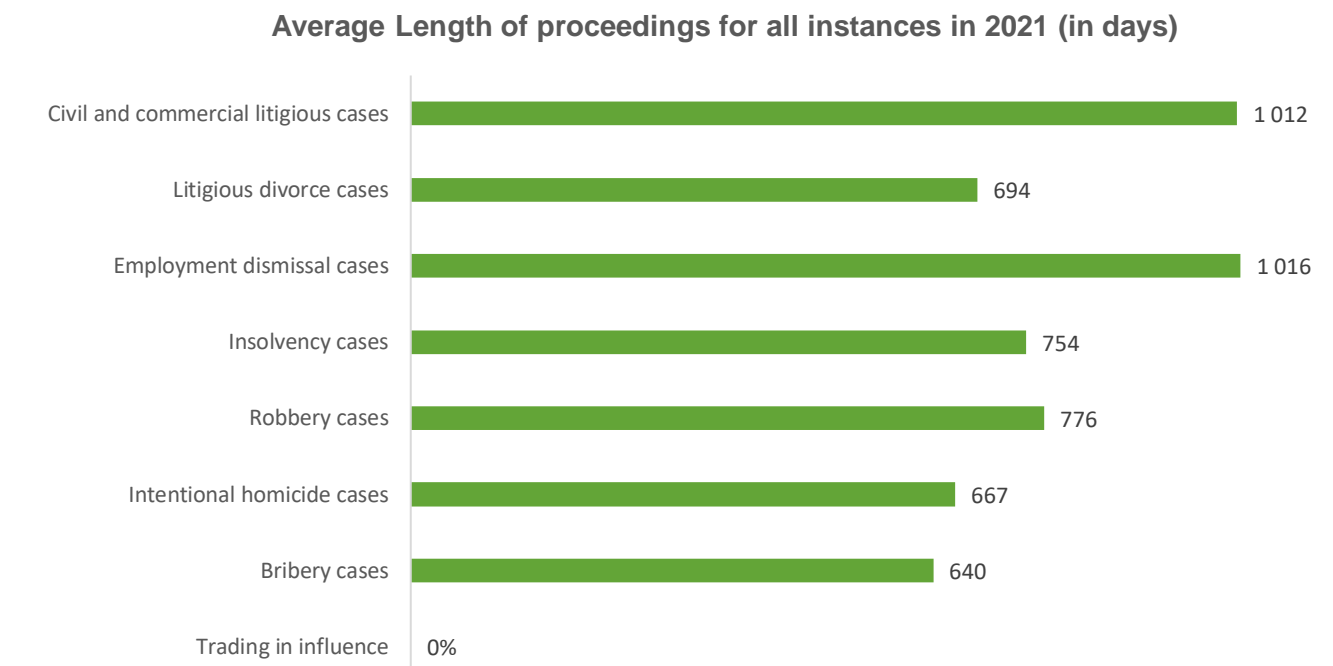


Disposition Time for second instance Criminal Law cases in 2021 (in days)



• Specific category cases

	Georgia (2021)						% Variation between 2020 and 2021					
	Decisions subject to appeal (%)	Average length of proceedings (in days)				% of cases pending for more than 3 years for all instances	Decisions subject to appeal (PPT)	Average length of proceedings (in days)				Cases pending for more than 3 years for all instances (PPT)
		First instance	Second instance	Third instance	Total			First instance	Second instance	Third instance	Total	
Civil and commercial litigious cases	1%	152	194	306	1 012	65%	0,0	-17%	37%	13%	5%	35%
Litigious divorce cases	0,4%	161	172	187	694	100%	3,0	28%	40%	0%	-2%	63%
Employment dismissal cases	38%	234	234	292	1 016	51%	21,0	95%	29%	8%	2%	-1%
Insolvency cases	74%	570	16	NAP	754	NAP	22,0	9%	7%	NA	43%	NA
Robbery cases	33%	154	222	248	776	12%	-3,0	-17%	2%	42%	44%	-18%
Intentional homicide cases	36%	183	263	203	667	17%	-20,0	-30%	22%	24%	10%	9%
Bribery cases	6%	104	419	0%	640	0%	6,0	-11%	97%	NA	38%	NA
Trading in influence	0%	0%	0%	0%	0%	0%	0,0	0%	0%	0%	0%	0%



The average length of cases corresponds to the average length of resolved cases at a certain instance within the reference year.

For 2021, the following clarifications have been provided by the authorities: Bribery cases have not been appealed in Supreme Court in 2021. There were no trading in influence cases in 2021. Divorce cases: - 0.4 % of decisions were subject to appeal. Insolvency cases have no time limits in first instance. The decisions of Appeal Court on insolvency cases are final and can't be appealed in the Supreme Court. 100% of litigious divorce cases pending more than 3 years means not all cases, but only one case which was appealed in the Supreme Court and which is pending more than 3 years.

Quality standards and performance indicators in the judicial system

In Georgia, there are quality standards determined for the judicial system at national level. Courts have specialised personnel entrusted with the implementation of these standards. The High Council of Justice adopted 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.

Regular monitoring of courts and prosecution offices' activities

In Georgia, there is a system to annually evaluate the court performance based on the monitored indicators listed below. This evaluation of the court activities is then used for the allocation of resources within the courts by identifying the causes of improved or deteriorated performance, reallocating resources (human/financial resources based on performance) and by reengineering internal procedures to increase efficiency.

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

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

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

• Quantitative targets for each judge and prosecutor

Existence of quantitative targets for:		Judges	Prosecutors	Consequences for not meeting the targets		
					For judges	For public prosecutors
Responsibility for setting up quantitative targets for judges				Responsibility for setting up quantitative targets for public prosecutors		
Executive power (for example the Ministry of Justice)		✗	✗	Executive power (for example the Ministry of Justice)		✗
Legislative power		✗	✗	Prosecutor General /State public prosecutor		✗
Judicial power (for example the High Judicial Council, Supreme Court)		✗	✗	Public prosecutorial Council		✗
President of the court		✗	✗	Head of the organisational unit or hierarchical superior public prosecutor		✗
Other:		✗	✗	Other		✗
				Warning by court's president/ head of prosecution	✗	✗
				Disciplinary procedure	✗	✗
				Temporary salary reduction	✗	✗
				Reflected in the individual assessment	✗	✗
				Other	✗	✗
				No consequences	✗	✗

• Qualitative targets for each judge and prosecutor

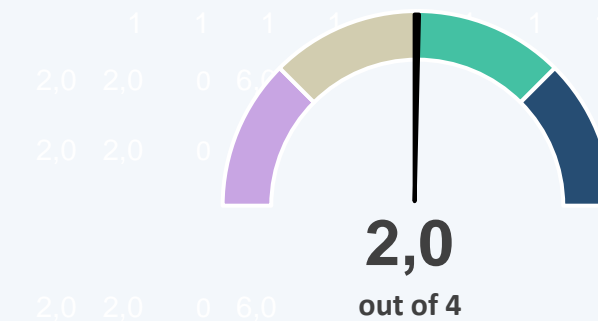
Existence of qualitative targets for:		Judges	Prosecutors	Frequency of this assessment		
					For judges	For public prosecutors
Responsibility for setting up the criteria qualitative targets for judges				Responsibility for setting up the criteria for the qualitative assessment of the public prosecutors' work		
Executive power (for example the Ministry of Justice)		✗	✗	Executive power (for example the Ministry of Justice)		✗
Legislative power		✗	✗	Prosecutor General /State public prosecutor		✗
Judicial power (for example the High Judicial Council, Supreme Court)		✗	✗	Public prosecutorial Council		✗
President of the court		✗	✗	Head of the organisational unit or hierarchical superior public prosecutor		✓
Other		✗	✗	Other		✗
				Annual	✗	✗
				Less frequent	✗	✗
				More frequent	✗	✓

In Georgia there is no qualitative individual assessment of judges' work. Only the work of judges on probation is evaluated annually for 3 years (a provision valid until December 2024).

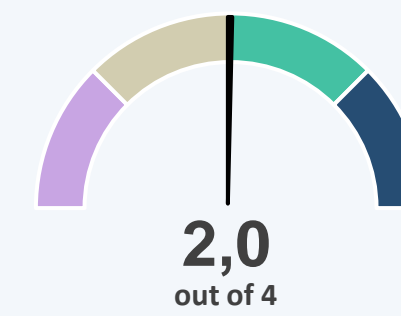
Electronic case management system and court activity statistics in Georgia in 2021 (Indicator 3.3)

The Case Management System (CMS) Index is an index ranging from 0 to 4 points. It is calculated based on five questions on the features and deployment rate of the CMS of the courts of the respective beneficiary. The methodology for calculation provides one index point for each of the five questions for each case matter. The points regarding the four questions on the features of the CMS (status of cases online; centralised or interoperable database; early warning signals; status of integration with a statistical tool) are summarized while the deployment rate is multiplied as a weight. In this way, if the system is not fully deployed, the value is decreased even if all features are included. This methodology provides an adequate evaluation.

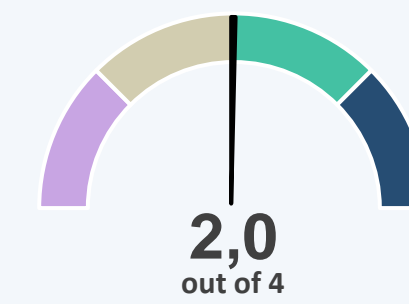
CMS index for Civil and/or commercial cases



CMS index for Administrative cases



CMS index for Criminal cases



Electronic case management system

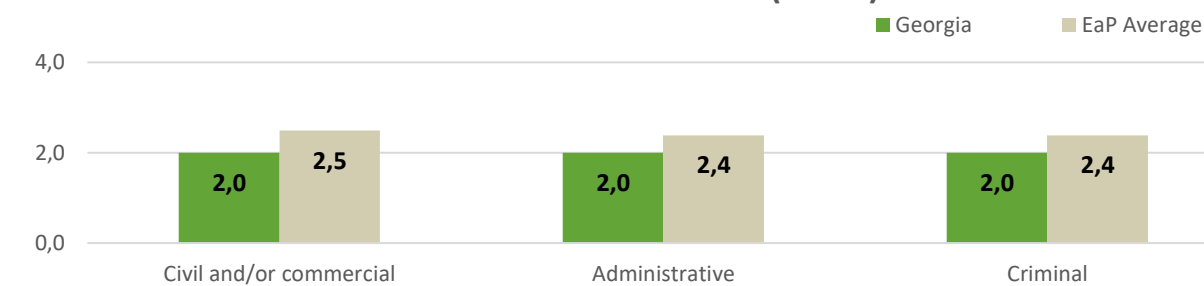
In Georgia, there is no IT Strategy for the judiciary. However, in 2021 plans for a significant change in the present IT system in the judiciary, including a concept and vision thereon, have been reported as being initiated. Additionally, the Information Technology Service of the High Council of Justice of Georgia is working on the development of a new Case Management System (CMS). The current CMS has been developed more than 10 years ago. The CMS is deployed in courts (100% deployment rate) and for all types of cases. The CMS index for Georgia is 2.0 for each type of cases (civil and/or commercial, criminal and administrative), which is lower than the EaP averages which are 2.5 for civil and/or commercial cases, and 2.4 for administrative cases and criminal cases respectively.

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

Both = Accessible to parties & Publication of decision online

	Overall CMS Index in 2021	
	Georgia	EaP Average
Civil and/or commercial	2,0	2,5
Administrative	2,0	2,4
Criminal	2,0	2,4

Calculated overall CMS index (0 to 4) in 2021



• **Centralised national database of court decisions**

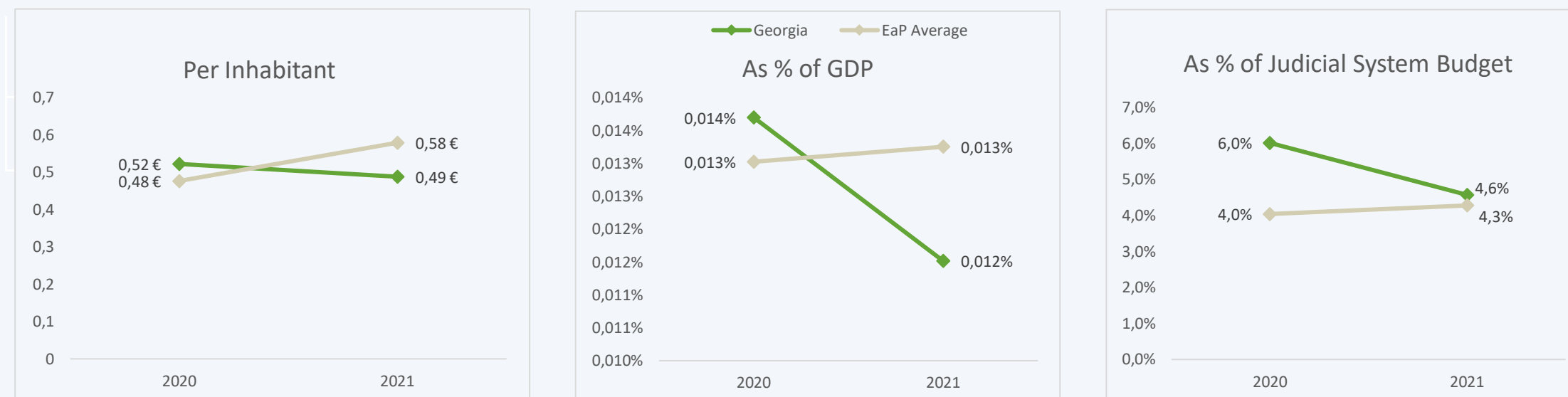
In Georgia there is a centralised national database of court decisions in which all judgments for all instances are collected, with anonymised data. This case-law database is available for free online. There are no links with ECHR case law (hyperlinks which reference to the ECHR judgments in HUDOC database) in this database.

	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	Yes all judgements	Yes all judgements	Yes all judgements	✗	✓	✓	✗
Administrative	Yes all judgements	Yes all judgements	Yes all judgements	✗	✓	✓	✗
Criminal	Yes all judgements	Yes all judgements	Yes all judgements	✗	✓	✓	✗

The Georgian Court system has two main websites for the publication of court decisions: (1) www.ecd.court.ge - all decisions by courts had been automatically published (with anonymised data) on this website; (2) www.supremecourt.ge - all decisions by the Supreme Court of Georgia are published (with anonymised data) on this website. After the decision by the Constitutional Court of Georgia in June 2019, it has become important to adopt clear and obvious regulations about the publication of court decisions. As soon as the Georgian Parliament adopts new regulations, the HCJ will continue uploading court rulings in compliance with the legislative amendments. In 2021 decisions of Supreme Court of Georgia were reported as being uploaded.

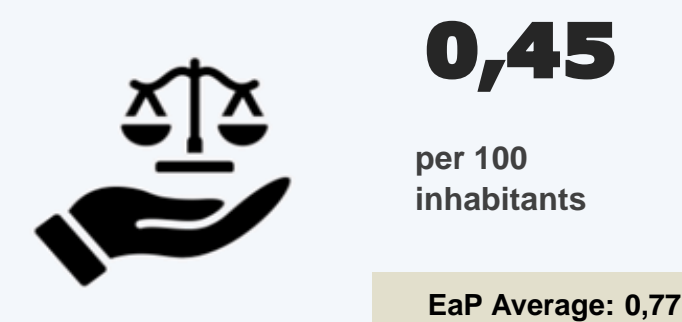
Access to justice and Legal Aid in Georgia in 2021 (Indicator 4)

Total implemented budget for Legal Aid in 2021



In 2021, the implemented budget for legal aid spent by Georgia was 0,49€ per inhabitant (below the EaP Average of 0,58€). This was equal to 0,012% of the GDP, whereas the EaP Average was 0,013%.

Number of cases for which LA has been granted



• Organisation of the legal aid system

The Legal Aid Service is a legal entity under public law, which is independent in its activities and provides access to legal consultation and legal aid based on the Constitution of Georgia, the Law of Georgia "On Legal Aid", other legislative and subordinate normative acts. The Legal Aid Service is not subordinated to any state body and is accountable only to the Parliament of Georgia in the manner established by the legislation of Georgia. The Legal Aid Service provides legal services through legal aid bureaus and counselling centres. Currently, the Service is represented by 37 Consulting Centres and 14 Legal Assistance Bureaus throughout Georgia, including in mountainous regions and regions populated by ethnic minorities.

The Legal Aid Board ensures the proper administration of the Service, efficient performance of its functions, as well as its independence and transparency. The Legal Aid Board is comprised of nine members. Three members are selected by the Executive Council of Georgian Bar Association and three members – by the Public Defender of Georgia, one member is selected by the Legal Aid Bureaus from the lawyers of the Bureaus, one member is nominated by the Minister of Justice of Georgia from the employees of the Ministry of Justice of Georgia and one member is nominated by the High Council of Justice of Georgia from the non-judge members of the High Council of Justice. The management of the Legal aid service is carried out by its director, who is elected by the Legal Aid Board. According to the law, Legal Aid includes: legal advice, preparation of legal documents, representation in a court with respect to civil, administrative and criminal cases and in an administrative body. The mandate of the legal aid service is prescribed by the law. At the same time, the Legal Aid Board has the authority to approve exceptional criteria for the appointment of a legal aid lawyer.

Legal consultation is legal advice available to everyone on any legal issue, and legal assistance (preparation of legal documents, representation in a court with respect to civil, administrative and criminal cases and in an administrative body) is provided at the state's expense if person meets the criteria prescribed to the law.

According to the Law, Legal Aid Service provides legal assistance to socially vulnerable/insolvent persons, as well as persons with disabilities, minors, persons receiving support, victims of domestic violence, asylum seekers as well as to a person with international protection with respect to whom a dispute on application for international protection is to be resolved by a court. Legal Aid is available for socially vulnerable persons in any area of civil or administrative law. A victim of domestic violence, regardless of his/her insolvency, has the right to free legal aid, if the case is related to the fact of domestic violence and concerns specific areas of law prescribed by the law. For asylum seekers/international protection free legal aid is available in court. Legal Aid in criminal law is available for accused persons if the person is socially vulnerable or if it is a case of mandatory protection under the Criminal Procedure Code. Mandatory protection cases are: (a) if the accused is a minor; (b) if the accused has no command of the language of the criminal proceedings; (c) if the accused has such disability as to prevent him/her from defending himself/herself; (d) if a ruling (decree) has been issued on the assignment of a forensic psychiatric examination; (e) if for the act committed the Criminal Code of Georgia prescribes life imprisonment as a sentence; (f) if negotiations on the conclusion of a plea bargain with the accused are in progress; (g) if the criminal case is reviewed by a jury; (h) if the accused evades to appear before law enforcement bodies; (i) if the accused has been expelled from a courtroom; (j) if the accused is an unidentified person; (j1) if the issue of his/her extradition to a foreign country using a simplified procedure is under consideration.

Since 2020 the mandate has been extended and all minors enjoy the right to free legal advice and legal assistance, if they do not hire a private lawyer (protection by agreement) in any field of law. Also, since 2020 free legal aid is available for persons with disabilities in court in civil, administrative and criminal cases, including representation in administrative proceedings. Since 2021, victims of family crime and/or domestic violence, enjoy the right to free legal aid, if they are insolvent (if there do not have a private lawyer) or if they show that their income is lower than the amount prescribed by the law. Individuals may receive legal services both by visiting offices in person, by telephone and by online means. The Service has a call centre that answers calls from individuals and provides legal advice during business hours. In addition, interested persons can apply to the Service through email, social media or a mobile application. In 2021, the Service developed a mobile application, which enables users to receive legal consultation anonymously. The application currently exclusively assists children and victims of domestic violence and torture, although in the future it will be expanded to all areas of law.

Legal aid is applied to:

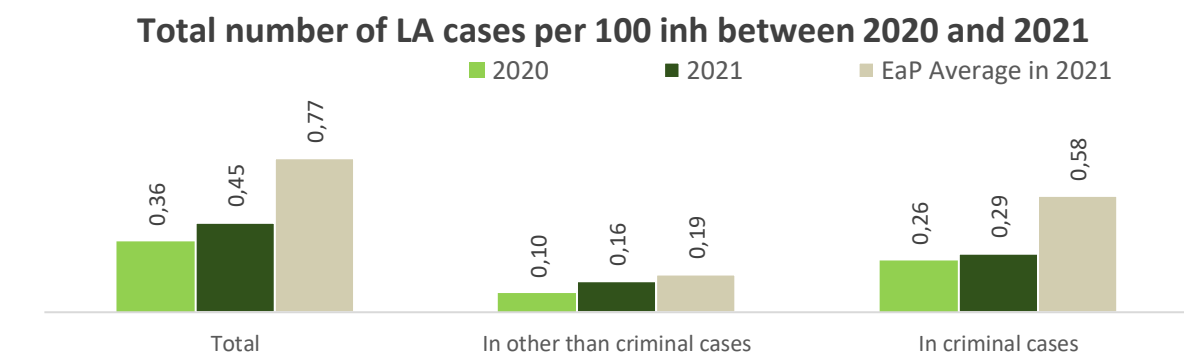
	Criminal cases	Other than criminal cases
Representation in court	✓	✓
Legal advice, ADR and other legal services	✓	✓

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

	Implemented budget for legal aid in €				Total implemented budget for legal aid per inhabitant		Total implemented budget for legal aid as % of GDP		Total implemented budget for legal aid as % of Judicial System Budget	
	Total (a+b)	% Variation 2020 - 2021	Cases brought to court (a)	Cases not brought to court (b)	Georgia	EaP Average	Georgia	EaP Average	Georgia	EaP Average
Total (1+2)	1 799 785 €	-7,6%	NA	NA	0,49 €	0,58 €	0,012%	0,013%	4,6%	4,3%
In other than criminal cases (1)	NA	NA	NA	NA						
In criminal cases (2)	NA	NA	NA	NA						

In 2021, Georgia spent 1 799 785€ on the total implemented budget for legal aid, which was -7,6% less compared to 2020. This means that it spent a lower amount per inhabitant compared to the EaP average (0,49€ and 0,58€, respectively).

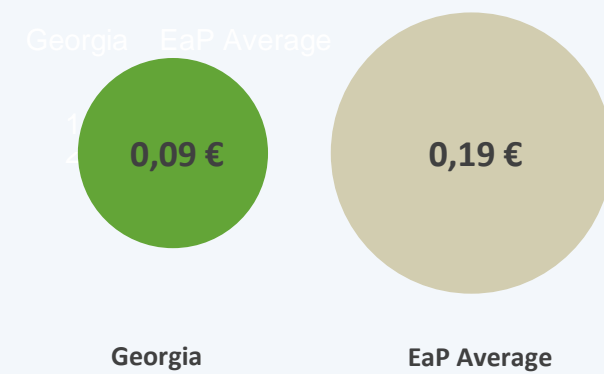
	Number of cases for which legal aid has been granted					Amount of LA granted per case (€)		
	Total (a+b)			Cases brought to court (a)	Cases not brought to court (b)	Total	Cases brought to court	Cases not brought to court
	Absolute number	Per 100 inh.	% Variation 2020 - 2021					
Total (1+2)	16 599	0,45	25,9%	15 386	1 213	108,4 €	NA	NA
In other than criminal cases (1)	5 753	0,16	62,9%	5 751	2	NA	NA	NA
In criminal cases (2)	10 846	0,29	12,4%	9 635	1 211	NA	NA	NA



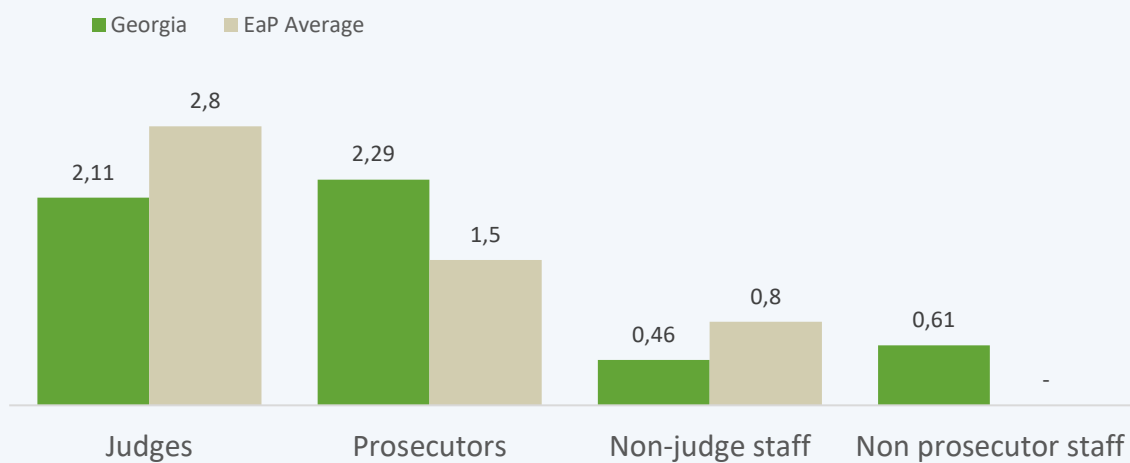
In 2021, the number of cases for which legal aid has been granted was 16 599, which was 25,9% more compared to 2020. In 2021, the total number of cases per 100 inhabitants was 0,45 and lower than the EaP Average of 0,77. A similar picture can be observed in other than criminal cases and in criminal cases, where the number of cases per 100 inhabitants is lower in both categories compared to the respective EaP Averages. On average, Georgia spent 108,4€ per case, which is higher than the EaP average of 75,76€.

Training of judges and prosecutors in Georgia in 2021 (Indicator 7)

Total budget for Training per inhabitant



Average number of live training participations per professional



Average number of participants per delivered training



The total budget for training of judges and prosecutors in Georgia was 0,09€ per inhabitant, lower than the EaP Average of 0,19€ per inhabitant.

In 2021, 2 757 participants (of which 723 judges and 991 prosecutors) were trained in 211 delivered live trainings (in-person, hybrid or video conferences). The average number of participants per training was 13,1, which was less than the EaP Average (15,1).

In online trainings there were 165 participants. This shows that the participation on live trainings is higher than the participation on online trainings

In Georgia each judge participated on average in 2,1 live trainings in 2021, which was below the EaP Average (2,8) while each prosecutor participated in 2,3 live trainings, more than the EaP Average (1,5).

Regarding the internet-based trainings (not-live), no training was reported as provided on the e-learning platform of the training institution for judges and prosecutors, whereas a total of 12 trainings was completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc.).

Budget for Trainings

	Budget of the training institution(s) (1)	Budget of the courts/prosecution allocated to training (2)	Total (1)+(2)				EaP Average per inhabitant
			Absolute Number	Evolution of training budget per inhabitant			
				2020	2021	% Variation 2020 - 2021	
Total	NA	0 €	317 233 €	0,18 €	0,09 €	-53,4%	0,19 €
Judges	317 233 €	0 €	317 233 €				
Prosecutors	NAP	NAP	NAP				
One single institution for both judges and prosecutors	NAP		NAP				

Georgia spent in total 317 233€ for training for judges and prosecutors in 2021, which is 0,09€ per inhabitant (below the EaP average of 0,19€ per inhabitant).

• Number of in-service live trainings and participants

Organisation of the trainings (number, duration and average number of participants on trainings)

	Live (in-person, hybrid, video conference) trainings (2021)							
	Number of available trainings	Number of delivered trainings	Delivered trainings in days	Number of participants	Average duration of trainings in days		Average number of participants per delivered training	
					Georgia	EaP Average	Georgia	EaP Average
Total	98	211	751	2 757	3,6 >	1,8	13,1 <	15,2
Judges	6	52	104	723	2,0 >	1,4	13,9 <	15,2
Prosecutors	81	103	475	991	4,6 >	1,8	9,6 <	12,9
Non-judge staff	2	47	94	827	2,0 >	1,3	17,6 <	39,2
Non-prosecutor staff	9	9	78	216	8,7 >	3,0	24,0 >	13,7

CEPEJ distinguish these types of trainings:

"A live" training shall be understood as a training conducted in real time. This means that both trainers and participants are physically present in one location or several locations assisted with information technology (digital tools).

"Internet-based" trainings are all trainings that take place over internet, irrespective of the format of the training (such as trainings via specifically designed LMS - Learning Management System platforms, webinars, podcasts and other forms of downloadable lectures and self-learning digital tools). The internet-based training shall be understood as e-training that is implemented according to participant own pace and time of training.

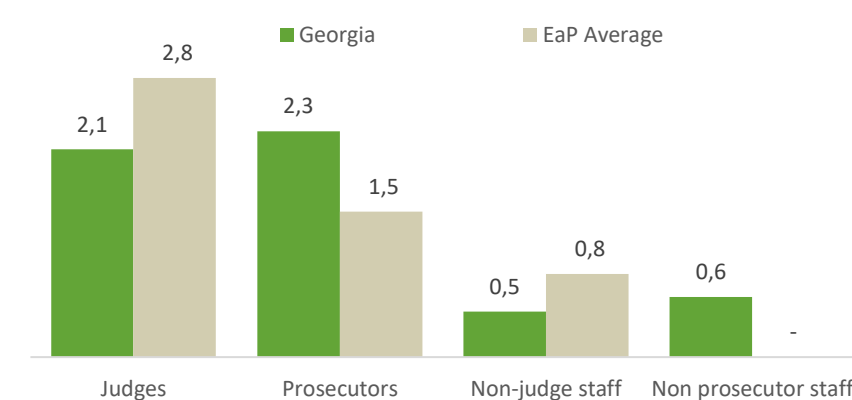
Key:		
>	Higher than the EaP Average	
=	Equal to the EaP Average	
<	Lower than the EaP Average	

In 2021, the average duration of trainings for judges in Georgia was 2 days (above the EaP Average of 1,4). During the same period, the average duration of training for prosecutors was 4,6 days, which was well above of the EaP Average of 1,8 days.

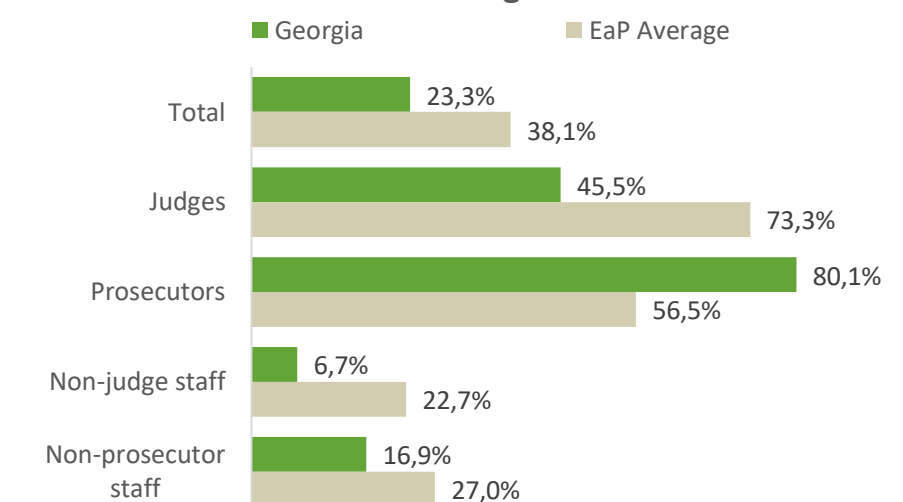
Indicators on training participation: Number of training participations per professional and unique participants

	Average number of live training participations per professional		Professionals attending at least one training (unique participants)		
	Georgia	EaP Average	Number	% of total professionals per category	
				Georgia	EaP Average
Total	0,9 <	1,2	683	23,3% <	38,1%
Judges	2,1 <	2,8	156	45,5% <	73,3%
Prosecutors	2,3 >	1,5	346	80,1% >	56,5%
Non-judge staff	0,5 <	0,8	121	6,7% <	22,7%
Non-prosecutor staff	0,6	-	60	16,9% <	27,0%

Average number of live training participations per professional in 2021



Percentage of professionals attending at least one training in 2021



Average number of live training participations per professional

This indicator is calculated as follows: the number of participants in live trainings is divided by the number of professionals for that category. For example, the EaP Average for judges is 2,8. This means that, on average, each judge in the region participated in 2,8 live trainings. This indicator should also be analysed together with the indicator on percentage of professionals attending training, shown in the table as well. Indeed, this analysis allows to better understand how long a professional was trained on average and if all were trained.

In Georgia the highest number of training delivered was for prosecutors (2,3 live training participations per prosecutor). Hence, compared to the other professionals, Georgia gave priority to the trainings for prosecutors but judges are trained at the same level considering that there are 2,1 live training participations per judge. This is slightly different than the rest of the region where judges are in principle trained more (the EaP Average number of participations per judge on live trainings was 2,8 while for prosecutor that average was 1,5).

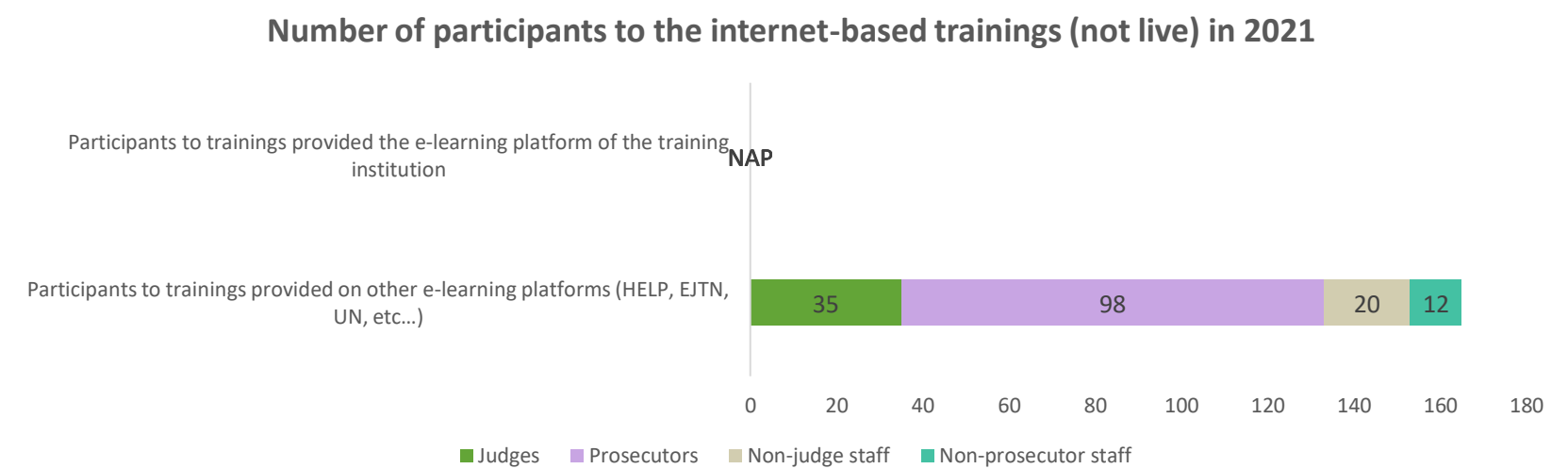
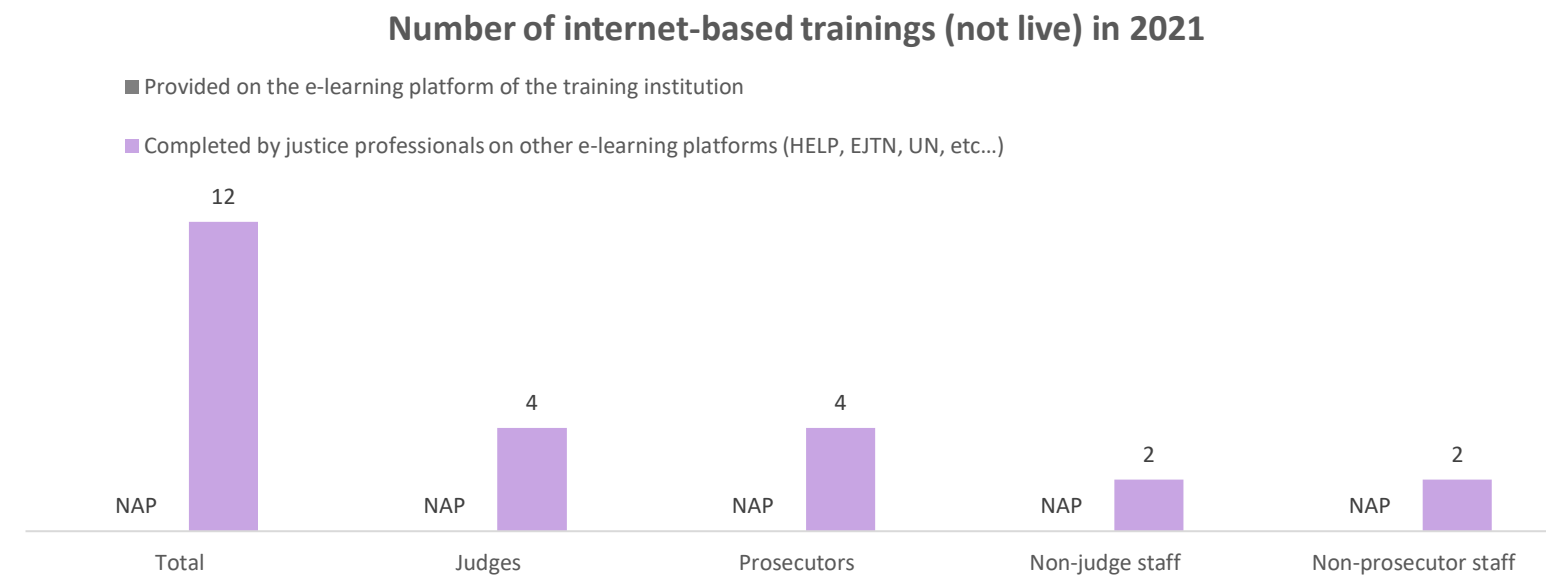
At the same time the percentage of Judges attending at least one training is 45,5%

• Number of in-service internet-based trainings and participants

	Internet-based trainings (not live) in 2021			
	Provided on the e-learning platform of the training institution		Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	
	Number of trainings	Number of participants	Number of trainings	Number of participants
Total	NAP	NAP	12	165
Judges	NAP	NAP	4	35
Prosecutors	NAP	NAP	4	98
Non-judge staff	NAP	NAP	2	20
Non-prosecutor staff	NAP	NAP	2	12

In 2021, there were 12 internet-based trainings completed by justice professionals from Georgia on other e-learning platforms (HELP, EJTN, UN, etc...).

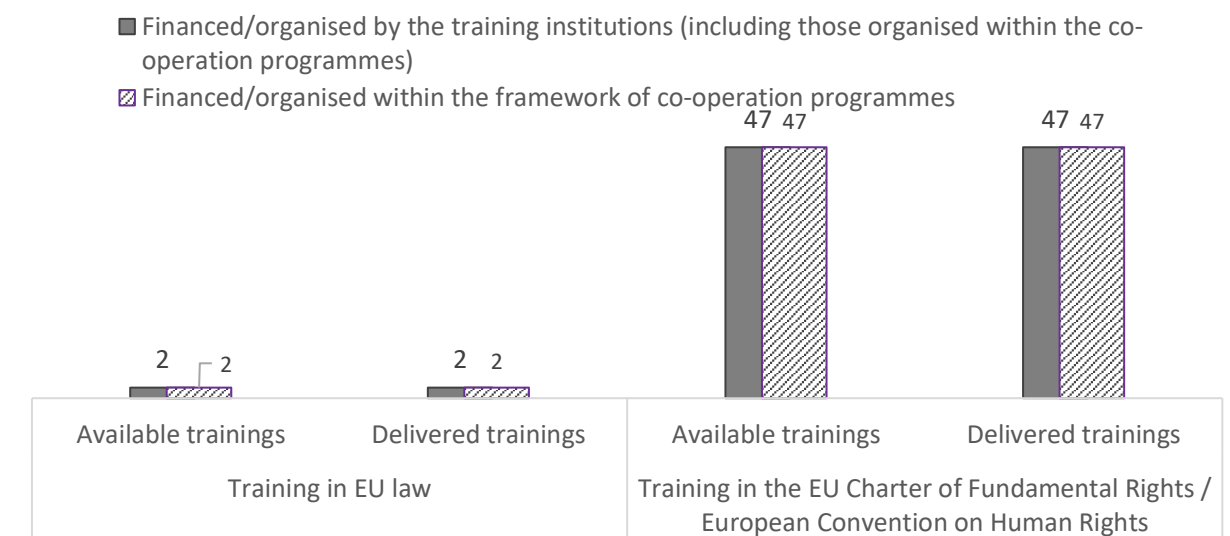
The majority of internet-based trainings on other e-learning platforms were attended by prosecutors (98), followed by judges (35), non-judge staff (20) and non-prosecutor staff (12).



• Number of EU law training courses and participants

	Training in EU law organised/financed:		Training in the EU Charter of Fundamental Rights / European Convention on Human Rights organised/financed:	
	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes
Live trainings (2021)				
Number of available live trainings	2	2	47	47
Number of delivered live trainings	2	2	47	47
Number of delivered live training in days	2	2	368	368
Internet-based trainings(2021)				
Provided on the e-learning platform of the training institution (not live)	NAP	NAP	NAP	NAP
Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	2	2	6	6

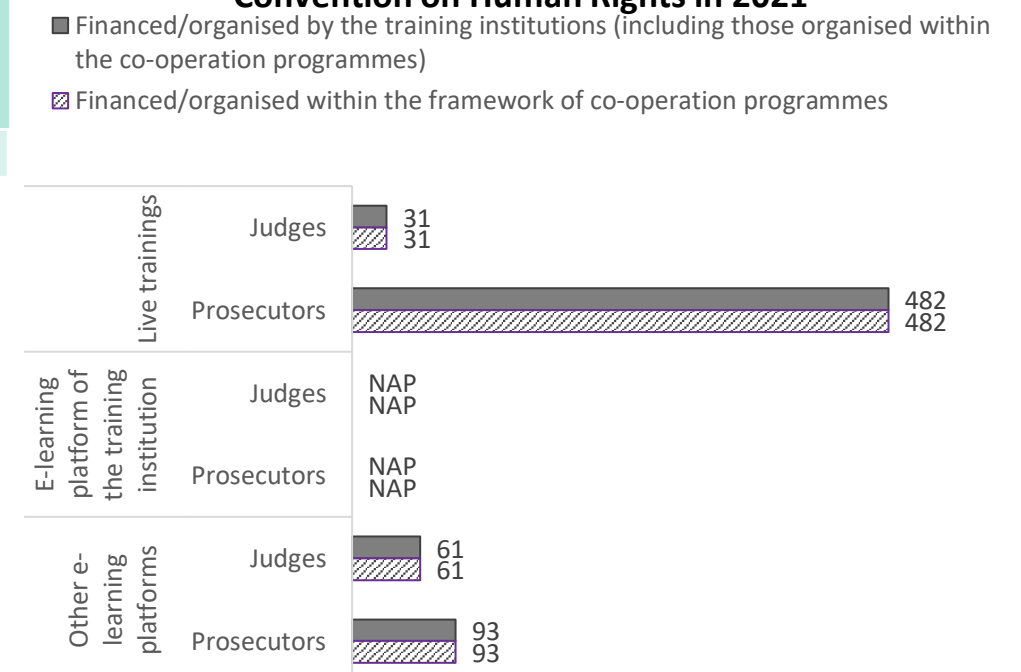
Number of live trainings in EU law and the EU Charter of Fundamental Rights / European Convention on Human Rights in 2021



In 2021, all trainings on EU Law and on the European Convention on Human Rights available or delivered in Georgia were report as co-organised and/or co-financed with International partners.

Training in EU law and EU Charter of Fundamental Rights / European Convention on Human Right organised/financed:	Live (in-person, hybrid, video conference) trainings				Internet-based trainings (not live)			
	Number		Unique participants		Provided on the e-learning platform of the training institution		Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
By the training institutions for judges and prosecutors	31	482	31	240	NAP	NAP	61	93
Within the framework of co-operation programmes	31	482	31	240	NAP	NAP	61	93

Number of participants to live and internet trainings in EU law and the EU Charter of Fundamental Rights / European Convention on Human Rights in 2021



• **Type and frequency of trainings**

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

In Georgia, judges and prosecutors have to undergo compulsory in-service training solely dedicated to ethics, the prevention of corruption and conflicts of interest. This training lasts 2-3 days, at the start of the career. It is possible to do it again, in case of changes to legislation.

The in-service trainings for judges working on juvenile cases and on family cases are compulsory. Prosecution offices have prosecutors specially trained in domestic violence, as well as in sexual violence.

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

• **Minimum number of compulsory trainings**

	Initial compulsory training		In-service compulsory trainings	
	Minimum number of trainings	Minimum number of days	Minimum number of trainings	Minimum number of days
Judges	4	16	NAP	NAP
Prosecutors	0	40	NAP	NAP

In Georgia, both judges and prosecutors are required to attend in-service compulsory training. The PSG does not have compulsory in-service trainings for all prosecutors. Only specialized prosecutors undergo trainings that are needs-based. Trainings (namely, specialization courses) are compulsory only for prosecutors/PSG investigators who work on specific cases. In particular, crimes committed by juveniles, sex crimes, domestic violence, and hate crimes can only be dealt with by specialized professionals. This means that only specialized prosecutors/PSG investigators have the right to work on such cases. If a prosecutor/PSG investigator does not undergo the specialization course, he/she does not have a right to perform such official duties. Professionals are obliged to undergo the course only once concerning one of the categories of the mentioned crimes. There is no regulation about minimum number or minimum days of trainings per-year. The above numbers are indicative.

• Quality of judicial training

Georgia identifies (collects information about) future in-service training needs via:

Target audience itself	✓	Relevant judicial institutions	✓
Previous participants in trainings	✓	Ministry of Justice	✗
Trainers	✓	Other	✗
Courts/prosecutor's offices	✓		

The frequency of the assessment is annual.

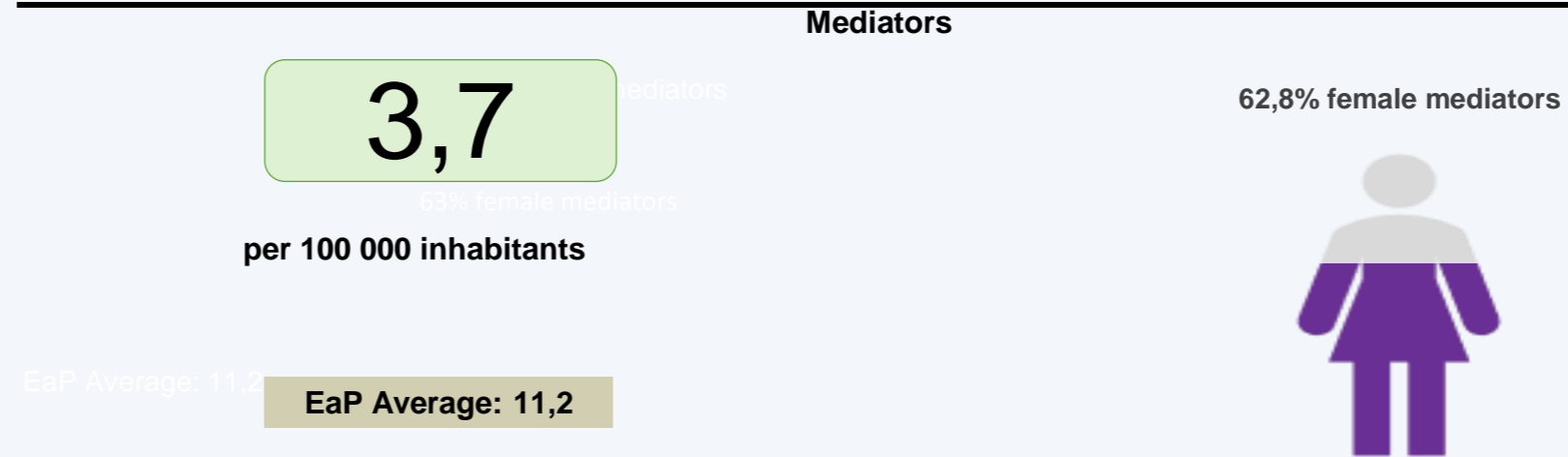
In Georgia, in-service trainings are evaluated immediately after the training is delivered, using A combination Kirkpatrick and other training evaluation models.

The feedback of the training evaluation process is used:

To prepare a training evaluation report with recommendations	✗	To suppress a training course	✗
To improve the training course which, according to the report, needed improvements	✓	To introduce a new course	✗
To replace the trainers that failed to meet expected learning outcomes/were negatively evaluated	✗	Other	✗

Alternative Dispute Resolution in Georgia in 2021 (Indicator 9)

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



In Georgia, court-related mediation procedures are available and legal aid for court-related mediation can be granted. The judicial system provides for mandatory mediation with a mediator ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding. In 2021, the number of mediators per 100 000 inhabitants was 3,7, which was below the EaP average (11,2 per 100 000 inhabitants). The majority of the mediators were women (62,8%). The data on the number cases for which the parties agreed to start mediation and mediation procedures which ended with a settlement agreement was partly available in 2021.

• Court-related mediation procedures

Court related mediation is the mediation which includes the intervention of a judge, a public prosecutor or other court staff who facilitates, directs, advises on or conducts the mediation process. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor (or a judge) can refer a case to a mediator or propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement). Such mediation may be mandatory either as a pre-requisite to proceedings or as a requirement of the court in the course of the proceedings.

The 2020 Law on Mediation continued to be implemented in 2021. Mandatory mediation applies to the following fields: family disputes, labour cases, inheritance cases, neighbourhood cases, shared property cases, property cases, which are under 20000 Gel by its value, the disputes, which involves the micro financial, 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). Each district (city) court and court of appeal is obliged to implement and develop court-related mediation programmes. If there is 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 a party refuses to use mediation, the judge - at a preparatory hearing, or through a phone /video conference with the parties - will be obliged to find out the reasons for such a refusal and explain to the parties the advantages and legal consequences of mediation. A settlement agreement resulting from mediation may be subject to court enforcement. The Association of Mediators is in charge of the developing the mediators' profession (see also below).

There are no mandatory information sessions, but, according to the recommendation of the judge and if all parties agree, it is possible to try online or face-to-face mediation sessions, which are called "informative sessions" with the mediator.

• Other ADR methods

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

Requirements and procedure to become an accredited or registered mediator:

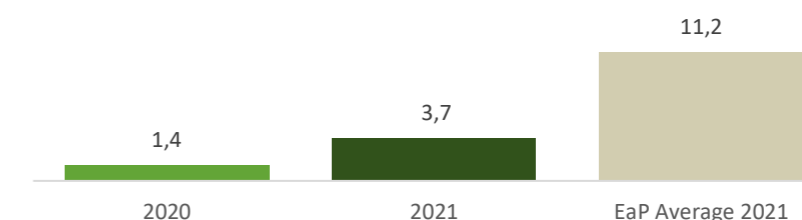
The Georgian Association of Mediators (LEPL) has approved the Professional Standard for Mediators and determined qualification requirements to become a mediator in accordance with the law. The prerequisite for obtaining the status of a mediator consists of three parts:

1. Mediation / mediator training (Mediation/mediator training is approved by the association) at least 60 hours of content-specific mediation / mediator training and which is carried out, including by any interested private a person, based on accreditation. In particular, the right to organize and conduct mediation/mediator training has the association and the institutions offered by them mediation/mediator training standard for mediator certification it is in full compliance with the standard established by the program;
2. Checking the practical skills of the person who wants to be a mediator;
3. Development of the skills of leading a real mediation for a person who wants to become a mediator (observation of a real court-mediation); Any person can be a participant in the mediator certification program, provided he/she is considered to be capable of legal action, has not been convicted, and is registered as a participant in the Mediator Certification Program.

Accredited/registered mediators for court-related mediation			% Variation between 2020 and 2021
Absolute number	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants	
137	3,7	11,2	158,5%

For reference only: the 2021 EU median is 16,2 mediators per 100 000 inhabitants.

Accredited/registered mediators for court-related mediation per 100 000 inhabitants between 2020 and 2021



In 2021, the total number of mediators in Georgia was 137, which is 158,5% more than in 2020, partly explained by an increased promotion of the mediation and the mediator's profession. The number of mediators per 100 000 inhabitants was 3,7, which is less than the EaP average of 11,2.

	Number of court-related mediations			Providers of court-related mediation services			
	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Total (1 + 2 + 3 + 4 + 5+ 6)	NA	NA	NA				
1. Civil and commercial cases	12	80	29	✓	✓	✗	✗
2. Family cases	3	19	9	✓	✓	✗	✗
3. Administrative cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP
4. Labour cases incl. employment dismissals	3	28	11	✓	✓	✗	✗
5. Criminal cases	NAP	NAP	NAP	NAP	✗	✗	✓
6. Consumer cases	NA	NA	NA	✓	✗	✗	✗
7. Other cases	NA	36	10				

Court-related mediations are provided by private mediators, public authorities (other than the court) and public prosecutors in many categories of cases, except administrative cases. In 2021, mediation was most used for Civil and commercial cases (12), Family cases (3) and labour cases (3), where parties agreed to start mediation. Partial data for finished court-related mediations and settlement agreements was available for the civil and commercial cases, family cases, labour cases, and other cases not included in the above-mentioned categories.

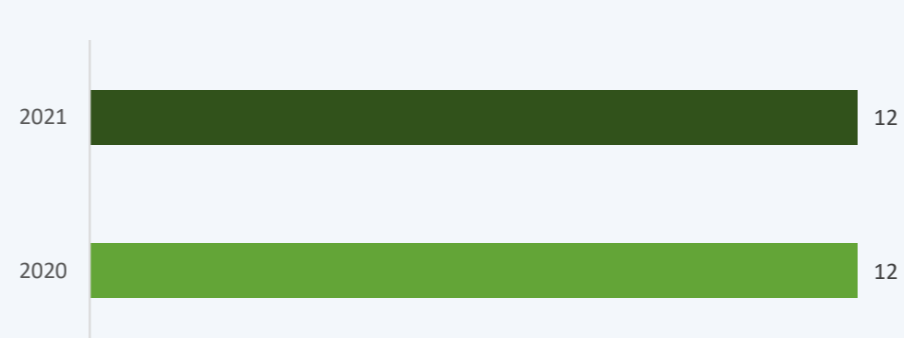
In Georgia, it is possible to receive legal aid for court-related mediation.

European Convention on Human Rights in Georgia in 2021 (Indicator 10)

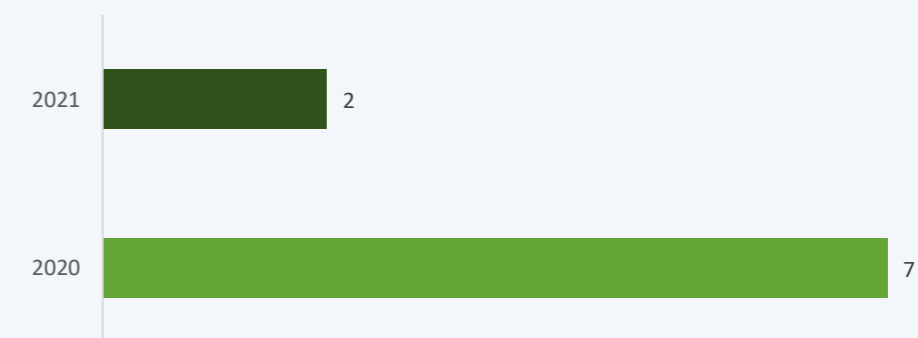
European Convention on Human Rights – Article 6 – Right to a fair trial (extract):

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

Judgements finding at least one violation**



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



• ECHR

According to the Law of Georgia on the Structure, Powers, and Rules of Activity of the Government of Georgia, the sphere of governance of the Ministry is defined by the Statute of the Government of Georgia. The content and scope of the powers in this regard is set out as follows: 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 Article 6 of the ECHR but also related to all the judgments regardless of their matters (para. p, Article 4 of the Statute). 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 concerning Georgia.

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

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



In 2021, the applications allocated to a judicial formation** for Georgia were 120 (-10 less than the previous year). 12 judgements by the ECHR found at least one violation for Georgia; similarly to 2020.

The number of cases considered as closed after a judgement of the ECHR and the execution of judgements process was 2 in 2021; down from 7 in 2020.

	2020	2021
Applications allocated to a judicial formation of the Court**	130	120
Judgements finding at least one violation**	12	12
Judgements finding at least one violation of the Article 6 of the ECHR	Right to a fair trial (1)	7
	Length of proceedings	1
	Non-enforcement	0

** Source: ECHR

(1) Figures in this line may include conditional violations.

	2020	2021
Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process***	7	2

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

Reforms in Georgia in 2021

	Yes (planned)	Yes (adopted)	Yes (implemented during 2022)	Comment
(Comprehensive) reform plans	✘	✘	✘	
Budget	✘	✘	✘	
Courts and public prosecution services	✔	✘	✔	<p>Prosecution Services: In order to improve the work environment and introduce the concept of green office, important infrastructure projects were implemented in the Office of the Prosecutor General of Georgia (OPG). In 2022, as a result of the renovation and reconstruction of several floors in the OPG, renewed, technically equipped, and modern working spaces were created. Moreover, to promote a healthy lifestyle among the employees, a gym and sports hall were renovated. To implement the concept of Green Office and optimize the consumption of natural resources, solar energy panels were installed on the building of the OPG. In future, the PSG plans to equip other administrative buildings with similar solar energy panels, which will significantly reduce electricity consumption. The infrastructure projects will continue in the future.</p> <p>New Regulations regarding the publication of Court decisions (According to the Constitutional Court decision) should be adopted. Legal Amendments on this issue were sent to the Venice Commission for an Opinion.</p>
Access to justice and legal aid	✔	✘	✘	
High Judicial Council and High Prosecutorial Council	✔	✘	✘	Draft legal amendments are under consideration.
Legal professionals	✔	✔	✔	<p>Judges: According to a proposed new procedure, the selection/appointment of first instance/appellate court judges will be conducted in the same way as it is for Supreme Court judges - by an open vote, the identity of HCJ members will be disclosed and all the scores and evaluations made to be substantiated by each member, which will finally ensure the highest quality reasoning for all appointments. The request to review the draft Amendments on this issue was sent to the Venice Commission.</p> <p>Prosecution: Improving the rules for recruitment and promotion of prosecutors On 26 August 2020, the Prosecutor General of Georgia adopted the Rule on Recruitment, Vetting, Competition, Internal Competition, Promotion, Demotion and Rotation of Employees at the Prosecution Service and the Rule on Internship at the Prosecution Service, which entered into force next day. These rules regulated the recruitment and promotion of prosecutors in more detail and provided additional guarantees for the transparency of the process and reasoning of decisions. In view of the carried out reforms, in March 2021, GRECO concluded that Georgia had implemented its recommendation xi satisfactorily.</p>
Gender equality	✘	✔	✔	<ol style="list-style-type: none"> 1. Amendments to the Organic Law on Normative Acts, introducing gender impact assessments related to draft laws, in 2022; 2. The State Concept on Gender Equality, in 2022; 3. The fourth National Action Plan on Women, Peace and Security 2022-2024, in 2022; 4. The Gender Equality Strategy and Action Plan developed by the Civil Service Bureau aimed at establishing a gender-responsive public service, in 2022.
Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities	✘	✘	✘	Minor legal changes has been adopted; no reforms.

Mediation and other ADR	✘	✘	✘	Minor legal changes has been adopted in the Law of Mediation; no new reforms.
Fight against corruption and accountability mechanisms	✘	✔	✔	<p>In view of the carried out reforms on the Ethics Code for the Employees of the Prosecution Service (Order #038), in force as of 27 August 2020, in March 2021 GRECO concluded that Georgia had implemented its recommendation xiii satisfactorily. The recommendation stipulated that the “Code of Ethics for Employees of the Prosecution Service of Georgia” continues to be updated, is communicated to all prosecutors and made easily accessible to the public; (ii) that it be complemented by practical measures for the implementation of the rules, such as further written guidance and explanations, further training and confidential counselling”.</p> <p>Defining disciplinary offences more precisely and ensuring proportionality of sanctions for prosecutors: For defining disciplinary offences more precisely and ensuring proportionality of sanctions, in 2021, the special working group at the Prosecution Service of Georgia (PSG) composed of the representatives of the PSG General Inspectorate, the International Relations and Legal Department and the Career Management, Ethics and Incentives Council, started the review of the 7 years PSG disciplinary practice. Based on the carried out review and analysis, the working group elaborated the clarification of the grounds for disciplinary liability and categories of disciplinary misconducts of the employees of the Prosecution Service of Georgia. On 13 May 2022, it was submitted to the members of the Career Management, Ethics and Incentives Council . After collecting the feedback and amending the draft accordingly, on 16 May 2022, the Prosecutor General of Georgia adopted Rule #014 on the Grounds for Disciplinary Liability and Categories of Disciplinary Misconducts of the Employees of the Prosecution Service of Georgia. On the same day, it was published on the website of the Legislative Herald of Georgia. On 17 May 2022, the Rule entered into force. In view of the PSG 7 year’s practice of handling the disciplinary cases, the Rule on the Grounds for Disciplinary Liability and Categories of Disciplinary Misconducts of the Employees of the Prosecution Service of Georgia provides for the detailed specification of individual disciplinary violations and applicable sanctions. It further defines that the conduct which formally contains the elements of disciplinary violation shall not be considered as disciplinary misconduct, if it did not cause damage or create the risk of this damage. In view of the carried out reforms, in June 2022, GRECO concluded that Georgia had implemented its recommendation xv satisfactorily. The recommendation stipulated, “reviewing the disciplinary regime applicable to prosecutors, including by defining disciplinary offences more precisely and ensuring proportionality of sanctions”.</p>
Domestic violence	✘	✔	✔	<ol style="list-style-type: none"> 1. Government Decree No. 523 of 9 November 2022, establishing the rule that victims of gender-based violence against women, including domestic violence, can obtain State-funded compensation from the State Care Agency, as determined by a court decision; 2. Legislative amendments removing the requirement of an official status as victim of gender-based violence against women for accessing State-funded support services, in 2022, which will enter into force on 1 July 2023; 3. The National Action Plan on Ending Violence against Women, in 2022.
New information and communication technologies	✔	✘	✘	Judiciary: the High Council of Justice of Georgia started working on a new IT Strategy for the Judiciary.

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

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

Data collection 2021

Part 2 (B) - Beneficiary Profile – Georgia

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

The level of implementation of GRECO recommendations in June 2022 (adoption of the Addendum to the Second Compliance Report on Georgia):

	JUDGES	PROSECUTORS
Implemented	33,00%	83,30%
partially implemented	50,00%	0,00%
not implemented	17,00%	17,00%

Selection and recruitment of judges and prosecutors

Procedure of recruitment of judges

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

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

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

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

Recruitment (also for Supreme Court Judges) starts on the basis of the competition publicly announced by the HCJ in an official gazette. Entry criteria are published separately. Candidates submit their applications for the vacancies to the HCJ, together with a certificate that they have filed a property declaration with the Public Registry Bureau. The decision on appointing a candidate to the office of judge is made taking into account two basic criteria: 1. good faith (integrity); and 2. competence. The elements of a good faith criterion are: personal good faith and professional conscience; independence, impartiality and fairness; personal and professional behavior; personal and professional reputation. The elements of a competence criterion are: knowledge of legal norms; ability of legal substantiation and competence; writing and verbal communication skills; professional qualities; academic achievements and professional training; professional activity. The candidate's serial number on the Justice Trainee Qualifications List and the evaluation by the Independent Board of the High School of Justice is also taken into account. For judges who are candidates for a life-time appointment, assessments will be carried out at various points during their three-year probation period, with for the

final assessment additionally five cases (selected randomly) of the judge concerned being examined; for candidates without judicial experience, there is one overall assessment, for which the HCJ will also collect additional information on the candidate's background.

Candidates with prior judicial experience (judge candidates for life-time appointments) will have the opportunity to read the reports of each assessment at a location designated by the HCJ for this purpose. Interviews with the candidates will be conducted transparency of which is ensured through taking minutes of the interviews, recording (audio or video) of the interviews and application of a standardised point system to evaluate the candidates. Following an analysis of the assessment results and an interview with the judge (including with a candidate for a position of a Supreme Court Judge), the HCJ is to take a reasoned decision on the life-time appointment of a judge to common courts (with two-third majority). Within five days of the HCJ's decision, a copy of this decision along with the argumentation or dissenting opinions of members of the HCJ is to be submitted to the judge candidate concerned. The evaluation sheets of candidates without prior judicial experience who have been appointed for a three-year probationary period and the summary information contained therein can be obtained by anyone upon request. Candidates who have not been appointed can access their file (including evaluation sheets) upon request, but this information will not be released to others without the consent of the candidate in question. Both categories of candidates may lodge an appeal with the HCJ (which is to forward this appeal to the Qualification Chamber of the Supreme Court for a decision) within two weeks of the HCJ's decision. Decisions made by the Qualification Chamber are drawn up in writing and are signed by all members of the Qualification Chamber. They are final. The Parliament conducts interviews with the candidates selected by High Council of Justice of Georgia and finally appoints the candidates from this list, yet the Parliament is not obliged to appoint all candidates selected by HCJ. The Parliament's decision on appointment may be appealed at court.

The integrity of candidate judges is checked by being selected on the basis of two basic criteria: good faith (integrity) and competence. The elements of a good faith criterion are: personal good faith and professional conscience; independence, impartiality and fairness; personal and professional behaviour; personal and professional reputation and financial obligations. The elements of a competence criterion are: knowledge of legal norms; ability of legal substantiation and competence; writing and verbal communication skills; professional qualities; academic achievements and professional training; professional activity. The HCJ evaluates each candidate based on the elements concerned.

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

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

Mandate of judges

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

Procedure of recruitment of prosecutors

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

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

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

The recruitment procedure falls within the competence of the Selection Board of the Prosecutor General's Office. It is composed of prosecutors and non-prosecutors and is responsible for selection and nomination of candidate prosecutors. The selection is made on the basis of an interview

and the results of the qualification exam and internship. Transparency of the interview process is ensured through taking minutes of the interviews, using of a standardised questionnaire for all candidates and application of a standardised point system to evaluate the candidates. Nominated candidates are then submitted to the Prosecutor General for appointment. The Prosecutor General has a right to appoint some and reject some among the selected candidates. Organisational matters of the recruitment procedure are in the hands of the HR Department of the Prosecutor General's Office.

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

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

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

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

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

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

Mandate of prosecutors

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

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

Promotion of judges and prosecutors

Promotion of judges

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

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

Any common courts' judge may submit his/her application within not less than 15 days from the public call. The applications will be reviewed by the HCJ within 5 working days and the applicant invited for an interview. A brief background information on the candidates who meet the criteria as determined in the review of their applications will be published on the HCJ's website.

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

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

Appointment of the Supreme Court Judges is also regulated in the LCC and involves both the HCJ and the Parliament in order to increase transparency, objectivity and broad and inclusive participation. Members of the HCJ have to provide written reasoning of their decisions which are published. Candidates are listed as per best rating indicators and candidates should be treated equally during the public hearing conducted by the HCJ. Committee hearings in the Parliament are also open and live broadcasted. A high quorum is set for voting of both institutions. Re-appeals of decisions made by the HCJ are admissible.

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

In [the Evaluation Report](#) (see para. 94), GRECO noted that, as far as promotion of judges is concerned, there is also much room for further improvement. The law only provides that a judge of a district (city) court may be appointed in a court of appeal if s/he has served as a judge in the district (city) court for at least two years – except for specified cases such as demonstration of high judicial skills during the exercise of judicial power – and that judges are to be assessed by the HCJ against promotion criteria established by the latter. Again, the GET was concerned to hear about opaque procedures and the lack of clear and objective criteria. The GET wished to stress how important it is that such promotion criteria, which were under preparation at the time of the visit, are now put in place and applied in practice; for the future, the GET would find it preferable to also enshrine such criteria in the law. Moreover, it is essential that clear and transparent procedures for promotions be established and that unsuccessful candidates can challenge decisions taken by the HCJ. In this connection, the GET again referred to the above-mentioned European standards which also apply to judges' career advancement. Finally, it is to be noted that some amendments to the LGC provisions on promotion of judges are foreseen within the third stage of the reform of the judiciary. Particularly, it is planned to require at least five years' experience as a judge of a district (city) court (instead of two years) before appointment to a court of appeal, and to restrict the right to promotion for judges against whom disciplinary proceedings were initiated. It is clear, however, that those measures are insufficient to address the shortcomings mentioned above. Consequently, GRECO issued the recommendation iv.

Some progress was made in the compliance procedure¹. In [the Compliance Report](#) (see para. 22-27), GRECO noted that its concerns expressed in its Evaluation Report regarding the opaque procedures and the lack of clear and objective criteria as regards specifically the promotion of judges had not been addressed yet, GRECO could only consider this recommendation to have been partly implemented. In [the Second Compliance Report](#) (see para. 25-33), GRECO stated that promotion and appointment to the Supreme Court on which authorities reported was however only one (albeit important) aspect of the recruitment and promotion process of judges referred to in the recommendation. GRECO noted in this respect that no information has been provided on the criteria applied for the promotion of judges (i.e. those who have already been appointed to a judicial position) other than those appointed to the Supreme Court (noting that Article 41 of the LCC only provides that “judges shall be assessed against promotion criteria by the High Council of Justice”), that would allow it to say that the recommendation has been fully addressed. It therefore concluded that the recommendation was only partly implemented. In the Addendum to the Second Compliance Report (see para. 23-31), GRECO noted that the competitive procedure for promotion of district (city) court judges to courts of appeal is based on clear and objective criteria, namely the integrity and competence as well as the requirement to have at least five years' experience as a district (city) court judge, which have been enshrined in the law. It was satisfied that the competitive procedure contains elements of transparency and publicity, that the HCJ's decisions are reasoned and published and that unsuccessful candidates have the right to challenge the HCJ's decisions to the Supreme Court. However, GRECO expressed its misgivings about the promotion of judges without competition. While the domestic legal framework has laid down objective criteria, their evaluation by the HCJ members is not governed by clear rules of procedure which would ensure the impartiality and transparency of the HCJ members. In addition, the HCJ's voting process lacks any transparency whatsoever. In view of the above reasons, GRECO is of the opinion that promotion without competition would fall foul of the principle of equal treatment of all first-instance court judges and,

¹ For this and further references to GRECO's reports, the aim is to present developments in 2021, while the evolution for 2022 and onwards will be further reflected on in the next cycle of data collection and analysis.

consequently, invited the authorities to consider revising or scrapping this promotion track. As regards the appointment to the Supreme Court, GRECO considered that the statutory amendments to the LCC were good steps in the right direction. They relate to the disclosure of identity of the HCJ members who evaluated the candidates, including the respective score and written justification, and the preparation of a shortlist of only those candidates who obtained the best aggregate results. In addition, the statutory amendments envisage the stay of the selection and nomination procedure until the Supreme Court's Qualification Chamber decides on an appeal lodged against the HCJ decision/nomination and the equal treatment of all candidates. That said, GRECO expressed the same concerns as raised by the Venice Commission in its most recent opinion in 2021 about the re-examination of the case by the same composition of the HCJ after the Supreme Court's Qualification Chamber remits the case for reconsideration to the HCJ, and encourages the authorities to envisage introducing an anti-deadlock mechanism if the requirement for the HCJ's two-thirds majority for taking a decision cannot be met so that the nomination process could work effectively. GRECO therefore concluded that recommendation iv remains partly implemented.

There is a reform of the selection/appointment procedure of first instance and appellate court judges planned which will be conducted in the same way as it is for the Supreme Court Judges: by an open vote, identity of the HCJ's members will be disclosed as well as all scores and evaluations made in the course, also scores and evaluations will be reasoned by each member in order to ensure the highest quality reasoning for all appointments made. Draft legal amendments have been sent to the Venice Commission for its opinion.

Promotion of Prosecutors

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

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

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

The Career Management, Ethics and Incentives Council proposes candidates for promotion to the Prosecutor General who decides on promotion. S/he may reject the proposals which should then be reasoned. On the basis of the Rule on Recruitment and Promotion of Prosecutors and the

Rule on Internship at the Prosecution Service Rules any decision taken is to be published on the website of the Prosecution Service and/or other media and is to be substantiated.

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

Confidence and satisfaction of the public with their justice system

Compensation of users of the judicial system

According to the Civil Code (Article 1005) and the Criminal Procedure Code (Article 92) every person has a right to seek compensation for damages in case of wrongful arrest or wrongful conviction, by submitting a civil complaint. The claim is decided upon by the Common Courts.

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

There is a procedure for filing complaints about the functioning of the judicial system in place. Complaints are to be filed with the HCJ. In 2018, the Office of an Independent Inspector was established within the HCJ at which complaints are to be filed. Time limit for dealing with complaints are set. An independent inspector conducts an in-depth preliminary examination/investigation of a complaint filed against a judge. If during the preliminary examination and investigation of a disciplinary case an independent inspector finds evidence of a criminal offense s/he may submit a substantiated motion to the HCJ to decide on the transfer of case materials to the Prosecutor's Office. Interference in the activities of an independent inspector is not allowed, an independent inspector is obliged to conduct a preliminary examination and investigation of a disciplinary case objectively, thoroughly and impartially. On the basis of the conclusions of the independent inspector, the HCJ may either terminate disciplinary proceeding against the judge concerned or initiate one. In the latter case, the HCJ shall make a decision to either terminate disciplinary proceeding against the judge concerned or decide on a disciplinary action taken against the judge. In the latter case the case is then referred to the Disciplinary Board of Judges of the Common Courts which is authorised to review disciplinary cases against judges. The decision of the Disciplinary Board may be appealed to the Disciplinary Chamber of the Supreme Court. The data on number of requests for compensation, the number of compensation and the total amount was not available for 2021.

Procedure to challenge a judge

There is a procedure in place to effectively challenge a judge in case a party considers the judge is not impartial (in addition to a possibility to self-recuse or to withdraw which is regulated in the Civil, Administrative and Criminal Procedure Code). No data has been provided on the number of initiated procedures and number recusals pronounced.

Instructions to prosecute or not addressed to public prosecutors

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

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

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

Promotion of integrity and prevention of corruption

Independence of judges

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

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

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

Independence of prosecutors

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

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

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

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

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

Breaches of integrity for judges

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

Breaches of integrity for prosecutors

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

LPS provisions stipulate positions within state institutions or local self-government bodies, as well as with any entrepreneurial or other paid positions other than scientific, creative and pedagogical activities deemed as incompatible with the position of an employee of the Prosecutor's

Office. Concurrently performing other paid work and/or holding another position within the system of the Prosecutor's Office is allowed. Membership of a political association or engagement in political activities as well as in strikes is prohibited. Abuse of a position of an employee of the Prosecutor's Office or of the opportunities related to the position in order to obtain property or other interests is prohibited and the interests may not be received. An employee of the Prosecutor's Office may not be a representative or a trustee of any natural or legal person, or represent or defend him/her/it in criminal, civil or administrative cases, except when the employee is a guardian, custodian or a supporter of the natural person, or is a representative of the relevant body (Article 45).

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

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

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

Breaches of integrity for court staff

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

Number of criminal cases against judges and prosecutors

The Table below shows the number (absolute/Abs and per 100 judges/prosecutors) of criminal cases initiated and completed against judges and prosecutors as well as number of sanctions pronounced in 2021:

	2021			
	Judges		Prosecutors	
	Abs	per 100	Abs	per 100
Number of initiated cases	0	0,00	1	0,23
Number of completed cases	0	0,00	0,00	0,00
Number of sanctions pronounced	0	0,00	0,00	0,00

Existence of specific measures to prevent corruption

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

In-service training on ethics

There is a compulsory in-service trainings regularly available to both prosecutors and judges. Both judges and prosecutors have to undergo compulsory in-service training solely dedicated to ethics, the prevention of corruption and conflicts of interest. This training is 2-3 days long and prosecutors need to participate on this training more than once on an ad hoc basis while judges undergo such training at the beginning of their career with the possibility to undergo it later due to changes in legislation or other relevant factors.

Codes of ethics for judges and prosecutors

In August 2020, by order of the Prosecutor General the Code of Ethics for Employees of the Prosecution Service was adopted. It is publicly available on the website of the prosecution service. The code contains a set of rules on adherence to judicial values (independence, integrity, impartiality), judges' relationship with institution, citizens and users, judges' competence and continuing education, extrajudicial and political activities, conflict of interest, information disclosure and relationship with press agencies, association membership and institutional positions and gifts. On 22nd September 2020, the Office of the Prosecutor General issued the Commentary to the Code of Ethics and the Disciplinary Proceedings for Employees of the Prosecution Service, which was circulated to all staff of the prosecution service by e-mail that same day (see

[the Second Compliance Report on Georgia](#), para. 60). With regard to update of the Code of Ethics, the authorities report that there is no legal requirement to update it; however, this may be done when needed. The updates to the Code of Ethics were made in 2020 and 2021.

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

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

In [the Addendum to the Second Compliance Report](#) (see para. 32-36), GRECO noted that the updated Rules of Judicial Ethics have been adopted (replacing the Norms of Judicial Ethics) and made publicly available on the website of the Supreme Court and HCJ. As such GRECO considered the first part of the recommendation to be implemented satisfactorily.

As regards the second part of the recommendation, no developments was noted by GRECO in [the Second Compliance Report](#) (see para. 34-38) while in [the Addendum to the Second Compliance Report](#) (see para. 32-36) GRECO noted that the training module on judicial ethics has been updated and that the first training on the updated Rules on Judicial Ethics has taken place. However, since practical measures are underway (such as organisation of further trainings for 2022, confidential counselling and the production of a commentary on the updated Rules of Judicial Ethics), the second part of the recommendation remains partly complied with.

Bodies giving opinions on ethical questions

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

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

Established mechanisms to report influence/corruption on judges and prosecutors

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

Transparency in distribution of court cases

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

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

Declaration of assets for judges and for prosecutors

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

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

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

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

No progress has been made in the compliance procedure (see [the Compliance Report](#), para. 74-76, the Second Compliance Report, para. 63-66 and the Addendum to the Second Compliance Report, para. 46-49).

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

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

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

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

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

The data on the number (absolute/Abs and per 100 judges/prosecutors) of proceedings against judges/prosecutors for violations or discrepancies in declaration of assets in 2021 is included in the Table below:

	Judges						Prosecutors					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced		Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
2021	9	2,62	9	2,62	4	1,17	0	0,00	0	0,00	0	0,00

Conflict of interest for judges and for prosecutors

Procedures and mechanisms for managing potential conflict of interest

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

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

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

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

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

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

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

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

The **Code of Ethics for the Employees of the Prosecution Service** obliges an employee of the prosecution service to refrain from any activity that could cause doubt with regard to his/her independence or influence his/her service-related activities, as well as authority and good name of the prosecution service. An employees of the prosecution service should not have any private interest incompatible with the performance of official duties and should self-recuse himself/herself in such a case and avoid any participation in decision-making. An employees of the prosecution service must refrain from requesting or accepting a gift prohibited by law and should refrain from receiving any kind of gift from all those individuals

who are in some way interested in the case the employee is investigating or provides procedural guidance over it, or if such an act constitutes an attempt to influence him/her or may actually influence the latter in future.

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

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

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

Possibility for judges and prosecutors to perform additional activities

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

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

within 10 days of the appointment/election of this official. The official must certify this to the superior official/body (in the case of prosecutors, the General Inspection) and to the human resources management unit.

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

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

Breaches of rules on conflict of interest

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

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

disciplinary proceedings, and on the disciplinary action of a judge or termination of disciplinary proceedings after the commencement of disciplinary proceedings. A judge may be disciplined for breaches of above-mentioned provisions of the LCICPI. A disciplinary panel shall consider and decide on the application of a disciplinary sanction against the accused judge, while the Disciplinary Chamber will decide an appeal against the decision of the disciplinary panel.

The Table below provides the data on the number (absolute/Abs and per 100 judges/prosecutors) of procedures for breaches of rules on conflict of interest for judges and prosecutors in 2021:

	Judges						Prosecutors					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced		Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
2021	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00

Discipline against judges and prosecutors

Description of the disciplinary procedure against judges

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

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

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

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

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

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

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

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

No progress with regard to this part of the recommendation was noted by GRECO in [the Compliance Report](#) (see para. 41-48). However, in [the Second Compliance Report](#) (see para. 39-44) GRECO noted that while Article 75¹ of the Law on Common Courts still contains some notions of disciplinary misconduct that could be more clearly defined (e.g., "political or social influence or influence of personal interests when a judge

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

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

Description of the disciplinary procedure against prosecutors

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

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

Similar categories of disciplinary violations are outlined also in the Ethics Code and Disciplinary Proceedings for Employees of the Prosecution Service, which are explicitly outlined in the Commentary to the Code in its Chapter 6: 1. defective fulfilment of obligations vested by law (means a defective fulfilment of the Constitution, the Criminal Code, the Criminal Procedure Code, other legal acts of Georgia as well as the Order of the General Prosecutor and/or internal guidelines. This is a minor disciplinary offence, for which a warning or a reprimand can be imposed as a disciplinary sanction.); 2. committing misconduct (entails a violation of the requirements envisaged by the Internal Rules of the Prosecution Service and, depending on the circumstances, counts as a minor or medium disciplinary offence, for which a warning, a reprimand or deduction in salary up to 30% from one up to six months can be imposed as a disciplinary sanction) ; 3. committing an act unbecoming to an employee of the

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

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

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

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

applicable sanctions in the Commentary to the Code of Ethics, as well as the removal of the disciplinary offence “breaking an oath” from the law (taken together with the changes to the Law reported on in the Compliance Report), some steps towards compliance with the recommendation have been taken, allowing GRECO to conclude that this recommendations was partly addressed. In the Addendum to the Second Compliance Report (see para. 50-57), GRECO noted the approval by the Prosecutor General in May 2022 of the Rule on the grounds for disciplinary liability and categories of disciplinary misconduct for the employees of the prosecution service, its subsequent entry into force and publication. The Rules has defined more precisely a broad range of disciplinary offences under each ground for disciplinary liability. In addition, the LPS from 2018 has laid down a range of disciplinary measures which appear proportionate in respect of each category of disciplinary misconduct, regard being had to the circumstances in each case. In conclusion GRECO assessed recommendation xv as implemented satisfactorily.

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

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

The data on disciplinary proceedings against judges and prosecutors in 2021 is included in the Table below, with the following explanations: the notion of “professional incapacity” in respect of judges means violation of a time limit specified by a law without justified reason, expression of undisguised disrespect for another judge, a member of a court staff or a participant in a court process . In respect of prosecutors, the notion of “professional incapacity” includes disciplinary violation such as non-performance or improper performance of official duties prescribed by law. In respect of judges, 62 cases under “Other” in which disciplinary proceedings were initiated in 2021 include: 21 cases of conduct incompatible with the status of a judge; 20 cases of political or social influence or influence of personal interests when a judge exercises his/her judiciary powers; 7

cases of judge's refusal to recuse oneself or comply with a request for recusal when clear legal grounds for recusal exist; 7 cases of discriminatory verbal or other action by a judge towards any person on any grounds, performed when performing judiciary duties; 3 cases of judge's failure to react if he or she witnesses a discriminatory verbal or other action towards a participant in a process by a court staffer or a participant in a process; 2 cases of establishment of personal and intense (friendly, familial) relations with a participant in a process to be held for a case to be handled by him or her personally, which results in the judge's bias and/or placement of a participant in a process in a favorable position, if the judge had an information about the side; 1 case of public expression of an opinion by a judge on a case currently handled by court. Judge's commentary on organizational and technical matters pertaining to the case currently handled by court for the purpose of informing the public shall not constitute disciplinary misconduct; and 1 case of disclosure of the outcome of a case to be heard by a judge in advance, except in the circumstances specified by the procedural law.

		2020			
		Judges		Prosecutors	
		Abs	per 100	Abs	per 100
Number of disciplinary proceedings initiated during the reference year	Total number (1 to 5)	166	48,40	10	2,31
	1. Breach of professional ethics (including breach of integrity)	NAP	NAP	0	0,00
	2. Professional inadequacy	102*	29,74*	9**	2,081**
	3. Corruption	2	0,58	0	0,00
	4. Other criminal offence	0	0,00	0	0,00
	5. Other	62***	18,08	1	0,23
Number of cases completed in the reference year against	Total number (1 to 5)	49	14,29	14	3,24
	1. Breach of professional ethics (including breach of integrity)	NAP	NAP	0	0,00
	2. Professional inadequacy	36	10,50	10	2,31
	3. Corruption	0	0,00	0	0,00
	4. Other criminal offence	0	0,00	0	0,00
	5. Other	13	3,79	4	0,93
Number of sanctions pronounced during the reference year	Total number (total 1 to 10)	0	0,00	9	2,08
	1. Reprimand	0	0,00	7	1,62
	2. Suspension	NAP	NAP	0	0,00
	3. Withdrawal from cases	NAP	NAP	NAP	NAP
	4. Fine	NAP	NAP	NAP	NAP
	5. Temporary reduction of salary	NAP	NAP	0	0,00
	6. Position downgrade	NAP	NAP	0	0,00
	7. Transfer to another geographical (court) location	NAP	NAP	NAP	NAP
	8. Resignation	NAP	NAP	NAP	NAP
	9. Other	0	0,00	NA	NA
	10. Dismissal	0	0,00	2	0,46

Council for the Judiciary/ Prosecutorial Council

Council for the Judiciary

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

It consists of 15 members: the chair of the Supreme Court (who acts as a chair ex officio), eight judicial members from all three instances of the judiciary elected by the Conference of Judges by secret ballot following self-nomination, and six non-judicial members, of which five are appointed by Parliament, and one is appointed by the President of Georgia from academia, lawyers or civil society, on the basis of proposals received from universities, the Georgian Bar Association and other civil society organisations.

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

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

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

Operational arrangements that prevent over-concentration of powers in the same hands concerning different functions to be performed by members of the HCJ include the fact that non-judges are members of the HCJ elected/appointed by various state bodies (Parliament, President of Georgia), that non-judges are selected from among professors, scholars, members of the Bar Association and/or by non-commercial legal entities in Georgia. Decisions to be taken on most important matters require 2/3 majority of members' votes which means that both judges and

non-judge members have to take part in decision-making. LCC also contains rules on conflicts of interest which determine grounds and procedure for recusal of HCJ member in case of doubt in the member's objectivity, independence and impartiality during on-going procedure.

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

The HCJ is competent when it is evident that there is a breach of the independence or impartiality of a judge. Initiation of disciplinary proceedings is competence of Independent Inspector. High Council of Justice decides cases presented by the Independent Inspector, thus the HCJ has no right to start disciplinary proceedings without the opinion of Independent Inspector.

Prosecutorial Council

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

It has 15 members which comprise eight members elected by the Conference of Prosecutors – at least one fourth of a different gender, and seven non-prosecutor members (one MP elected by the parliamentary majority and one MP elected by the MPs outside the parliamentary majority, two members elected by the HCJ from among the judges of common courts, and three members elected by Parliament by majority of its total membership, of whom one member is nominated by the Bar Association, one is nominated by the Minister of Justice and one is nominated by the non-commercial legal entity Civil Development Society) (Section 8.1, LPO). The two candidates proposed by the HCJ should have at least five years' experience of working as a judge, while a candidates proposed by the Minister of Justice should have a higher education in law with a master's or equal academic degree and at least five years' experience working as a lawyer. For two members of the Prosecutorial Council selected from among the civil society, legislation prescribes the following requirements: (a) Higher legal education with a master's or equal academic degree/higher education diploma; (b) at least 5 years of working experience in the legal specialty; (c) excellent reputation; (d) recognition as a specialist in the field of law.

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

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

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

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

Operational arrangements that prevent over-concentration of powers in the same hands concerning different functions to be performed by members of the Prosecutorial Council include the composition itself (members being prosecutors and non-prosecutors prohibition of Prosecutorial Council's membership for the Prosecutor General, the First Deputy Prosecutor General, a Deputy Prosecutor General and certain other high-ranking prosecutorial positions), the fact that some members are elected from the civil society, scholars, professors, parliamentary opposition, rules on conflicts of interest set in LCICPI and incompatibilities rules prescribed in LPS etc.

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

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