



Strasbourg, 15/07/2024

CEPEJ(2024)2REV1  
PART 2

## 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" Action

Data collection: 2023

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

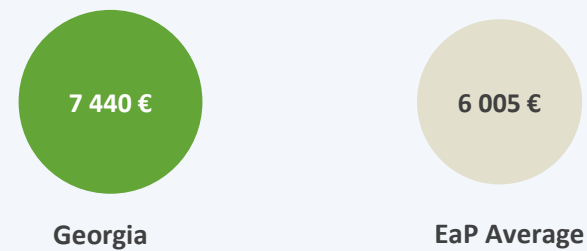
### Part 2 (A) - Beneficiary profile - Georgia

## Executive Summary - Georgia in 2023

### Population in 2023



### GDP per capita in 2023



### Average annual salary in 2023



### Budget:

In 2023, Georgia spent **61 018 077€** on the implemented judicial system budget. This means that Georgia spent **16,3€ per inhabitant**, which is less than the EaP Average of 18,4€. **63,7% was spent for courts, 30,5% for prosecution services, 5,9% for legal aid.** Compared to 2022, Georgia has spent, per inhabitant, **9,4% more for courts, 13% more for prosecution services, and 54,8% more for legal aid.**

The budgets spent per inhabitant amounted to **10,4€ for courts, 5€ for prosecution services and 0,96€ for legal aid.** Only the amount for legal aid per inhabitant is above the EaP Average in 2023.

### Legal aid:

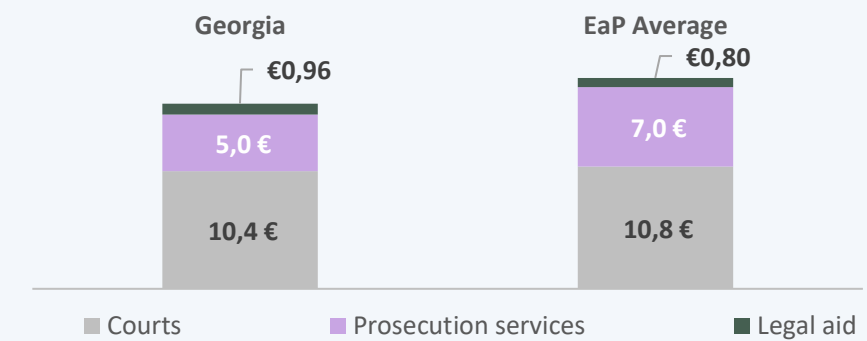
In 2023, the implemented budget for legal aid spent by Georgia was 3 572 356€ (5,9% of the judicial system budget). It increased by 110,4% more compared to 2018. Georgia spent 0,96€ per inhabitant (above the EaP Median of 0,71€). There were 0,56 cases for which legal aid has been granted per 100 inhabitants, which is below the EaP Median in 2023.

In 2023, there were a total of 20 866 cases for which legal aid was granted, which was 29,3% more compared to 2018. There were 14 431 criminal cases, and 6 435 other than criminal cases for which legal aid has been granted. There were 10 852 legal aid cases brought to court, 10 014 cases not brought to court. On average, the amount granted per legal aid case was 171,2€.

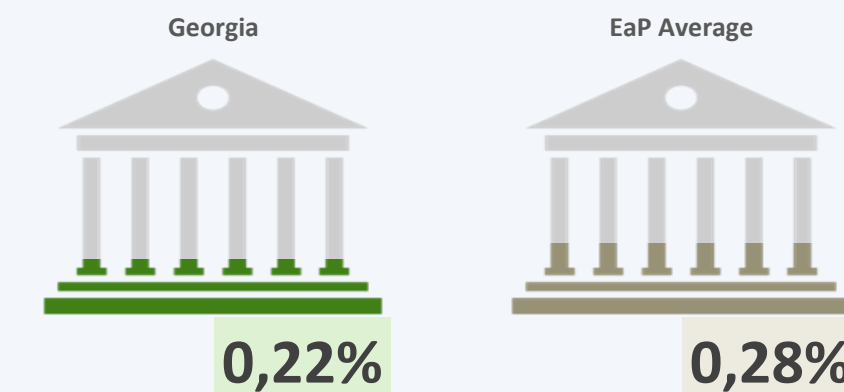
On average, Georgia spent **171.2€ per case**, which higher than the EaP average of 75,76€.

### Budget of the Judicial System

#### Implemented Judicial System Budget per inhabitant in 2023



#### Implemented Judicial System Budget as % of GDP in 2023



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 (76%) in administrative cases. Consequently, the number of pending cases at the end of the year showed increase in **all categories of cases in first instance courts**. The **second instance courts** managed to keep the clearance rates above 100% in Civil and commercial litigious and in Criminal law cases but dropped significantly below 100% in administrative cases (88%). Compared to 2022 clearance rate increased noticeably only in Criminal law cases in first and second instances. In all other matters in both instances CR either dropped or had very marginal increase. Compared to 2018, Clearance rate in first instance courts increased only in Civil litigious cases, in second instance courts - in civil and criminal cases.

Compared to 2022 the number of resolved cases in the first instance reduced by -18.2% in Civil and commercial cases but increased slightly in administrative and criminal cases by 2.0% and 0.5% respectively. In the second instance the number of resolved cases increased in civil (2.2%) and criminal (0.6%) categories while the number of resolved administrative cases reduced by -8.4%.

In 2023 the **Clearance rates are lower than the EaP averages** in first instance civil and administrative cases while they are **higher than EaP averages in criminal cases**. Similarly, disposition times in first instance civil (325 days) and administrative cases (633 days) are higher than the EaP averages of 172 and 359 days respectively. The figures improve in second instance where criminal and administrative categories have lower disposition time compared to the EaP average, however DT for civil cases is higher than the EaP average.

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

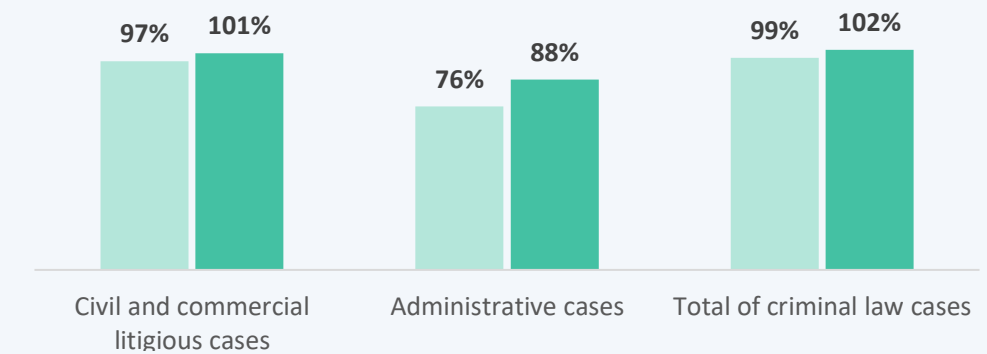
**Clearance Rate (CR)** is the ratio obtained by dividing the number of resolved cases by the number of incoming cases in a given period, expressed as a percentage. It demonstrates how the court or the judicial system is coping with the in-flow of cases and allows comparison between systems regardless 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.

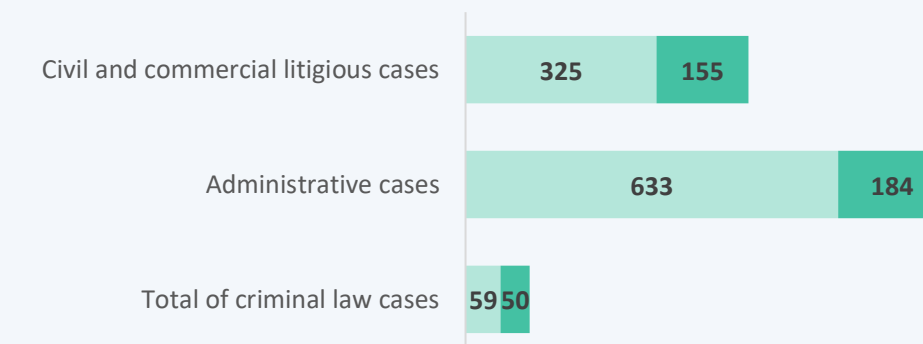
### Efficiency

1st instance 2nd instance

#### Clearance rate in 2023 (%)



#### Disposition time in 2023 (days)



### ICT Deployment indexes (scale 0-10)

The three ICT deployment indexes (CMS, Courts decisions DB and Statistical tools) range from 0 to 10 points. Their calculation is based on the features and deployment rates of each beneficiary. The methodology for calculation provides points for each feature in each case matter. They are summarised and multiplied by the deployment rate as a weight. In this way, if the system is not fully deployed, the value is decreased even if all features are existing.



### Electronic case management system and court activity statistics

Georgia has one case management systems (CMS) software used for registering judicial proceedings and for their management which has been developed more than 10 years ago. At the moment Information Technology Service of High Council of Justice of Georgia is working on the development of the new Case Management program.

Maximum score among the three ICT indexes is achieved by the CMS index (5,7); while overall lowest score was calculated for the Statistical tools index (1,6). All three matters have the same CMS index score (5,7). Regarding the Court decisions database, all three matters scored 4,0, whereas they scored only 1,6 out of 10 for the Statistical tools index.

The database of court decisions is available for all instances and matters and its deployment rate is 95-100%. Georgian Court system has two main websites for publication of Court Decisions: 1) [www.ecd.court.ge](http://www.ecd.court.ge) where all decisions taken by courts (by all Instance courts) had been automatically published (with anonymised data) on this website; 2) [www.supremecourt.ge](http://www.supremecourt.ge) where all decisions taken by Supreme Court of Georgia are published (with anonymised data)

### Trainings

The total budget for training of judges and prosecutors in Georgia was 0,24€ per inhabitant, lower than the EaP Average of 0,3€ per inhabitant. In 2023, Georgia organised 207 trainings, over 1056 days, and with a total of 1549 participants. There was on average 7.5 participants per training which was significantly lower than the EaP Average of 22,2. In 2023 the highest priority for live training was given to the training of Prosecutors (1,7 participations on trainings per prosecutor). At the same time, the percentage of prosecutors attending at least one training was 80.4%.

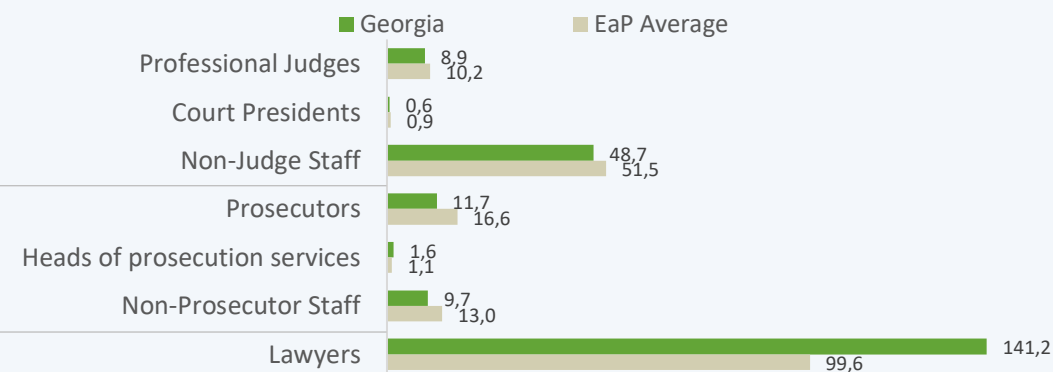
### ADR

In Georgia, court related mediation procedures are available and legal aid for court-related mediation or related mediation provided free of charge could 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. Also, there are no mandatory informative sessions with a mediator.

In 2023, the number of mediators was 6,6 per 100 000 inhabitants, which was below the EaP Average (13,2 per 100 000 inhabitants). The majority of the mediators were women (69%). The data on the total number of mediation cases was not available for 2023, thus no analysis thereof was possible.

### Professionals of Justice

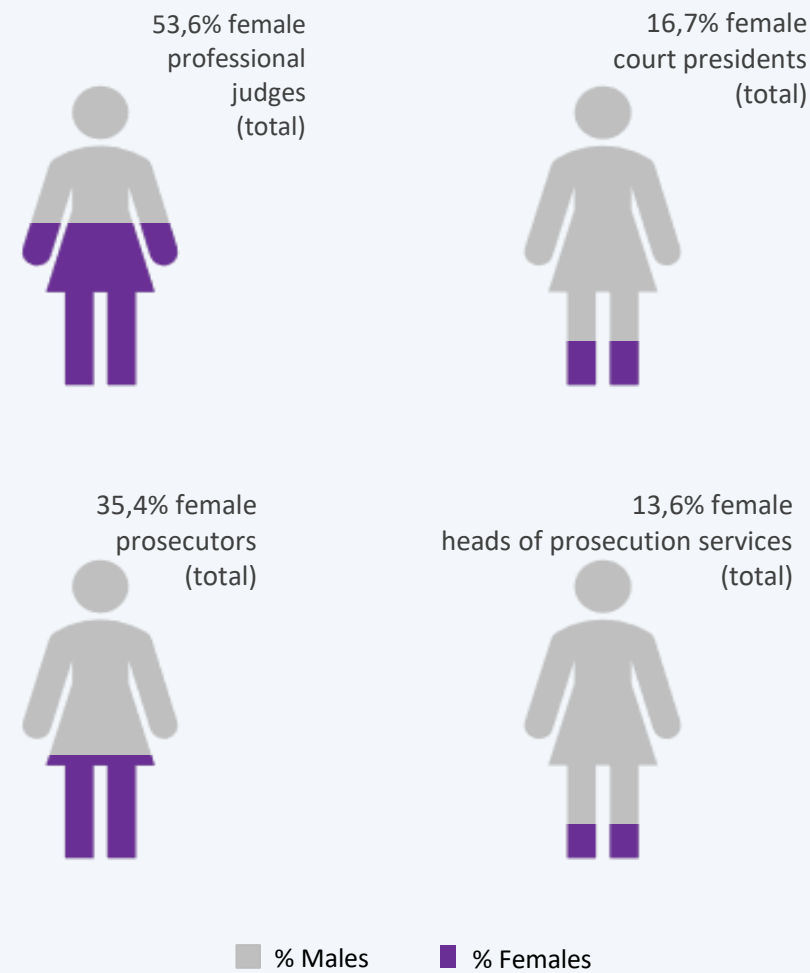
#### Total number of professionals per 100 000 inhabitants in 2023



#### Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2023 (€)



### Gender Balance



### Professionals and Gender balance

In 2023, Georgia had **8,9 professional judges** per 100 000 inhabitants and **11,7 prosecutors** per 100 000 inhabitants. Both figures were below the EaP Average of 10,2 and 16,6, respectively. In 2023, there were **141,2 lawyers** per 100 000 inhabitants in Georgia (considerably above the EaP Average).

In Georgia, **53,6% of professional judges were women** (EaP Average was 43,1%), whereas the percentage of **female prosecutors was 35,4%** (the EaP Average was 27,5%). **16,7% court presidents** were women and **13,6% heads of prosecution offices** were women. Women account for **66,8% of non-judge staff** (close to the EaP Average of 69,4%) and **47,6% of non-prosecution staff** (lower than the EaP Average of 64%) are women. About **50% of lawyers** (above the EaP Average of 36,1%) in 2023.

### ECHR

In 2023, there were 156 applications allocated to a judicial formation\*\* for Georgia (6 more than the previous year). There were 12 judgements by the ECHR finding at least one violation for Georgia, of which 1 related to the right to a fair trial.

In Georgia, there is a possibility to review a case after a decision on violation of human rights by the ECtHR and there is a monitoring system for violations related to Article 6 of ECHR in civil, administrative and criminal procedures.

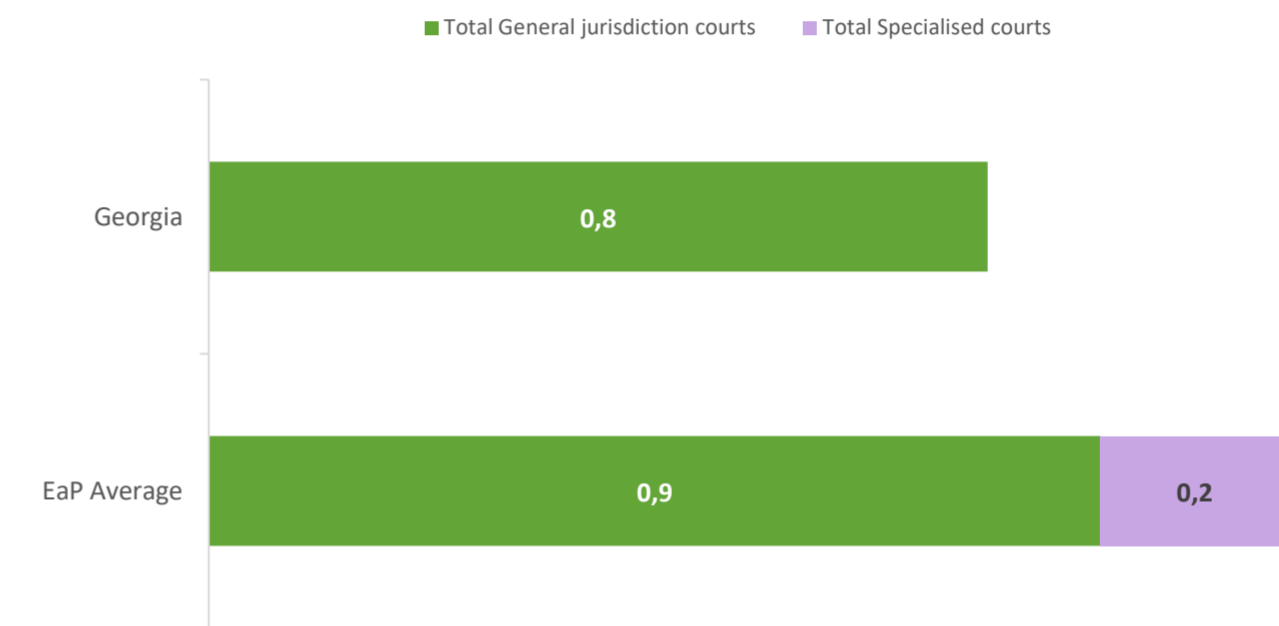
## Judicial organisation in Georgia in 2023 (Indicator 2.0)

Georgia has a three-tier judicial system of courts of general jurisdiction. Common courts deal with civil, criminal and administrative cases. First instance courts consist of city and district courts followed by the two court of appeals based on territorial division. Supreme Court is the single highest instance court in the country. Specialised courts do not exist in Georgia.

### • Number of courts - legal entities

		Number of courts - legal entities in 2023		
		Absolute number	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total number of all courts - legal entities (1 + 2)		29	0,8	1,0
General jurisdiction	Total General jurisdiction courts (1)	29	0,8	0,9
	1st instance	26	0,7	0,8
	2nd instance	2	0,1	0,1
	Highest instance	1	0,0	0,0
Specialised courts	Total Specialised courts (2)	NAP	NAP	0,2
	1st instance	NAP	NAP	0,2
	Higher instance	NAP	NAP	-

Number of all courts - legal entities per 100 000 inhabitants in 2023



Georgia has a total of 29 courts of general jurisdiction, 0.8 per 100 000 inhabitants, which is lower than the EaP average of 1.0. There are also 2 appeal courts, 0.1 per 100 000 inhabitants, similar to the EaP average.

## • Specialised courts

Georgia does not have specialised courts at any level. All cases are heard by the common courts in civil, commercial and administrative chambers.

Specialised courts in 2023	First instance	Higher instances
Total number of specialised courts - legal entities	NAP	NAP
Commercial courts (excluded insolvency courts)	NAP	NAP
Insolvency courts	NAP	NAP
Labour courts	NAP	NAP
Family courts	NAP	NAP
Rent and tenancies courts	NAP	NAP
Enforcement of criminal sanctions courts	NAP	NAP
Fight against terrorism, organised crime and corruption	NAP	NAP
Internet related disputes	NAP	NAP
Administrative courts	NAP	NAP
Insurance and / or social welfare courts	NAP	NAP
Military courts	NAP	NAP
Juvenile courts	NAP	NAP
Other specialised courts	NAP	NAP

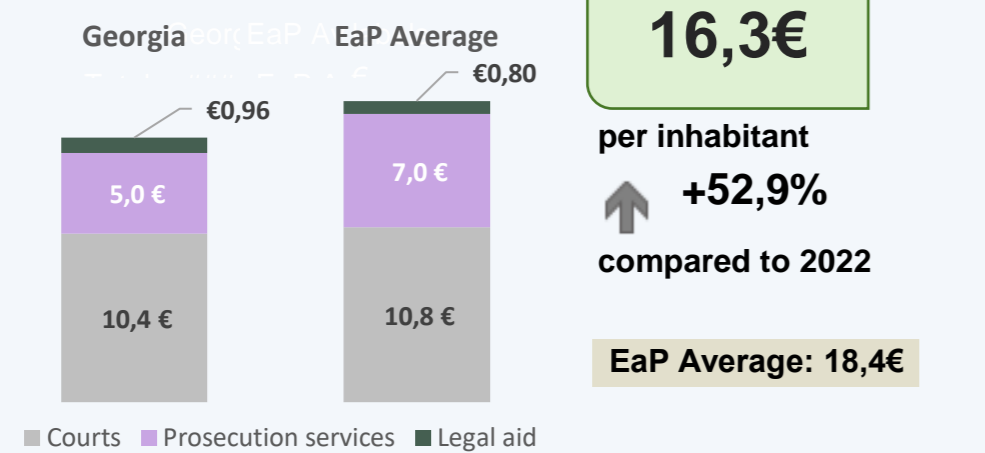
## • Number of courts - geographic locations

Number of courts - geographic locations in 2023	Absolute number	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total number	29	0,8	1,4
1st instance courts	26	0,7	1,3

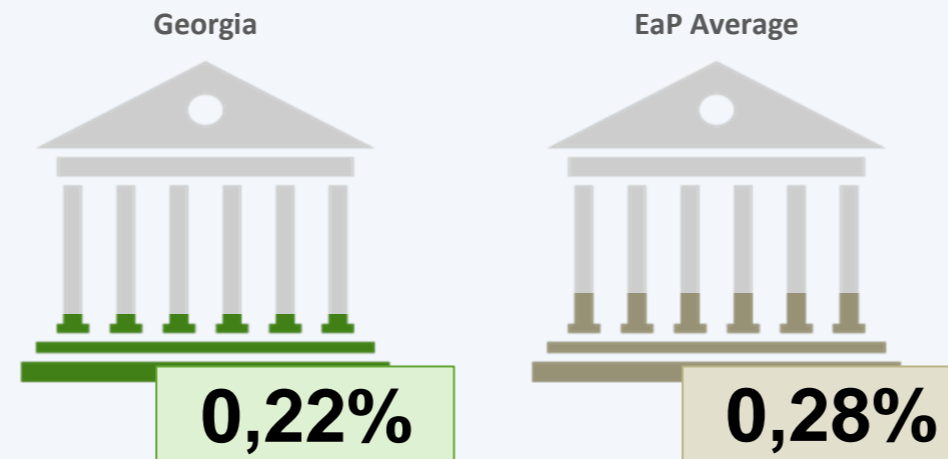
Georgia has a total of 29 courts (geographic locations). 26 of those are 1st instance courts. Number of 1st instance and all courts (geographic locations) per 100 000 inhabitants is 0.7 and 0.8, lower than the EaP averages of 1.3 and 1.4 respectively.

## Budget of the judicial system in Georgia in 2023 (Indicator 1)

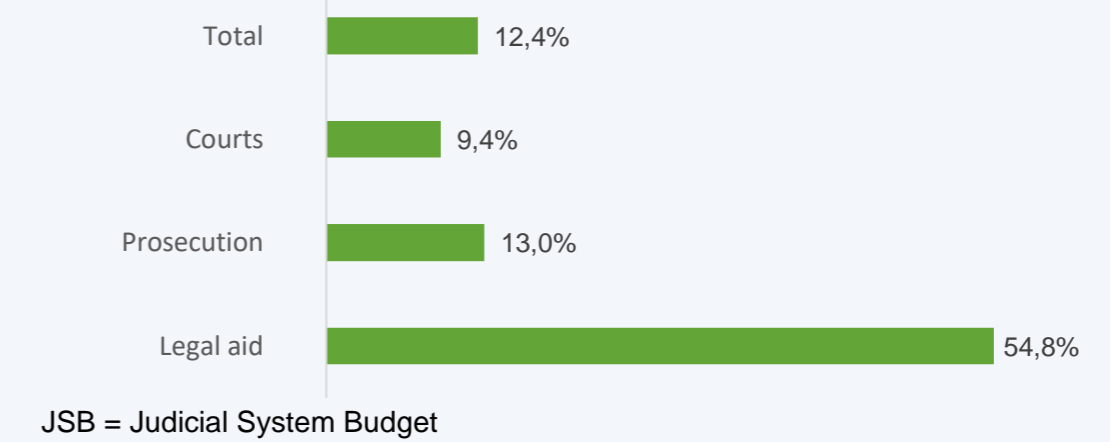
### Implemented Judicial System Budget per inhabitant



### Implemented Judicial System Budget as % of GDP



### Variation of the JSB per inhabitant between 2022 - 2023



The Judicial System Budget (JSB) is composed by the budget for courts, public prosecution services and legal aid. In 2023, the implemented JSB for Georgia was 16,3€ per inhabitant (+12,4% compared to 2022). It was lower than the EaP Average of 18,4€. The expenditure on JSB represented 0,22% of the GDP of Georgia (the EaP Average was 0,28%). The most significant increase per inhabitant in 2023 is on Legal aid (54,8%) explained by an increased demand for legal aid.

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

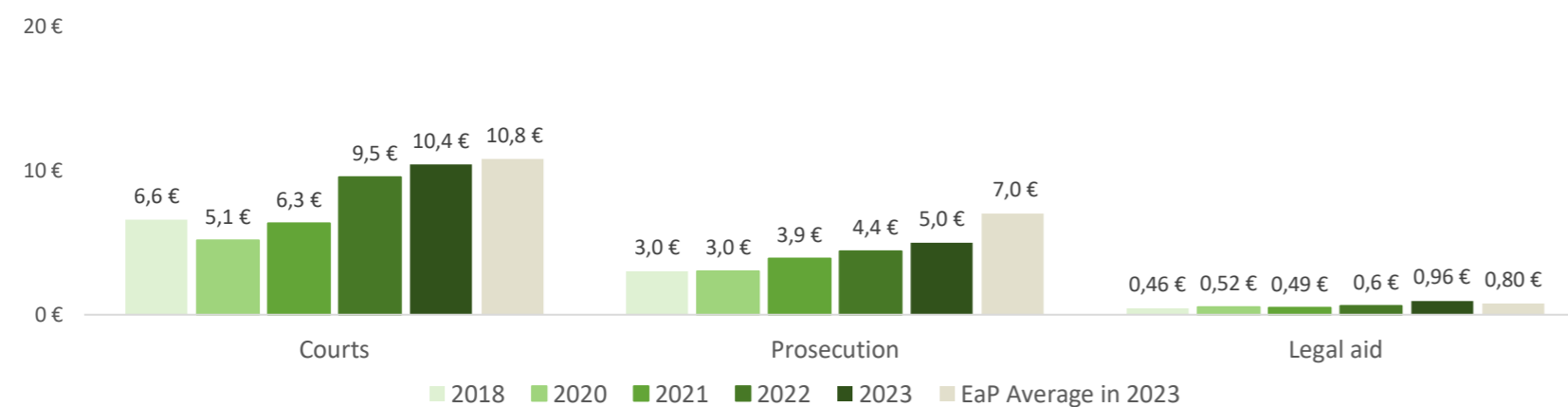
In 2023, Georgia spent 61 018 077€ on the implemented judicial system budget. This means that Georgia spent 16,3€ per inhabitant, which is less than the EaP Average of 18,4€. 63,7% was spent for courts, 30,5% for prosecution services, 5,9% for legal aid.

Compared to 2022, Georgia has spent, per inhabitant, 9,4% more for courts, 13% more for prosecution services, and 54,8% more for legal aid.

Judicial System Budget	Judicial System Budget in 2023		Implemented Judicial System Budget per inhabitant				Implemented Judicial System Budget as % of GDP			
	Approved	Implemented	Per inhabitant in 2023	EaP Average in 2023	% Variation between 2018 - 2023	% Variation between 2022 - 2023	As % of GDP	EaP Average in 2023	Variation (in ppt) 2018 -2023	Variation (in ppt) 2022 - 2023
<b>Total</b>	67 188 661 €	61 018 077 €	16,3 €	18,4 €	62,3%	12,4%	0,22%	0,28%	-0,06	-0,010
<b>Courts</b>	44 549 389 €	38 861 069 €	10,4 €	10,8 €	57,7%	9,4%	0,14%	0,16%	-0,04	-0,010
<b>Prosecution</b>	19 033 670 €	18 584 652 €	5,0 €	7,0 €	65,1%	13,0%	0,07%	0,13%	-0,02	-0,003
<b>Legal aid</b>	3 605 602 €	3 572 356 €	1,0 €	0,8 €	109,7%	54,8%	0,013%	0,01%	0,000	0,003

PPT = Percentage points

### Evolution of the implemented judicial system budget per inhabitant between 2018 and 2023 (€)



Implemented per inhabitant budget for all components of the JSB has been increasing overall in Georgia since 2018. As per 2023 data implemented per inhabitant budget for courts (10,4€) and prosecution (5,0€) are below the EaP Average (10,8€ and 7,0€ respectively), while budget for legal aid (0,96€) is above the EaP average (0,80€).

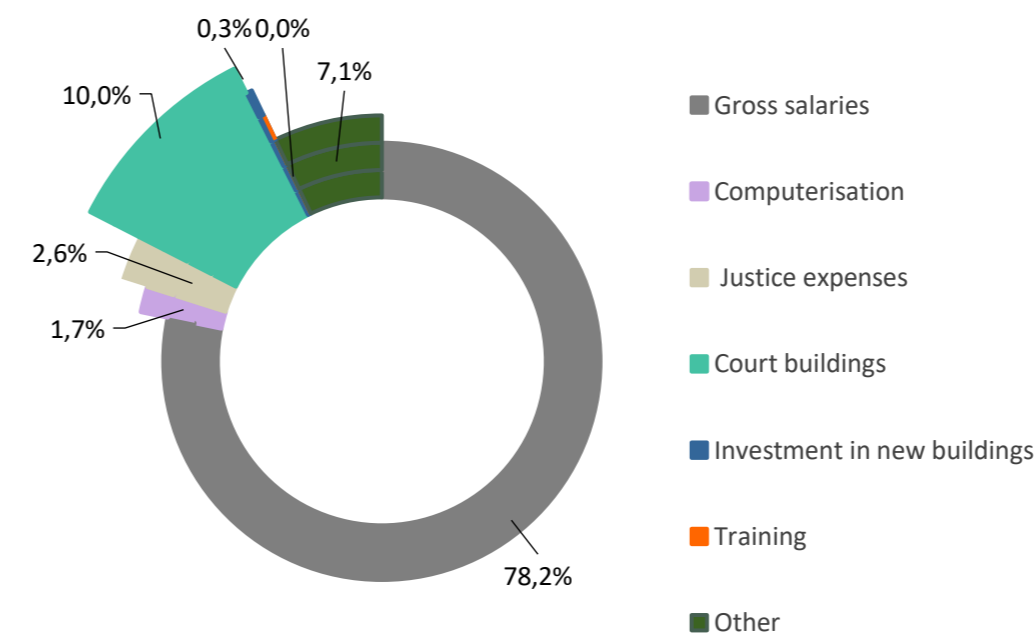
## Budget allocated to the functioning of the courts - Categories

In 2023, Georgia spent 38 861 069€ on the implemented budget for courts. 78,2% was spent for gross salaries, 10% for court buildings, 7,1% for other, 2,6% for justice expenses, 1,7% for computerisation, 0,3% for investment in new buildings.

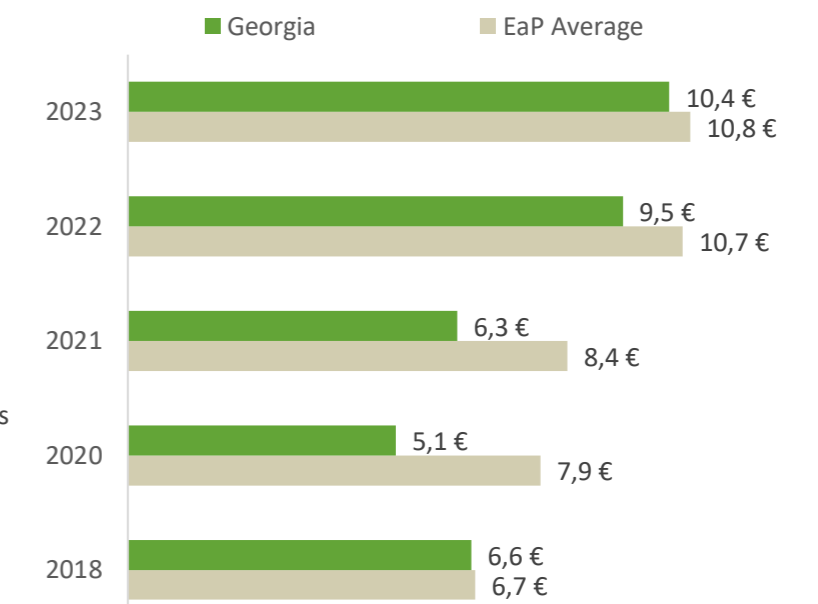
Between 2022 and 2023, the implemented budget for courts has increased by 9,4%.

	2023		% Variation between 2018 and 2023		% Variation between 2022 and 2023	
	Approved budget	Implemented budget	Approved budget	Implemented budget	Approved budget	Implemented budget
<b>Total (1 + 2 + 3 + 4 + 5 + 6 + 7)</b>	44 549 389 €	38 861 069 €	78,4%	58,3%	14,2%	9,4%
<b>1. Gross salaries</b>	30 631 688 €	30 399 815 €	81,4%	82,0%	13,0%	12,6%
<b>2. Computerisation (2.1 + 2.2)</b>	765 965 €	645 325 €	158,9%	106,6%	-48,2%	-51,8%
<b>2.1 Investment in computerisation</b>	450 117 €	340 527 €			-58,2%	-64,5%
<b>2.2 Maintenance of the IT equipment of courts</b>	315 848 €	304 798 €			-21,4%	-19,7%
<b>3. Justice expenses</b>	1 142 353 €	1 026 628 €	-50,7%	-53,9%	46,8%	47,2%
<b>4. Court buildings</b>	4 223 995 €	3 900 920 €	235,0%	210,9%	-9,4%	-3,9%
<b>5. Investment in new buildings</b>	4 789 592 €	120 996 €	103,2%	-94,9%	92,5%	-22,4%
<b>6. Training</b>	0 €	0 €	-100,0%	-100,0%	0%	0%
<b>7. Other</b>	2 995 796 €	2 767 385 €	126,8%	126,1%	20,7%	22,0%

Distribution of the Implemented budget allocated to the courts in 2023 (%)



Implemented budget allocated to the courts per inhabitant between 2018 and 2023 (€)



The total approved budget increased in 2023 compared to 2022, in particular on the account of increased salaries; investments into the development of IT equipment; increased demand for justice expenses (expertise, interpretation, etc.); increased fees and costs, reconstructions of court buildings; allocations for the construction of new court buildings. Some of the reasons behind the difference between allocated and implemented budget relate to savings resulting from tenders; remained unused funds from signed service contracts during the year. The construction of the new building of the Tbilisi City Court and the reconstruction works of the new building of the Tbilisi Court of Appeal have not been started in 2023. Category 7. Other includes Business trips, goods and services necessary for office activities, uniforms, vehicle fuel, repair and insurance, judges' apartment rent.

## Budget received from external donors

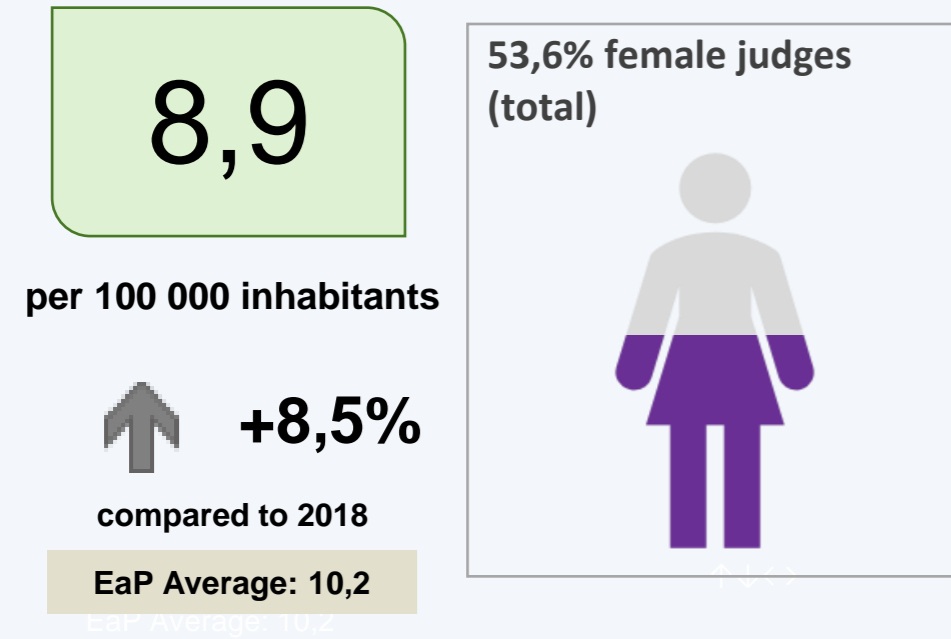
	Absolute value	Calculated as %
Courts	NA	NA
Prosecution services	NA	NA
Legal aid	NA	NA
Whole justice system	NA	NA

The authorities explained the non-availability of data by the following: According to the legislation of Georgia, the state budget is the only source for funding the Court System and Prosecution Service (PSG). It does not allow direct budgetary contribution by donors. Therefore, the information on the amount spent by the donors active in Georgia for Courts and PSG is not available.

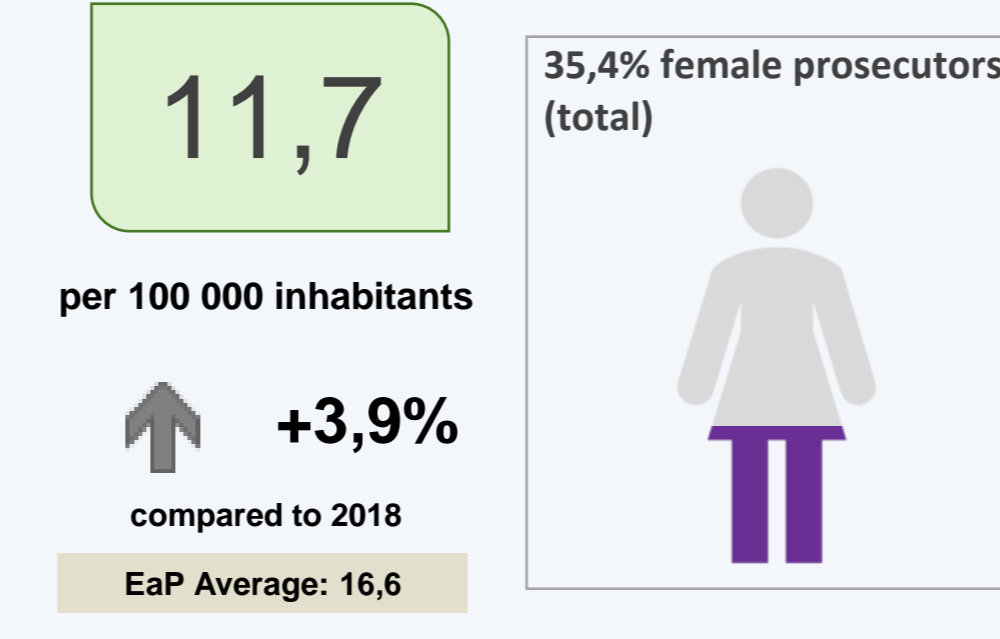
There was some partial data on legal aid provided by the Legal Aid Service on External Donor Funds (92 794 Euros), according their contracts and memorandums with Donor international organisations.

## Professionals and Gender Balance in judiciary in Georgia in 2023 (Indicators 2 and 12)

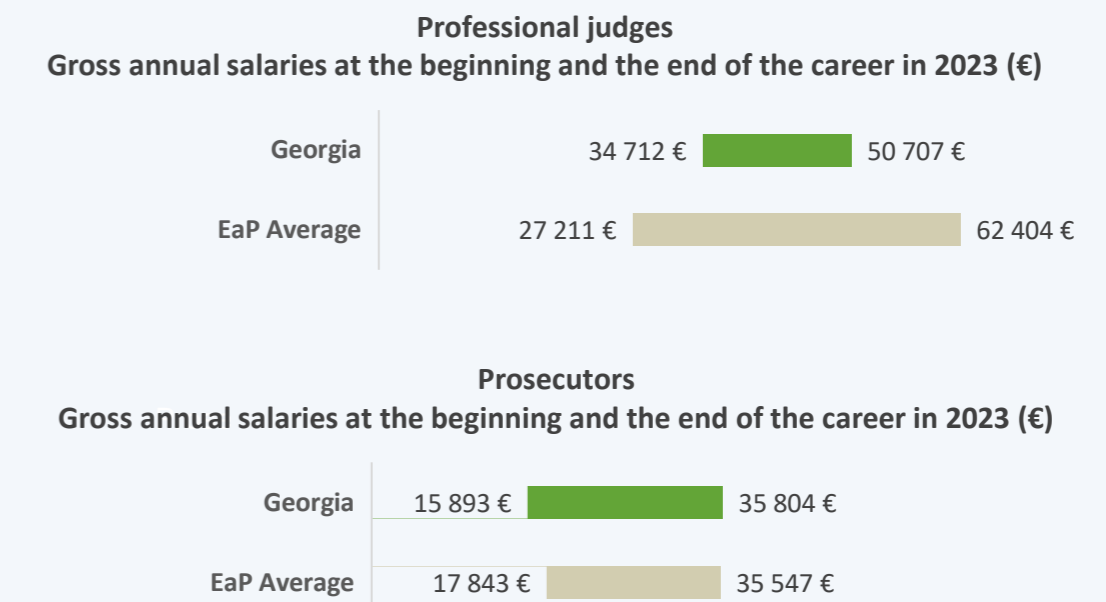
### Professional Judges



### Prosecutors



### Salaries of judges and prosecutors



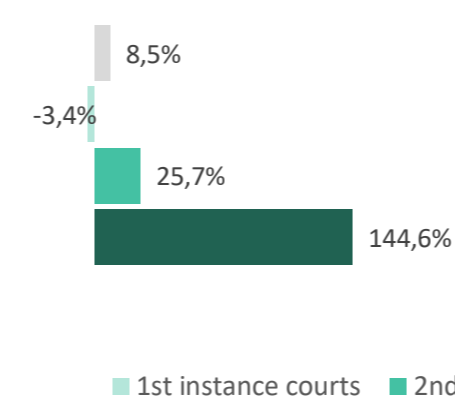
In 2023, Georgia had 8,9 professional judges per 100 000 inhabitants and 11,7 prosecutors per 100 000 inhabitants. Both figures were below the EaP Average of 10,2 and 16,6, respectively. More than half of professional judges were women (EaP Average was 43,1%), whereas the percentage of female prosecutors was 35,4% (the EaP Average was 27,5%).

### Professional Judges

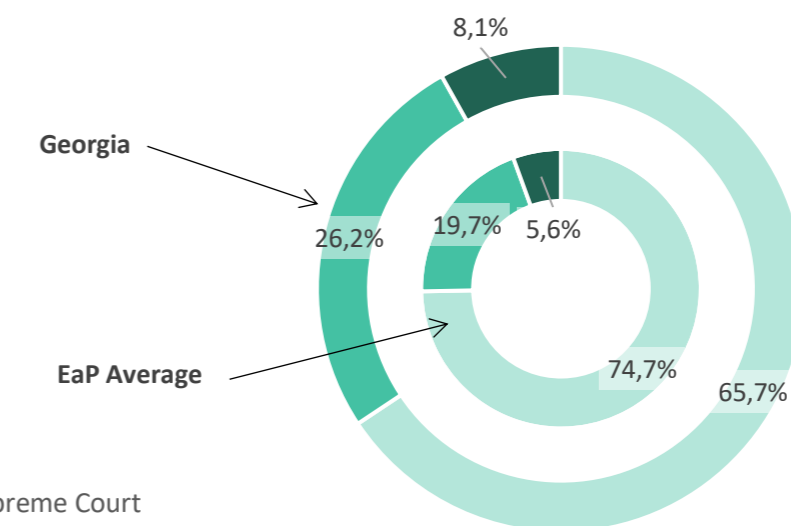
	Professional judges in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
<b>Total</b>	332	100,0%	8,9	10,2
1st instance courts	218	65,7%	5,8	7,6
2nd instance courts	87	26,2%	2,3	2,0
Supreme Court	27	8,1%	0,7	0,6

For reference only: the 2022 EU median is 22,9 judges per 100 000 inhabitants.

### % Variation of no. of professional judges per 100 000 inh. 2018 - 2023



### Distribution of professional judges by instance in 2023 (%)



In 2023, the absolute number of professional judges in Georgia was 332 (i.e. 8,9 per 100 000 inhabitants, which was lower than the EaP Average of 10,2).

Compared to 2018, the total number of professional judges per 100 000 inhabitants increased by 8,5%. The most significant increase was at the Supreme Court (+144,6%).

The figures show a difference of 9 percentage points between the percentage of judges in the first instance (65,66%) and the EaP Average (74,7%)

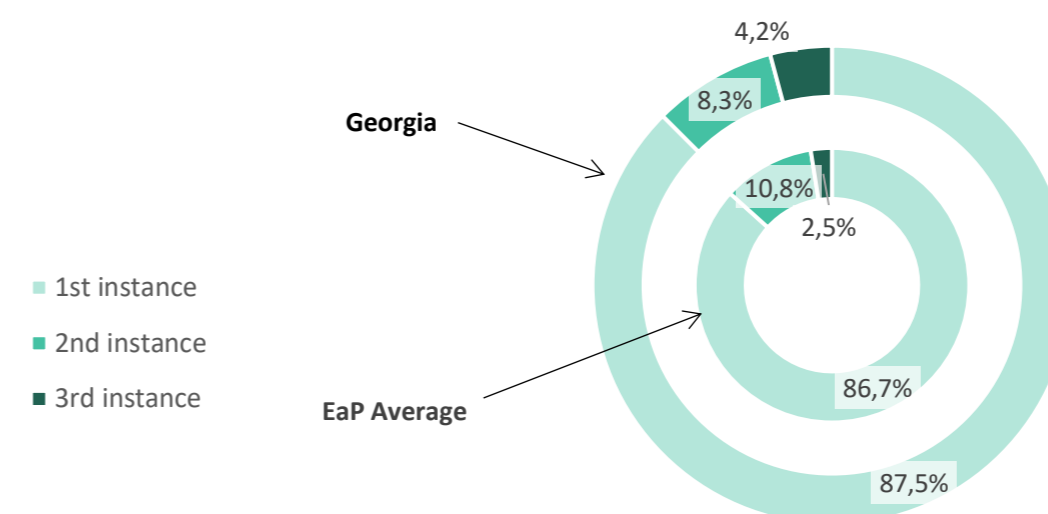


• Court presidents

	Court presidents in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
<b>Total</b>	24	100,0%	0,6	0,9
1st instance courts	21	87,5%	0,6	0,8
2nd instance courts	2	8,3%	0,1	0,1
Supreme Court	1	4,2%	0,0	0,0

The absolute number of court presidents in Georgia in 2023 was 24 ( i.e. 0,6 per 100 000 inhabitants, which was below the EaP Average of 0,9).

Distribution of court presidents by instance in 2023 (%)



## • Non-judge staff

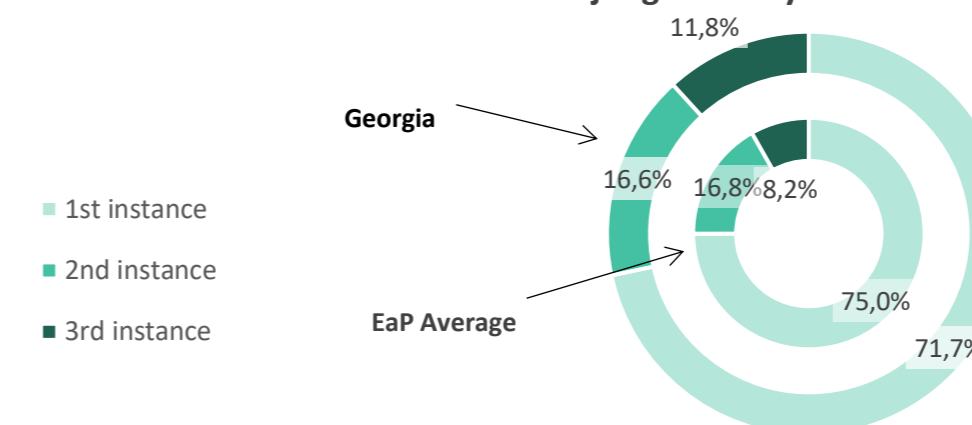
The absolute total number of non-judge staff in Georgia was 1 818, which increased by 20,8% between 2018 and 2023. The number of non-judge staff per 100 000 inhabitants was 48,7, which was below the EaP Average of 51,5. The highest number of non-judge staff were technical staff (46,6% of the total) followed by staff assisting the judge (45,5% of total). Georgia is the only country in the region with a Rechtspfleger position in courts (4 in 2023). There were no significant variations within the non-judge staff categories over the last 5 years.

	Number of non-judge staff by instance in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
<b>Total</b>	1 818	100,0%	48,7	51,5
1st instance courts	1 303	72%	34,9	38,6
2nd instance courts	301	17%	8,1	8,7
Supreme Court	214	12%	5,7	4,2

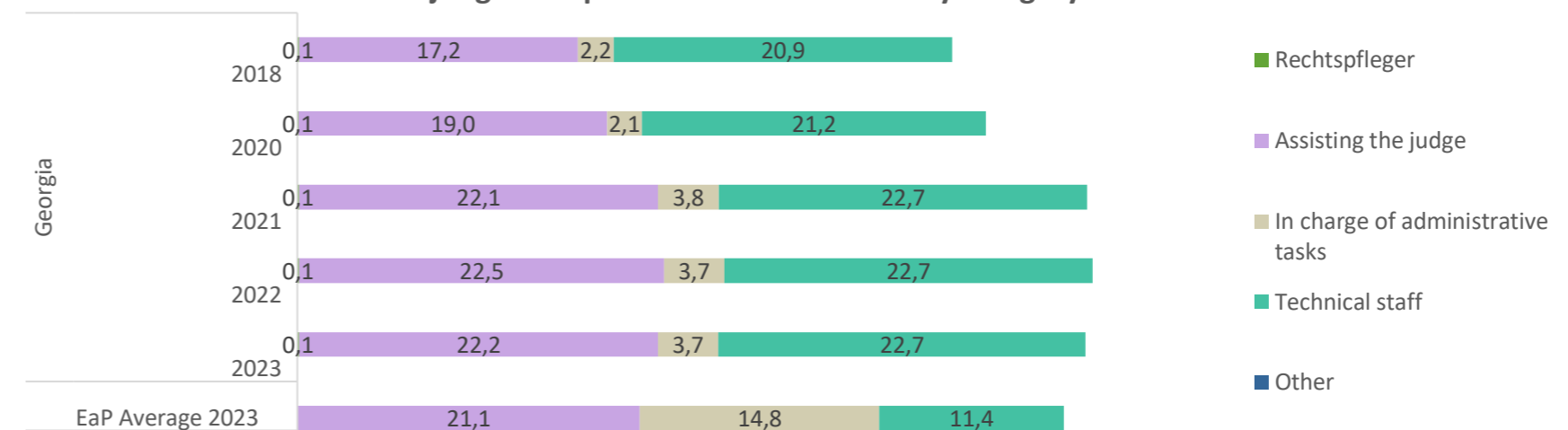
For reference only: the 2022 EU median is 59,4 non-judge staff per 100 000 inhabitants.

	Number of non-judge staff by category in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
<b>Total</b>	1 818	100,0%	48,7	51,5
Rechtspfleger	4	0,2%	0,1	-
Assisting the judge	828	45,5%	22,2	21,1
In charge of administrative tasks	139	7,6%	3,7	14,8
Technical staff	847	46,6%	22,7	11,4
Other	NAP	NAP	NAP	-

Distribution of non-judge staff by instance in 2023



Number of non-judge staff per 100 000 inhabitants by category between 2018 and 2023



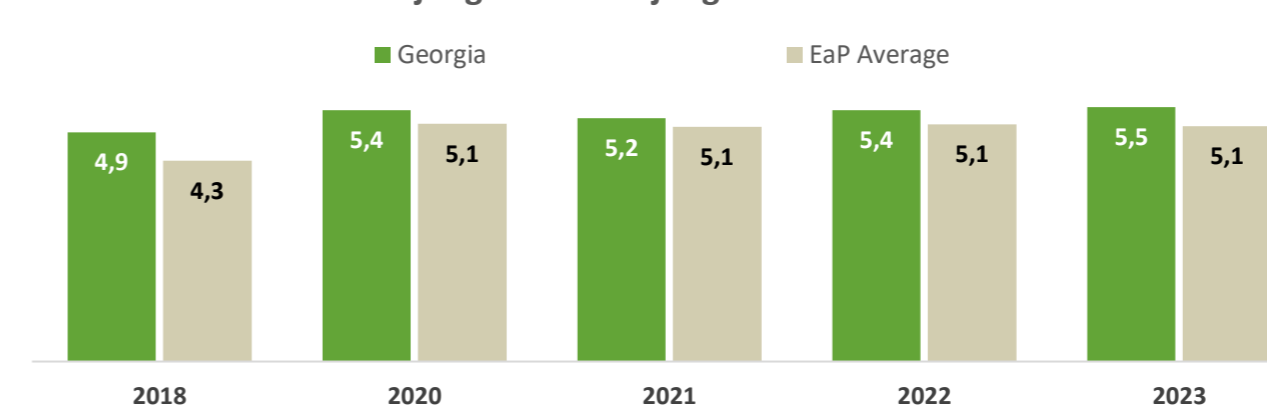
## • Ratio between non-judge staff and professional judges

In Georgia, the ratio of non-judge staff per professional judge was 5,5 in 2023, above the EaP Average of 5,1, which is also an increase from 4,9 in 2018 in Georgia.

	Ratio in 2023		% Variation between 2018 and 2023
	Georgia	EaP Average	
<b>Total</b>	5,5	5,1	11,0%
1st instance courts	6,0	5,2	19,8%
2nd instance courts	3,5	4,4	-6,0%
Supreme Court	7,9	8,1	-31,9%

For reference only: the 2022 EU median ratio of non-judge staff per judge is 3,3.

Ratio between non-judge staff and judges between 2018 and 2023



## • Prosecutors

	Number of prosecutors by instance in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
<b>Total</b>	438	100,0%	11,7	16,6
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. 2018 - 2023

3,9%

For reference only: the 2022 EU median is 11,1 prosecutors per 100 000 inhabitants.

In 2023, the absolute number of prosecutors in Georgia was 438 (i.e. 11,7 per 100 000 inhabitants, which was lower than the EaP Average of 16,6).

The total number of prosecutors per 100 000 inhabitants increased by 3,9% between 2018 and 2023.

The Prosecution Service of Georgia is not organised according to the court instances. Its structure is as follows: District Prosecutor's Offices; Regional Prosecutor's Offices; Tbilisi Prosecutor's Office; Prosecutor's Offices of the Autonomous Republics of Adjara and Abkhazia; Office of the Prosecutor General.

## • Heads of prosecution services

	Heads of prosecution services in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
<b>Total</b>	59	100,0%	1,6	1,1
1st instance level	NAP	NAP	NAP	-
2nd instance level	NAP	NAP	NAP	-
Supreme Court level	NAP	NAP	NAP	-

In 2023, the absolute number of heads of prosecution services in Georgia was 59 (i.e. 1,6 per 100 000 inhabitants, which was higher than the EaP Average of 1,1).

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

	Non-prosecutor staff in 2023			Ratio between non-prosecutor staff and prosecutors		
	Absolute number	Per 100 000 inhabitants		2023		% Variation 2018 - 2023
	Georgia	Georgia	EaP Average	Georgia	EaP Average	Georgia
<b>Total</b>	361	9,7	13,0	0,8	0,8	-5,9%

For reference only: the 2022 EU median is 14,4 non-prosecutors staff per 100 000 inhabitants.

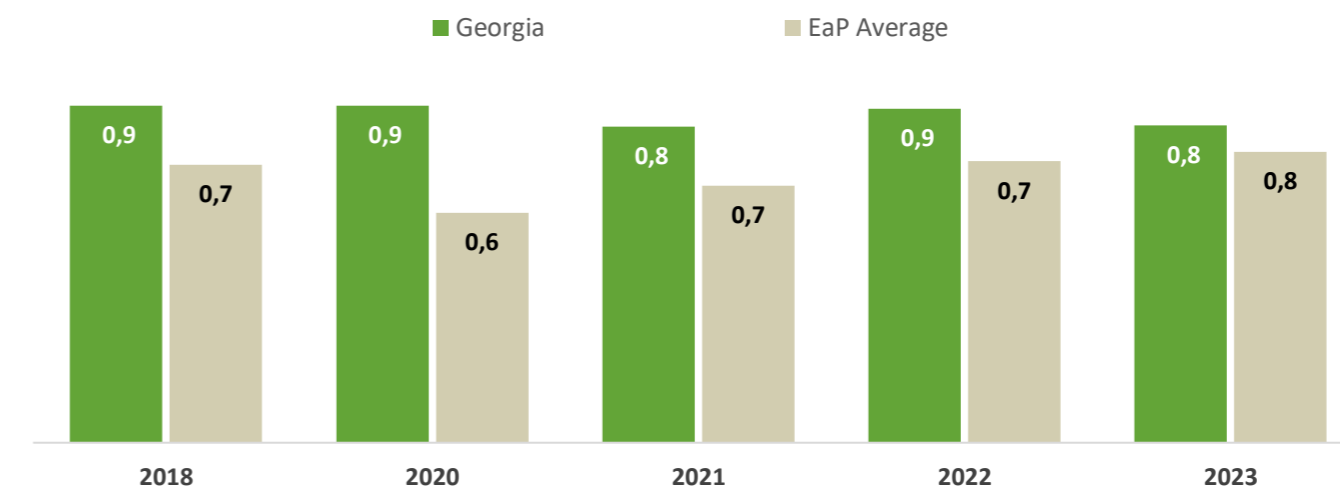
In 2023, the total number of non-prosecutor staff in Georgia was 361. Their number decreased by -1,9% compared to 2018.

The number of non-prosecutor staff per 100 000 inhabitants was 9,7, which was below the EaP Average of 13.

The ratio of non-prosecutor staff per prosecutor was 0,8 (same as the EaP Average of 0,8).

The provided data for Georgia includes non-prosecutor staff such as investigators, advisers, specialists and witness and victim coordinators.

Ratio between non-prosecutor staff and prosecutors between 2018 and 2023



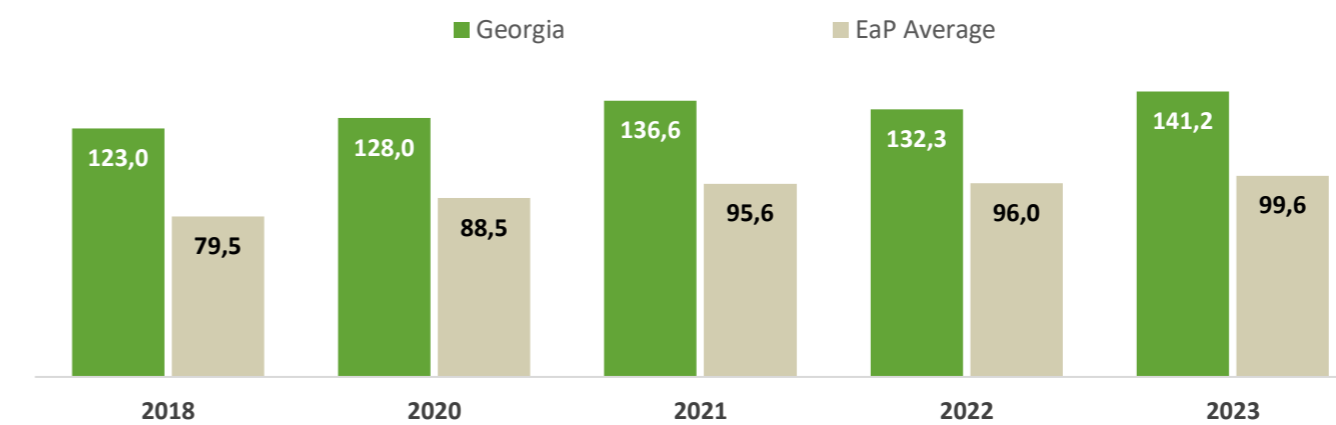
• **Lawyers**

	Number of lawyers in 2023			% Variation 2018 - 2023
	Absolute number	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants	Georgia
<b>Total</b>	5 274	141,2	99,6	14,8%

For reference only: the 2022 EU median is 132,1 lawyers per 100 000 inhabitants.

In 2023, the number of lawyers was 141,2 per 100 000 inhabitants, which was significantly higher than the EaP Average (99,6). The number of lawyers per 100 000 inhabitants increased by 14,8% between 2018 and 2023.

Number of lawyers per 100 000 inhabitants between 2018 and 2023



## Salaries of professional judges and prosecutors

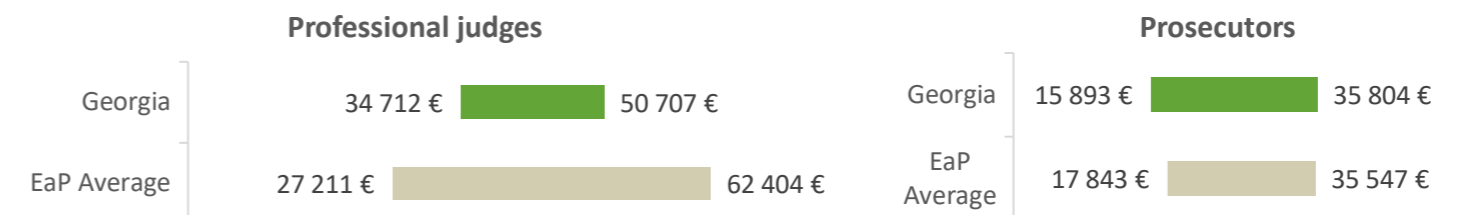
In 2023, the ratio between the salary of professional judges at the beginning of career with the annual gross average salary in Georgia was 4,6, which was more than the EaP Average (4,1).

At the end of career, judges were paid more than at the beginning of career by 46,1%, which was less than the variation noted for the EaP Average (143%).

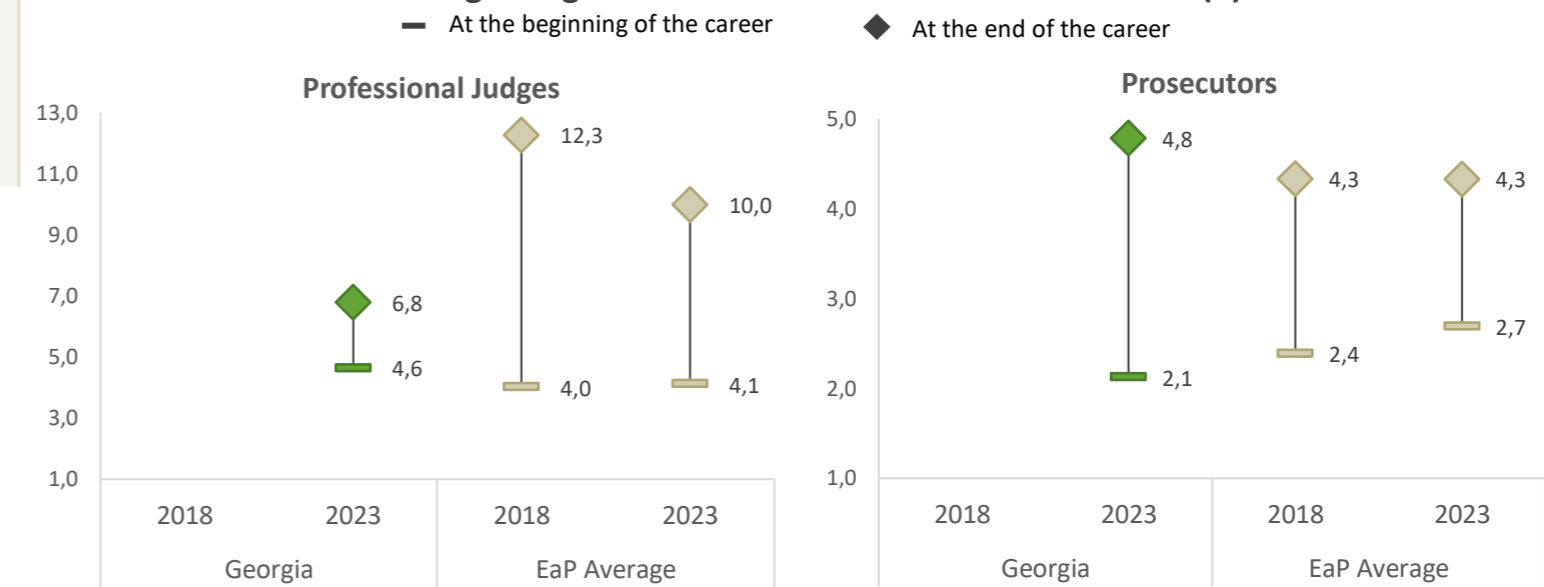
In 2023, the ratio between the salary of prosecutors at the beginning of career with the annual gross average salary in Georgia was 2,1, which was less than the EaP Average (2,7).

		Salaries in 2023 (absolute values)			Ratio with the average gross annual salary	
		Gross annual salary in €	% Variation 2018 - 2023	Net annual salary in €	Georgia	EaP Average ratio
Professional judge	At the beginning of his/her career	34 712	▲ 130,2%	27 215	4,6	4,1
	Of the Supreme Court or the Highest Appellate Court	50 707	■ 0,0%	39 754	6,8	
Public prosecutor	At the beginning of his/her career	15 893	▲ 92,7%	12 715	2,1	2,7
	Of the Supreme Court or the Highest Appellate Court	35 804	▲ 29,5%	29 839	4,8	5,7

Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2023 (€)



Ratio of the gross annual salaries of judges and prosecutors with the average gross annual salary at the beginning and the end of career in 2018 and 2023 (€)



For reference only: the 2022 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: 4,3

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

### 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 of Judges include: life and health insurance; fuel and call deposits; Supreme Court judges and Court Presidents can use service cars.

Other financial benefits of Prosecutors include: Insurance; fuel and call deposits; bonuses.

**Gender Balance**

	% Female in 2023		Variation of the % females between 2018 - 2023 (in ppt)
	Georgia	EaP Average	Georgia
Professional Judges	53,6%	43,1%	▲ 0,8
Court Presidents	16,7%	22,4%	■ 5,7
Non-Judge Staff	66,8%	69,4%	▲ 2,5
Prosecutors	35,4%	27,5%	▲ 5,6
Heads of Prosecution Services	13,6%	7,3%	■ 6,3
Non-Prosecutor Staff	47,6%	64,0%	▲ 1,4
Lawyers	50,3%	36,1%	▲ 2,2

PPT= Percentage points

For reference only: the 2022 EU medians on gender are among professionals are as follows: 62% women judges; 76% women non-judge staff; 60% women prosecutors; 77% women non-prosecutor staff; and 49% women lawyers.

In 2023, the percentage of female professional judges was 53,6%, which was higher than EaP Average (43,1%). With a presence of 16,7%, the number of female court presidents in Georgia was lower than the EaP Average of 22,4%. Moreover, the percentage of female non-judge staff was 66,8%.

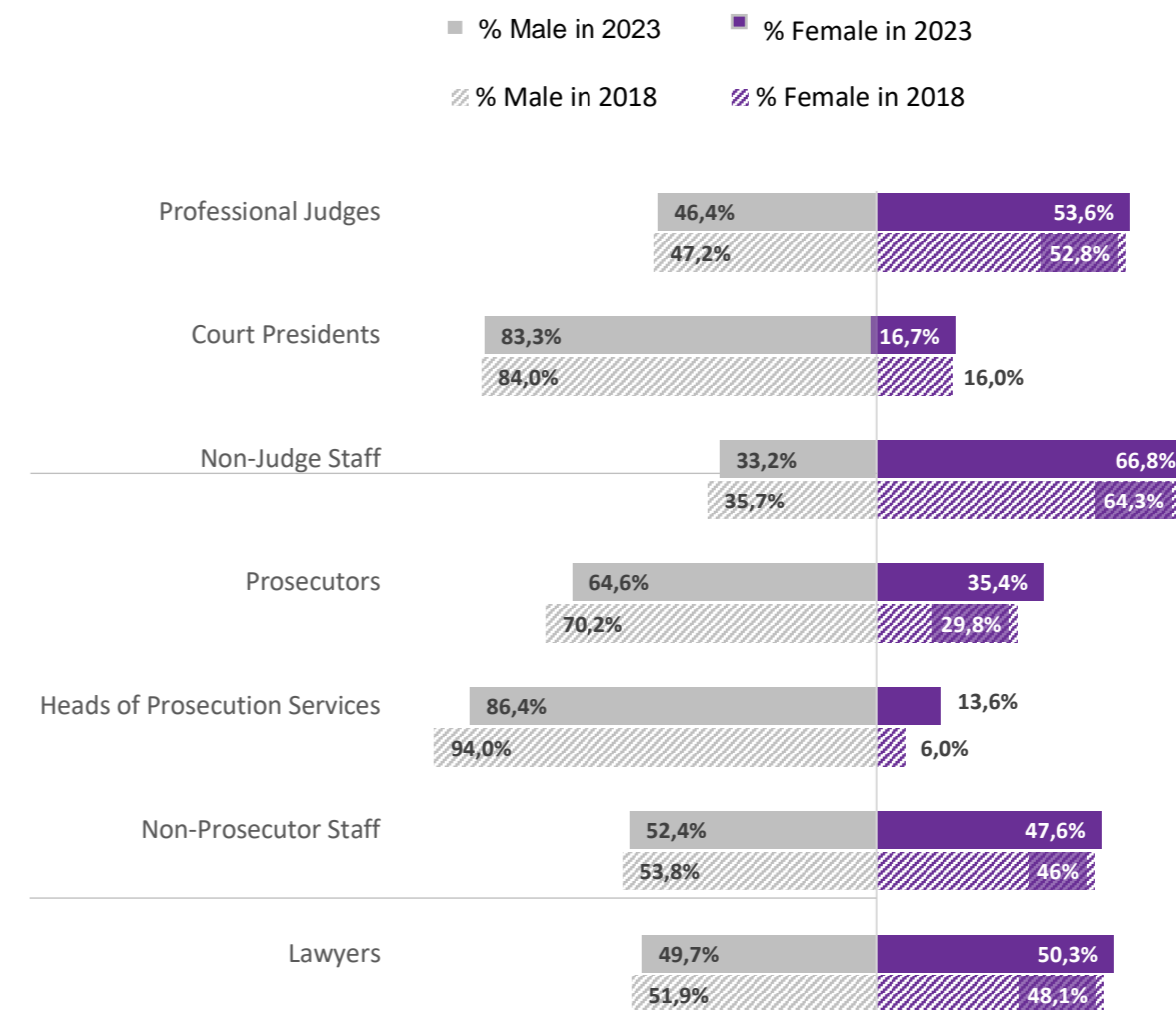
Also, the percentage of female prosecutors was 35,4% (higher than the EaP Average of 27,5%). The number of female heads of prosecution services (13,6%) was higher than the EaP Average (7,3%). Moreover, the percentage of female non-prosecutor staff was 47,6%.

Finally, the percentage of female lawyers was 50,3%, which was higher than EaP Average (36,1%).

The court presidents, prosecutors, heads of prosecution services and non-prosecutor staff were the only categories with less than 50% of female presence.

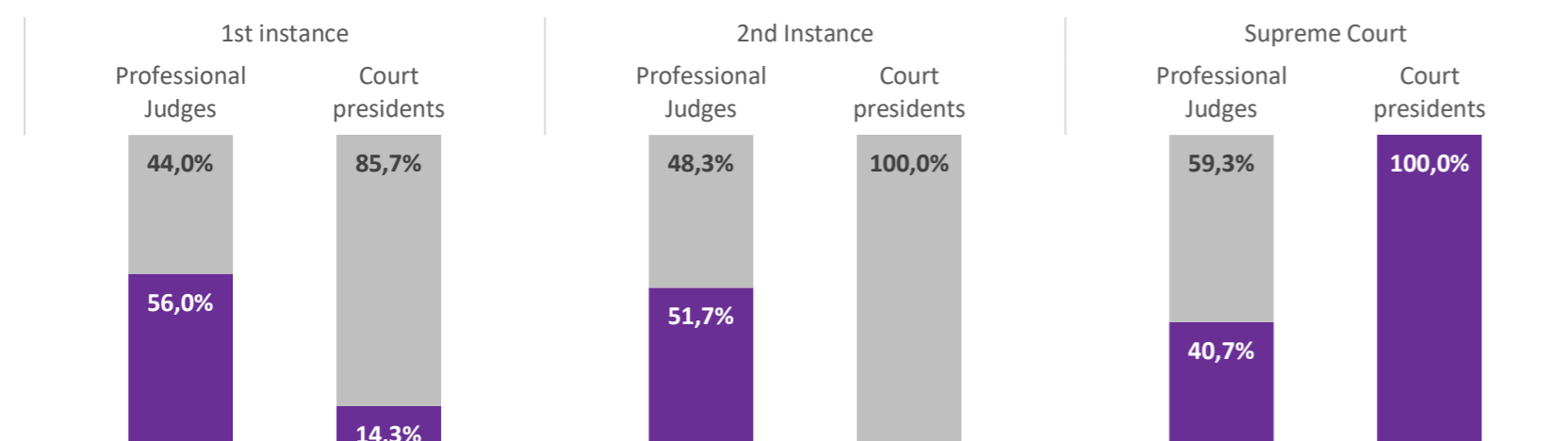
	Professional Judges % Female		Court presidents % Female		Prosecutors % Female		Heads of Prosecution Services % Female	
	Georgia	EaP Average	Georgia	EaP Average	Georgia	EaP Average	Georgia	EaP Average
1st instance	56,0%	45,4%	14,3%	21,8%	NAP	-	NAP	-
2nd instance	51,7%	37,5%	0,0%	11,9%	NAP	-	NAP	-
Supreme Court	40,7%	32,4%	100,0%	60,0%	NAP	-	NAP	-

**Gender Balance in Georgia in 2018 and 2023**



For judges, a decrease of the percentage of female can be observed from first to third instance. In the first instance there are 56.0% of women judges; in the second instance - 51.7% of women judges. In the Supreme Court - 40.7% are women. 14.3% of court presidents are female in the first instance. 2 court presidents in the second instance are both male and one Supreme Court President is female.

**Gender Balance by instance in 2023**



• 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.

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, equality of candidates for judge 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. Respectively, the legislation of Georgia protects individuals from discrimination.

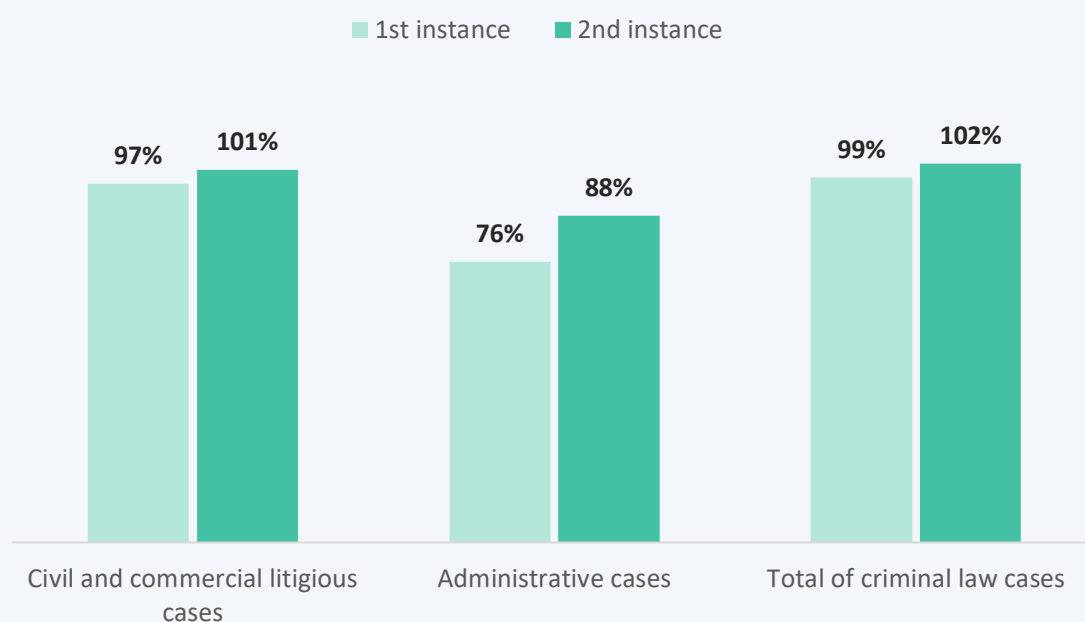
The PSG - According to Georgian legislation, discrimination in any form, including based on gender, is strictly prohibited. The above-mentioned principle is also enshrined in the Organic Law of Georgia on Prosecution Service. Respectively, legislation effectively protects individuals from discrimination. In addition, specific provisions in the Organic Law on Prosecution Service aiming at facilitating the gender balance are in place - during the nomination of the Prosecutor General and election of prosecutor members at the Prosecutorial Council. According to the said provisions, following consultations, the Prosecutorial Council selects three candidates for the position of the Prosecutor General out of which 1/3 must be of different gender; while out of eight members of the Prosecutorial Council elected by the Conference of Prosecutors, 1/4 must be of different gender. Overall, improving gender organizational policy is one of the priorities prescribed by the 2022-2027 PSG Strategy. According to the Strategy, the PSG will further ensure equal opportunities for men and women in terms of professional and career development. On 31 October 2022, based on the Order 208- of the Prosecutor General of Georgia, the 2022-2027 Gender Equality Strategy of the PSG was adopted.

Furthermore, on 15 March 2022, by the order of the Prosecutor General, a Working Group on Gender Issues was established, aimed at ensuring gender equality in the PSG. The Group is composed of 5 members: the Deputy Prosecutor General (chair of the Working Group), the Head of the Human Rights Protection Department, the Deputy Head of the Department for Supervision over Prosecutorial Activities and Strategic Development, the Head of the Professional Development Centre, and the adviser of the Human Resources Management and Development Department. The main tasks of the Working Group are as follows: developing and updating (when necessary but at least once per year) Gender Equality Strategy and respective Action Plan; developing legal acts necessary for defining those responsible for working on gender issues and adding relevant functions to job descriptions; preparing an annual report on gender mainstreaming issues and submitting it to the Prosecutor General of Georgia; informing the PSG employees on these issues; effectively enforcing the mechanism for the prevention and response to sexual harassment.

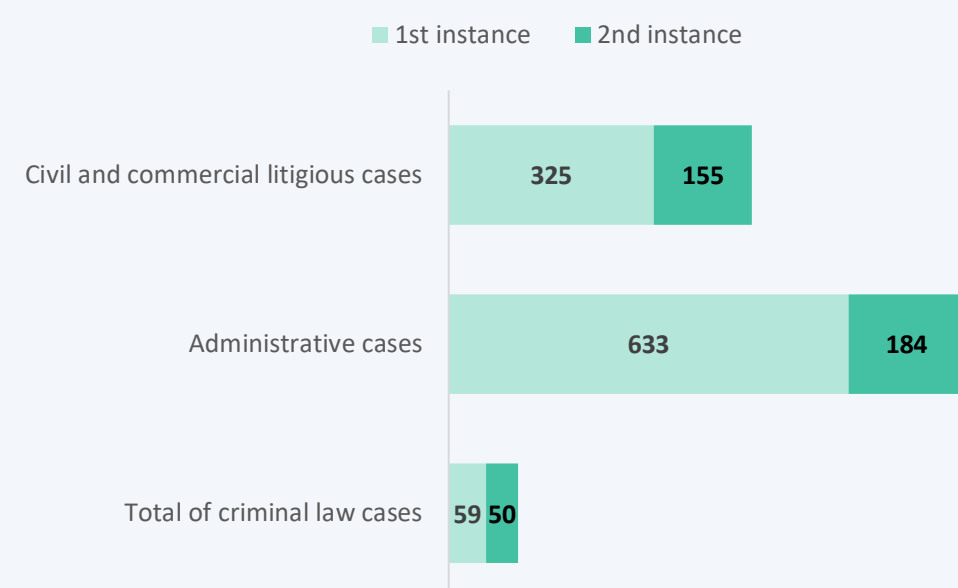
Generally, the Public Defender deals with discrimination issues, including those based on gender.

## Efficiency in Georgia in 2023 (Indicators 3.1 and 3.2)

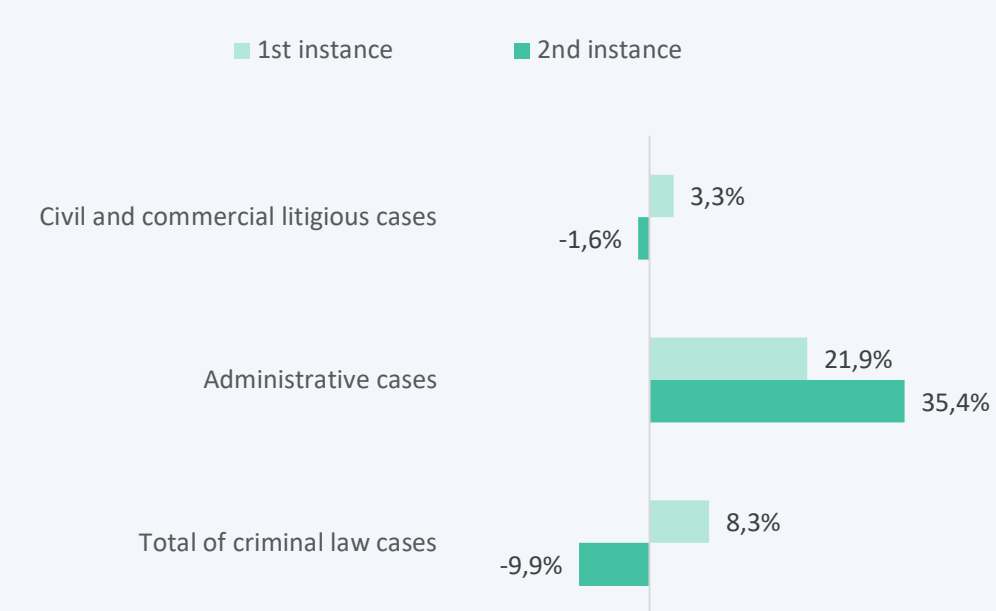
### Clearance Rate in 2023



### Disposition Time in 2023 (in days)



### % Variation of pending cases at the end of year between 2022 and 2023

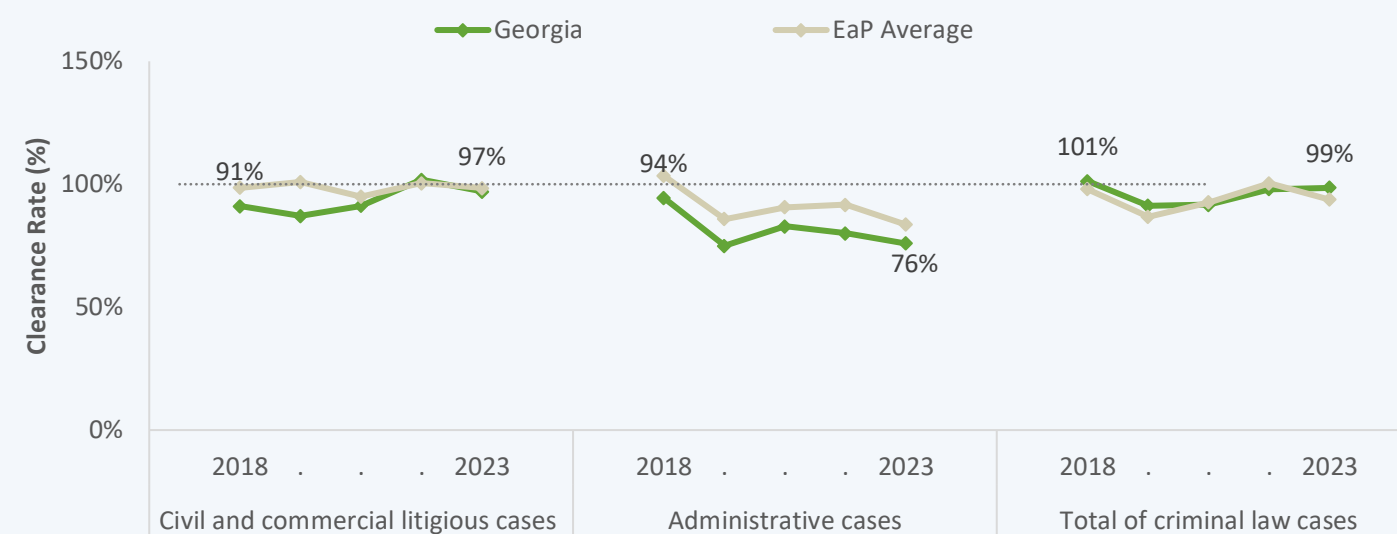


In 2023, the highest Clearance rate (CR) for Georgia was calculated for the second instance total Criminal law cases, with a CR of 102%. However, it seems that Georgia was not able to deal as efficiently with the first instance Administrative cases (CR of 76%). With a Disposition Time of approximately 50 days, the second instance total Criminal law cases were resolved faster than any other types of cases. Conversely, the DT of approximately 633 days in first instance courts in administrative cases (which increased by 19,5% compared to 2022) and the DT of approximately 325 days in first instance civil and commercial litigious cases (which increased by 26,4% compared to 2022) could be indicative of potential efficiency challenges courts face in these two types of cases.

Compared to 2022, the pending cases at the end of year increased for the second instance Administrative cases (35,4%), whereas they decreased for the second instance total Criminal law cases by -9,9%.

### First instance cases

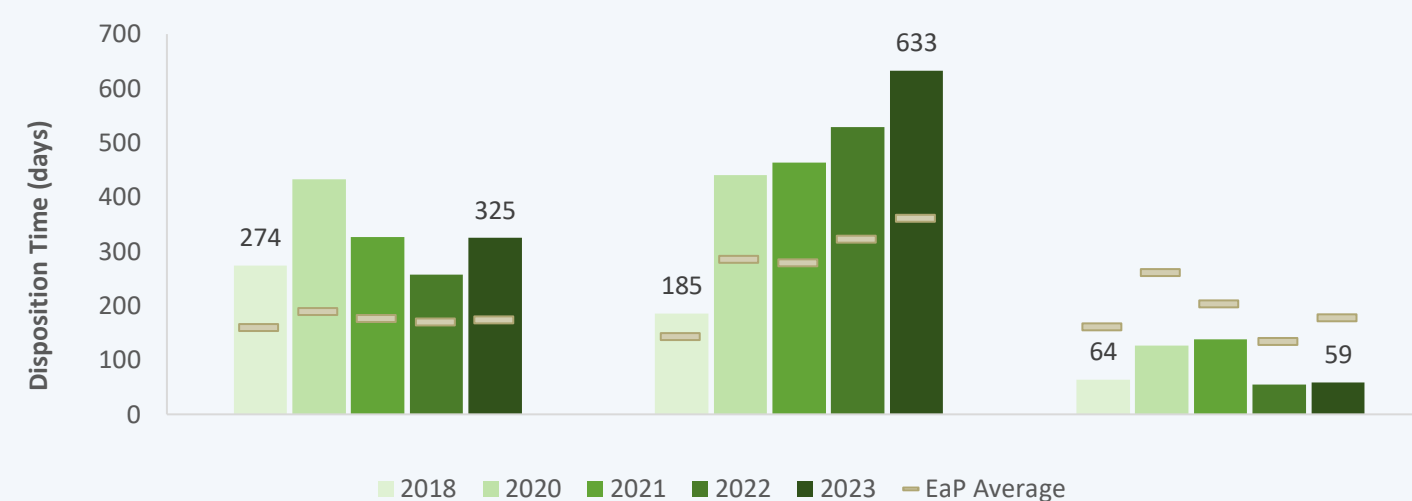
#### Clearance rate (%) and Disposition Time (days) for first instance cases from 2018 to 2023



During the last 5 year period Clearance rate remained mostly the same in first instance Civil and commercial litigious and Total of criminal law cases. However CR dropped from 94% to 76% in first instance Administrative cases. In the second instance CR increased marginally in Civil and commercial cases by 3% and in Total of criminal law cases by 7%. CR dropped from 100% to 88% in second instance Administrative cases.

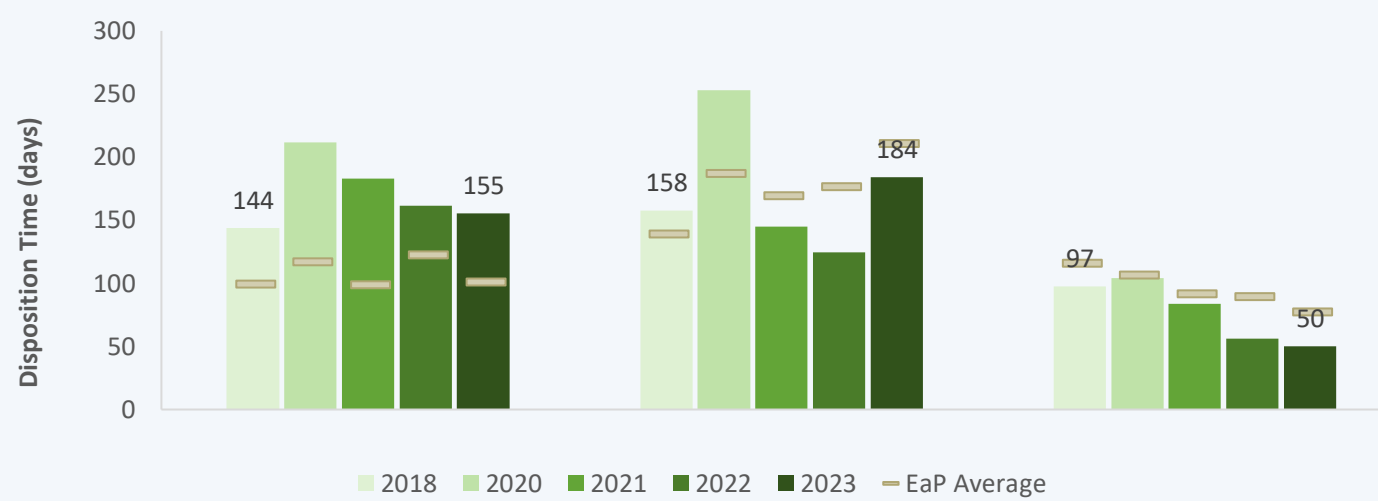
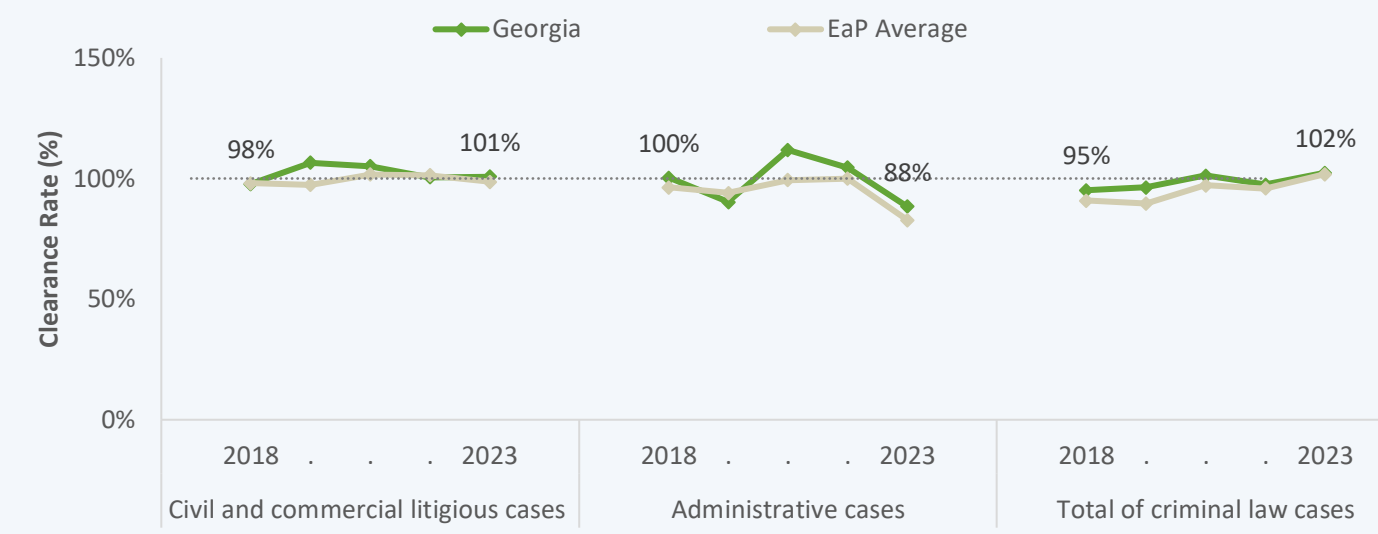
Increase in disposition time was most visible in first instance administrative cases. During the last 5 years it increased from 185 to 633 days, indicating significant delays in Administrative proceedings. DT also increased in first instance Civil and commercial litigious cases by 51 days, while it reduced by 5 days in first instance Criminal law cases. Downward trend is also observed in the second instance Criminal law cases where the DT dropped from 97 to 50 days.

In Civil and commercial cases disposition time in first and second instances was higher than the EaP average (172 and 100 respectively). In Administrative cases DT was higher than the EaP average (359 days) in first instance only. In Total of Criminal law cases DT was lower than the EaP average across all 5 years in both instances.



### Second instance cases

#### Clearance rate (%) and Disposition Time (days) for second instance cases from 2018 to 2023





**First instance cases - Other than criminal law cases**

1st instance cases in 2023 (absolute values)	Georgia (2023)				% Variation between 2022 and 2023			
	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)	98 969	92 859	88 764	34 359	-10,8%	-15,0%	7,1%	6,6%
1 Civil and commercial litigious cases	76 571	74 293	66 098	27 812	-14,2%	-18,2%	3,3%	2,7%
2 Non-litigious cases**	7 726	7 432	3 369	83	-4,6%	-1,0%	8,9%	-57,2%
3 Administrative cases	14 672	11 134	19 297	6 464	7,5%	2,0%	21,9%	30,1%
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 2023, there were 76 571 incoming civil and commercial litigious cases (2,05 per 100 inhabitants vs the EaP Average of 3,08). They decreased by -14,2% between 2022 and 2023. The courts resolved 74 293 cases (1,99 per 100 inhabitants) and they decreased by -18,2%, compared to the previous year. In 2023, the number of resolved cases was lower than the incoming cases. As a consequence, the civil and commercial litigious pending cases at the end of 2023 were more than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 97% (below the EaP Average of 98%). This decreased by -4,8 percentage points compared to 2022.

The Disposition Time for civil and commercial litigious cases was approximately 325 days in 2023 (above the EaP Average of 172 days). This increased by 26,4% over the 2022-2023 period.

There were 14 672 incoming administrative cases in 2023 (ie 0,3 per 100 inhabitants vs the EaP Average of 0,5). They increased by 7,5% compared to the previous year. In 2023, the courts resolved 11 134 cases (0,3 per 100 inhabitants, below of the EaP Average of 0,51). Between 2022 and 2023, the number of resolved administrative increased by 2%. The number of incoming cases was thus higher than the resolved cases. As a consequence, the administrative pending cases at the end of 2023 were more than in 2022 and the Clearance rate for this type of cases was 76% (below the EaP Average (84%). The CR decreased by -4,1 percentage points compared to the previous year.

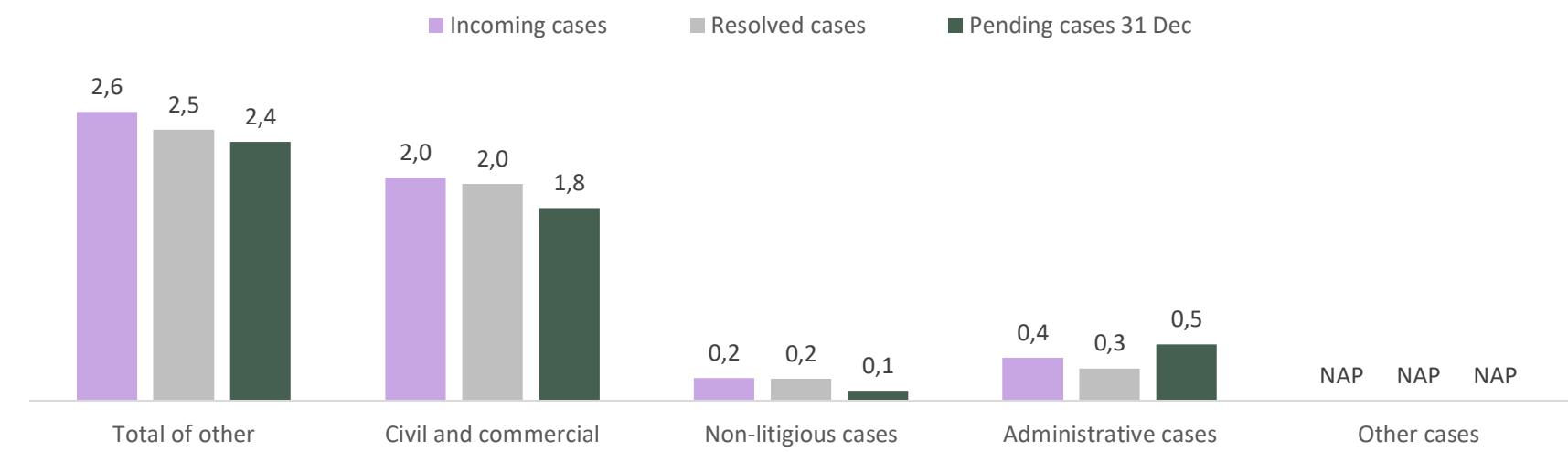
Finally, the Disposition Time for administrative cases was approximately 633 days in 2023. This has increased by 19,5% compared to 2022 and it was above the EaP Average (359 days).

1st instance cases in 2023 (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)	2,6	< 4,8	2,5	< 4,7	2,4	> 1,8	0,92	> 0,27
1 Civil and commercial litigious cases	2,0	< 3,1	2,0	< 3,1	1,8	> 1,4	0,74	> 0,22
2 Non-litigious cases**	0,2	< 0,8	0,2	< 0,8	0,1	< 0,1	0,00	-
3 Administrative cases	0,4	< 0,6	0,3	< 0,5	0,5	> 0,3	0,17	> 0,05
4 Other cases	NAP	-	NAP	-	NAP	-	NAP	-

For reference only: the 2022 EU Median was as follows:  
 - Incoming first instance Civil and Commercial litigious cases per 100 inhabitants: 1,9;  
 - 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 2023



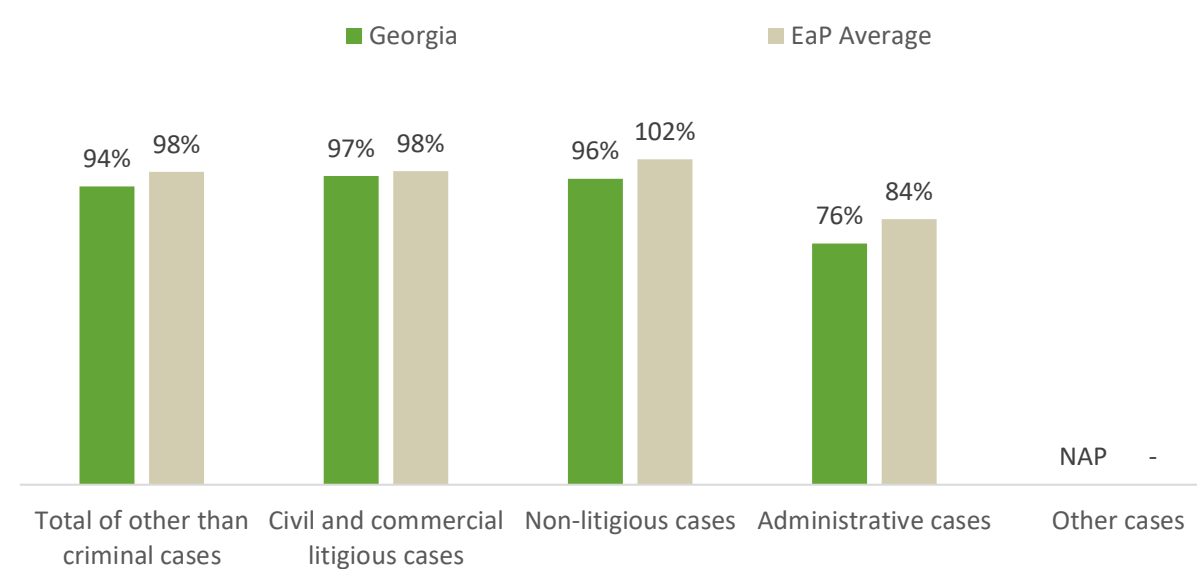
1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023	CR (%)		DT (days)		% Variation 2022 - 2023	
	Georgia	EaP Average	Georgia	EaP Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	94%	98%	349	160	-4,7	26,0%
1 Civil and commercial litigious cases	97%	98%	325	172	-4,8	26,4%
2 Non-litigious cases**	96%	102%	165	74	3,5	10,0%
3 Administrative cases	76%	84%	633	359	-4,1	19,5%
4 Other cases	NAP	-	NAP	-	NAP	NAP

For reference only: the 2022 EU Median for the first instance Civil and Commercial litigious cases was as follows:  
 - Clearance rate: 100,5%; - Disposition time: 239 days.

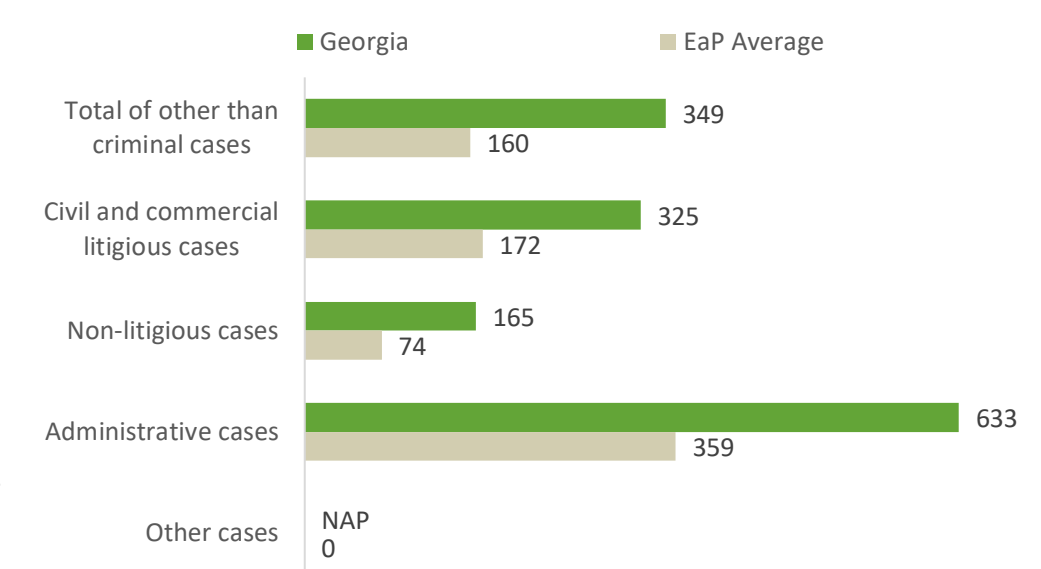
For reference only: the 2022 EU Median for the first instance Administrative cases was as follows:  
 - Clearance rate: 98,8%; - Disposition time: 288 days.

PPT = Percentage points

Clearance Rate for first instance Other than criminal cases in 2023 (%)



Disposition Time for first instance Other than criminal cases in 2023 (in days)



**First instance cases - Criminal law cases**

1st instance cases in 2023 (absolute values)		Georgia (2023)				% Variation between 2022 and 2023			
		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)		44 238	43 626	7 079	1 265	-0,2%	0,5%	8,3%	56,4%
1	Severe criminal cases	8 234	7 816	3 201	459	4,5%	5,1%	14,0%	44,8%
2	Misdemeanour and / or minor criminal cases	36 004	35 810	3 878	806	-1,2%	-0,5%	4,1%	63,8%
3	Other cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP

In 2023, there were 44 238 incoming total criminal cases (1,18 per 100 inhabitants vs the EaP Average of 0,99). They decreased by -0,2% between 2022 and 2023. The courts resolved 43 626 cases (1,17 per 100 inhabitants). Between 2022 and 2023, they increased by 0,5%. The number of resolved cases was thus lower than the incoming cases. As a consequence, the total criminal pending cases at the end of 2023 were more than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 99% (above the EaP Average of 93,8%). This increased by 1 percentage points compared to 2022.

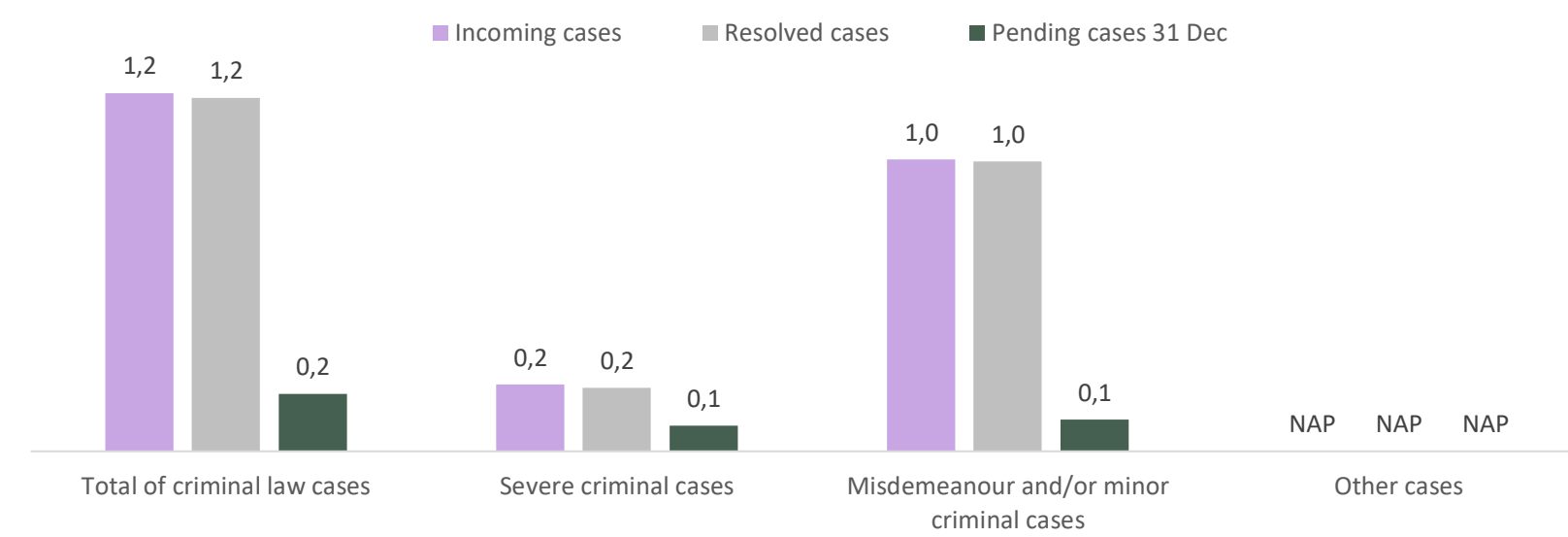
The Disposition Time for total criminal cases was approximately 59 days in 2023 (below the EaP Average of 176 days). This increased by 7,8% over the 2022-2023 period.

1st instance cases in 2023 (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)		1,2	> 1,0	1,2	> 1,0	0,2	< 0,3	0,03	= 0,03
1	Severe criminal cases	0,2	> 0,1	0,2	> 0,1	0,1	= 0,1	0,01	-
2	Misdemeanour and / or minor criminal cases	1,0	-	1,0	-	0,1	-	0,02	-
3	Other cases	NAP	-	NAP	-	NAP	-	NAP	-

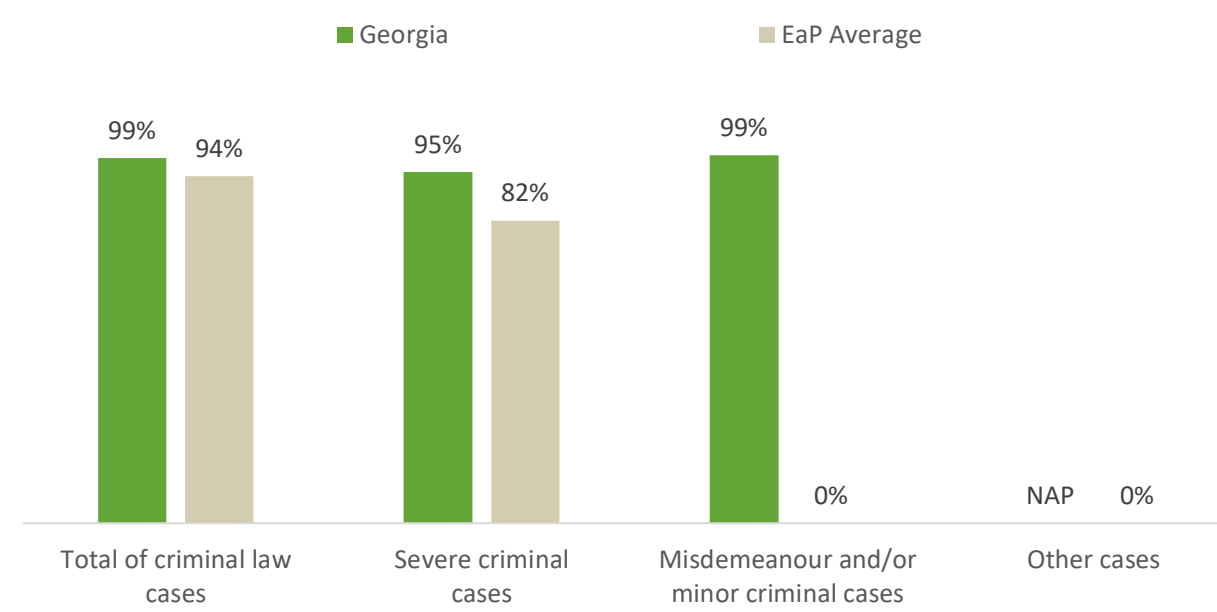
For reference only: for the first instance Total Criminal law cases, the 2022 EU Median was as follows:  
 - Incoming cases per 100 inhabitants: 1,7.

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

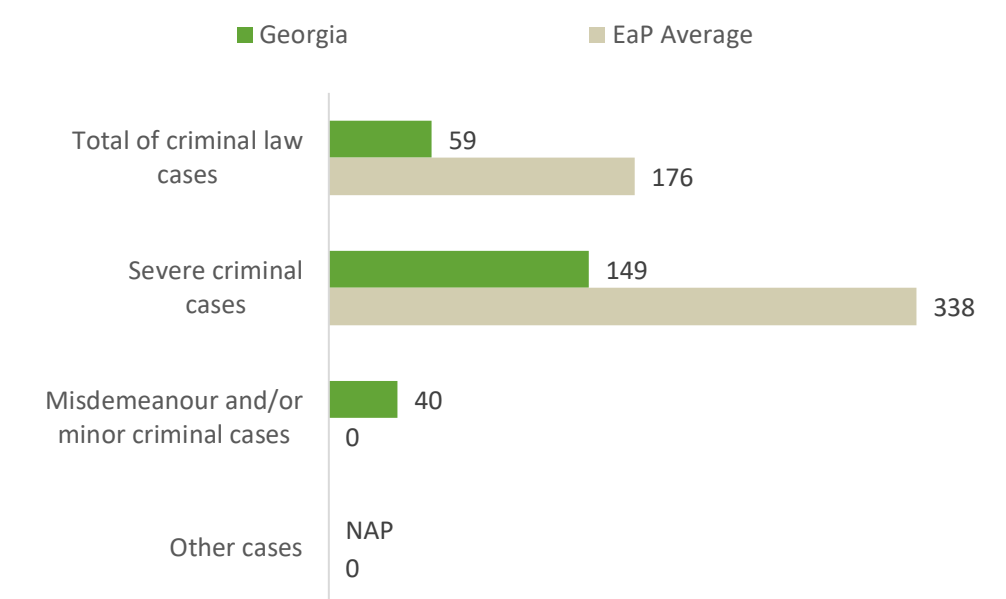
First instance Criminal law cases per 100 inhabitants in 2023



Clearance Rate for first instance Criminal Law cases in 2023 (%)



Disposition Time for first instance Criminal Law cases in 2023 (in days)



1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023		CR (%)		DT (days)		% Variation 2022 - 2023	
		Georgia	EaP Average	Georgia	EaP Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)		99%	94%	59	176	0,6	7,8%
1	Severe criminal cases	95%	82%	149	338	0,6	8,4%
2	Misdemeanour and / or minor criminal cases	99%	-	40	-	0,7	4,5%
3	Other cases	NAP	-	NAP	-	NAP	NAP

PPT = Percentage points

For reference only: for the first instance Total Criminal law cases, the 2022 EU Median was as follows:  
 - Clearance rate: 100%;  
 - Disposition time: 136 days.

**Second instance cases - Other than criminal law cases**

2nd instance cases in 2023 (absolute values)	Georgia (2023)				% Variation between 2022 and 2023			
	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)	9 414	8 968	4 097	220	4,5%	-2,6%	12,2%	-31,9%
1 Civil and commercial litigious cases	5 252	5 289	2 251	103	2,0%	2,2%	-1,6%	-30,9%
2 Non-litigious cases**	15	15	0	0	-55,9%	-55,9%	-	-
3 Administrative cases	4 147	3 664	1 846	117	8,3%	-8,4%	35,4%	-32,8%
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 2023, there were 5 252 incoming civil and commercial litigious cases (0,14 per 100 inhabitants vs the EaP Average of 0,27). They increased by 2% between 2022 and 2023. The courts resolved 5 289 cases (0,14 per 100 inhabitants). Between 2022 and 2023, they increased by 2,2%. The number of resolved cases was thus slightly higher than the incoming cases. As a consequence, the civil and commercial litigious pending cases at the end of 2023 were less than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 101% (above the EaP Average of 99%). This increased by 0,2 percentage points compared to 2022.

The Disposition Time for civil and commercial litigious cases was approximately 155 days in 2023 (above the EaP Average of 101 days). This decreased by -3,8% compared to 2022.

The incoming administrative cases were 4 147 in 2023 (ie 0,11 per 100 inhabitants vs the EaP Average of 0,41). They increased by 8,3% compared to the previous year. The resolved cases were 3 664 (0,1 per 100 inhabitants, below of the EaP Average of 0,16). Between 2022 and 2023, the number of resolved administrative decreased by -8,4%. The number of incoming cases was thus higher than the resolved cases. As a consequence, the administrative pending cases at the end of 2023 were more than in 2022 and the Clearance rate for this type of cases was 88% (above the EaP Average (83%). The CR decreased by -16,1 percentage points compared to the previous year.

Finally, the Disposition Time for administrative cases was approximately 184 days in 2023. This has increased by 47,9% compared to 2022 and it was below the EaP Average (210 days).

2nd instance cases in 2023 (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	< 0,37	0,24	< 0,36	0,11	< 0,12	0,01	> 0,00
1 Civil and commercial litigious cases	0,14	< 0,27	0,14	< 0,27	0,06	< 0,07	0,00	= 0,00
2 Non-litigious cases**	0,00	-	0,00	-	0,00	-	0,00	-
3 Administrative cases	0,11	< 0,41	0,10	< 0,16	0,05	< 0,12	0,00	= 0,00
4 Other cases	NAP	-	NAP	-	NAP	-	NAP	-

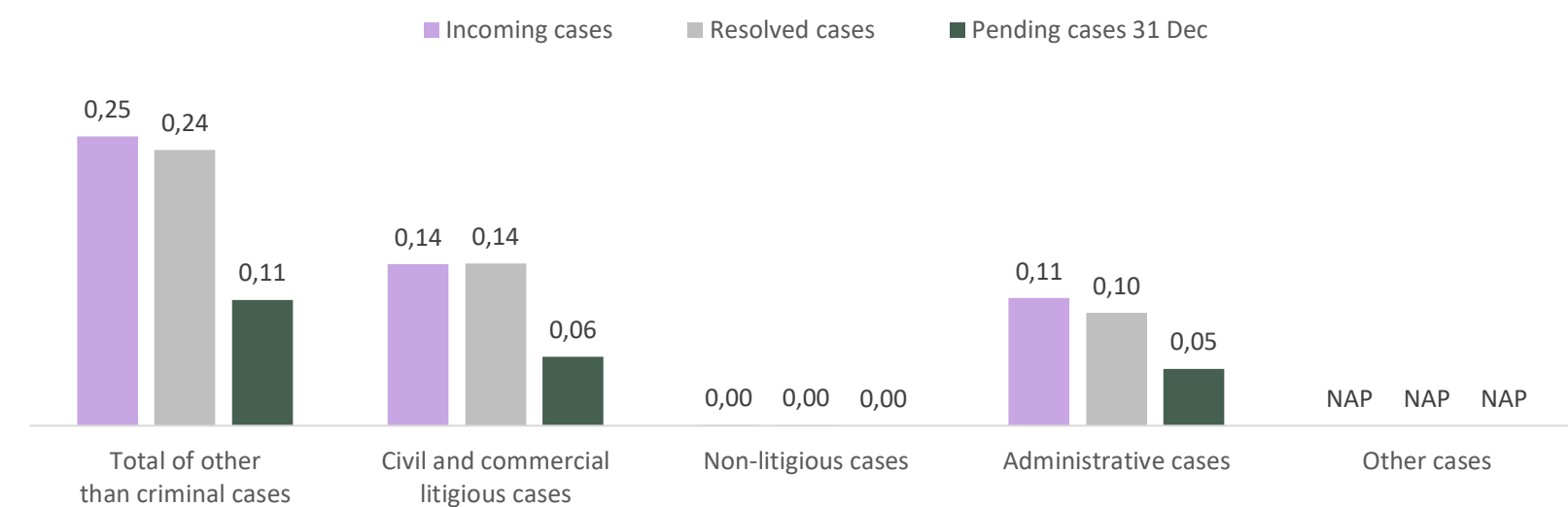
For reference only: the 2022 EU Median was as follows:

- Incoming Second instance Civil and Commercial litigious cases per 100 inhabitants: 0,2;

- incoming Second instance Administrative cases per 100 inhabitants: 0,1.

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 2023



2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023	CR (%)		DT (days)		% Variation 2022 - 2023	
	Georgia	EaP Average	Georgia	EaP Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	95%	97%	167	122	-6,9	15,2%
1 Civil and commercial litigious cases	101%	99%	155	101	0,2	-3,8%
2 Non-litigious cases**	100%	-	0	-	0,0	0,0%
3 Administrative cases	88%	83%	184	210	-16,1	47,9%
4 Other cases	NAP	-	NAP	-	NAP	NAP

PPT = Percentage points

For reference only: the 2022 EU Median for the Second instance Civil and Commercial litigious cases was as follows:

- Clearance rate: 97,1%;

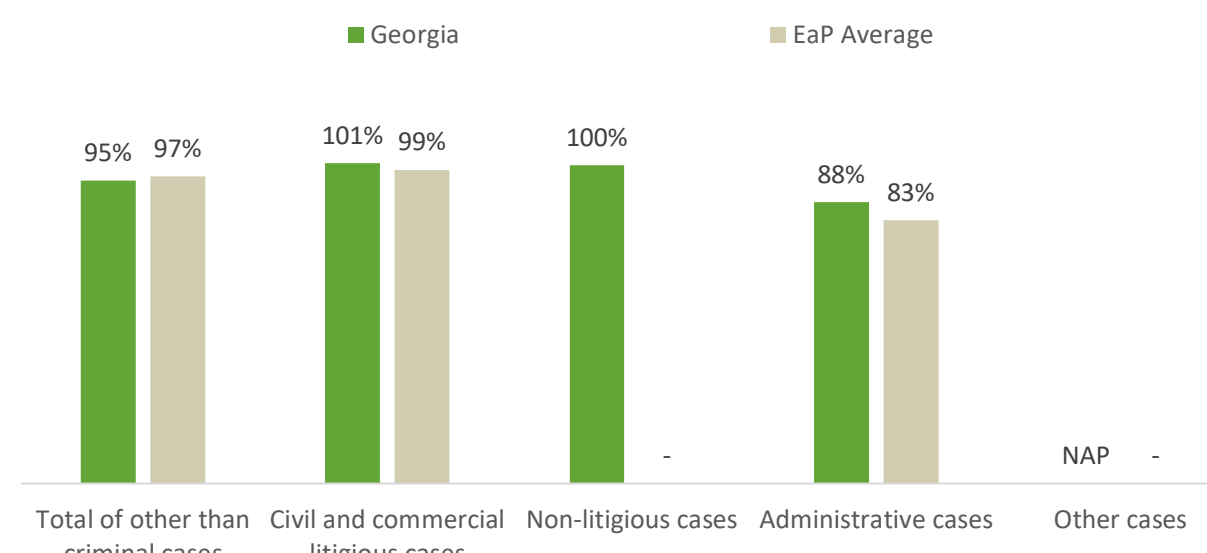
- Disposition time: 207 days.

For reference only: the 2022 EU Median for the Second instance Administrative cases was as follows:

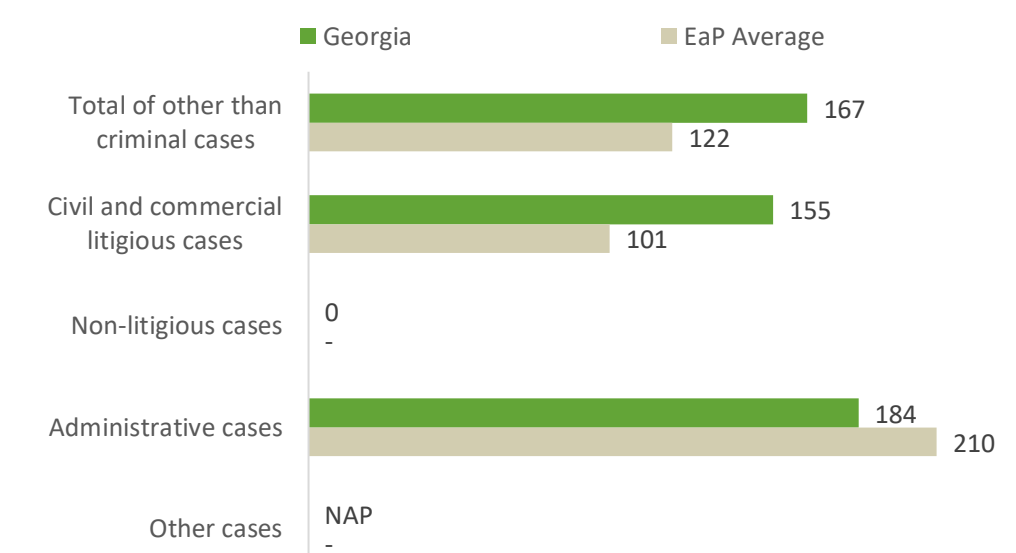
- Clearance rate: 102,6%;

- Disposition time: 277 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 2023 (absolute values)		Georgia (2023)				% Variation between 2022 and 2023			
		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)		5 856	5 996	823	38	-4,2%	0,6%	-9,9%	-70,1%
1	Severe criminal cases	1 014	1 007	531	37	-0,1%	1,6%	1,1%	-68,6%
2	Misdemeanour and / or minor criminal cases	4 842	4 989	292	1	-5,0%	0,4%	-24,7%	-88,9%
3	Other cases	NAP	NAP	NAP	NAP	NA	NA	NA	NA

In 2023, there were 5 856 incoming total criminal cases (0,16 per 100 inhabitants vs the EaP Average of 0,28) and they decreased by -4,2%, compared to the previous year. The courts resolved 5 996 cases (0,16 per 100 inhabitants). Between 2022 and 2023, they increased by 0,6%. In 2023, the number of resolved cases was thus slightly higher than the incoming cases. As a consequence, the total criminal pending cases at the end of 2023 were less than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 102% (above the EaP Average of 102%). This increased by 4,9 percentage points compared to 2022.

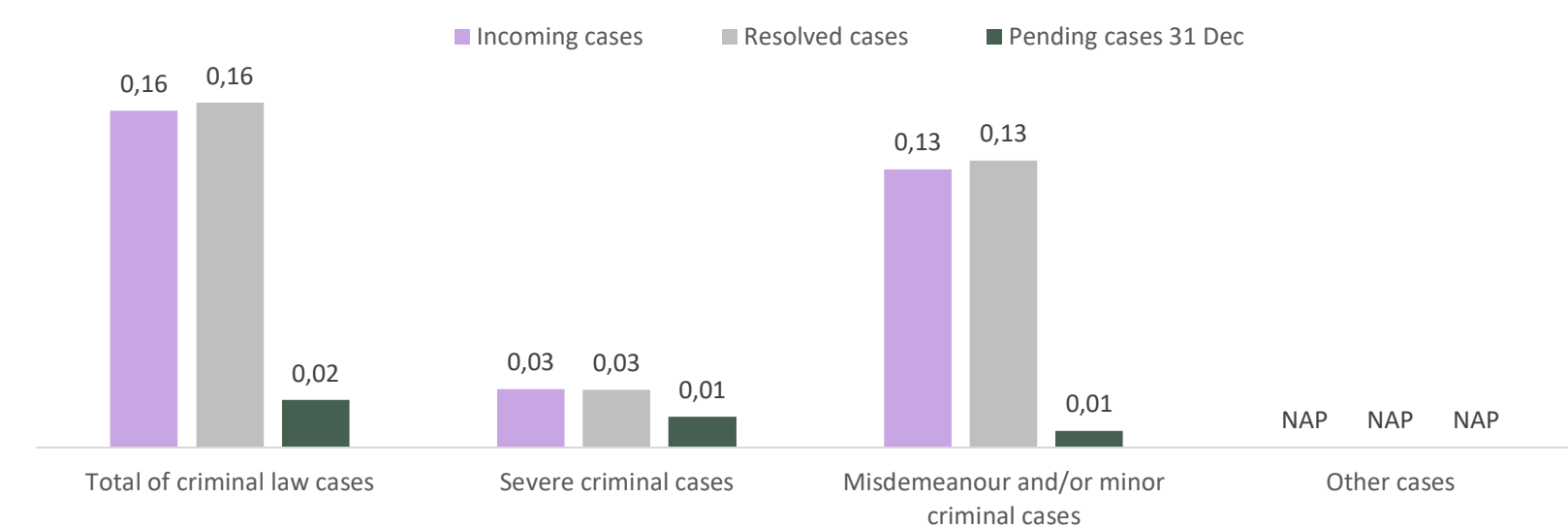
The Disposition Time for total criminal cases was approximately 50 days in 2023 (below the EaP Average of 77 days). This decreased by -10,4% compared to 2022.

2nd instance cases in 2023 (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)		0,16	< 0,28	0,16	< 0,28	0,02	< 0,07	0,00	< 0,01
1	Severe criminal cases	0,03	-	0,03	-	0,01	-	0,00	-
2	Misdemeanour and / or minor criminal cases	0,13	-	0,13	-	0,01	-	0,00	-
3	Other cases	NAP	-	NAP	-	NAP	-	NAP	-

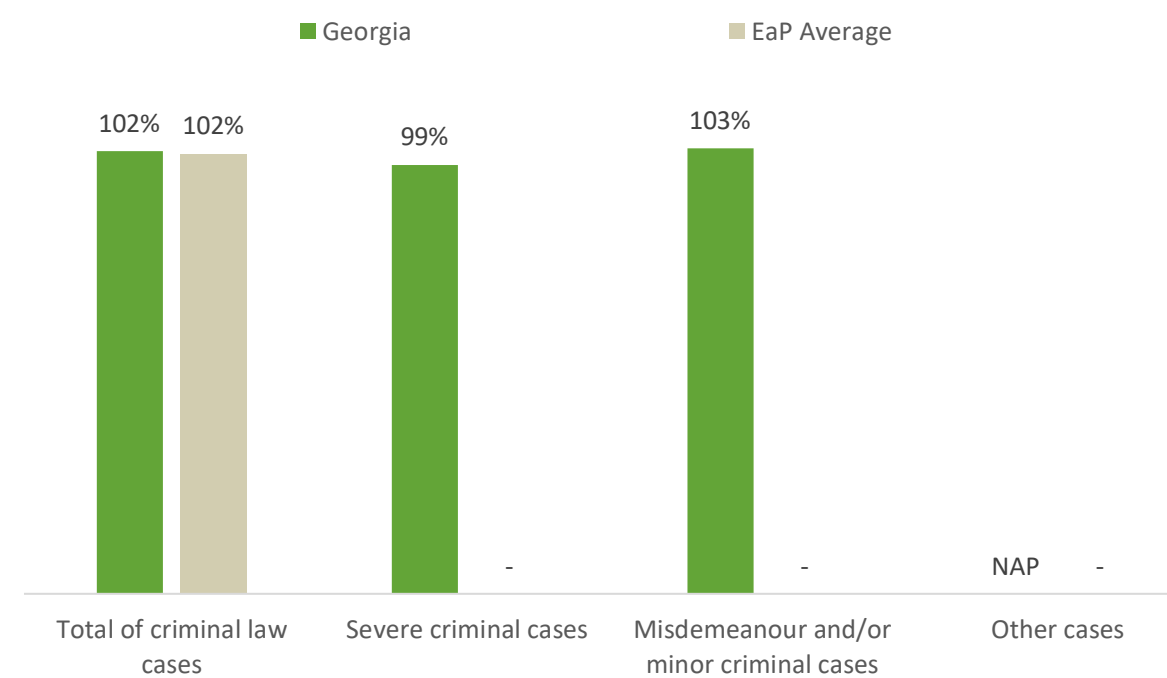
For reference only: for the second instance Total Criminal law cases, the 2022 EU Median was as follows:  
- Incoming cases per 100 inhabitants: 0,1.

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

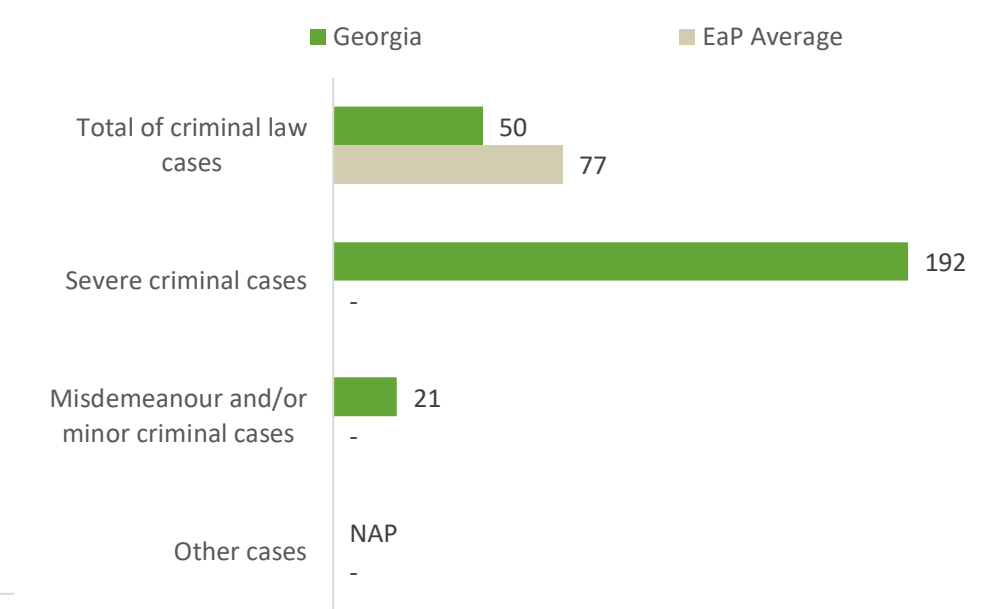
Second instance Criminal law cases per 100 inhabitants in 2023



Clearance Rate for second instance Criminal Law cases in 2023 (%)



Disposition Time for second instance Criminal Law cases in 2023 (in days)



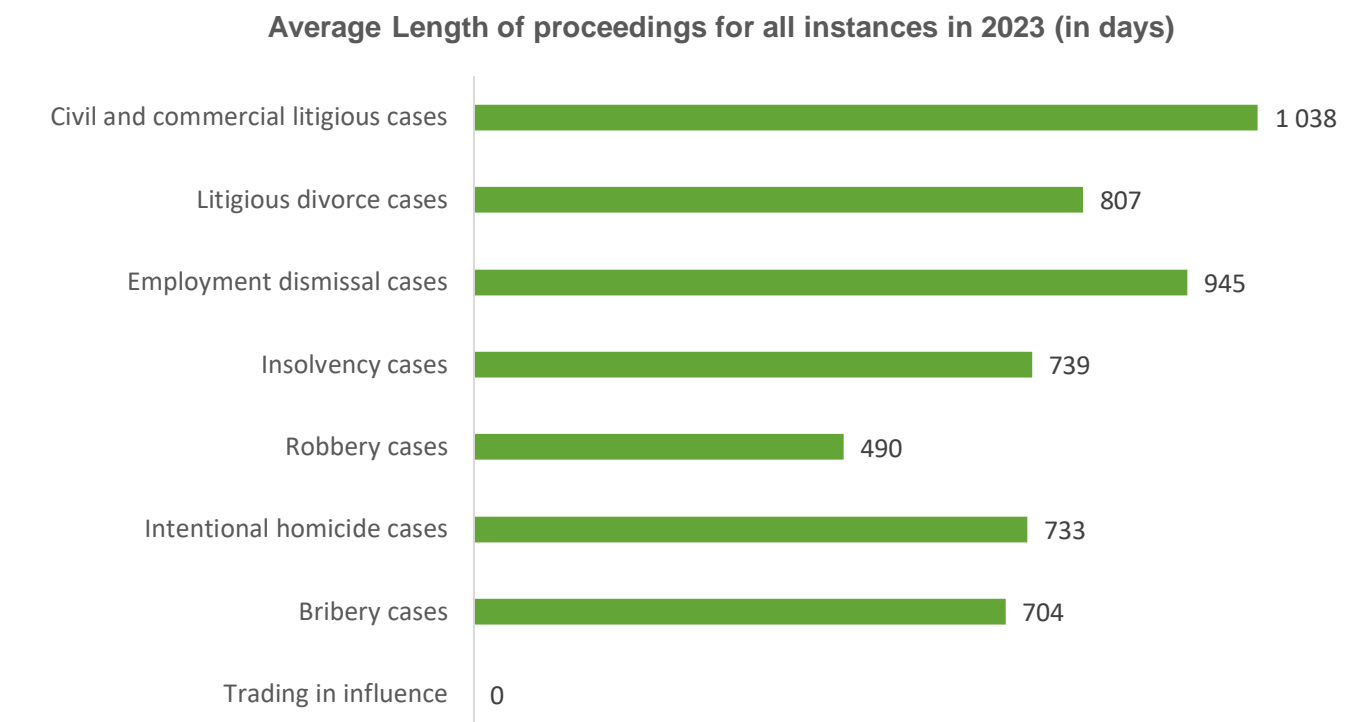
2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023		CR (%)		DT (days)		% Variation 2022 - 2023	
		Georgia	EaP Average	Georgia	EaP Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)		102%	102%	50	77	4,9	-10,4%
1	Severe criminal cases	99%	-	192	-	1,7	-0,5%
2	Misdemeanour and / or minor criminal cases	103%	-	21	-	5,6	-25,1%
3	Other cases	NAP	-	NAP	-	NAP	NAP

PPT = Percentage points

For reference only: for the second instance Total Criminal law cases, the 2022 EU Median was as follows:  
- Clearance rate: 99%;  
- Disposition time: 135 days.

• Specific category cases

	Georgia (2023)						% Variation between 2022 and 2023					
	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	0%	247	159	226	1 038	56%	-0,6	38%	-6%	-20%	-6%	-2%
Litigious divorce cases	0%	165	106	132	807	50%	-0,2	8%	-5%	42%	48%	0%
Employment dismissal cases	5%	148	129	187	945	51%	-13,9	-17%	-26%	-29%	0%	11%
Insolvency cases	33%	819	15	NAP	739	NA	-0,7	-8%	-12%	NA	-19%	NA
Robbery cases	4%	144	291	101	490	18%	-19,0	8%	64%	5%	5%	18%
Intentional homicide cases	4%	340	343	111	733	20%	-23,7	86%	191%	-3%	18%	20%
Bribery cases	12%	133	237	0	704	0%	NA	NA	NA	NA	NA	NA
Trading in influence	0%	39	0	0	0	0%	NA	NA	NA	NA	NA	NA



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

For 2023, the following clarifications have been provided by the authorities: Bribery cases have not been appealed in Supreme Court. Trading in influence cases have not been resolved during the reference year. Insolvency cases have no time limits in first Instance. Decisions of Appeal Court on Insolvency cases are final and can't be appealed in the Supreme Court.

**Quality standards and performance indicators in the judicial system**

In Georgia, there are quality standards determined for the judicial system at national level. Also, courts have specialised personnel entrusted with implementation of these national level quality standards. Department of Court Management of the HCJ – the body created by the LLC specifically for ensuring efficiency and quality of the common courts system. Quality standards are locally in each court implemented by Court Managers. The High Council of Justice adopted 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. It should be mentioned that since 2023, Georgian courts are actively involved in CEPEJ projects and activity programmes co-funded by EU related with improvement of judicial quality standards.

**Regular monitoring of courts and prosecution offices' activities**

In Georgia, there exists a system to **annually** evaluate court performance based on the monitored indicators listed below. The system is also in place to regularly evaluate public prosecution services' performance based on the monitored indicators listed below (**less frequently than once a year**). 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 re-arranging 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** 

The responsibility for setting up quantitative targets for judges lies on:

Executive power (for example the Ministry of Justice)	
Legislative power	
Judicial power (for example the High Judicial Council, Supreme Court)	
President of the court	
Other:	

The responsibility for setting up quantitative targets for public prosecutors lies on:

Executive power (for example the Ministry of Justice)	
Prosecutor General /State public prosecutor	
Public prosecutorial Council	
Head of the organisational unit or hierarchical superior public prosecutor	
Other	

According the law there are no quantitative performance targets defined for each judge.

Consequences for not meeting the targets		For judges	For public prosecutors
Without disciplinary procedure	Warning by court's president/ head of prosecution	NAP	NAP
	Temporary salary reduction	NAP	NAP
	Reflected in the individual assessment	NAP	NAP
	Other	NAP	NAP
With disciplinary procedure	Warning by court's president/ head of prosecution	NAP	NAP
	Temporary salary reduction	NAP	NAP
	Reflected in the individual assessment	NAP	NAP
	Other	NAP	NAP
No consequences		NAP	NAP

• System of individual evaluation of the judges and public prosecutors' work

	Judges	Prosecutors
Existence of a system of individual evaluation	✗	✓
Quantitative work	✗	✓
Qualitative work	✗	✓

Responsibility for setting up the criteria qualitative targets for judges	
Executive power (for example the Ministry of Justice)	✗
Legislative power	✗
Judicial power (for example the High Judicial Council, Supreme Court)	✗
President of the court	✗
Other	✗

Responsibility for setting up the criteria for the qualitative assessment of the public prosecutors' work	
Executive power (for example the Ministry of Justice)	✗
Prosecutor General /State public prosecutor	✗
Public prosecutorial Council	✗
Head of the organisational unit or hierarchical superior public prosecutor	✓
Other	✗

Frequency of this assessment	For judges	For public prosecutors
Annual	NAP	✗
Less frequent	NAP	✓
More frequent	NAP	✗

Individual evaluation of Judge's work is conducted only during the probation period for Judges, annually, during the first 3 years of appointment. Criteria for evaluation of Judges' work during the probation period is provided in the Organic Law of Common Courts.

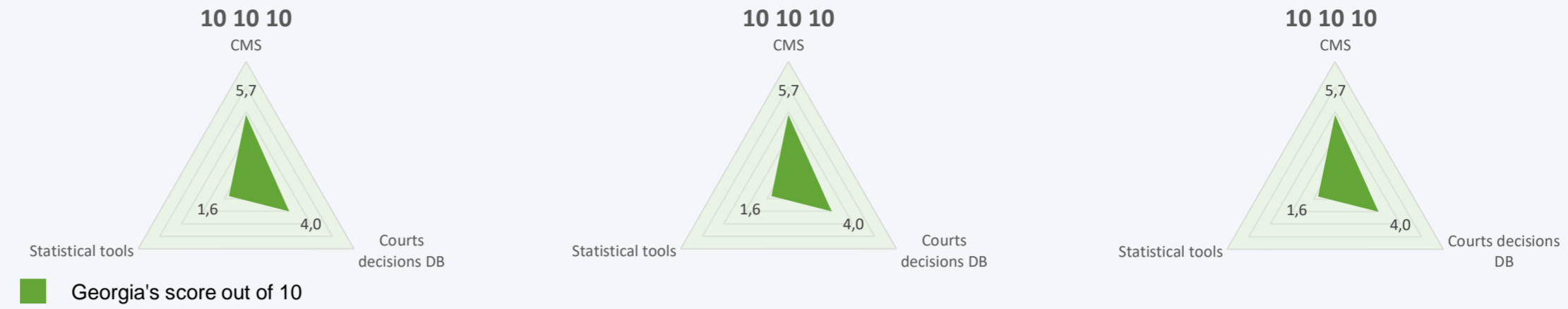
The performance appraisal of prosecutors is conducted based on the Organic Law on the Prosecution Service of Georgia (Chapter XIV) and Order #047 of the Prosecutor General of Georgia on the Adoption of the Performance Appraisal System of Prosecutors and Investigators, which are available online.

The assessment is conducted once in 2 years. There is an exam in case of failure to meet the lowest level of competence followed by the re-evaluation. The results of the evaluation can be appealed. The performance appraisal is taken into account when deciding on grading, incentivising and promoting prosecutors. The evaluation is carried out by the specialised PSG department through the extensive use of the electronic criminal case management system. There are three main areas for evaluation: a) Quality of work; b) Workload; c) Assessment of the supervisor. The below factors have no direct impact on the performance appraisal, but they are taken into account during the decision-making on grading, incentivising, promotion, disciplining, demotion and dismissal of prosecutors and investigators: a) Participation in the Mentorship Program; b) participation in trainings and training results; c) Participation in preventive and other activities. The PSG first introduced the system in 2017. Since then, it had been gradually improved and upgraded.



## Information and communication technology tools in Georgia in 2023 (Indicator 3.3)

The three ICT deployment indices (CMS, Courts decisions DB and Statistical tools) range from 0 to 10 points. Their calculation is based on the features and deployment rates of each beneficiary. The methodology for calculation provides points for each feature in each case matter. They are summarised and multiplied by the deployment rate as a weight. In this way, if the system is not fully deployed, the value is decreased even if all features are existing.



In Georgia there is no overall Information and Communication Technology (ICT) strategy in the judicial system. However, there are plans for a significant change in the present IT system in the judiciary in 2023.

There is 1 case management systems (CMS) software used for registering judicial proceedings and for their management which has been developed more than 10 years ago. At the moment Information Technology Service of High Council of Justice of Georgia is working on the development of the new Case Management program.

The overall maximum score among the three ICT indexes is achieved by the CMS index (5,7); while overall lowest score was calculated for the Statistical tools index (1,6). All three matters have the same CMS index score (5,7). Regarding the Court decisions database, all three matters scored 4,0, whereas they scored only 1,6 out of 10 for the Statistical tools index.

### • Electronic case management system

The CMS is developed in all courts (95-100% deployment rate) and the data is stored on a database consolidated at national level.

	Deployment rate	Usage rate	Centralised and/or interoperable CMS databases	Active case management dashboard	Random allocation of cases	Case weighting	Identification of a case between instances	Electronic transfer of a case to another instance/ court	Anonymisation of decisions to be published	Interoperability with prosecution system	Interoperability with other systems	Access to closed/ resolved cases	Advanced search engine	Protected log files	Electronic signature	Other
Civil	95-100 %	95-100 %	✓	✗	✓	✗	✓	✓	✓	NAP	✗	✓	✓	✗	✗	✗
Administrative	95-100 %	95-100 %	✓	✗	✓	✗	✓	✓	✓	NAP	✗	✓	✓	✗	✗	✗
Criminal	95-100 %	95-100 %	✓	✗	✓	✗	✓	✓	✓	✗	✗	✓	✓	✗	✗	✗

## • Database of court decisions

The database of court decisions is available for all instances and matters and its deployment rate is 95-100%. The court decisions are published online and the functionalities of the database include "automatic anonymisation" of court decisions as well as "free public online access" for all matters. Advanced search engine is also available for all matters.

	1st instance		2nd instance		Supreme court		Functionalities										
	Deployment rate	Modalities of publication	Deployment rate	Modalities of publication	Deployment rate	Modalities of publication	Automatic anonymisation	Manual anonymisation	Free public online access	Link to the case law of the European Court of Human Rights (ECHR)	Open data	Advanced search engine	Machine-readable content	Structured content	Metadata	European Case Law Identifier (ECLI)	Other
Civil	NA	Published online (public website)	NA	Published online (public website)	95-100 %	Published online (public website)	✓	✓	✓	✗	✗	✓	✗	✓	✗	✗	✗
Administrative	NA	Published online (public website)	NA	Published online (public website)	95-100 %	Published online (public website)	✓	✓	✓	✗	✗	✓	✗	✓	✗	✗	✗
Criminal	NA	Published online (public website)	NA	Published online (public website)	95-100 %	Published online (public website)	✓	✓	✓	✗	✗	✓	✗	✓	✗	✗	✗

Georgian Court system has two main websites for publication of Court Decisions: (1) www.ecd.court.ge where all decisions taken by courts (by all Instance courts) had been automatically published (with anonymised data) on this website; (2) www.supremecourt.ge where all decisions taken by Supreme Court of Georgia are published (with anonymised data). After the decision of the Constitutional Court of Georgia dated June 2019, it has become important to adopt clear and obvious regulations about the publication of Court Decisions. The Parliament of Georgia adopted the new regulations regarding the publication of court decisions. The legal changes will come into force in January 2024. In 2022 Decisions of the Supreme Court of Georgia were being uploaded. In 2022-2023 there was gap in legislation regarding publication of 1st and 2nd instance court decisions, this is the reason why during this period the publication of 1st and 2nd instance court decisions were suspended. there was gap in legislation regarding publication of 1st and 2nd instance court decisions, this is the reason why during this period the publication of 1st and 2nd instance court decisions were suspended.

## • Statistical tools

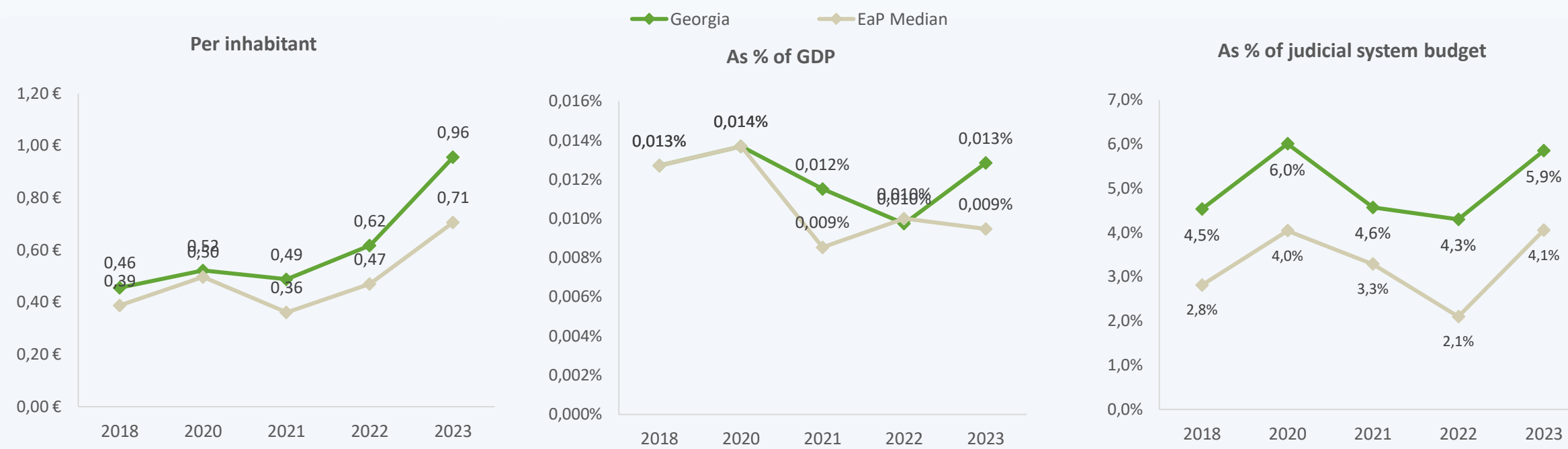
Data on percentage of deployment of statistical tools was not available in Georgia. Nevertheless, generation of predefined statistical reports is available in all matters. As for data available for statistical analyses, data on caseload and on cases per judge are available.

	Deployment rate	Functionalities										Data available for statistical analysis							
		Integration/connection with the CMS	Business intelligence software	Generation of predefined statistical reports	Generation of customised statistical reports	Internal page and/or dashboard	External page with statistics (public website)	Real-time data availability	Automatic consolidation of data at the national level	Other special functionality	Case flow data (number of incoming, resolved, pending)	Age of a pending case	Length of proceedings	Number of hearings	Cases per judge	Case weights	Number of parties in a case	Indicator of appeal	Result of the appeal
Civil	NA	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Administrative	NA	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Criminal	NA	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗

The authorities reported that the current case management program was developed in 2011 and it does not fully take into account the requirements of contemporary statistical reporting. Therefore, only the implementation of the statistical module, without the use of artificial intelligence, will not provide results. According to the authorities, they are working on the development of a new case management program, where the functionality will be adjusted to the process of conducting court cases and collecting statistical information.

## Legal Aid in Georgia in 2023 (Indicator 4)

Total implemented budget for Legal Aid between 2018 and 2023



Number of cases for which LA has been granted in 2023



**0,56**

per 100 inhabitants

EaP Median: 0,72

**EaP Median: 0,72**

In 2023, the implemented budget for legal aid spent by Georgia was 3 572 356€ (5.9% of the judicial system budget). This means that an amount of 0,96€ was spent per inhabitant (above the EaP Median of 0,71€). The budget for legal aid was equal to 0,013% of the GDP, whereas the EaP Median was 0,009%. There were 0,56 cases for which legal aid has been granted per 100 inhabitants, which is below the EaP Median in 2023 (0.72).

### • Organisation of the legal aid system

In Georgia Legal Aid Service is an independent state organisation that is accountable to the Parliament of Georgia.

Legal aid includes: legal advice, drafting legal documents, representation in court and administrative bodies. Legal aid is guaranteed to all socially vulnerable beneficiaries (i.e. persons who are registered in socially vulnerable household database and whose social score is below 70,000). Besides, the Legal Aid Service has a special mandate to provide services to special categories of persons: Asylum seekers and persons under international protection, minors, victims of violence against women and domestic violence/alleged victims, persons receiving support, persons with disabilities. These individuals can benefit from legal aid regardless of their solvency or the importance and complexity of the case. Mandatory representation in court is provided for criminal cases, according to the Criminal Procedure Code of Georgia.

#### Legal aid is applied to:

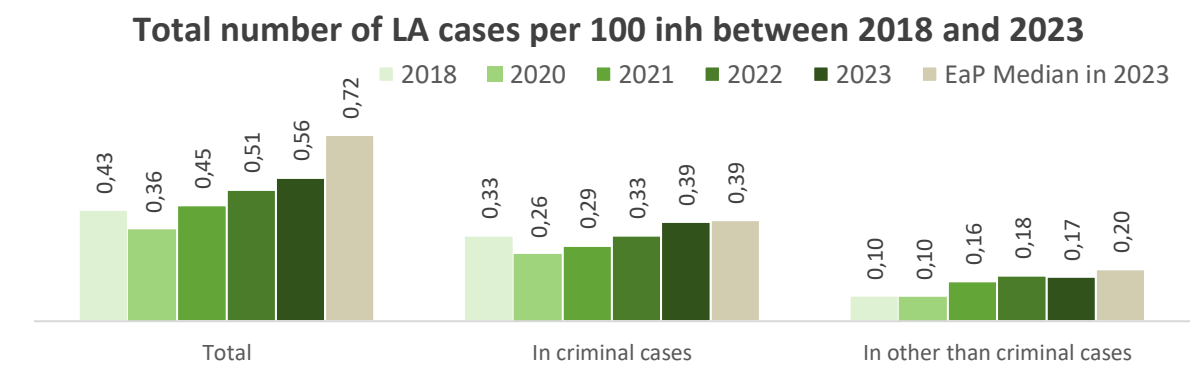
	Criminal cases	Other than criminal cases
Representation in court	✓	✓
Legal advice, ADR and other legal services	✓	✓

**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 the judicial system budget	
	Total (a+b)	% Variation 2018 - 2023	Cases brought to court (a)	Cases not brought to court (b)	Georgia	EaP Median	Georgia	EaP Median	Georgia	EaP Median
<b>Total (1+2)</b>	3 572 356 €	110,4%	NA	NA	0,96 €	0,71 €	0,013%	0,009%	5,9%	4,1%
<b>In criminal cases (1)</b>	NA	NA	NA	NA						
<b>In other than criminal cases (2)</b>	NA	NA	NA	NA						

In 2023, Georgia spent 3 572 356€ on the total implemented budget for legal aid, which was 110,4% more compared to 2018. This means that it spent a higher amount per inhabitant compared to the EaP Median (0,96€ and 0,71€, respectively).

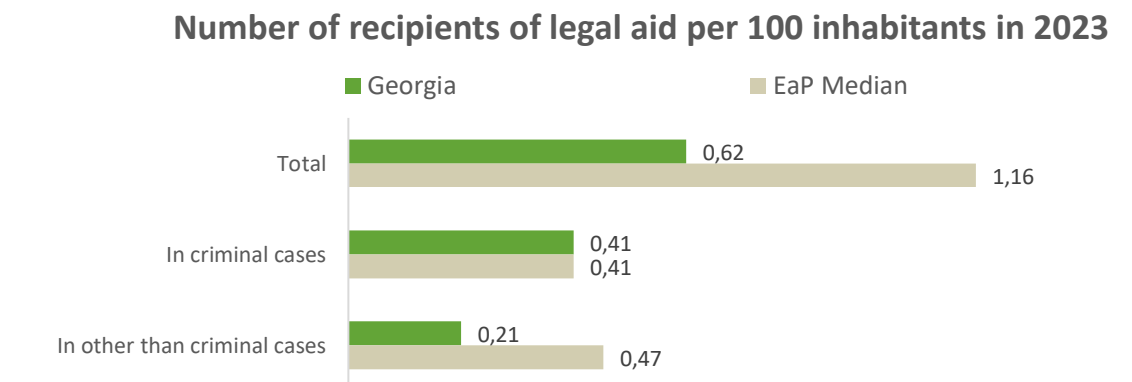
	Number of cases for which legal aid has been granted			Amount of LA granted per case (€)				
	Total (a+b)			Cases brought to court (a)	Cases not brought to court (b)	Total	Cases brought to court	Cases not brought to court
	Absolute number	Per 100 inh.	% Variation 2018 - 2023					
<b>Total (1+2)</b>	20 866	0,56	29,3%	10 852	10 014	171,2 €	NA	NA
<b>In criminal cases (1)</b>	14 431	0,39	15,9%	4 718	9 713	NA	NA	NA
<b>In other than criminal cases (2)</b>	6 435	0,17	74,6%	6 134	301	NA	NA	NA



In 2023, there were a total of 20 866 cases for which legal aid was granted, which was 29,3% more than in 2018. There were 14 431 criminal cases, and 6 435 other than criminal cases for which legal aid has been granted. There were 10 852 legal aid cases brought to court and 10 014 cases not brought to court. On average, the amount granted per legal aid case was 171,2€.

**Number of recipients of legal aid**

	Number of recipients of legal aid					Amount of LA granted per recipient (€)		
	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.	EaP Median					
<b>Total (1+2)</b>	23 246	0,62	1,16	12 519	10 727	153,7 €	NA	NA
<b>In criminal cases (1)</b>	15 492	0,41	0,41	5 094	10 398	NA	NA	NA
<b>In other than criminal cases (2)</b>	7 754	0,21	0,47	7 425	329	NA	NA	NA



In 2023, there were 23 246 recipients of legal aid. This means that there were 0,62 recipients per 100 inhabitants which was below the EaP Median. The number of recipients in criminal cases were 15 492, and the other than criminal cases - 7 754. The total number of beneficiaries in cases brought to court were 12 519, while in cases not brought to court - 10 727. On average, the amount granted per recipient of legal aid case was 153,7€ in 2023.

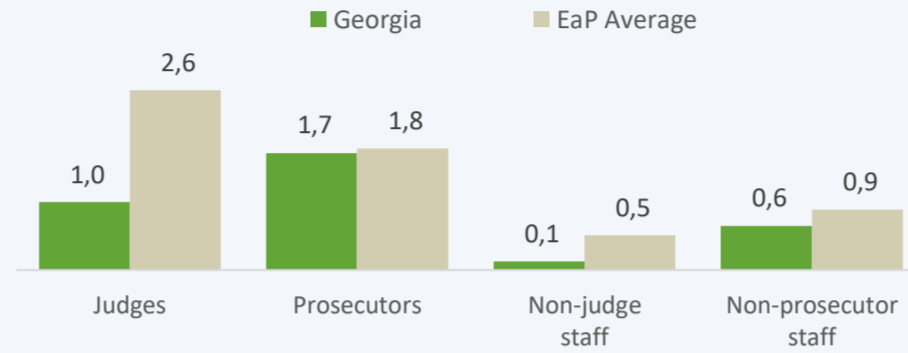
## Training of judges and prosecutors in Georgia in 2023 (Indicator 7)

### Total budget for training per inhabitant



### Average number of live training participations per professional

Please see the definition of the indicator on page 2.



### Average number of participants per delivered training



The total budget for training of judges and prosecutors in Georgia was 0,24€ per inhabitant, lower than the EaP Average of 0,3€ per inhabitant.

In 2023, 1 549 participants (of which 329 judges and 750 prosecutors) were trained in 207 live trainings (in-person, hybrid or video conferences).

In Georgia, each judge participated, on average, to 1 live trainings in 2023, which was below the EaP Average (2,6) while each prosecutor participated, on average, to 1,7 live trainings, less than the EaP Average (1,8).

Regarding the internet-based trainings (not-live), no training was provided on the e-learning platform of the training institution for judges and prosecutors, whereas a total of 30 trainings was completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc.). The total number of participants was NAP and 141, respectively.

In Georgia, judges are required to attend minimum 5 days of training every 3 years. There is no mandatory minimum number of trainings or training days for prosecutors according to the legislation.

### Budget for training

This part analyses the budget of training institution/s for judges and prosecutors but also the budgets of courts and prosecutions dedicated to training (when applicable).

	Budget of the training institution(s) (1)	% of budget of the training institution(s) covered by external donors	Budget of the courts/prosecution allocated to training (2)	Absolute Number	Total (1)+(2)					% Variation 2018 - 2023	% Variation 2022 - 2023	EaP Average per inhabitant
					Evolution of training budget per inhabitant							
					2018	2020	2021	2022	2023			
<b>Total</b>	NA	NA	0 €	880 208 €	0,28 €	0,18 €	0,09 €	NA	0,24 €	-14,4%	NA	0,30 €
<b>Judges</b>	880 208 €	NA	0 €	880 208 €								
<b>Prosecutors</b>	NAP	NAP	NAP	NAP								
<b>One single institution for both judges and prosecutors</b>	NAP	NAP		NAP								

Georgia spent in total 880 208€ on training of judges and prosecutors in 2023, which is 0,24€ per inhabitant (below the EaP average of 0,3€ per inhabitant).

In 2023, the High School of Justice has provided initial trainings for two groups of High School of Justice listeners (49 listeners in total). Hence, the implemented budget for 2023 has almost doubled compared to 2022.

**• 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 (2023)							
	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
<b>Total</b>	163	207	1 056	1 549	5,1 >	2,4	7,5 <	22,2
<b>Judges</b>	20	25	50	329	2,0 >	1,6	13,2 <	17,5
<b>Prosecutors</b>	88	102	716	750	7,0 >	3,3	7,4 <	33,2
<b>Non-judge staff</b>	11	13	26	236	2,0 <	2,9	18,2 <	31,4
<b>Non-prosecutor staff</b>	44	67	264	234	3,9 <	5,2	3,5 <	53,2

CEPEJ distinguishes 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.

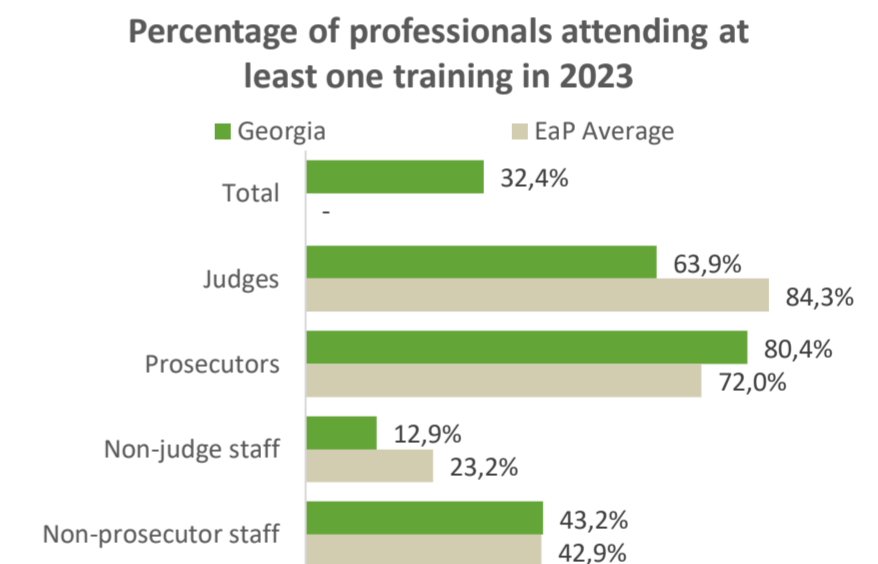
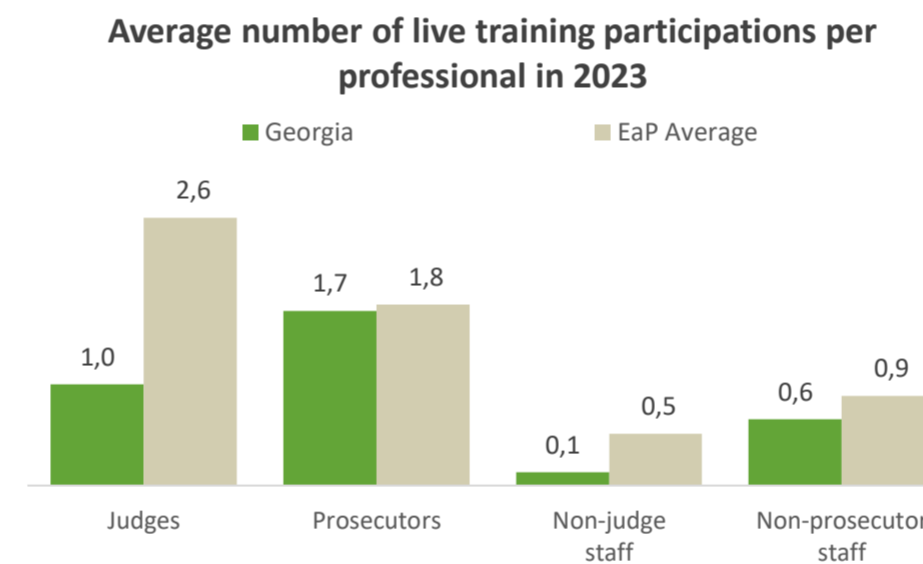
Key:	>	Higher than the EaP Average
	=	Equal to the EaP Average
	<	Lower than the EaP Average

In 2023, the average duration of trainings for judges in Georgia was 2 days (above the EaP Average of 1,6). During the same period, the average duration of training for prosecutors was 7 days, which was higher than the EaP Average of 3,3 days.

In 2023, Georgia organised 207 trainings, over 1056 days, and with a total of 1549 participants. There was on average 7.5 participants per training which was significantly lower than the EaP Average of 22,2.

**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 by category	
				Georgia	EaP Average
<b>Total</b>	0,5 <	1,0	955	32,4%	-
<b>Judges</b>	1,0 <	2,6	212	63,9% <	84,3%
<b>Prosecutors</b>	1,7 <	1,8	352	80,4% >	72,0%
<b>Non-judge staff</b>	0,1 <	0,5	235	12,9% <	23,2%
<b>Non-prosecutor staff</b>	0,6 <	0,9	156	43,2% >	42,9%



**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 2,6. This means that, on average, each judge in the region participated to 2,6 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.

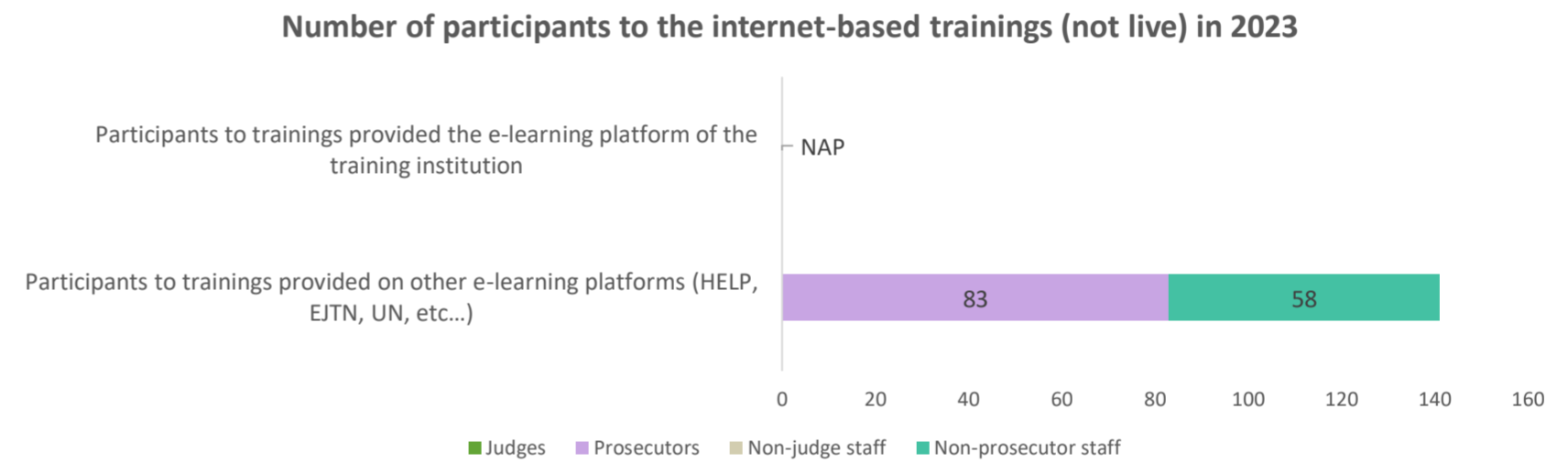
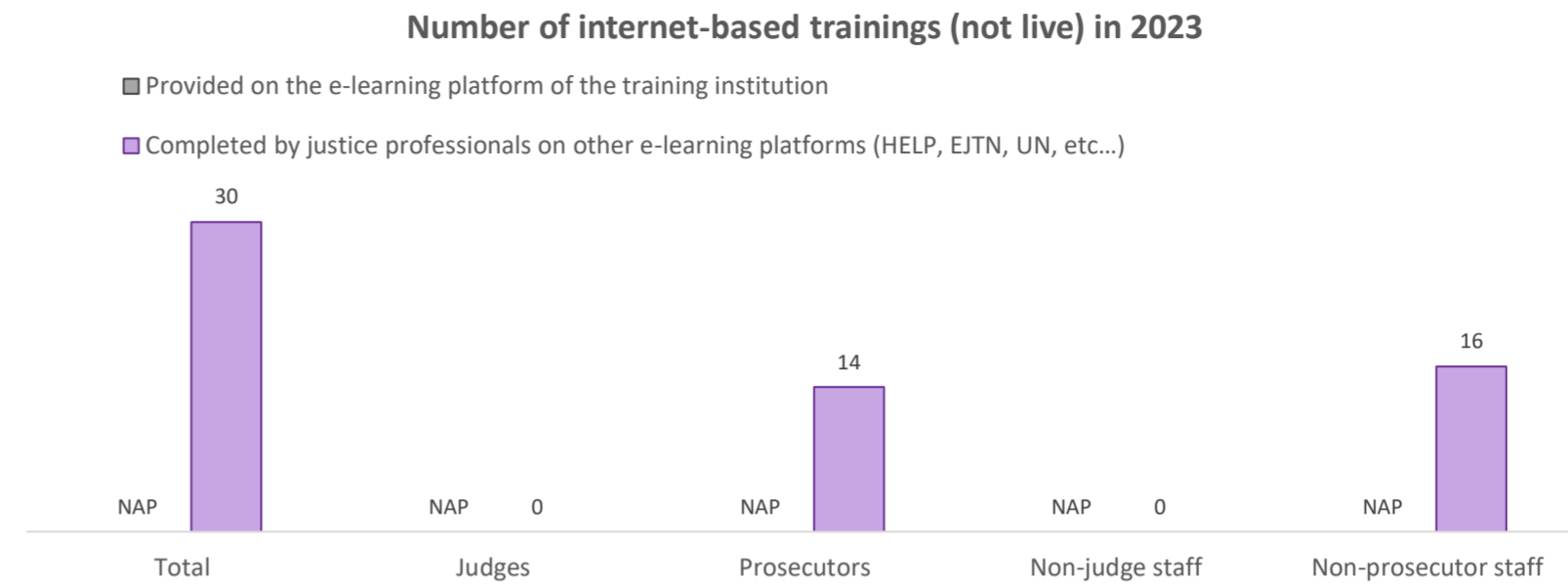
Looking at the average participations on live trainings, the highest average was for prosecutors (1,7 live training participations per prosecutor). Hence, compared to the other professionals, Georgia gave priority to the trainings for prosecutors; while in the region, the highest priority was given to train judgew (indeed, the EaP Average number of live training participations per judge was 2,6).

In 2023 the highest priority for live training was given to the training of Prosecutors (1,7 participations on trainings per prosecutor). At the same time, the percentage of prosecutors attending at least one training was 80.4%.

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

	Number of internet-based trainings (not live) in 2023			
	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
<b>Total</b>	NAP	NAP	30	141
<b>Judges</b>	NAP	NAP	0	0
<b>Prosecutors</b>	NAP	NAP	14	83
<b>Non-judge staff</b>	NAP	NAP	0	0
<b>Non-prosecutor staff</b>	NAP	NAP	16	58

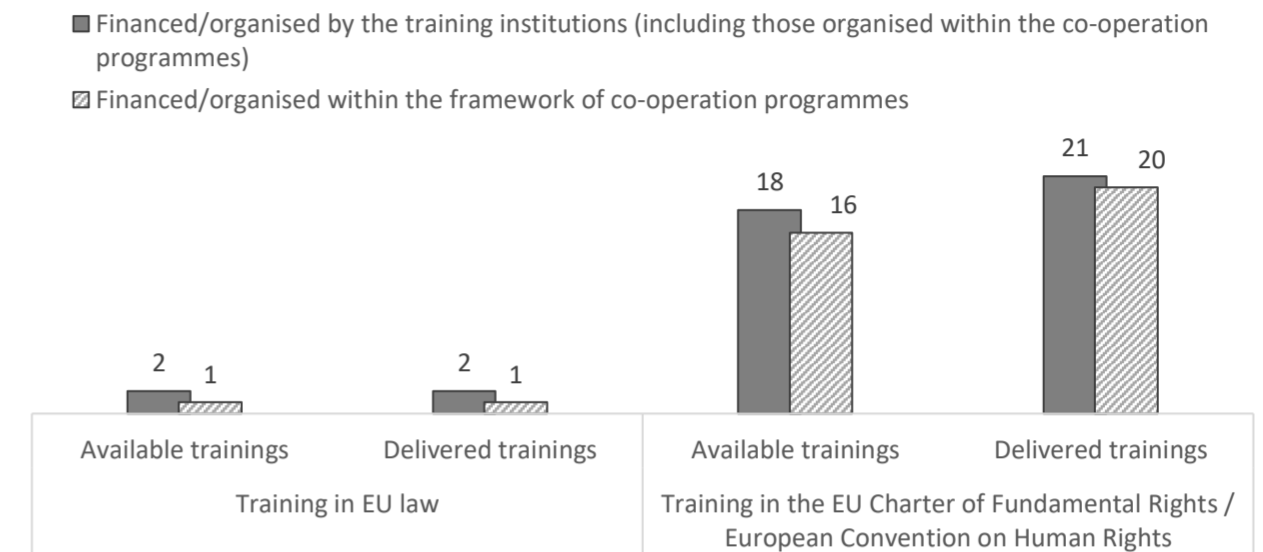
Trainings were not provided on the e-learning platform of the national training institution. However, justice professionals completed 30 trainings which included 141 participants. 14 of these trainings were completed with the participation of 83 prosecutors while 16 trainings were attended by 58 non-prosecutor staff.



• 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
<b>Live trainings (2023)</b>				
Number of available live trainings	2	1	18	16
Number of delivered live trainings	2	1	21	20
Number of delivered live training in days	4	2	356	351
<b>Internet-based trainings(2023)</b>				
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...)	-	0	-	13

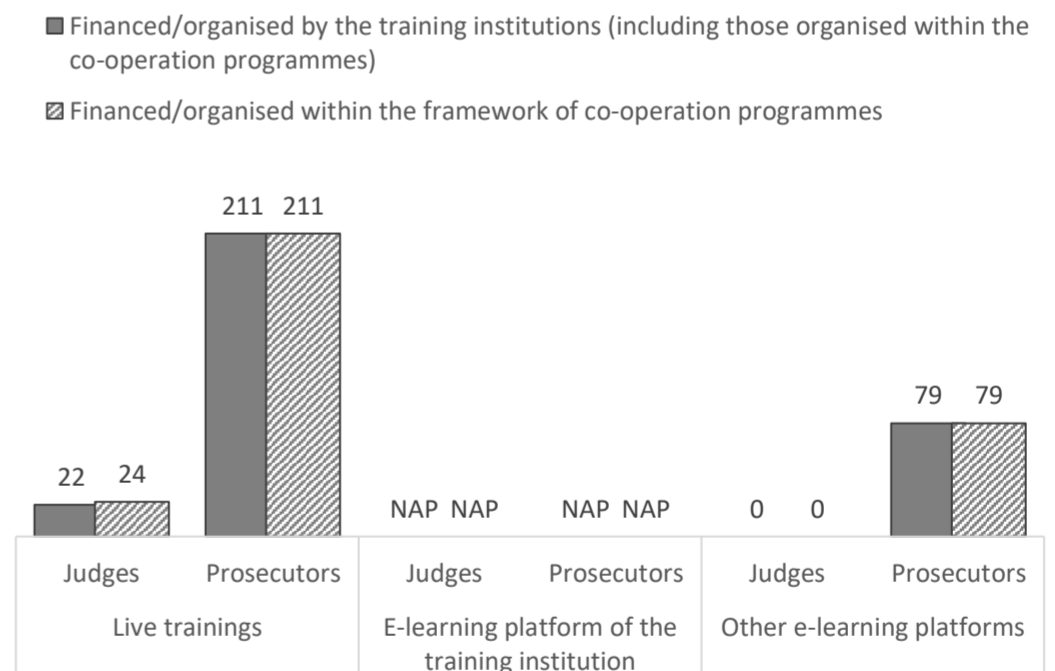
Number of live trainings in EU law and the EU Charter of Fundamental Rights / European Convention on Human Rights in 2023



In 2023, 1 training in EU Law and 20 trainings on the EU Charter of Fundamental Rights and the European Convention on Human Rights were co-organised or co-financed with International partners. This included 2 training days in EU law and 356 training days on the EU Charter of Fundamental Rights and the European Convention on Human Rights.

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	22	211	22	185	NAP	NAP	0	79
Within the framework of co-operation programmes	24	211	24	185	NAP	NAP	0	79

Number of participants to live trainings in EU law and the EU Charter of Fundamental Rights / European Convention on Human Rights in 2023



In 2023, 22 judges and 211 prosecutors participated in live trainings organised by the training institutions for judges and prosecutors. As for trainings organised within the framework of co-operation programmes, 24 judges and 211 prosecutors participated. 79 prosecutors completed internet-based trainings on other e-learning platforms.

Participation shall be understood as one attendance of a person to a training.



• 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	Compulsory	Regularly	Compulsory	Regularly
	Specialised judicial functions	Compulsory & Optional	Regularly	Compulsory	Regularly
	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	Occasional
	On gender equality	Optional	Regularly	Compulsory	Occasional
	On prevention of corruption	Optional	Occasional	Compulsory	Occasional
	On conflicts of interest	No training proposed	No training proposed	Compulsory	Occasional
	Other	Optional	Regularly	Optional	Occasional

In Georgia in 2023 judges had to undergo minimum of 85 initial compulsory trainings. The minimum number of days was 240

In-service trainings are available to judges on regular bases in specialised judicial fundctions, ethics, child-friendly justice and gender equality

Prosecution Service have prosecutors specially trained in domestic violence.and sexual violence cases. PSG has also introduced specialisation courses for prosecutors and PSG investigators. Only those professionals, who have passed the mentioned courses, can work on the cases of domestic violence and sexual violence.

Interns of the Prosecution Service are subject to compulsory initial trainings, but in 2023, these trainings were not conducted because of the ongoing internship contest.

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	85	240	NA	NA
Prosecutors	0	0	NAP	NAP

In-service compulsory training for judges consist of minimum 5 days of training every 3 years.

In Georgia for prosecutors there is no mandatory Minimum number of trainings or days according the legislation. The authorities provided average number of trainings and days of in-service compulsory trainings conducted for prosecutors in 2022. In 2023, these trainings were not conducted.

**• 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			

In Georgia future in-service training needs are assessed annually. Information on needs is collected from the target audience, previous participants in trainings, trainers, courts/prosecutor's offices and relevant judicial institutions.

In Georgia, in-service trainings (seminars, workshops, round tables) are evaluated immediately and 3-6 months after the training has been delivered by using a combination Kirkpatrick and other training evaluation models.

**The result 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



The target result of the training evaluation process is to improve the training course which, according to the report, needed improvements. The Prosecution Service also uses the evaluation to prepare a training evaluation report with recommendations.

## Alternative Dispute Resolution in Georgia in 2023 (Indicator 9)

Legal aid for court-related mediation or related mediation provided free of charge



Court-related mediation procedures



Mandatory informative sessions with a mediator



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

### Mediators

6,6

per 100 000 inhabitants

EaP Average: 13,2

69% female mediators



In Georgia, court related mediation procedures are available and legal aid for court-related mediation or related mediation provided free of charge could 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. Also, there are no mandatory informative sessions with a mediator.

In 2023, the number of mediators was 6,6 per 100 000 inhabitants, which was below the EaP Average (13,2 per 100 000 inhabitants). The majority of the mediators were women (69%). The data on the total number of mediation cases was not available for 2023, thus no analysis thereof was possible. Nevertheless, authorities reported on the number of mediation cases in civil and commercial, family and labour cases.

### • 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.*

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, disputes which involve micro-financial (small loan) bank or non-bank organisations, electronic contractual issues, when the value of the subject matter is under 10000 GEL, non-property issues (such as, copyright cases, respect and dignity cases).

There are no mandatory information sessions on mediation.

### • Other ADR methods

Mediation other than court-related mediation



Arbitration



Conciliation (if different from mediation)



Other ADR



## • Mediators and court-related mediations

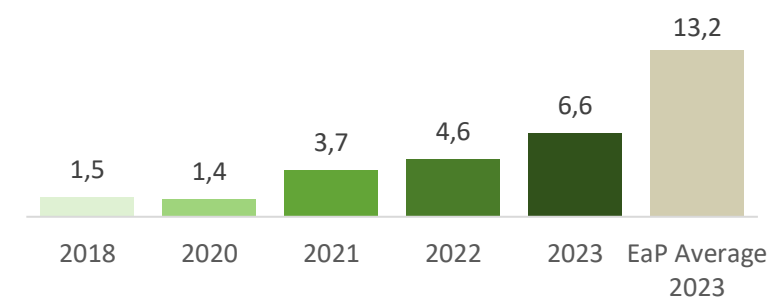
### Requirements and procedure to become an accredited or registered mediator:

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

1. Mediation training. Mediation training is approved by the Association and consists of at least 60 hours of content-specific training which can be carried out by any interested private a person, subject to accreditation. In particular, mediation training can be delivered by the Association or other institutions if the training standard offered by them is in compliance with the standards established by the Association's program.
2. Testing practical skills of the candidate.
3. Development of skills required to lead a real mediation for a person who wants to become a mediator (observation of a real court-mediation). Any person can participate in the Mediator Certification Programme, provided he/she has full legal capacity, has not been convicted, and is registered in the Programme.

Accredited/registered mediators for court-related mediation			% Variation between 2018 and 2023
Absolute number	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants	
248	6,6	13,2	335,1%

Accredited/registered mediators for court-related mediation per 100 000 inhabitants between 2018 and 2023



For reference only: the 2021 EU median is 17,4 mediators per 100 000 inhabitants.

In 2023, the total number of mediators in Georgia was 248, which is 335,1% more than in 2018. The number of mediators per 100 000 inhabitants was 6,6, which is less than the EaP Average of 13,2.

	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
<b>Total (1 + 2 + 3 + 4 + 5+ 6)</b>	NA	NA	NA				
<b>1. Civil and commercial cases</b>	9	185	52	✓	✓	✗	✗
<b>2. Family cases</b>	0	72	13	✓	✓	✗	✗
<b>3. Administrative cases</b>	NAP	NAP	NAP	NAP	NAP	NAP	NAP
<b>4. Labour cases incl. employment dismissals</b>	0	48	41	✓	✓	✗	✗
<b>5. Criminal cases</b>	NAP	NAP	NAP	NAP	✗	✗	✓
<b>6. Consumer cases</b>	NA	NA	NA	✓	✗	✗	✗
<b>7. Other cases</b>	NA	NA	NA				

Court related mediation is provided by private mediators, public authorities (other than the court) and public prosecutors (in criminal cases only). In 2023, court-related mediations have been completed mostly in civil and commercial matters (185 cases), family matters (72 cases) and labour matters (48 cases).

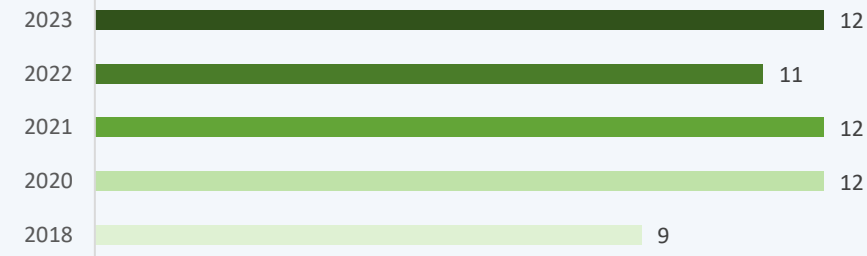
It is possible to receive legal aid for court-related mediation in Georgia and receive these services free of charge.

## European Convention on Human Rights in Georgia in 2023 (Indicator 10)

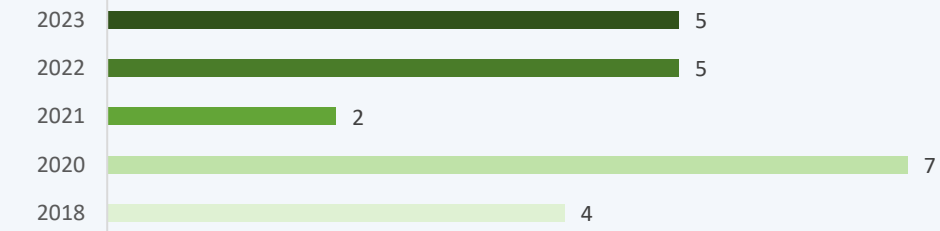
European Convention on Human Rights – Article 6 – Right to a fair trial (extract):

*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. In Article 4 of the Statute the content and scope of the powers in this regard are prescribed 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 Article 6 of the ECHR but also related to all the judgments regardless of their matters. The Ministry of Justice of Georgia submits an annual report to the Parliament of Georgia on the enforcement of judgments by the European Court of Human Rights on Georgia.

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

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

For civil cases	For criminal cases	For administrative cases
✓	✓	✓

According to the Georgian Procedural legislation (Civil, Criminal and Administrative Procedural Law) the decision of European Court of Human Rights (finding of a violation of the European Convention on Human Rights) is a legal ground for review/reopen of the case.

In 2023, there were 156 applications allocated to a judicial formation for Georgia (6 more than the previous year). There were 12 judgements by the ECHR finding at least one violation for Georgia, of which 1 was related to the right to a fair trial.

The number of cases considered as closed after a judgement of the ECHR and the execution of judgements process was 5 in 2023; the same as in 2022.

	2018	2020	2021	2022	2023	
Applications allocated to a judicial formation of the Court**	99	130	120	150	156	
Judgements finding at least one violation**	9	12	12	11	12	
Judgements finding at least one violation of the Article 6 of the ECHR	Right to a fair trial (1)	4	4	7	6	1
	Length of proceedings	0	0	1	0	0
	Non-enforcement	0	0	0	1	0

\*\* Source: ECHR

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

	2018	2020	2021	2022	2023
Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process***	4	7	2	5	5

\*\*\* Source: Department for the Execution of Judgments of the ECHR

## Reforms in Georgia in 2023

	Yes (planned)	Yes (adopted)	Yes (implemented)	Comment
(Comprehensive) reform plans	✓	✓	✓	National Strategy of Human Rights for 2022-2030 was adopted by the Parliament of Georgia in March 2023. One of the four priorities of the strategy is ensuring the effective exercise of rights related to justice, principles of the rule of law, strengthening of institutional democracy as well as exercise of civil and political rights. One of the objectives of the subsequent action plan is to enhance public awareness on disciplinary proceedings in the judiciary and ensure publication of court decisions to improve the transparency and accountability of courts. Reform plans are put in place for complete fulfillment of EU's 9-Point Recommendations in relation to Georgia.
Budget	✗	✗	✗	
Courts and public prosecution services	✓	✗	✓	High Council of Justice of Georgia is involved in Backlog reduction initiatives. In 2023, Batumi City Court became the first pilot court, where CEPEJ Backlog Reduction Tool will be implemented. High Council of Justice of Georgia is also working on IT Strategy and on improvement of IT technologies. Many Important infrastructure projects were implemented and will be implemented in the Courts.  CEPEJ projects dedicated to the improvement of the efficiency of judiciary were launched in 4 pilot courts.
Access to justice and legal aid	✓	✓	✓	New Regulations regarding the publication of Court decisions (According Constitutional Court decision) were adopted. They came in to force from 1st January, 2024.
High Judicial Council and High Prosecutorial Council	✓	✓	✓	According to the 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, be substantiated by each member which will ensure the quality reasoning for all appointments.

## Reforms in Georgia in 2023

	Yes (planned)	Yes (adopted)	Yes (implemented)	Comment
Legal professionals	✔	✔	✔	<p>Prosecution Service Reforms: 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 of Georgia and the Rule on Internship at the Prosecution Service of Georgia, 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. The recommendation stipulated, "(i) regulating, in more detail, the recruitment and promotion of prosecutors so as to ensure that decisions are based on precise and objective criteria, notably merit; (ii) providing for transparent procedures – including by making the above-mentioned criteria public – and ensuring that any decisions in those procedures are reasoned."</p> <p>Updating the Code of Ethics for prosecutors, issuing written explanations and providing trainings On 26 August 2020, the Prosecutor General adopted the Ethics Code for the Employees of the Prosecution Service (Order #038), entering into force on 27 August 2020. It replaced the previously existing 2017 Ethics Code. The aim of adopting the new Code was streamlining it with the provisions of the PSG Organic Law, including removing certain provisions on disciplinary violations, which duplicated or contradicted the Organic Law provisions. On 22 September 2020, the Office of the Prosecutor General of Georgia issued the Commentary to the Ethics Code and the Disciplinary Proceedings for the Employees of the Prosecution Service of Georgia, which was circulated among all PSG staff electronically on the same day. In view of the carried out reforms, 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 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.</p> <p>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</p>
Gender equality	✔	✔	✔	<ol style="list-style-type: none"> <li>1. Amendments to the Organic Law on Normative Acts, introduced gender impact assessments related to draft laws adopted in 2022;</li> <li>2.The State Concept on Gender Equality adopted in 2022;</li> <li>3. The fourth National Action Plan (NAP) on Women, Peace and Security 2022-2024, adopted in 2022; On October 25, 2022, the Government adopted two separate action plans for 2022-2024: "National Action Plan on the Implementation of the UN Resolutions 1325 on Women, Peace and Security" and the "National Action Plan for the Elimination of Violence against Women and Domestic Violence." In order to ensure efficient implementation of the aforementioned plans, clear cut indicators, baselines, targets and activity-based targeted budget are being determined at outcome and output levels.</li> <li>4. Gender Equality Strategy and Action Plan developed by the Civil Service Bureau aimed at establishing a gender-responsive public service in 2022;</li> <li>5. Gender Equality Strategy 2022-2025 for the Ministry of Foreign Affairs adopted in 2021;</li> <li>6. National Strategy of Human Rights for 2022-2030; Parliament of Georgia; 2023. The Government of Georgia adopted a new Human Rights Strategy 2022-2030 on 5 September 2022, and the Parliament approved it on 23 March 2023. The new strategy addresses fundamental human rights and freedoms and puts special emphasis on the protection of the rights of vulnerable groups.</li> <li>7. Women Economic Empowerment Strategy adopted by the Parliament in 2023.</li> </ol>
Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities	✘	✘	✘	Minor legal changes has been adopted and can be implemented, but no new Reforms.
Mediation and other ADR	✘	✘	✘	Minor legal changes have been adopted and can be implemented, but no new Reforms.



## Reforms in Georgia in 2023

	Yes (planned)	Yes (adopted)	Yes (implemented)	Comment
<b>Fight against corruption and accountability mechanisms</b>	✓	✓	✓	New Law on - „Fight Against Corruption" came into the force. On the basis of the amendments made to the law of Georgia "On the Fight Against Corruption", an independent Legal Entity of Public Law, the Anti-Corruption Bureau was formed. Within the framework of the mentioned reform, the corruption prevention mechanisms were united under the umbrella of a single institution.
<b>Domestic violence</b>	✓	✓	✓	<ol style="list-style-type: none"> <li>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;</li> <li>2. Legislative amendments removing the requirement of an official status as victim of gender-based violence against women for accessing State-funded support services, entered into force from 2023;</li> <li>3. The National Action Plan on Ending Violence against Women was adopted in 2022;</li> <li>4. National Strategy of Human Rights for 2022-2030 was adopted by the Parliament of Georgia; 2023.</li> </ol>
<b>New information and communication technologies</b>	✓	✗	✗	It's planned to improve the legal framework regarding the New Information and Communication Technologies in different fields and aspects.

## 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" Project

#### Data collection 2023

#### 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 by March 2024 (adoption of the Second Addendum to the Second Compliance Report on Georgia):

	JUDGES	PROSECUTORS
Implemented	33,00%	100.00%
partially implemented	50,00%	0%
not implemented	17,00%	0%

## 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). According LCC different procedure is in place for the appointment of probationer Judges (Judges appointed for three years) for life, this appointment is based on three-year evaluation results. Evaluation is conducted every year by one Judge member and one non Judge member of the High Council of Justice of Georgia. Appointment of Judges for lifetime is based on the results of six evaluation reports (by 6 different members of High Council of Justice of Georgia), with at least 70 percent of maximum scores in criteria of competence, as well as positive results in the criteria of Integrity. Criteria for the evaluation of judges during probation period is the same as mentioned below for Judges with judicial experience (integrity and competence). It should be mentioned that according to the Constitution of Georgia, probation of Judges is in legal force only till 1 January 2025. From this date all judges will be appointed for life. Candidates for Supreme Court Judges are also selected on the basis of these two criteria and are appointed for life.

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 based on 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 Anti-Corruption Bureau. The decision on appointing a candidate on the position of a judge is done by taking into account two basic criteria: 1. good faith (integrity); and 2. competence. The elements of a good faith are: personal good faith and professional conscience; independence, impartiality and fairness; personal and professional behavior; personal and professional reputation, financial or other obligations. The elements of a competence are: knowledge of legal norms; ability of legal substantiation and competence; writing and verbal communication skills; professional qualities; professional behavior and behavior as a judge during hearings (for candidates with prior judicial experience); 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. Candidates are assessed in each subcategory of competence and integrity. Rules of assessment and scores for each subcriteria are regulated by LCC. Judges who are in probation period should be evaluated every year (by one Judge member and one non judge member of the High Council of Justice of Georgia), according to randomly selected 5 cases heard by the candidate, which have already entered into force, and according to all other elements of above-mentioned Criteria. 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 without judicial experience in first Instance are appointed for three-year probation period (This is in force till 1 January 2025). Only Supreme Court Candidates without judicial experience can be appointed directly for life.

Candidates with prior judicial experience (judge candidates for life-time appointments, who are in probation period) will have the opportunity to read the reports of each assessment (every year) at a location designated by the HCJ for this purpose. Interviews with the candidates will be conducted, transparency of interviews is ensured through taking minutes of the interviews, recording (audio or video) of the interviews and application of a standardised point system. Following the 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 and open vote of two-thirds of the majority). The scores and evaluation will be disclosed, substantiated by every HCJ member and published on webpage of the High Council of Justice of Georgia. 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. Decisions on the mentioned candidates should be published on the website. 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 to the Supreme Court selected by the 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 verified by checking their criminal record, existence of disciplinary proceedings and sanctions and by being selected based on two basic criteria: good faith (integrity) and competence. The elements of a good faith are: personal good faith and professional conscience; independence, impartiality and fairness; personal and professional behaviour; personal and professional reputation and accuracy and precision when performing official and other duties, financial or other 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 Fight against Corruption 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 three judges of the Supreme Court appointed for a ten-year period). All other judges are appointed for life based on constitutional amendments from 2014 (Article 63(6), Constitution). However, the law provides for a probation period (until 31<sup>st</sup> December 2024) of a newly appointed judge at the first instance 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 Organic Law on Prosecution Service (hereinafter: OLPS) that was adopted on 30<sup>th</sup> November 2018 and entered into force on 16<sup>th</sup> 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. two years' experience as a judge, criminal lawyer or an investigator). 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), OLPS). 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), interviews and internship in the Prosecution Service. In exceptional cases, candidates may be recruited without competition (is commonly applied with respect to former employees of the Prosecution Service). Vetting of the candidates is carried out by the HR Management and Development Department of the Prosecutor General’s Office and by the General Inspectorate which submit their reports to the Prosecutor General prior to appointments.

The recruitment procedure falls within the competence of the Career Management, Ethics, and Incentives Council of the Prosecutor General’s Office. It is composed of 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. In case of rejection, the Prosecutor General has an obligation to provide reasons. 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. two years’ experience as an investigator, judge or a criminal defence lawyer) which are set out in OLPS (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, persons having at least three year experience of working as a prosecutor or/and an investigator at the Prosecution Service may be appointed to the positions of the Heads and Deputy Heads of Departments at the Prosecutor General's Office, the heads and deputy heads of the Prosecutor's Offices of the Autonomous Republics of Abkhazia and Adjara, the Prosecutor of the City of Tbilisi and his/her deputy, regional prosecutors and their deputies, and district prosecutors. 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 OLPS 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 the promotion of judges is the HCJ. The promotion of first-instance court judges to courts of appeal takes place either through a competition procedure or without competition.

Through Competition - In case of vacancies at the appellate courts, the HCJ shall determine the number of vacant positions and publish 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. 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 the appellate court.

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 (including 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 organisational skills, scientific and pedagogical activity, adherence to ethical and professional standards, tendencies of his/her professional growth etc.) and performance (including 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). Following the conduct of interviews with the candidates, the HCJ members should Evaluate each candidate, Evaluation for each candidate by each member should be reasoned. The evaluation sheets and the results are public.

The decision on promotion is made by the HCJ, by an open ballot, with two-thirds of its members in favour of promotion. Promotion is conducted similarly to the procedure of selection of the Supreme Court Judges.

A District (city) court judge may be appointed to a court of appeal without competition if s/he has at least five years of experience as a district (city) court judge. Articles 37 and 41 of the LCC and Article 13 of the HCJ's Rules of Procedure regulate the procedure for promotion without competition. Following the publication of a vacancy notice by the HCJ, the receipt of applications within the fixed deadline and their review by the HCJ, a judge may be promoted to a court of appeal if his/her competence, experience, professional and moral reputation is compliant with the high rank of the judge of court of appeal and there are no disciplinary sanctions in force. When taking the decision, the HCJ considers the criteria



enshrined in Article 13 of its Rules of Procedure, such as the quantitative and qualitative indicators of the judge's performance, the number of ratio of cases considered, the complexity of the cases completed, respect for procedural time-frames when deciding on cases and preparing a decision, the coherence of decisions, working discipline, reputation amongst colleagues, participation in mentoring and teaching young judges and lawyers, his/her role in discussing judicial and legal issues, organisational skills, scientific and pedagogical activity, adherence to ethical and professional standards, trend of professional growth. The decision is taken in secret voting, by a two-thirds majority of the HCJ and there are no requirements to complete any evaluation sheets. The decision is reasoned and published. Any dissenting opinions are to be appended to the HCJ decision which is subject to judicial review in accordance with the provisions of the Code of Administrative Procedure.

Appointment of the Supreme Court Judges is also regulated in the LCC and involves both the HCJ and the Parliament to increase transparency, objectivity as well as broad and inclusive participation. Members of the HCJ have to provide written reasoning of their decisions which are published. Candidates are listed as per points achieved (best rating indicators) during the evaluation of the candidate's competence and integrity criteria 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 procedure<sup>1</sup>. 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, 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 remained partly implemented.

For implementation GRECO’s recommendation iv - In 2023 Amendments to the Law on Common Courts have been adopted aimed at reforming the selection/appointment procedure of first instance and appellate court judges. The procedure 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

---

<sup>1</sup> 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.

will be reasoned by each member to ensure the quality of reasoning for all appointments. Draft legal amendments have been reviewed by the Venice Commission for its opinion.

[In the Second Addendum to the Second Compliance Report](#) adopted in March 2024 GRECO highlighted that in view of the information provided by the authorities and the statutory provisions of the Common Court Law, the recruitment of judges to district (city) courts or courts of appeal, whether for a period of three years or for life, is to be based on the assessment of clear criteria (namely, the integrity and competence). HCJ decisions are to be taken by open ballots, reasons are to be provided by each HCJ member, information is to be published on the HCJ's website and unsuccessful candidates are given the right to appeal against HCJ decisions. The same observations are equally applicable to the process of selection of Supreme Court judges, which appears to be open, transparent, and objective. GRECO expects that the application in practice of the statutory amendments will be in line with the requirements of this recommendation"GRECO also expressed concern that the procedure of promotion of a judge of a district (city) court to a court of appeals without competition, is not governed by clear and objective criteria, thus not in line with the principles of transparency and meritocracy (decisions are taken by secret ballot and no disclosure of the assessment by HCJ members is made public). For this reason, GRECO considers that the recommendation has not been more than partly complied with.

## Promotion of Prosecutors

Promotion procedure is regulated in the Organic 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 previous individual evaluations 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 15 members: the First Deputy Prosecutor General, 3 Deputy Prosecutors General, 8 members of the Prosecutorial Council, the head of the General Inspectorate 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. In exceptional cases (for high level performance of duties and/or achieving best results), the Prosecutor General is authorised to decide on the promotion of a prosecutor without the recommendation of the Career Management,

Ethics and Incentives Council, based on the personal application of a prosecutor or reasoned nomination by the head of the structural division of the Prosecution Service and/or the Department for Supervision over Prosecutorial Activities and Strategic Development. Based on 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, but the Administrative Code provides the right to compensation, among other, for non-execution of court decisions by administrative bodies (e.g. The National Bureau of Enforcement).

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, 2022 and 2023.

## 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 16<sup>th</sup> 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, upon nomination by the Prosecutorial Council, by the Parliament for a period of six years, non-renewable. The legislation provides for strong safeguards regarding his/her dismissal. Furthermore, on 16<sup>th</sup> December 2018 a new Organic 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; and other (e.g., victims of human trafficking, forced marriage, sexual mutilation). Juvenile offenders also benefit from other specific arrangements (are represented by a qualified lawyer, a judge has undergone a specialized training in juvenile matters and psychology: application of an institution of diversion: the possibility to apply diversion is considered first and it is evaluated whether diversion can ensure re-socialisation and rehabilitation of the minor and prevention of a new crime).

## 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 Organic Law on Prosecution Service (OLPS).

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

Article 6 OLPS 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 OLPS, an employee 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. Corruption-related offenses, i.e. perpetration by a judge of offenses under articles 5, 52, 7, 8, 10, 11, 13, 134, 135, 204 of the Law of Georgia on Conflict of Interests and Corruption in Public Institutions (“c.a”); 2. personal political or social influence when a judge exercises judicial powers (“a.a.”); 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. In case an action of a 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 Organic Law on Prosecution Service (OLPS), the Law on Fight against Corruption, the Code of Ethics for the Employees of the Prosecution Service and the Criminal Code.

OLPS 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 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).

Law on Fight against Corruption 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 decide, 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). Law on Fight against Corruption also contains similar provisions that carry limitations and prohibitions regarding accessory activities and positions as stipulated in OLPS (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 2023:

	2021				2023			
	Judges		Prosecutors		Judges		Prosecutors	
	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
Number of initiated cases	0	0,00	1	0,23	0	0,00	0	0,00
Number of completed cases	0	0,00	0	0,00	0	0,00	0	0,00
Number of sanctions pronounced	0	0,00	0	0,00	0	0,00	0	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 respect of prosecutors, mandatory rotation is also in place.

### In-service training on ethics

There is a compulsory in-service training regularly available to both prosecutors and judges. Both judges and prosecutors have to undergo compulsory in-service training solely dedicated to ethics. 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. As regards to training on prevention of corruption, for both judges and prosecutors it is provided as an occasional in-service training; however, for judges it is optional while for prosecutors it is compulsory. In service training on conflicts of interest is also provided, but only to prosecutors and only occasionally.

### Codes of ethics for judges and prosecutors

*Recommendation xiii. GRECO recommended (i) 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.*

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 independence, integrity and impartiality of prosecutors. On 22<sup>nd</sup> 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, including also detailed examples, which was circulated to all staff of the prosecution service by e-mail on the same day (see [the Second Compliance Report on Georgia](#), para. 60).

In [the Second Compliance Report on Georgia](#) (see para. 61), GRECO welcomed the adoption of the Commentary to the new Code of Ethics and noted with appreciation the real-life examples (as encountered by the General Inspectorate) contained in the document. Respectively, GRECO considered the recommendation to be implemented satisfactorily.

It should be noted with respect to judges, that on 31 October 2021, the Conference of Judges adopted the updated Rules on Judicial Ethics, which is published on the websites of the Supreme Court of Georgia and the High Council of Justice. Notably, the Rules on Judicial Ethics were elaborated in line with the recommendations of international experts and aimed at promoting public confidence in the independence, integrity, and impartiality of the judiciary.

*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.

For the implementation of GRECO's RECOMMENDATION *vii* - Since 2021, 82 judges have been trained in the updated Rules on Judicial Ethics. Furthermore, in 2023, a basic course on judicial ethics was organised for 49 judicial trainees. In addition, in 2023, the High Council of Justice set up a working group to produce a commentary on the updated Rules on Judicial Ethics. The work has reached the final stage of the production of the commentary.

In [the Second Addendum to the Second Compliance Report](#) GRECO recognised that judicial candidates and judges have continued to receive training on the updated Rules on Judicial Ethics. According to the report, no information has been provided on the provision of confidential counselling. The first part of the recommendation was fully implemented, as regards the second part of the recommendation, additional measures had to be taken to produce a commentary on the adopted Rules of Judicial Ethics, provide further training and confidential counselling to judges. For this reason, GRECO concludes that recommendation vii remains partly implemented.

### **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 Anti-Corruption Bureau manages a whistleblowing website [www.mkhileba.gov.ge](http://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](http://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 the Fight Against Corruption (hereinafter: LFC), amendments to which were adopted on 16 May 2023, regulates obligations regarding asset declarations pertaining to judges and prosecutors.

As per Article 14 of LFC, judges and prosecutors are to submit asset declarations to the Anti-Corruption Bureau a) within two months of their appointment/election, b) during their term of office, once every year and c) after the end of their term of office, within two months and in the year following the end of the term in office.

*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 1<sup>st</sup> 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.

The amendments to the Law on the Fight Against Corruption, effective from 24 May 2023, expanded the asset declaration requirements to all prosecutors. Consequently, prosecutors who were not previously required to declare their assets now submit their declarations to the Anti-Corruption Bureau. These declarations are accessible to public at <https://declaration.acb.gov.ge/>.

In March 2024, in its [Second Addendum to the Second Compliance Report](#) GRECO concluded that Georgia satisfactorily implemented its Fourth Evaluation Round Recommendation xiv concerning widening the scope of application of the asset declaration requirement to cover all prosecutors by entering into force of the amendments to the Law on Combatting Corruption on 24<sup>th</sup> May 2023. The amendments widened the definition of

“public officials” subject to the declaration regime, by extending the scope of Article 2 to all prosecutors. As a result, all prosecutors submitted their asset declarations to the Civil Service Bureau, replaced by the Anti-corruption Bureau as of 1<sup>st</sup> September 2023 and made them publicly available online.

Asset declarations must contain the following information: declarant’s personal data, personal data of his/her family members (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 Anti-Corruption 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. According to LFC, in January each year a special electronic program (randomly) and the Independent Commission of Anticorruption Bureau select public servants (judges, prosecutors, etc.), whose asset declarations should be checked and inspected in a detailed manner. Decisions of Anticorruption Bureau may be appealed in court.

In case of non-declaration of assets, judges and prosecutors may be fined in the amount of 1000 GEL (pursuant to Article 20 of LFC). 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. Violations of submitting the asset declarations also carries disciplinary liability.

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 2023 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
2023	60	18,07	55	16,57	7	2,11	17	3,88	16	3,65	1	0,23

## 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 Fight against Corruption, 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 Law on Fight against Corruption. 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 Law on Fight against Corruption (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 Organic 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 Fight against Corruption, 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 Article 45, OLPS, 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 Law on Fight against Corruption 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. Article 13 of the Law on Fight against Corruption 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 Inspectorate) and to the human resources management unit.

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

		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 Organic Law on Prosecution Service (OLPS). 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 (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 Law on Fight against Corruption – 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 Law on Fight against Corruption. 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 Law on Fight Against Corruption also defines procedure to sanction breaches of the rules on conflicts of interest with regard to judges.

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 2023:

	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
2023	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 75<sup>8</sup>, 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 75<sup>12</sup> 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).

The list of disciplinary sanctions was amended and according to the current wording, the following list of sanctions is provided: a) Reprimand; b) Reprimand;c) Severe reprimand; d) Withholding 5% to 20% of salary for no longer than 6 months' period; e) Dismissal of the chairperson, the first deputy or a deputy chairperson of a court, the chairperson of a judicial panel or chamber; e<sup>1</sup>) Enrollment of a judge in a relevant qualification programme; f) Dismissal of a judge.

The legislative amendments in 2019 set forth in the LCC the precise grounds for disciplinary liability, which distinguish the standards of professional conduct from the disciplinary rules. Under the new regulations, only intentional or negligent behavior of a judge listed in the law may constitute disciplinary misconduct. According to the amendments, disciplinary liability for misconduct of minor significance can no longer be imposed. The breach of the Code of Ethics as basis for imposing disciplinary liability has also been excluded from the law.

In particular, the following shall constitute disciplinary misconduct:a) Conduct that violates the principle of independence, in particular:a.a) Political or social influence or influence of personal interests when a judge exercises judiciary powers; a.b) Judge's interference in other judge's activities for the purpose of influencing the outcome; b) Conduct that violates the principle of impartiality, in particular: b.a) Public expression of an opinion by a judge on a case currently under the court's consideration; Judge's comments on organisational and technical matters pertaining to the case currently handled by the court for the purpose of informing the public shall not constitute disciplinary misconduct; b.b) Disclosure of the outcome of a case to be heard by a judge in advance, except in the circumstances specified by the Georgian procedural law; b.c) Violation of Clause 1, Article 72<sup>1</sup> or Clause 1, Article 72<sup>2</sup> by a judge; b.d) Judge's refusal to recuse oneself or satisfy a request for recusal when clear legal grounds for recusal exist; b.e) Accession to membership in a political association, engagement in political activities, public support for a political entity running in an election, or public expression of a political opinion by a judge; b.f) Illegal interference by a judge in the process of distribution of cases in a court; b.g) Public expression by a judge in breach of the principle of political neutrality; c) Conduct that violates the principle of integrity, in particular: c.a) Corruption-related offenses, i.e. perpetration by a judge of offenses under articles 5, 5<sup>2</sup>, 7, 8, 10, 11, 13, 13<sup>4</sup>, 13<sup>5</sup>, 20<sup>4</sup> of the Law of Georgia "On Combating Corruption"; c.b) Hindering disciplinary proceedings by a judge; d) Conduct that violates the principle of propriety, in particular; d.a) 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; d.b) Sexual harassment by a judge; d.c) Disclosure of confidentiality of a judicial deliberation by a judge; e) Conduct that violates the principle of equality, in particular: e.a) Discriminatory verbal or other action by a judge towards any person on any grounds, performed when performing judiciary duties; e.b) 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 staff or a participant in a process; f) Conduct that violates the principle of competence and diligence, in particular: f.a) Material violation by a judge of a time limit specified by the Georgian procedural law without good reason. The reason for such a material violation shall be considered without good reason unless the judge failed to observe the time limit because of objective circumstances related directly to administering justice (heavy case load, complexity of a case, etc.); f.b) Expression of undisguised disrespect by a judge towards another

judge, a court staff, or a participant in a court process; f.c) Judge's failure to react if he or she witnesses a legal violation or disciplinary misconduct described in this clause by a different judge, a court staffer, or a participant in a court process; f.d) Judge's failure to fulfil or improper fulfilment of relevant administrative duties, in particular, duties of a head of a court, a judiciary panel, or chairperson of a chamber; g) Any conduct incompatible with the exalted status of a judge (action (conduct) not in line with the exalted status of a judge, perpetrated in or outside a court, which clearly disturbs public order or universally recognized moral standards and thereby damages the standing of, or undermines trust in, the court).

*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 75<sup>1</sup> 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.

GRECO noted that the statutory framework still does not provide for the possibility of review of decisions of the HCJ concerning the termination of disciplinary proceedings.

In the Second Addendum to the Second Compliance Report adopted in March 2024, GRECO reiterated that the only outstanding issue remaining concerned the absence of a possibility of review of HCJ decisions terminating disciplinary proceedings. GRECO noted that the authorities have provided no new information on this matter and concluded that recommendation viii remains partly implemented. As a rule, the **transfer of a judge to another court** is possible. As an exception, according to Article 37<sup>1</sup>, 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. Transfer of a judge is subject to his/her consent, a judge may only be sent to another court (including a lower court based on the reasoned decision of the HCJ) without his/her consent for a period of up to two years (in which time the HCJ is to announce a competition for the position in question), which can be prolonged for no more than 2 years. 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 Organic Law on the Prosecution Service (hereinafter: OLPS) 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. On 16<sup>th</sup> May 2022, the Prosecutor General adopted Rule no. 14 on the Grounds for Disciplinary Liability and Categories of Disciplinary Misconducts of the Employees of the Prosecution Service of Georgia which entered into force on 17<sup>th</sup> May 2022.

OLPS categorises disciplinary misconduct into three categories, minor, medium and serious misconduct, with corresponding sanctions ranging from reprimand to dismissal. Article 76, OLPS 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).

The Rule no. 14 on the Grounds for Disciplinary Liability and Categories of Disciplinary Misconducts of the Employees of the Prosecution Service of Georgia provides for a 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.

*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 Rule has defined more precisely a broad range of disciplinary offences under each ground for disciplinary liability. In addition, the OLPS 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. In case of suspecting potential disciplinary misconduct of the PSG employee, the PSG General Inspectorate is competent to open an administrative investigation. This includes interviewing people, collecting information and reviewing materials. At the end, the PSG General Inspectorate draws report containing the findings about whether the person has committed the disciplinary misconduct or not. This report is then reviewed by the Career Management, Ethics and Incentives Council on the hearing. The subject person has a right to be represented by a lawyer, attend the hearing and give an explanation.

The Council decides by the majority of votes whether person has committed the violation. If he/she was found guilty, the Council also selects the applicable sanction. The decision of the Council is recommendatory for the Prosecutor General, who is competent to formally find person guilty in the disciplinary violation and impose sanction. The Prosecutor General might disagree with the recommendation and make a different decision. However, in this case, he/she is required to provide reasons.

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 ([Second Compliance Report](#) para. 70). A disciplinary measure is imposed on a prosecutor (or other employee of the Prosecution Service) by the Prosecutor General or, in respect of the First Deputy and Deputies of the Prosecutor General or prosecutor and investigator members of the Prosecutorial Council, by the Prosecutorial Council. An order to impose a disciplinary measure must be reasoned (Article 53, General Administrative Code) and may be appealed in court within 30 days ([the Evaluation Report](#), para. 187). Disciplinary measures include: 1. reprimand; 2. reproach; 3. reduction of up to 30% of a prosecutor’s salary for not more than 6 months; 4. moving to a lower grade; 5. demotion; and 6. dismissal from the Prosecution Service. 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 2023 is included in the table below, with the following explanations: the notion of “professional inadequacy” in respect of judges implies “violation of a time limit specified by a law without justified reasons; expression of undisguised disrespect for another judge, a member of a court staff or a participant in a court process; any conduct incompatible with the status of a judge committed within or outside of the court, which clearly disturbs public order or universally recognised moral standards and therefore undermines trust in the court or damages the reputation of Judiciary; failure or improper performance of duties by a judge of relevant administrative authority, in particular, of the court, the judicial panel or the head of the chamber.

In respect of prosecutors, the notion of “professional inadequacy” includes disciplinary violation such as non-performance or improper performance of official duties prescribed by law.

		2023			
		Judges		Prosecutors	
		Abs	per 100	Abs	per 100
Number of disciplinary proceedings initiated during the reference year	Total number (1 to 5)	80	24.1	28	6,39
	1. Breach of professional ethics (including breach of integrity)	NAP	NAP	1	0,23
	2. Professional inadequacy	52	15.7	27	6,16
	3. Corruption	0	0,00	0	0,00
	4. Other criminal offence	0	0,00	0	0,00
	5. Other	28	8.43	0	0,00
Number of cases completed in the reference year against	Total number (1 to 5)	80	24,10	22	5,02
	1. Breach of professional ethics (including breach of integrity)	NAP	NAP	1	0,23
	2. Professional inadequacy	52	15,66	21	4,79
	3. Corruption	0	0,00	0	0,00
	4. Other criminal offence	0	0,00	0	0,00
	5. Other	28	8,43	0	0,00
Number of sanctions pronounced during the reference year	Total number (total 1 to 10)	0	0,00	9	2,05
	1. Reprimand	0	0,00	7	1,60
	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	0	0,00	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	0	0,00
	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, promote and dismiss judges, to organise judicial qualification examinations, to formulate proposals for judicial reform and to accomplish other objectives determined by law.

For 2023 it consisted 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 (3 from academia, 1 from the Bar Association and 2 from civil society organisations), of which five are appointed by Parliament, and one is appointed by the President of Georgia, from academia, members of the bar Association 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 may be re-appointed or re-elected. Membership is a full-time position for non-judge members while for judge members it is not.

The HCJ non-judge members 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 is competent regarding appointments, promotion 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**

The Constitution of Georgia establishes the Prosecutorial Council and guarantees its independence. The Prosecutorial Council has a mandate to ensure the independence, transparency and effectiveness of the Prosecution Service. 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 Minister of Justice and two members are nominated by academia, the Bar Association or/and non-commercial legal entities) (Article 19, OLPS). The two candidates proposed by the HCJ should have at least five years' experience of working as a judge, while a candidate 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. No particular requirements exist for two members of the Prosecutorial Council elected by the Parliament, from among the parliamentary majority and minority.

The members of the Prosecutorial Council are elected for four-year terms and may not serve two consecutive terms. Membership is not a full-time position. The majority of members present at the meeting of the Prosecutorial Council is competent to elect the chair of the Council for a 2-year term.

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 the Law on Fight against Corruption and incompatibilities rules prescribed in OLPS 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 by the high-ranking prosecutors, such as the First Deputy and Deputies of the Prosecutor General. In such cases it may start a disciplinary proceeding against the prosecutor in question. The General Inspectorate of the General Prosecutor's Office is competent to start disciplinary investigation with respect to alleged pressure on other prosecutors, except for the Prosecutor General, who is subject to the Impeachment procedure.