

1. Evaluation of the judicial systems (2016-2018 cycle)



Georgia

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Reference data 2016 (01/01/2016 - 31/12/2016)

Start/end date of the data collection campaign : 01/06/2017 - 31/12/2017

Objective :

The CEPEJ decided, at its 28th plenary meeting, to launch the seventh evaluation cycle 2016 – 2018, focused on 2016 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as two observer states (Israel and Morocco). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

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

Instruction :

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

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

1.General information

1.1.Demographic and economic data

1.1.1.Inhabitants and economic general information



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

[3718200]

Comments This figure has changed for the year 2016.

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

	Amount
State or federal level	3685737294 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments This figure has changed for the year 2016.

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

[3274]

Comments

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

[]

NA

Comments

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

[2.794]

Allow decimals : 5

NAP

Comments

A1. Please indicate the sources for answering questions 1 to 5

Sources: Data obtained from: the National Statistics Office of Georgia (GeoStat) (see www.geostat.ge); the National Bank of Georgia (see www.nbg.ge); Law of Georgia on the State Budget of 2016 (<https://matsne.gov.ge/ka/document/view/3108373>).

1.1.2. Budgetary data concerning judicial system



006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NAP to the question 7.

	Approved budget (in €)	Implemented budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	21718668 [] NA [] NAP	21465308 [] NA [] NAP
1. Annual public budget allocated to (gross) salaries	16490528 [] NA [] NAP	16275023 [] NA [] NAP
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	157127 [] NA [] NAP	154407 [] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	1825742 [] NA [] NAP	1813120 [] NA [] NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	1344380 [] NA [] NAP	1341311 [] NA [] NAP
5. Annual public budget allocated to investments in new (court) buildings	741666 [] NA [] NAP	741329 [] NA [] NAP
6. Annual public budget allocated to training	538604 [] NA [] NAP	519773 [] NA [] NAP
7. Other (please specify)	620619 [] NA [] NAP	620343 [] NA [] NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main differences: General comment: Difference between approved and implemented budget in all categories, except salaries, is caused by the savings received as a result of conducted tender, as well as by remained unused funds from signed service contracts during the year. Difference between approved and implemented budget allocated to (gross) salaries, is caused by job vacancies that were not filled during the year.

Question 6.3: In 2014 the salaries of court staff employed on the basis of limited term contracts were included in "justice expenses" (total 297211.66 Euro). It should have been included in "budget allocated to (gross) salaries". In addition, insurance policy costs of judges were included in "other" (total 91680.87 Euro). It should have been included in "budget allocated to (gross) salaries" because amount needed to purchase insurance is directly given to judges as a part of their salary. In total the "budget allocated to (gross) salaries" in 2014 shall be increased by 388 892.53 Euro. As a result the deference between 2014 and 2016 becomes less significant and is mostly caused by change of exchange rate between Georgian currency and Euro between 2014 and 2016.

Question 6.5: Increase of budget allocated to investments in new court buildings in 2016 is caused by construction of a new magistrate court building in Borjomi, construction of an additional city court building in Mstketa, as well as major construction and repair works on city/district court buildings in Marneuli, Gurjaani, Khelvachauri, Kobuleti, Tetrtskaro and Batumi.

Question 6.6: Increase of budget allocated to training in 2014 compared to 2012 and 2016 has been caused by single allocation of funds from the Reserve Fund of the President of Georgia to the High School of Justice in addition to funds the High School of Justice usually receives from state budget. This does not happen in 2012 or 2016. Thus budget allocated to training in 2016 decreased compared to 2014 but it does not significantly differ from budget allocated to training in 2012.

In the box of "other", for the Supreme Court of Georgia, it is included: social assistance, furniture, insurance of court building, stationery, materials, inventory, etc.

007. (Modified question) If you cannot answer question 6 because you cannot isolate the budget

allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to all courts and the public prosecution services together	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Total annual public budget allocated to all courts and legal aid together	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Total annual public budget allocated to all courts, public prosecution services and legal aid together	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments:

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

	Litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction ?
for criminal cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
for other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If there are exceptions to the rule to pay a court tax or fee, could you please provide comments on those exceptions?

According to the Civil Procedures Code of Georgia and the Law on State Fees, it is possible for a party to be released from court fees (see Article 5 below). In addition, fees may be deferred or decreased if the person proves, with appropriate evidences, that s/he cannot pay court fees or if the person qualifies and has been registered at the Database of Socially Unsecured Families.

Pursuant to Article 5 of the Law on State Fees, the following persons are released from the payment of state fee for cases to be reviewed by courts:

- a) natural persons - for claims for the enforcement of the payment of salary and for other claims related to remuneration, which are derived from a legal labour relationship;
- b) claimants - for claims that are derived from copyright, and the rights of discovery, invention, rationalisation proposals and industrial designs;
- c) claimants - for claims for the enforcement of the payment of alimony;
- d) natural and legal persons - for the issuance of documents in their name, which are related to criminal law and alimony cases;
- e) claimants - for claims on compensation of damages caused by mutilation or other damage to human health , as well as by the death of a breadwinner;
- f) natural persons - for cassation appeals related to criminal law cases for the accuracy of compensation of material damages incurred as a result of a crime;
- g) social insurance and social security authorities - for recourse claims for the enforcement of the payment of a pension or aid provided to a victim by the damaging party, while social security authorities - for claims for wrongly received pensions and aids;
- h) claimants - for claims for compensation of material damages incurred as a result of a crime;
- h1) claimants - for claims for receiving monetary compensation for property and non-property damage on the basis of a decision of the covenant body of the United Nations for Human Rights;
- i) parties - for cassation appeals for the termination of divorce cases;
- l) disabled persons, public organisations for disabled persons, their institutions, training and industrial organisations and unions - for all claims;
- l1) persons registered in the unified database of socially vulnerable families, whose social and economical indicator of the family is equal

- to or less than the maximum score determined by the Government of Georgia;
- m) claimants - for claims for the return of historical, artistic and other valuables from illegal ownership;
- n) parties - for claims for the compensation of material damages incurred as a result of wrongful conviction of natural persons, who were illegally prosecuted, on whom were illegally imposed imprisonment as a means of a restraining measure, or on whom were illegally imposed an administrative sanction in the form of imprisonment;
- o) internally displaced persons - refugees and asylum seekers - accordingly - for claims related to obtaining the status of an internally displaced person – refugee, and to the request for international protection;
- q) veterans, who have applied to a court to protect the requirements of the Law of Georgia on Veterans of War and Armed Forces;
- v) the parent or legal representative of a minor, as a claimant or as a respondent - for claims for the violation of minor's rights or for compensation of material or moral damage inflicted on the minor;
- z) claimants - for claims filed for the transfer of illegal and undocumented property to the State;
- z1) claimants - for claims filed for the transfer of illegal, undocumented and racketeering property of officials to the State.

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

- According to Article 39 of the Civil Procedures Code of Georgia, court fees in the courts of first instance represent 3 per cent of the litigation costs, but not less than 100 GEL. In Appellate Courts, they represent 4 per cent of the litigation costs, but not less than 150 GEL. In the Supreme Court they represent 5 per cent of the litigation costs, but not less than 300 GEL. The Code regulates the amount of court fees in respect of other categories of cases.

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

- [90]
 NA
 NAP

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

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

- [5518124]
 NA
 NAP

Comments

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

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	2075877 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
12.1 for cases brought to court	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
12.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Annual approved public budget is not divided in accordance to the aforementioned categories.

Increase of budget from 2014 to 2016 is caused by expansion of the mandate of Legal Aid Service. From April, 2015, on the basis of the legislative amendments made in the Law of Georgia on Legal Aid, the socially vulnerable people have been entitled for free legal aid on certain categories of cases of civil and administrative law. Namely, the LAS started offering advocacy service on cases regarding family and inheritance disputes, as well as social protection issues.

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

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	1735348 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
12-1.1 for cases brought to court	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
12-1.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main differences: 340529 EUR

see comment to Question 12

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

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in €	12435110 <input type="checkbox"/> NA <input type="checkbox"/> NAP	12311695 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget allocated to the public prosecution services, please indicate the main differences: The 0.99% difference between the approved and implemented budget is within the limit provided for by the legislation of Georgia exceeding of which requires explanation. Nonetheless PSG can provide additional information if needed.

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

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

Supreme Court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP
High Judicial Council	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP
Courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP
Inspection body	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP
Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP

Comments - If any other Ministry and/or inspection body and/or other, please specify: The Supreme Court has a separate budget from other courts of general jurisdiction. It is involved in the preparation and management of its budget.

The High Council of Justice is involved in the preparation and management of the budget of all courts of general jurisdiction, except the Supreme Court.

Other - The LEPL Department of Common Courts under the High Council of Justice of Georgia is primarily responsible for preparation and management of the budget of all courts, except the Supreme Court.

Inspection body is State Audit Office of Georgia.

A2. Please indicate the sources for answering questions 6 to 14:

Sources: Data received from the High Council of Justice (see www.hcoj.gov.ge);
Data received from the Department of Common Courts (see www.court.ge);
Law of Georgia on State Budget of 2016; Plan of the Department of Common Courts on State Procurement of 2016;
Consolidated budget revenues of Georgia.

1.1.3. Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the court system as defined under question 6 and also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.).

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	110004545 [] NA [] NAP	113261739 [] NA [] NAP

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget allocated to the whole justice system, please indicate the main differences: The difference between the approved budgets in 2014 and 2016 in Euro is mostly caused by significant change in exchange rate between GEL and Euro from 2014 to 2016 (exchange rate (for 1 Euro) in 2014 is 2,2881 GEL and in 2016 is 2,974 GEL).

The difference between the approved and implemented budget is due to additional funding received from international and non-governmental institutions, as well as funds received from the Government Reserve Fund.

015-2. (Modified question) Please indicate the budgetary elements that are included in the whole justice system by specifying on the one hand the elements of the judicial system budget (please check the consistency with questions 6, 12 and 13). (Note: NAP means that the element does not exist in your system):

	Included
Court (see question 6)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Legal aid (see question 12)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Public prosecution services (see question 13)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments:

015-3. (Modified question) On the other hand, please specify the other budgetary elements included in the whole justice system budget. (Note: NAP means that the element does not exist in your system):

	Included
Prison system	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Probation services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Council of the judiciary	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Constitutional court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Judicial management body	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
State advocacy	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Enforcement services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

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

Comments - If "other", please specify:

A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: Data received from the Department of Common Courts (see www.court.ge)
State budget fulfillment report for 2016 (see: <http://mof.ge/5037>)
2016 State Budget Payments according to Software Classification (see: http://mof.ge/images/File/biuj2016_12tve/TAVI_VI_e.pdf)

2. Access to justice and all courts

2.1. Legal Aid

2.1.1. Scope of legal aid

016. Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Legal advice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
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Comments

017. Does legal aid include the coverage of or the exemption from court fees?

Yes

No

Comments - If yes, please specify: According to the Law of Georgia on State Fees (art. 5, par. 1, 11), persons registered in the unified database of socially vulnerable families, whose social and economical indicator of the family is equal to or less than the maximum score determined by the Government of Georgia are exempt from the court fees.

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

Yes

No

Comments - If yes, please specify:

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

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

Comments - If yes, please specify: Legal Aid Service has some (very limited) budget to pay for the costs of expert examination for criminal defendants.

2.1.2. Quantitative information on legal aid



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

	Cases brought to court	Cases not brought to court / non-litigious cases
TOTAL	12220 [] NA [] NAP	[X] NA [] NAP
In criminal cases	9233 [] NA [] NAP	[X] NA [] NAP
In other than criminal cases	2987 [] NA [] NAP	[X] NA [] NAP

Comments - Please specify when appropriate: The number of criminal cases handled by Legal Aid Service has always depended on the

policy that the government pursued in the criminal justice sector. In 2012-2013, Georgia underwent a period of political transition. In October 2012, the power in Georgia changed as a result of the parliamentary elections. The policy of a new government implemented in the justice system has reflected on the workload of Legal Aid Service too. This is an explanation for a case increase between 2012 and 2014.

As for increase of non-criminal cases between 2014 and 2016, it is caused by expansion of the mandate of Legal Aid Service. From April, 2015, on the basis of the legislative amendments made in the Law of Georgia on Legal Aid, the socially vulnerable people have been entitled for free legal aid on certain categories of cases of civil and administrative law. Namely, the LAS started offering advocacy service on cases regarding family and inheritance disputes, as well as social protection issues. As a result, the number of beneficiaries has significantly increased. Please, note that, before 2015, Legal Aid Service provided representation only on administrative law issues, namely, it defended rights of individuals in cases of non-voluntary psychiatric treatment.

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

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

Comments - If yes, please specify: According to Art. 15.1 of the Code of Juvenile Justice, the socially vulnerable juvenile witnesses (including victims) have the right to be assisted by a lawyer financed by a public budget.

022. If yes, are individuals free to choose their lawyer within the framework of the legal aid system?

() Yes

(X) No

Comments

023. (Modified question) Does your country have an income and assets evaluation for granting (full or partial) legal aid to the applicant? The answer NAP means that there is no income and/or assets evaluation system for granting legal aid.

	Annual income value (for one person), (in €)	Annual assets value (for one person), (in €)
Full legal aid for criminal cases	[] NA [X] NAP	[] NA [X] NAP
Full legal aid for other than criminal cases	[] NA [X] NAP	[] NA [X] NAP
Partial legal aid for criminal cases	[] NA [X] NAP	[] NA [X] NAP
Partial legal aid for other than criminal cases	[] NA [X] NAP	[] NA [X] NAP

Comments - If yes, please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the figures provided above: 1. Evaluation for granting legal aid to the applicant is conducted not on the bases on annual income or

annual assets value, but based on other criteria, namely: 1. According to the Decree No 424 of the Government of Georgia (30 June, 2014), legal aid is granted to an insolvent person registered in the United Database of Socially Vulnerable Families and whose social-economic index is equal to or less than 70 000 points, and, in some cases, is equal to or less than 100 000 points.

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

In order to be registered in the Database or assessed, a family shall submit a specific application form set out in the Decree No 140 to the LEPL Social Service Agency. As a next step, the application form is thoroughly considered by the Agency. In order to assess the application form submitted by the family (applicant), the Agency (the officer in charge) shall visit the family, assess its social and economic conditions; ask questions or request additional information. After the assessment process is conducted, the decision to register the family in the Database will be made and the relevant index will be indicated.

2. According to Art.46 (b) of the Criminal Procedure Code, if the participation of the defense counsel is mandatory, the legal aid shall be covered by the State. According to Art. 45 of the Criminal Procedure Code, the defense is mandatory when

- a) a defendant is a juvenile;
- b) a defendant does not speak the language of the criminal proceedings;
- c) a defendant has a physical or mental disability that prevents him/her from exercising a self defense;
- d) a court order (ruling) assigning mental examination has been rendered;
- e) the Criminal Code of Georgia foresees life imprisonment as a punishment for a committed crime;
- f) a defendant is in the process of negotiating a procedural agreement;
- g) a defendant is charged with a crime for which this Code foresees a jury trial;
- h) a defendant evades from appearance before the investigative bodies;
- i) a defendant is removed from the courtroom;
- j) a defendant is an unidentified person;

3. In civil and administrative cases, the legal aid is granted if the defendant is socially vulnerable and complexity and importance criteria of the case are also met (Law on Legal Aid, Art. 5). Legal consultation is free for everyone. Drafting of a legal document is free if the person is insolvent without taking into consideration complexity and importance of the case. Representation in court by the public lawyer is free if the person is insolvent and complexity and importance criteria of the case are also met.

024. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

- Yes
- No

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

025. In other than criminal cases, is the decision to grant or refuse legal aid taken by (one option only):

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

Comments

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

- Yes
- No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon? Only a few companies provide such service. It is not a growing phenomenon due to the poor market.

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

	Judicial decisions direct how legal costs will be shared
in criminal cases	() Yes (X) No
in other than criminal cases	(X) Yes () No

Comments

B1. Please indicate the sources for answering questions 20 and 23 :

Sources: Information and data provided by Legal Aid Service (see www.legalaid.ge)

2.2. Users of the courts and victims

2.2.1. Rights of the users and victims

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

	Yes, please indicate the internet adresse(es)	No
legal texts (e.g. codes, laws, regulations, etc.)	(X) www.matsne.gov.ge	()
case-law of the higher court/s	(X) www.supremecourt.ge	()
other documents (e.g. downloadable forms, online registration)	(X) www.hcoj.gov.ge www.ecourt.ge	()

Comments - Please specify what documents and information the addresses for “other documents” include: Forms for legal documents like statements, applications, complaints, etc. www.hcoj.gov.ge

Online registration of legal case. www.ecourt.ge

029. (Modified question) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

() Yes, always

(X) No

() Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify:

030. Is there a public and free-of-charge specific information system to inform and to help victims

of crime?

Yes

No

Comments - If yes, please specify:

031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Victims of terrorism	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Minors (witnesses or victims)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Victims of domestic violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Ethnic minorities	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Disabled persons	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Juvenile offenders	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

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

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

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

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

031-1. Is it possible for minors to be a party to a judicial proceeding:

Yes

No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.): According to Article 81(3) of the Code of Georgia on Civil Procedure, during civil proceedings the rights and interests of minors, from age 7 till 18, are protected by their parents, adoptive parents or care givers. In such cases the court is obliged to involve minors in the proceedings. The same rule applies to administrative cases.

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

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

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

Yes, please specify for which kind of offences: any crime

No

Comments

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

Yes

No

Comments The victims of any crime may seek compensation for the material, moral and/or physical damages suffered as a result of a criminal activity. In case the damage emanated from the state, the source of the compensation will be the state budget. In other cases where the damage resulted from the offender – private person, the damages will be recovered from the offender. In both cases the basis for the compensation is a court decision.

In order to obtain compensation the victim shall file a civil complaint through the civil procedure independent from the relevant criminal or administrative case.

033. If yes, does this compensation come from:

a public fund

damages and interests to be paid by the person responsible

a private fund

Comments Under article 1005 of the Civil Code of Georgia, if an official breaches his/her official duty in relation to other persons intentionally or by gross negligence, then the State or the body in which the official works, shall pay the damages caused. If the damages are caused intentionally or by gross negligence, the official and the State shall be jointly and severally liable.

The liability for damages shall not arise if the injured person did not try, intentionally or by gross negligence, to avert the damage by lawful activity. The damage inflicted to a rehabilitated person by illegal conviction, illegal prosecution, illegal detention as a measure of restraint, improper imposition of an administrative penalty in the form of administrative detention or corrective labor shall be reimbursed by the State irrespective of the fault of the investigation, prosecution or court officials. If the damage is caused intentionally or by gross negligence, these persons and the State shall be jointly and severally liable.

In case of establishing the liability of the State the compensation is paid from the state budget.

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

Yes

No

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

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

Yes

No

Comments - If yes, please specify: According to the Criminal Procedure Code, prosecutor is responsible for granting a person the status of victim and informing him/her about his/her rights. Prosecutor is obliged to send to victim the decree on termination of investigation/prosecution within one week after rendering the decree. In case of renewing prosecution, prosecutor shall inform victim on this matter. Before terminating prosecution using discretionary power, applying diversion or concluding plea agreement, prosecutor shall consult with victim.

036. Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)

Yes

No

NAP

Comments - If necessary, please specify: According to the Criminal Procedure Code, victim can appeal the decree of prosecutor on termination of investigation and/or prosecution to a superior prosecutor. The decision of superior prosecutor on this matter is final and cannot be appealed, unless the crime concerned belongs to the category of grave offences. In the latter case, victim can appeal the decision of superior prosecutor to the court. The court judgement on this issue is final and cannot be appealed.

2.2.2. Confidence of citizens in their justice system

037. (Modified question) Is there a system for compensating users in the following circumstances:

	Number of requests for compensation	Number of condemnations	Total amount (in €)
Total	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Excessive length of proceedings	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Non-execution of court decisions	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Wrongful arrest	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Wrongful conviction	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

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

038. (Modified question) Did your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?

	National level	Court level
1. (Satisfaction) surveys aimed at judges	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
2. (Satisfaction) surveys aimed at court staff	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
3. (Satisfaction) surveys aimed at public prosecutors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
4. (Satisfaction) surveys aimed at lawyers	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
5. (Satisfaction) surveys aimed at the parties	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
6. (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
7. (Satisfaction) surveys aimed at victims	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
8. Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: For 2016, no such satisfaction surveys were conducted.

It is planned to conduct such surveys on a regular basis from the year 2018.

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

(X) Yes

() No

Comments please see: comment to question 041-1.

041. (Modified question) If yes, please specify certain aspects of this procedure:

	Authority responsible for dealing with the complaint	Time limit for dealing with the complaint
Court concerned	() Yes (X) No	() Yes (X) No
Higher court	() Yes (X) No	() Yes (X) No
Ministry of Justice	() Yes (X) No	() Yes (X) No
Council of the Judiciary	(X) Yes () No	(X) Yes () No
Other external bodies (e.g. Ombudsman)	() Yes (X) No	() Yes (X) No

041-1. (Modified question) Please specify further certain aspects of this procedure:

	Number of complaints	Compensations amount granted to users
Court concerned	[] NA [X] NAP	[] NA [X] NAP
Higher court	[] NA [X] NAP	[] NA [X] NAP
Ministry of Justice	[] NA [X] NAP	[] NA [X] NAP
Council of the Judiciary	241 [] NA [] NAP	[] NA [X] NAP
Other external bodies (e.g. Ombudsman)	[] NA [X] NAP	[] NA [X] NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment: The procedure is prescribed by the Law of Georgia on Disciplinary Liability of Judges of Common Courts of Georgia and Disciplinary Proceedings (the "Law"). Disciplinary proceedings against a judge shall be initiated, as well as a preliminary examination and investigation shall be conducted by an independent inspector of the High Council of Justice of Georgia ("the Independent Inspector"). The Independent Inspector shall submit his/her opinions and views to the High Council of Justice of Georgia. The Independent Inspector shall, within two months after receiving a complaint, application or any other information about a judge having committed a disciplinary misconduct, perform a preliminary examination of the validity of the complaint, application or information.

Based on the preliminary examination results, the High Council of Justice of Georgia shall evaluate the validity of initiating disciplinary prosecution against a judge and shall, within the total period determined under Article 8(1) of the Law for preliminary examination, by two-thirds majority of the full list, make the decision to initiate disciplinary prosecution against the judge and take explanations from the judge. If the judge is disciplinary sanctioned and the decision is served accordingly, disciplinary case is transferred to the Disciplinary Board for consideration. Disciplinary Board considers the case within 2 months. The decision of Disciplinary Board can be appealed in

the Disciplinary Chamber of the Supreme Court within 10 days. Disciplinary proceedings will be considered by the Disciplinary Chamber within a month from the moment of submission of the complaint. If there are any objective circumstances, Chief Justice may extend the period of disciplinary proceedings for a month.

3. Organisation of the court system

3.1. Courts

3.1.1. Number of courts

042. Number of courts considered as legal entities (administrative structures) and geographic locations

	Number of courts
42.1 First instance courts of general jurisdiction (legal entities)	26 [] NA [] NAP
42.2 First instance specialised courts (legal entities)	[] NA [X] NAP
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	29 [] NA [] NAP

Comments

043. Number (legal entities) of first instance specialised courts (or specific judicial order)

	Number of courts
Total (must be the same as the data given under question 42.2)	[] NA [X] NAP
Commercial courts (excluded insolvency courts)	[] NA [X] NAP
Insolvency courts	[] NA [X] NAP
Labour courts	[] NA [X] NAP
Family courts	[] NA [X] NAP
Rent and tenancies courts	[] NA [X] NAP
Enforcement of criminal sanctions courts	[] NA [X] NAP

Fight against terrorism, organised crime and corruption	[] NA [X] NAP
Internet related disputes	[] NA [X] NAP
Administrative courts	[] NA [X] NAP
Insurance and / or social welfare courts	[] NA [X] NAP
Military courts	[] NA [X] NAP
Other specialised 1st instance courts	[] NA [X] NAP

Comments - If "other specialised 1st instance courts", please specify:

044. Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?

(X) Yes

() No

Comments - If yes, please specify: There are some considerations taking place at the level of the Ministry of Justice to establish a specialized court on commercial matters.

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

	Number of courts
a debt collection for small claims	26 [] NA [] NAP
a dismissal	26 [] NA [] NAP
a robbery	26 [] NA [] NAP

Comments

045-1. (New question) Is your definition for small claims the same as the one in the Explanatory note?

() Yes

(X) No, please give your definition for small claims:

Comments Pursuant to Article 14 of the Civil Procedure Code, magistrate judges shall hear in the first instance the following cases:

- a) property disputes, provided the value of the action does not exceed GEL 2 000;
- b) non-contentious matters and summary proceedings, other than adoption cases or summary proceedings for claims and payment of

damages, as well as cases relating to declaring property ownerless, provided the value of the claim or the property exceeds GEL 2 000;
 c) disputes related to family law matters, other than adoption, deprivation of parental rights, establishment of paternity and divorce cases, provided there is a dispute between the spouses over the custody of the child.

Pursuant to Article 365 of the Civil Procedure Code of Georgia, an appeal in a property dispute shall be admissible only if the value of the subject matter of the dispute exceeds GEL 1 000. This value shall be determined based on the extent to which the party requests that the decision appealed be modified.

045-2. (New question) Please indicate the value in € of a small claim:

[716]

Comments

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

Sources: Data provided by the High Council of Justice (see www.hcoj.gov.ge);
 Data provided by the Department of Common Courts of High Council of Justice (see www.court.ge);
 Law of Georgia on Courts of General Jurisdiction;
 Decisions of the High Council of Justice “On creation of courts, determination of their territories and the number of judges of the district (City) courts and Tbilisi and Kutaisi Courts of Appeal”.

3.2. Court staff

3.2.1. Judges and non-judge staff



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

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	278 [] NA [] NAP	142 [] NA [] NAP	136 [] NA [] NAP
1. Number of first instance professional judges	205 [] NA [] NAP	104 [] NA [] NAP	101 [] NA [] NAP
2. Number of second instance (court of appeal) professional judges	60 [] NA [] NAP	30 [] NA [] NAP	30 [] NA [] NAP
3. Number of supreme court professional judges	13 [] NA [] NAP	8 [] NA [] NAP	5 [] NA [] NAP

Comment - Please provide any useful comment for interpreting the data above: Supreme Court judges are elected for 10 year term. As the term of some judges expired and there were no new judges elected by the Parliament the actual number of judges at the Supreme Court has decreased. Positions remain vacant.

047. Number of court presidents (professional judges). Please give the information in full-time

equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	26 [] NA [] NAP	23 [] NA [] NAP	3 [] NA [] NAP
1. Number of first instance court presidents	23 [] NA [] NAP	21 [] NA [] NAP	2 [] NA [] NAP
2. Number of second instance (court of appeal) court presidents	2 [] NA [] NAP	2 [] NA [] NAP	0 [] NA [] NAP
3. Number of supreme court presidents	1 [] NA [] NAP	0 [] NA [] NAP	1 [] NA [] NAP

Comments For the year 2016, 3 courts (out of 26 first instance courts) did not have court presidents.
The new president of the Supreme Court was elected in 2015 and she is female.

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

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

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

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

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

Comments

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

	Figure
Gross figure	[] NA [X] NAP

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

Comments

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

	Yes	No	Echevinage
in criminal law cases	()	(X)	()
- severe criminal cases	()	(X)	()
- misdemeanour and/or minor criminal cases	()	(X)	()
in family law cases	()	(X)	()
in civil cases	()	(X)	()
in labour law cases	()	(X)	()
in social law cases	()	(X)	()
in commercial law cases	()	(X)	()
in insolvency cases	()	(X)	()
other	()	(X)	()

Comments - If "other", please specify:

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

(X) Yes

() No

Comments

050-1. (New question) If yes, for which type of case(s)? (Please, for severe criminal cases and misdemeanour cases refer to the CEPEJ definitions)

Severe criminal cases

Misdemeanour cases

Other cases

Comments According to the Article 226.1 of the Code of Criminal Procedure, a case is in the jurisdiction of the jury in case of: Murder; Murder under aggravating circumstances; Intentional infliction of grave injury that has caused death; Intentional grave bodily injury in relation to the official or public duties of the victim or the victim's close relative, or related to hostage taking or in a manner that intentionally endangers the life or health of other persons or aimed at concealing or facilitating any other crime which has caused the loss of life; Intentional grave bodily injury caused by the offender knowingly to a pregnant women or by the offender knowingly to a minor or a helpless person or with hooligan motives or due to racial, religious, national or ethnic intolerance or by more than one person that

caused the loss of life; Intentional grave bodily injury to two or more persons or with the extreme cruelty or for mercenary purposes or by contract or aimed at transplanting or otherwise using an organ, part of an organ or tissue of the victim's body or repeatedly (except for the murders provided for by Articles 110-114 of this Code) or by a person who has previously committed the murder that caused the loss of life; Certain cases of violence; Trade in human organs; Certain cases of Unlawful imprisonment; Human trafficking; Child trafficking; Certain cases of Abuse of services of a victim of (a person affected by) human trafficking; Taking a hostage; Certain cases of Threat of torture; Malicious criminal prosecution of innocent persons accompanied by a charge of a serious or a particularly serious crime; Intentional illegal detention or arrest; Illegal placement or detention in a psychiatric hospital; Certain Falsification; Manufacturing, import or sale of products hazardous to human life or health that caused the death of the victim or resulted in other grave consequences; and Explosion.

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

[56]

[] NA

[] NAP

Comments

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

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	1405 [] NA [] NAP	538 [] NA [] NAP	867 [] NA [] NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	6 [] NA [] NAP	1 [] NA [] NAP	5 [] NA [] NAP
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)	562 [] NA [] NAP	90 [] NA [] NAP	472 [] NA [] NAP
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	86 [] NA [] NAP	50 [] NA [] NAP	36 [] NA [] NAP
4. Technical staff	751 [] NA [] NAP	397 [] NA [] NAP	354 [] NA [] NAP
5. Other non-judge staff	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If "other non-judge staff", please specify: Due to the adoption of new amendments in legislation concerning the questioning of witnesses in courts, also due to very significant increase of incoming cases in general, the number of non-judge staff increased in 2016. In addition, the number of female non-judge staff also increased in 2016.

053. (Modified question) If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:

- legal aid
- family cases
- payment orders
- registry cases (land and/or business registry cases)
- enforcement of civil cases
- enforcement of criminal cases
- other cases not mentioned (please describe in comment)
- non-litigious cases

Comments - Please briefly describe their status and duties: According to the Article 316.1 of the Code of Civil Procedure, cases involving finding the facts of legal significance may be considered by the professional judge or by a relevant employee.

054. Have the courts outsourced certain services, which fall within their powers, to private providers?

- Yes
- No

Comments

054-1. (New question) If yes, please specify which services have been outsourced:

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

Comments

C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

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

3.3. Public prosecution

3.3.1. Public prosecutors and staff



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

general jurisdiction and specialised courts.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	437 [] NA [] NAP	310 [] NA [] NAP	127 [] NA [] NAP
1. Number of prosecutors at first instance level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Number of prosecutors at second instance (court of appeal) level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Number of prosecutors at supreme court level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Please indicate any useful comment for interpreting the data above: The Prosecution Service of Georgia (PSG) is not organised according to the court instances. The structure of the Prosecution Service is as follows:

- District Prosecutor's Offices;
- Regional Prosecutor's Offices;
- Prosecutor's Offices of the Autonomous Republics of Adjara and Abkhazia;
- Chief Prosecutor's Office.

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

056. Number of heads of prosecution offices (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	53 [] NA [] NAP	49 [] NA [] NAP	4 [] NA [] NAP
1. Number of heads of prosecution offices at first instance level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Number of heads of prosecution offices at supreme court level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Please provide any useful comment for interpreting the data above: Please see the comment on question 55.

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

- () Yes, please specify their number (in full-time equivalent):
- (X) No

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

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

Yes

No

Comments

059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?

Yes

No

Comments

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

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	374 [] NA	201 [] NA	173 [] NA

Comments

C2. Please indicate the sources for answering questions 55, 56 and 60

Sources: Data received from the Prosecution Service of Georgia (see www.pog.gov.ge).

3.4. Management of the court budget

3.4.1. Court budget

061. Who is entrusted with responsibilities related to the budget within the court?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Court President	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Court administrative director	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Head of the court clerk office	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Other	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
	<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No

Comments - If "other", please specify: The High Council of Justice and the Department of Common Courts under the High Council of Justice are entrusted with responsibilities related to the budget within all courts except the Supreme Court. The draft annual budget of common courts, which is the part of the annual state budget, is presented to the Georgian Government by the High Council of Justice, on the basis of proposal of the Department of Common Courts. The Department of Common Courts, during preparation of the budget of each common court consults with the court's president and manager. In the preparation of the courts' budget, the Department of Common Courts is also a liaison between the common courts and the Ministry of Finance. During the process of preparation of annual budget, as well as during spending procedure (how courts should spend their budget) courts determine qualitative and quantitative standards of the purchasable goods and services. Department of Common Courts ensures implementation of the budget in accordance with the procedures defined by the law. Aforementioned functions are carried out independently by the Supreme Court. The Supreme Court has a separate budget and its president is in charge of preparation and management of the budget.

3.6. Performance and evaluation

3.6.1. National policies applied in courts and public prosecution services

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

Yes

No

Comments - If yes, please specify: The High Council of Justice adopted the effective communication standards for the court staff, for the improvement of the functioning of courts. It also adopted court forms, namely: forms of claims and petitions on civil and administrative cases, forms of complaints in the courts of appeal and the Supreme Court that are available on the website of High Council of Justice. The Supreme Court of Georgia has adopted guidelines for judges on the general principles of communication during trials. According to the Judicial Strategy for 2017-2021 and Action Plan for 2017-2018 development of the judicial quality standards is among the activities that the High Council of Justice is expected to carry out.

067. Do you have specialised court staff that is entrusted with these quality standards?

Yes

No

Comments Department of International Cooperation and Quality Management of the High Council Of Justice.

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

Yes

No

Comments

068-1. (New question) If yes, please specify the frequency of this evaluation:

Annual

Less frequent

More frequent

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

069. Is there a system for monitoring and evaluating the performance of the public prosecution service?

- Yes
- No

Comments - If yes, please give further details: Before 31 January 2017, the General Inspection Unit and the Department for Supervision over Prosecutorial Activities and Strategic Development of PSG were responsible for monitoring and evaluation of performance of prosecutors and investigators of PSG. On 31 January 2017, PSG completed the development of performance appraisal criteria for prosecutors covering the following areas: the quality of supervision over investigation and prosecution, substantiation of procedural documents, quality of work in the Integrated Criminal Case Management System (ICCMS), workload, abiding by the Code of Ethics and results of participation in trainings.

Appraisal system will minimize the risks of subjective assessment; it will also raise motivation of prosecutors and improve the quality of prosecutorial work. The outcome of appraisal will be taken into account during the application of carrier advancement, incentive and disciplinary measures in relation to prosecutors. The performance appraisal of prosecutors is scheduled to be carried out at the end of 2017. According to the newly established performance appraisal system, the Department for Supervision over the Prosecutorial Activities and Strategic Development is responsible for conducting the performance assesment of prosecutors.

Currently the elaboration of appraisal criteria for investigators is under way.

3.6.2. Performance and evaluation of courts



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

- number of incoming cases
- number of decisions delivered
- number of postponed cases
- length of proceedings (timeframes)
- age of cases
- other (please specify):

Comments

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

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

Comments

072. Do you have an evaluation process to monitor waiting time during court procedures?

- Yes
- No

Comments - If yes, please specify: High Council of Justice studies the reasons of waiting time in courts based on the data submitted by the courts as well as by performing visits on site.

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

- Yes

No

Comments There is no unified system that would encompass the criteria to evaluate the activity of each court. However the data on caseload of each court is analyzed with the purpose to make decisions related to administration of courts. Judicial Strategy of 2017-2021 and Action Plan of 2017-18 envisages improvement of evaluation and monitoring mechanism of the courts' activities in accordance with the CEPEJ standards.

073-0. (New question) If yes, please specify the frequency:

- Annual
- Less frequent
- More frequent

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

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

- Yes
- No

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

074. Are there performance targets defined at the level of the court?

- Yes
- No

Comments

075. (Modified question) Please specify the main targets applied to the courts:

- to increase efficiency / to shorten the length of proceedings
- to improve quality
- to improve cost efficiency / productivity
- Other (please specify):

Comments

076. Who is responsible for setting the targets for the courts?

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

Comments

077. Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 79)

- Yes
- No

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

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

079. Who is responsible for evaluating the performance of the courts (multiple options possible) :

- High Council of judiciary
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify):

3.6.3. Court activity and administration



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

- (X) Yes (please indicate the name and the address of this institution):The Supreme Court of Georgia
- () No

Comments The Supreme Court of Georgia Address: #32 Br. Zabalashvili street, Tbilisi 0110, Georgia.

080-1. Does this institution publish statistics on the functioning of each court:

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

081. Are individual courts required to prepare an activity report (that includes, for example, data

on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended): Courts provide statistics and data regarding the number of judges and administrative staff, the activities of judges including the number of filed, processed and pending cases. The above mentioned data is public.

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

Internet

Intranet (internal) website

Paper distribution

Comments

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

Annual

Less frequent

More frequent

Comments

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

Yes

No

Comments - If yes, please specify:

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

Yes

No

Comments - If yes, please specify:

3.6.4. Performance and evaluation of judges

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

Yes

No

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

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

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

Comments

New node



4.Fair trial

4.1.Principles

4.1.1.Principles of fair trial



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

- []
- NA
- NAP

Comments

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

- Yes, number of successful challenges in a year NA
- No

Comments - Please could you briefly specify: Please see 5.4 (Disciplinary procedures).

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

	Monitoring system
For civil procedures (non-enforcement)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
For civil procedures (timeframe)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

For criminal procedures (timeframe)

Yes

No

NAP

Comments - Please, specify what are the terms and conditions of this monitoring system (information related to violations at the State/courts level; implementation of internal systems to remedy the established violation; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations: Georgian legislation incorporates the mechanisms of reopening of cases at domestic level not only on the basis of judgments of the European Court of Human Rights (the “Court”) finding violations of Article 6 of the European Convention on Human Rights, but also on the grounds of decisions rendered by the Court as a result of friendly settlements reached by the parties or unilateral declarations submitted by the Government acknowledging violation of Article 6 of the Convention. In particular, according to Article 423 of the Civil Procedure Code of Georgia, a final judgement may be appealed by an action for retrial due to newly discovered circumstances, if [...] g) there is a final judgement (decision) of the European Court of Human Rights establishing that the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or of its additional protocols have been violated with regard to this case, and if the decision to be reviewed is based on this violation. The same Article (Paragraph 4) envisages that the court shall review the issue of awarding relevant compensation to the plaintiff, if it is impossible to modify the decision since the rights have been acquired in good faith by third persons. According to paragraph 21 of Article 426, the aforementioned actions for retrial shall be filed within three months after a judgement (decision) of the European Court of Human Rights enters into force.

As to the criminal cases, according to Article 310 of the Criminal Procedure Code of Georgia, a judgement shall be reviewed due to newly found circumstances if [...] e) there exists an effective decision (judgement) of the European Court of Human Rights that has established that the European Convention for the Protection of Human Rights and Fundamental Freedoms or the Protocols to the Convention has been violated with respect to that case, and the judgement subject to review was based on that violation. Article 311 sets the time limit for such motions, in particular, a person may apply to a court for the review of a judgement due to newly found circumstances within a year after a decision (judgement) of the European Court of Human Rights enters into force.

In respect of implementation of internal systems to remedy the violations found, it should be underscored that the national courts always take into consideration the reasoning and deliberations of the European Court and reexamine the cases in the light of the Court’s findings. The results of reexamination of cases at domestic level are subject to the supervision of the Committee of Ministers which has closed supervision procedures in several Georgian cases as a result of effective reexamination procedures at domestic level. Also, the recent research conducted under the joint Programme between the European Union and the Council of Europe - “Application of the Standards of the European Convention on Human Rights by the Common Courts of Georgia” which covered in total 3 000 judgments rendered by the common courts of Georgia in 2013-2016 in respect of criminal, administrative and civil cases, reveals that the European standards of fair trial are actively applied and referred to by the Georgian courts which serves as a preventive mechanism of other violations of the Convention in future cases.

Lastly, it should be mentioned that according to the recent amendments of 24 June 2016 in the Rules of Procedure of the Parliament of Georgia, the Government (Department of State Representation to the International Courts of the Ministry of Justice which supervises execution of judgments of the Court) submits annually a report to the Parliament on execution of the judgments/decisions rendered by the European Court as well by the UN human rights treaty bodies against Georgia. The report should cover the cases closed by the final resolutions of the Committee of Ministers as well as all pending execution cases. The Government submitted a first comprehensive report in March 2017 before the Parliament and assure that the aforementioned mechanism will further enhance the effectiveness of monitoring system of cases by the Parliament, among others, of cases relating to the violations of Article 6 of the Convention.

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

Sources: Information provided by The High Council of Justice of Georgia;

Information provided by the Ministry of Justice of Georgia;

Civil Procedure Code of Georgia;

Criminal Procedure Code of Georgia;

Rules of Procedure of the Parliament of Georgia;

For civil cases, see the final resolution (CM/ResDH(2013)243) adopted on 5 December 2013 at the 1186th meeting of the Ministers' Deputies, case of Maya Okroshidze and Giorgi Okroshidze v. Georgia (No. 60596/09), available at: <http://hudoc.exec.coe.int/eng?i=001-140648>;

For criminal cases, see the final resolution (CM/ResDH(2017)202) adopted on 5 July 2017 at the 1291st meeting of the Ministers' Deputies, case of Tsothe Gamsakhurdia v. Georgia (No. 59835/12), available at: <http://hudoc.exec.coe.int/eng?i=001-175763>

Nana Mchedlidze, Application of the Standards of the European Convention on Human Rights by the Common Courts of Georgia, Joint Programme between the European Union and the Council of Europe "Application of the European Convention on Human Rights and harmonization of national legislation and judicial practice in line with European Standards in Georgia", Tbilisi, January 2017, p. 8, available at: <https://rm.coe.int/168070a54b> Ibid, pp. 90-91.

4.2. Timeframe of proceedings

4.2.1. General information

087. Are there specific procedures for urgent matters as regards:

civil cases

criminal cases

administrative cases

There is no specific procedure

Comments - If yes, please specify: For Criminal cases: Article 112 of the Criminal Procedure Code (the "CPC") stipulates that there are several investigative actions that need a court order. Without court order such investigative actions are unlawful. But if during investigative process there are urgent matters that can cause serious damage to a person or interfere with the investigation then prosecutor can conduct an investigative action without a court order and inform the court within the next 24 hours. The court then decides the lawfulness of this action and can legitimize it or declare the action unlawful. In this latter case information obtained as a result of investigative action is invalid.

Article 147 of the Criminal Procedure Code provides that if there is an urgent necessity provided for by Article 112, a sample may be taken without a court ruling, based on the investigator's decree. According to the Art. 155 CPC, in urgent necessity, if there is probable cause to believe that property will be concealed or destroyed, the prosecutor may issue a reasoned decree to seize the property. For Administrative Cases: On administrative cases with respect to inspection of an entrepreneur's activities (Article 212 of the Administrative Procedure Code of Georgia) - In case where there may be an immediate and direct threat to state security, human life or health, or evidence, a controlling agency may suspend the activities of the enterprise that fall within the scope of the inspection and immediately submit the inspection request to the judge. In administrative cases the court is authorized to adopt a temporary ruling when there is a risk that existing situation may prevent or make it difficult for the applicant to realize his/her rights. For Civil Cases: In civil cases in family relations the law allows to use a temporary order, which the court may adopt based on the request of the party. Such temporary order may concern the issues of care of child by parents, to give custody over the child to one of the parents, provision of the child with sufficient resources etc. In case of need to secure a claim, plaintiff is entitled to request application of the claim security measures when s/he files a claim or even before s/he files a claim. If the court orders the application of the claim security measures before claims is filed, the plaintiff is obliged to file a claim within 10 days, pursuant to Article 192 of Civil Procedural Code.

088. Are there simplified procedures for:

civil cases (small disputes)

criminal cases (misdemeanour cases)

administrative cases

There is no simplified procedure

Comments - If yes, please specify: In Civil Cases - Summary Proceedings, which include: hearing claims filed with regard to bills of exchange or cheques; summary proceedings on the return of leased assets to the lessor; procedure for hearing cases on compulsory acquisition of shares; a claim for damages sustained as a result of a crime or an administrative infraction. A court shall hear non-contentious matters on: the establishment of facts of legal significance; declaring a citizen as missing or deceased; recognizing property as owner-less; adoption; recognizing a child as abandoned. In Criminal Cases - According to the Art. 195.7 of the Criminal Procedure Code the court reviewing the appeal may within 2 weeks after the appeal has been found to be admissible review without oral hearing an appeal on less serious offences as well as an appeal that concerns only the reduction of the sentence. The court may without oral hearing reduce the imposed sentence by not more than one fourth.

In Administrative Cases: According to the Article 28 of the Administrative Procedure Code upon a party's request, a court may render a decision regarding expedited administrative proceedings. In case of expedited administrative proceedings a court is authorized:

- a) to shorten the time allowed for submitting a response (statement of defence) or a counter-claim by a defendant;
- b) not to allow time for a third person to submit his/her opinion regarding the counter-claim;
- c) not to allow time for the parties to submit their opinions regarding assigning an expert;
- d) to shorten the time for the parties to submit their opinions regarding an expert's conclusions.

088-1. (Modified question) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

civil cases

criminal cases

administrative cases

Comments - If yes, please specify: No

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

Yes

No

Comments - If yes, please specify:

4.2.2. Case flow management – first instance

091. (Modified question) First instance courts: number of other than criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court (Please insert NA for category 2)
Total of other than criminal law cases (1+2+3+4)	23845 <input type="checkbox"/> NA <input type="checkbox"/> NAP	116573 <input type="checkbox"/> NA <input type="checkbox"/> NAP	103081 <input type="checkbox"/> NA <input type="checkbox"/> NAP	37337 <input type="checkbox"/> NA <input type="checkbox"/> NAP	797 <input type="checkbox"/> NA <input type="checkbox"/> NAP

1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	16759 [] NA [] NAP	60320 [] NA [] NAP	46313 [] NA [] NAP	30766 [] NA [] NAP	598 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	871 [] NA [] NAP	9025 [] NA [] NAP	8394 [] NA [] NAP	1502 [] NA [] NAP	0 [] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.3. Other non-litigious cases	871 [] NA [] NAP	9025 [] NA [] NAP	8394 [] NA [] NAP	1502 [] NA [] NAP	0 [] NA [] NAP
3. Administrative law cases	6101 [] NA [] NAP	16379 [] NA [] NAP	17619 [] NA [] NAP	4861 [] NA [] NAP	199 [] NA [] NAP
4. Other cases	114 [] NA [] NAP	30849 [] NA [] NAP	30755 [] NA [] NAP	208 [] NA [] NAP	0 [] NA [] NAP

Comments All numbers provided here are accurate.

Judges in Georgia used to be appointed for 10 year term until 2017. Many new judges were appointed in 2004, 2005 and 2006. In 2014, 2015 and 2016 ten year term of those judges had expired, which caused many vacancies and, consequently, the decrease in the number of judges at the first, second and third instance courts. This was a major reason for significant increase in the number of pending cases in all instance courts. The decrease in the number of judges coincided with the change in government after 2012 parliamentary elections. Many reforms had been launched by a new government in justice sector and many amendments had been adopted in civil, administrative and criminal laws (see answers to Question 208). As a result, number of incoming cases in all categories had been significantly increased. In civil (and commercial) litigious cases there was a huge increase in the number of claims from micro finance institutions and banks related to loans to private individuals.

In administrative law cases there was a significant increase in the number of restraining orders and disputes related to their application; disputes related to environmental issues; social protection issues; right to peaceful assemblies and demonstrations; attachment and sale of

property. With the introduction of new amendments in asset declaration by public officials, there was a significant increase in the number of cases related to incorrect or misleading information in declarations.

Significant increase in the number of incoming cases caused further increase in the number of pending cases despite the introduction of electronic case management system and implementation of other case management measures to ensure the timely handling of cases. Small number of judges remains a major problem in general.

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

. Here are given indisputable and summary proceedings of civil cases.

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

. Administrative infractions (offences).

094. (Modified question) First instance courts: number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of criminal law cases (1+2)	3865 [] NA [] NAP	14067 [] NA [] NAP	14848 [] NA [] NAP	3084 [] NA [] NAP	355 [] NA [] NAP
1. Severe criminal cases	2198 [] NA [] NAP	4665 [] NA [] NAP	4965 [] NA [] NAP	1898 [] NA [] NAP	198 [] NA [] NAP
2. Misdemeanour and / or minor criminal cases	1667 [] NA [] NAP	9402 [] NA [] NAP	9883 [] NA [] NAP	1186 [] NA [] NAP	157 [] NA [] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences": The grave and especially grave crime types are included in the category of serious crimes, and less serious crimes are included in the category of minor crimes (According to the Georgian legislation, the crime is less serious/minor if the sentence includes the deprivation of liberty not more than 5 years or other sentences rather than deprivation of liberty).

See comment to Question 91 above. In criminal law cases there was a significant increase of cases related to the adoption of the Law on Amnesty on December 28, 2012.

In 2013 new amendments related to crimes against sexual freedom were introduced to the criminal code (Articles 137-141 of the Criminal Code). On June 12, 2015 a new Code on Juvenile Justice was adopted. Number of decisions by Constitutional Court of Georgia caused amendments in criminal code regarding crimes related to narcotic substances in years 2014, 2015 and 2016 (Articles 260- 274 of the Criminal Code).

The aforementioned amendments raised effectiveness of criminal investigations as well as reporting and revealing of certain crimes, related to violence against women and persons of different sexual orientation, domestic violence.

Increase in criminal law cases was also caused by introduction of the amended grounds to cancel the old decisions and reopen the cases in

2016, including on the basis of decisions of ECtHR and other international human rights bodies (Article 310 of the Criminal Code). Problem of significant increase in the case flow was reflected in Judiciary Strategy of 2017-2021 which includes list of measures to be taken to effectively manage the cases (see answers to Question 208).



4.2.3. Case flow management – second instance

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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court (Please insert NA for category 2)
Total of other than criminal law cases (1+2+3+4)	3023 [] NA [] NAP	9801 [] NA [] NAP	9389 [] NA [] NAP	3435 [] NA [] NAP	23 [] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	1994 [] NA [] NAP	4870 [] NA [] NAP	4838 [] NA [] NAP	2026 [] NA [] NAP	12 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	0 [] NA [] NAP	8 [] NA [] NAP	8 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

2.3. Other non-litigious cases	0 [] NA [] NAP	8 [] NA [] NAP	8 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP
3. Administrative law cases	969 [] NA [] NAP	3064 [] NA [] NAP	2687 [] NA [] NAP	1346 [] NA [] NAP	11 [] NA [] NAP
4. Other cases	60 [] NA [] NAP	1859 [] NA [] NAP	1856 [] NA [] NAP	63 [] NA [] NAP	0 [] NA [] NAP

Comments All numbers provided are accurate.
See comment to Question 91 above.

098. (Modified question) Second instance courts (appeal): number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of criminal law cases (1+2)	412 [] NA [] NAP	1948 [] NA [] NAP	1918 [] NA [] NAP	442 [] NA [] NAP	7 [] NA [] NAP
1. Severe criminal cases	297 [] NA [] NAP	997 [] NA [] NAP	958 [] NA [] NAP	336 [] NA [] NAP	7 [] NA [] NAP
2. Misdemeanour and / or minor criminal cases	115 [] NA [] NAP	951 [] NA [] NAP	960 [] NA [] NAP	106 [] NA [] NAP	0 [] NA [] NAP

Comments All numbers provided are accurate.
See comment to Question 94 above.

4.2.4. Case flow management – Supreme Court



099. (Modified question) Highest instance courts (Supreme Court): number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court (Please insert NA for category 2))
Total of other than criminal law cases (1+2+3+4)	628 [] NA [] NAP	2263 [] NA [] NAP	2065 [] NA [] NAP	826 [] NA [] NAP	13 [] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	383 [] NA [] NAP	1293 [] NA [] NAP	1246 [] NA [] NAP	430 [] NA [] NAP	7 [] NA [] NAP

2. Non litigious cases (2.1+2.2+2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.1. Non litigious land registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.3. Other non-litigious cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Administrative law cases	245 <input type="checkbox"/> NA <input type="checkbox"/> NAP	970 <input type="checkbox"/> NA <input type="checkbox"/> NAP	819 <input type="checkbox"/> NA <input type="checkbox"/> NAP	396 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments All numbers provided are accurate.

See comment to Question 91 above.

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

(X) Yes, please indicate the number of cases closed by this procedure:1725

() No

Comments Civil cases – 493;

Administrative cases – 574;

Criminal law cases – 658.

100. (Modified question) Highest instance courts (Supreme Court): number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court
Total of criminal law cases (1+2)	294 [] NA [] NAP	771 [] NA [] NAP	765 [] NA [] NAP	300 [] NA [] NAP	0 [] NA [] NAP
1. Severe criminal cases	193 [] NA [] NAP	450 [] NA [] NAP	473 [] NA [] NAP	170 [] NA [] NAP	0 [] NA [] NAP
2. Misdemeanour and / or minor criminal cases	101 [] NA [] NAP	321 [] NA [] NAP	292 [] NA [] NAP	130 [] NA [] NAP	0 [] NA [] NAP

Comments All numbers provided are accurate.

See comment to Question 94 above.

4.2.5. Case flow management – specific cases



101. (Modified question) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
Litigious divorce cases	504 [] NA [] NAP	2054 [] NA [] NAP	1954 [] NA [] NAP	602 [] NA [] NAP
Employment dismissal cases	196 [] NA [] NAP	425 [] NA [] NAP	345 [] NA [] NAP	276 [] NA [] NAP
Insolvency	93 [] NA [] NAP	120 [] NA [] NAP	108 [] NA [] NAP	105 [] NA [] NAP
Robbery case	85 [] NA [] NAP	131 [] NA [] NAP	153 [] NA [] NAP	63 [] NA [] NAP
Intentional homicide	154 [] NA [] NAP	90 [] NA [] NAP	107 [] NA [] NAP	137 [] NA [] NAP
Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	49 [] NA [] NAP	163 [] NA [] NAP	102 [] NA [] NAP	110 [] NA [] NAP
Cases relating to the right of entry and stay for aliens	[X] NA [] NAP	347 [] NA [] NAP	180 [] NA [] NAP	[X] NA [] NAP

Comments Judges in Georgia used to be appointed for 10 year term until 2017. Many new judges were appointed in 2004, 2005 and 2006. In 2014, 2015 and 2016 ten year term of those judges had expired, which caused many vacancies and, consequently, the significant decrease in the number of judges at the first, second and third instance courts. This was a major reason for significant increase in the number of pending cases in all instance courts. The decrease in the number of judges coincided with the change in government after 2012 parliamentary elections. Many reforms had been launched by a new government in justice sector and many amendments had been adopted

in civil, administrative and criminal laws (see answers to Question 208). As a result, number of incoming cases in all categories had been significantly increased.

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

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

102. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
Litigious divorce case	1 [] NA [] NAP	91 [] NA [] NAP	79 [] NA [] NAP	104 [] NA [] NAP	735 [] NA [] NAP	20 [] NA [] NAP
Employment dismissal case	31 [] NA [] NAP	148 [] NA [] NAP	142 [] NA [] NAP	117 [] NA [] NAP	612 [] NA [] NAP	6 [] NA [] NAP

Insolvency	14 [] NA [] NAP	97 [] NA [] NAP	22 [] NA [] NAP	0 [] NA [] NAP	119 [] NA [] NAP	0 [] NA [] NAP
Robbery case	21 [] NA [] NAP	132 [] NA [] NAP	134 [] NA [] NAP	148 [] NA [] NAP	655 [] NA [] NAP	17 [] NA [] NAP
Intentional homicide	29 [] NA [] NAP	147 [] NA [] NAP	112 [] NA [] NAP	155 [] NA [] NAP	617 [] NA [] NAP	13 [] NA [] NAP

Comments Insolvency cases were not appealed in the Supreme Court in 2016. The percentage provided hereby is a percentage of insolvency cases appealed in the court of appeals.

The raise in the length of proceedings is caused by significant decrease in the number of judges at all instance courts, especially at the Supreme Court (see comment to Question 101 above) during 2014, 2015 and 2016. The raise in the length of proceedings compared to years 2012 and 2014 is also caused by application of different method of calculation in 2016. In 2016 the length of proceedings on every case was calculated from the date of the application at the first instance court to the date in which the final judgment comes into force.

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

. Under article 1123 of the Civil Code of Georgia, if there is a dispute between spouses, the divorce shall be obtained through legal proceedings in court. In other cases, the civil registration agency of the Ministry of Justice is authorized to issue decision on divorce. Under article 1127 of the Civil Code of Georgia, a court shall hear divorce cases pursuant to adversary proceedings established by the Civil Procedure Code. The court shall take measures to reconcile the spouses. It may adjourn the hearing and fix a period of a maximum of six months for reconciliation of the spouses. A divorce shall be granted if the court finds that it is no longer possible for the spouses to live together and preserve the family. Parties may despite the reconciliation measures taken by the court. When delivering a divorce decision, the court shall, if necessary, take actions to safeguard the interests of the minor children and a disabled spouse. Under article 14 of the Civil Procedure Code of Georgia, divorce cases are heard in the first instance by the magistrate judges.

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

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

4.2.6. Case flow management – public prosecution



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

[X] to conduct or supervise police investigation

to conduct investigations

when necessary, to request investigation measures from the judge

to charge

to present the case in court

to propose a sentence to the judge

to appeal

to supervise the enforcement procedure

to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)

to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision

other significant powers (please specify):

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

According to the legislation of Georgia, the only competent authority for application of criminal penalty is a court. In diversion proceedings, prosecutor may divert individual from criminal prosecution if he/she agrees to fulfill the diversion conditions. This process could be relevant to the part of the bullet point referring to the power of prosecutor to end the case by negotiating measure without requiring a judicial decision. In case of such relevancy, the bullet point should also be selected.

106. (Modified question) Does the public prosecutor also have a role in:

civil cases

administrative cases

insolvency cases

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

107. Cases processed by the public prosecutor - Total number of first instance criminal cases:

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
Total number of first instance cases processed by the public prosecutor	43435	22087	11377	14355
	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

107-1. (Modified question) If the guilty plea procedures exist, how many cases were brought to court by the prosecutor through this procedure?

	Number of guilty plea procedures
Total	9110
	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Before the court case	5220 [] NA [] NAP
During the court case	3890 [] NA [] NAP

Comments

108. Total cases which were discontinued by the public prosecutor:

	Number of cases
Total cases which were discontinued by the public prosecutor (1+2+3)	22087 [] NA [] NAP
1. Discontinued by the public prosecutor because the offender could not be identified	3020 [] NA [] NAP
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	16916 [] NA [] NAP
3. Discontinued by the public prosecutor for reasons of opportunity	2151 [] NA [] NAP

Comments

109. Do the figures include traffic offence cases?

Yes

No

Comments

D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.

Sources: Data provided by the Prosecution Service of Georgia (see www.pog.gov.ge).

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1. Recruitment and promotion of judges

110. (Modified question) How are judges recruited?

mainly through a competitive exam (open competition)

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



a combination of both (competitive exam and working experience)

other (please specify):

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

110-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

Yes

No

Comments - If yes, please specify: Pursuant to Article 35.7 of the Law of Georgia on Courts of General Jurisdiction, equality of the judicial candidates shall be guaranteed during the competition, factors like race, sex, religion, political and other views, position in society, national, ethnic and social identity and other circumstances shall not be taken into account.

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

an authority made up of judges only

an authority made up of non-judges only

an authority made up of judges and non-judges

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles: High Council of Justice of Georgia

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

Yes

No

Comments

112-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

Yes

No

Comments - If yes, please specify:

113. What is the procedure for judges to be promoted? (multiple answers possible)

Competitive test / Exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination): A judge with 5 years of judicial experience can be promoted. Objective criteria for promotion are determined by the High Council of Justice.

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

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

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box “performance” or “other”):
Criteria has not yet been determined. According to the Judicial Strategy and Action Plan, the High Council of Justice will elaborate such criteria by its decision at the end of 2018.

114. (Modified question) Is there a system of qualitative individual assessment of the judges’ work?

- Yes
- No

Comments According to the decision of the High Council of Justice on evaluation of effectiveness of judges (#1/226/Dec 27, 2011) effectiveness of judges is measured based on the statistics of an individual judge, in every 6 months.

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

- Annual
- Less frequent
- More frequent

5.1.2. Status, recruitment and promotion of prosecutors

115. What is the status of prosecution services?

- statutory independent
- under the authority of the Minister of justice or another central authority
- other (please specify):

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...). PSG is under the umbrella of the Ministry of Justice. However, the legislation guarantees the full independence and autonomy of PSG. Namely, - The minister of justice is not empowered to intervene in investigations and prosecutions;
- The Chief Prosecutor is elected by the Parliament for a term of 6 years. Strong safeguards are provided by the legislation regarding the dismissal of the Chief Prosecutor.

115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a prosecutor in a court.

- Yes
- No

Comments - If yes, please specify: According to the legislation of Georgia, prosecutor is independent in his/her activity and no one has the right to interfere. Respectively, the law prohibits giving specific instructions to prosecutors on whether to prosecute or not. The Minister

of Justice and the Chief Prosecutor have a right to issue general guidelines for prosecutors, inter alia, on application of discretionary power.

116. How are public prosecutors recruited?

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

Comments

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

- an authority composed of public prosecutors only
- an authority composed of non-public prosecutors only
- an authority composed of public prosecutors and non-public prosecutors

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

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

117-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?

- Yes
- No

Comments - If yes, please specify: The Prosecution Service Act provides that at least one out of three candidates of Chief prosecutor presented by the Minister of Justice to the Prosecutorial Council, the body responsible for nomination of the Chief Prosecutor, should be of the opposite sex. The same Act also stipulates that at least 2 out of 15 members of the Prosecutorial Council should be of the opposite sex as well.

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

- Yes
- No, please specify which authority is competent for promoting public prosecutors Consultation Council

Comments On 11 January 2016, the Chief Prosecutor established the Consultation Council, which is responsible for sustainable development of PSG as well as application incentives, promotion and disciplinary liability in relation to PSG employees. The newly established Consultation Council and respective decision-making system replaced the previously existing mechanism, when all important decisions were made by the Chief Prosecutor, unilaterally. Currently, the Consultation Council is composed of 17 members: Chief Prosecutor, First Deputy Chief Prosecutor, 3 Deputy Chief Prosecutors, 8 members of the Prosecutorial Council, the head of the General Inspection Unit; the head of the Human Resources Management and Development Department; the head of the Department for Supervision over Prosecutorial Activities and Strategic Development and the head of the Legal Unit of PSG. In 2016, Consultation Council considered proposals about the promotion of 32 PSG employees and recommended the Chief prosecutor to promote 17 employees. Notably, the Chief Prosecutor accepted all recommendations of the Consultation Council.

119. What is the procedure for prosecutors to be promoted? (multiple answers possible)

- Competitive test / exam

Other procedure (interview or other)

No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam): The additional applicable procedures for promotion of prosecutors are as follows:

- The results of performance appraisal of prosecutor;
- Interview carried out by the management;
- Consideration by the Consultation Council.

119-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

Yes

No

Comments - If yes, please specify:

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

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Assessment results

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"): See also the answer to question 69.

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

Yes

No

Comments

5.1.3. Mandate and retirement of judges and prosecutors

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

Yes, please indicate the compulsory retirement age:65

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: A judge is appointed for 3 years probationary period. This exception does not extend to a former Supreme Court judge, former Constitutional Court judge or a former or acting judge with the 3 years experience of judgeship. The later is appointed until the retirement age if less then 10 years have passed since the candidate has left the judicial position. Supreme Court Judges are appointed for 10 year term. Pursuant to the recent amendments in the Constitution of Georgia, the Supreme Court judges elected after 2018 will be elected for an undetermined period.

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

For disciplinary reasons

For organisational reasons

For other reasons (please specify modalities and safeguards):

No

Comments

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

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

No

NAP

Comments

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

Yes, please indicate the compulsory retirement age:NAP

No

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

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

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

No

Comments

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

Yes, what is the length of the mandate (in years)?10

No

Comments Only Supreme Court Judges are elected for the term of 10 years. This term is not renewable.

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

Yes, what is the length of the mandate (in years)?

No, what is the length of the mandate (in years)?

Comments

5.2.Training

5.2.1.Training of judges



127. Types of different trainings offered to judges

	Compulsory	Optional	No training proposed
Initial training (e.g. attend a judicial school, traineeship in the court)	(X) Yes () No	() Yes (X) No	() Yes (X) No
General in-service training	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for management functions of the court (e.g. court president)	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training for the use of computer facilities in courts	() Yes (X) No	(X) Yes () No	() Yes (X) No

Comments

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

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

Comments - Please indicate any information on the periodicity of the continuous training of judges:

5.2.2. Training of prosecutors

129. Types of different trainings offered to public prosecutors

	Compulsory	Optional	No training proposed
Initial training	(X) Yes () No	() Yes (X) No	() Yes (X) No

General in-service training	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)	(X) Yes () No	(X) Yes () No	() Yes (X) No
In-service training for management functions in the courts (e.g. Head of prosecution office, manager)	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training for the use of computer facilities in office	() Yes (X) No	(X) Yes () No	() Yes (X) No

Comments

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

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

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors:

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

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	[]	[]	[X]
One institution for prosecutors	[]	[]	[X]
One single institution for both judges and prosecutors	[]	[]	[]

Comments

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

	Budget of the institution for the reference year, in €
One institution for judges	471531 <input type="checkbox"/> NA <input type="checkbox"/> NAP
One institution for prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One single institution for both judges and prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments The Professional Development and Career Management Center is responsible for training of prosecutors. It is a structural body of PSG and does not have a separate budget.

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

. See question #129

5.3. Practice of the profession

5.3.1. Salaries and benefits of judges and prosecutors

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

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	17180 <input type="checkbox"/> NA <input type="checkbox"/> NAP	13744 <input type="checkbox"/> NA <input type="checkbox"/> NAP	48000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	38400 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	25770 <input type="checkbox"/> NA <input type="checkbox"/> NAP	20616 <input type="checkbox"/> NA <input type="checkbox"/> NAP	72000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	57600 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor at the beginning of his/her career	9834 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7812 <input type="checkbox"/> NA <input type="checkbox"/> NAP	26208 <input type="checkbox"/> NA <input type="checkbox"/> NAP	21840 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	31452 <input type="checkbox"/> NA <input type="checkbox"/> NAP	26208 <input type="checkbox"/> NA <input type="checkbox"/> NAP	87888 <input type="checkbox"/> NA <input type="checkbox"/> NAP	73248 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The Prosecution Service of Georgia is not organised according to the court instances. The Prosecution Service of Georgia has

the following prosecutorial positions: Chief prosecutor, Deputy Chief Prosecutor, Regional Prosecutor, District Prosecutor, Prosecutor. Since we do not have a position of the Public Prosecutor of the Supreme Court, we provided information on gross and net annual salary of the Regional Prosecutor in the appropriate section above.

133. Do judges and public prosecutors have additional benefits?

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

Comments

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

. judges - Additional financial benefits can be allocated to a judge by the High Council of Justice based on their caseload, in case if the judge is assigned in two courts simultaneously or if a judge is serving as a chairman of the court. Other cases like severe illness of a judge or the family member, birth of a child and death of a family member can also be taken into account. The other financial benefits allocated to Prosecutors are: the favorable loan terms in the bank, which is in contractual relation with the Prosecution Service; medical insurance; fuel and cell deposits; bonuses.

[] NAP

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

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

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

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

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

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

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

- () Yes
- (X) No

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

5.4. Disciplinary procedures

5.4.1. Authorities responsible for disciplinary procedures and sanctions

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

- [X] Court users
- [X] Relevant Court or hierarchical superior
- [X] High Court / Supreme Court
- [X] High Judicial Council
- [X] Disciplinary court or body
- [X] Ombudsman

- Parliament
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments Investigator or public prosecutor (with notification).

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

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

Comments

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

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

Comments Independent inspector appointed by the High Council of Justice is responsible for the investigation of the disciplinary offence.

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

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

Executive power (please specify):

Other (please specify):

Comments

5.4.2. Number of disciplinary procedures and sanctions

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

	Judges	Prosecutors
Total number (1+2+3+4)	241 <input type="checkbox"/> NA <input type="checkbox"/> NAP	28 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	21 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: All numbers are accurate.

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

	Judges	Prosecutors
Total number (total 1 to 9)	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	28 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	24 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Temporary reduction of salary	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

6. Position downgrade	0 [] NA [] NAP	0 [] NA [] NAP
7. Transfer to another geographical (court) location	0 [] NA [] NAP	0 [] NA [] NAP
8. Resignation	0 [] NA [] NAP	4 [] NA [] NAP
9. Other	2 [] NA [] NAP	0 [] NA [] NAP

Comments - If “other”, please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. In the first half of 2017, PSG finished drafting the new Code of Ethics, which defines in a thorough and precise manner the elements of disciplinary violations, disciplinary procedures and grounds for dismissal of prosecutors. The draft Code of Ethics was shared with the employees of the Prosecution Service and interested NGOs for their comments. After receiving and analyzing the feedback, on 25 May 2017 the Minister of Justice adopted the Code of Ethics. As a next step, PSG intends to elaborate commentary on the Code aiming at clarifying in greater details the elements of specific disciplinary misconducts and relevant sanctions. The newly adopted Code of Ethics was circulated to all PSG investigators and prosecutors. The trainings regarding the new Code of Ethics are under way.

According to the law of Georgia on Disciplinary Liability of Judges of the Courts of General Jurisdiction of Georgia and Disciplinary Proceedings, there are two types of sanctions: disciplinary measures and disciplinary penalties. Penalties include: notice; reprimand; severe reprimand; dismissal of a judge from the position. Measures include: giving a private recommendation letter to a judge; dismissal of a chairperson, first deputy or deputy chairperson of a court, a chairperson of a judicial panel or chamber. In 2016 Notice and reprimand were each pronounced once. In one case judge was given a private recommendation letter.

E3. Please indicate the sources for answering questions 144 and 145:

Sources: Data provided by the Prosecution Service of Georgia (see www.pog.gov.ge)
Data provided by the High Council of Justice of Georgia (see www.hcoj.gov.ge)

6.Lawyers

6.1.Profession of lawyer

6.1.1.Status of the profession of lawyers

146. Total number of lawyers practising in your country:

[4471]
[] NA
[] NAP

Comments

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

Yes ()

No (X)

Comments

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

[]

[X] NA

[] NAP

Comments

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

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	() Yes (X) No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Dismissal cases	() Yes (X) No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Criminal cases - Defendant	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Criminal cases - Victim	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Administrative cases	() Yes (X) No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
There is no monopoly	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP

Comments - Please, indicate any useful clarifications regarding the content of lawyers' monopoly: Individual clients can self-represent themselves in all instance courts. Legal entities can be represented by their in-house lawyers in all instance courts.

149-0. (New question) If there is no monopoly, please specify the organisations or persons that may represent a client before a court:

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Family member	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP

Self-representation	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Trade union	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Other	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP

Comments - If "other", please specify. In addition, please specify for the categories mentioned, the types of cases concerned by this/these representation(s): This information concerns only representation in the first instance courts. In second and third instance courts, individual clients can only self-represent themselves and legal entities can only be represented by their in-house lawyers.

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

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

Comments

149-2. What are the statuses for exercising the legal profession in court?

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

Comments

150. Is the lawyer profession organised through:

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

Comments

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

- Yes
- No

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

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

- Yes
- No

Comments

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

Yes

No

Comments - If yes, please specify:

F1. Please indicate the sources for answering questions 146 and 148:

Sources: Data provided by the Georgian Bar Association (see www.gba.ge)

6.1.2. Practicing the profession

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

Yes

No

Comments

155. Are lawyers' fees freely negotiated?

Yes

No

Comments

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

Yes laws provide rules

Yes standards of the bar association provide rules

No neither laws nor bar association standards provide rules

Comments

6.1.3. Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

Yes

No

Comments - If yes, what are the quality criteria used? A lawyer is required to provide a qualified and bona fide advice to a client and represent him/her with due diligence.

Quality criteria for a qualified and bona fide advice/representation are: professional activity according specialization (license of GBA, for example: if lawyer has criminal law specialization, he/she shouldn't take civil cases unless passes exam and takes license for civil law),

professional activity according to the international and national law; fulfilling client's legitimate indications.

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

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

Comments

159. Is it possible to file a complaint about:

- the performance of lawyers
- the amount of fees

Comments - Please specify: It is possible to file complaint about the performance of lawyers, but not about amount of fees because Georgian Code of Ethics doesn't have regulations about amount of fees, it is regulated by agreement of the parties.

160. Which authority is responsible for disciplinary procedures?

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

Comments

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

	Number of disciplinary proceedings
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	24 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	24 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

162. Sanctions pronounced against lawyers.

Number of sanctions

Total number of sanctions (1 + 2 + 3 + 4 + 5)	13 [] NA [] NAP
1. Reprimand	0 [] NA [] NAP
2. Suspension	0 [] NA [] NAP
3. Withdrawal from cases	0 [] NA [] NAP
4. Fine	0 [] NA [] NAP
5. Other	13 [] NA [] NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons. In 7 cases Ethics Commission applied personal letter of reprimand, in 6 cases – warning. In 4 cases disciplinary proceedings did not result in any sanction. 7 cases there were initiated in 2016 were not completed by the end of 2016.

7. Alternative dispute resolutions

7.1. Mediation

7.1.1. Details on mediation procedures and other ADR

163. Does the judicial system provide for judicial mediation procedures? If this is not the case you will go directly to question 168.

(X) Yes

() No

Comments

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

[] Before going to court

[X] Ordered by a judge in the course of a judicial proceeding

Comments - If there are mandatory mediation procedures, please specify which fields are concerned: Judicial mediation - in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes on family law cases, inheritance law cases and neighbor law cases judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. Referral to mediation is possible also at the request of both parties regarding any civil dispute. In case of request from the parties a case may be referred to mediation at any stage of the court proceedings.

In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).

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

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

Comments

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

(X) Yes

() No

Comments - If yes, please specify:

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

[18]

[] NA

[] NAP

Comments

167. Number of judicial mediation procedures.

	Number of judicial mediation procedures
Total number of mediation cases (total 1 + 2 + 3 + 4 + 5)	24 [] NA [] NAP
1. Civil and commercial cases	17 [] NA [] NAP
2. Family cases	7 [] NA [] NAP
3. Administrative cases	0 [] NA [] NAP
4. Employment dismissal cases	0 [] NA [] NAP
5. Criminal cases	0 [] NA [] NAP

Comments - Please indicate the source:

168. Does the legal system provide for the following alternative dispute resolutions (ADR):

- mediation other than judicial mediation
- arbitration
- conciliation
- other ADR (please specify):

Comments

G1. Please indicate the source for answering question 166:

Source: Data provided by the Mediation Center at Tbilisi City Court (see www.tcc.gov.ge).

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1.Functioning

169. Do you have enforcement agents in your judicial system?

- Yes
- No

Comments

170. Number of enforcement agents

- [199]
- NA
- NAP

Comments 38 (Private Bailiff) 161 (Bailiffs of National Bureau of Enforcement (NBE))

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

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

Comments - Please specify their status and powers: According to the Georgian Law on Enforcement Proceedings, the enforcement agent is a person authorised by the government to execute the decisions envisaged by the abovementioned law. Mostly, the both, the private bailiffs and the bailiffs of National Bureau of Enforcement have the similar functions and obligations. Precisely, the enforcement agent is entitled to accumulate debt from the debtor, forfeit the goods, seize the movable and immovable assets, carry out other activities, provisioned in the sheet of execution. The only exemption regarding the private bailiff is that the latter is not allowed to enforce the cases where amount of request is more than 500 000 GEL.

Besides, in the process of the execution, the enforcement agent is authorized to pay the debt through the realization the debtor's estate on the auction, deprivation the things, the seizure of immovable and movable items, filling the payment letter for the bank account of the debtor and any other actions stated by the enforcement document. Moreover, the enforcement agent uses all the legal procedures intended for the immediate and effective enforcement of the decision; defines the rights and responsibilities to the parties, also the specific types and capacities of the enforcement, assists the parties to protect their rights and legitimate interests.

171-1. Do enforcement agents have the monopoly in exercising their profession?

- Yes
- No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with: The bailiffs of the National Bureau of Enforcement and the private bailiffs are exclusively entitled to execute the decisions and perform all the legal activities declared in the box of specification of the powers and status.

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

	Option
Seizure of movable tangible properties	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of immovable properties	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure from a third party of the debtor claims regarding a sum of money	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of remunerations	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of motorised vehicles	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Eviction measures	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Enforced sale by public tender of seized properties	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

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

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary sale of moveable or immoveable property at public auction
- Seizure of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments

172. Is there a specific initial training or exam to become an enforcement agent?

- Yes
- No

Comments

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

- Yes
- No

Comments

173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):

- a national body
- a regional body
- a local body
- NAP

Comments

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

- Yes
- No

175. Are enforcement fees freely negotiated?

- Yes
- No

Comments The principle of the determination of enforcement fees relating private bailiffs and the bailiffs of the NBE is the same, but the fees of enforcement conducted by the private bailiffs are more flexible within the amount set by the Order 144 of July 30, 2010 of the Minister of Justice of Georgia. Particularly, while the amount of the enforcement fee for the National Bureau is strictly determined for the separate case, the fee of the enforcement conducted by the private bailiff might be the subject to the negotiation, but it shall not exceed 7% of the creditor's claim.

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

- Yes
- No

Comments -Law on Notary of Georgia; -Order 144 of July 30, 2010 of the Minister of Justice of Georgia.

H0. Please indicate the sources for answering question 170

Source: Data provided by the National Bureau of Enforcement (see www.nbe.gov.ge)

8.1.2. Efficiency of enforcement services



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

- Yes
- No

Comments

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

- a professional body
- the judge
- the Ministry of Justice
- the public prosecutor
- other (please specify):

Comments Internal Control and Auditing Office of the National Bureau of Enforcement inspects the legality of the activities carrying out by the bailiffs of the NBE.

179. Have quality standards been determined for enforcement agents?

- Yes
- No

Comments - If yes, what are the quality criteria used? Pursuant to the Law of Enforcement Proceedings, the enforcement agent should be impartial and should respect the privacy of the parties. He/she is obliged to conduct all necessary proceedings speedily and efficiently.

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

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

Comments Law on Enforcement Proceedings (Article 17) determines the general quality standards for the enforcement agents. In addition, the Ministry of Justice of Georgia established the quality standards for the private bailiffs by the Order 140, July 21, 2009 on the Regulation regarding the Monitoring and Imposing Responsibility of Private Bailiffs.

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

- Yes
- No

Comments - If yes, please specify:

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

- Yes
- No

Comments - If yes, please specify: Internal Control and Auditing Office of the National Bureau of Enforcement and the Ministry of Justice of Georgia.

183. What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.

- no execution at all
- non execution of court decisions against public authorities
- lack of information
- excessive length
- unlawful practices
- insufficient supervision
- excessive cost
- other (please specify):

Comments

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

- Yes
- No

Comments - If yes, please specify: Within the framework of the current reform (see below question 208.7), the National Bureau of

Enforcement will be executing the enforcement proceedings against the state and local authorities and institutions.

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

	Existence of the system
for civil cases	(X) Yes () No
for administrative cases	(X) Yes () No

Comments

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

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

Comments

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

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	103 [] NA [] NAP
1. For breach of professional ethics	0 [] NA [] NAP
2. For professional inadequacy	94 [] NA [] NAP
3. For criminal offence	0 [] NA [] NAP
4. Other	9 [] NA [] NAP

Comments - If "other", please specify: Total number of initiated disciplinary proceedings is 103. Out of this 2 disciplinary proceedings were initiated against private bailiffs and 101 - against bailiffs of NBE.

For professional inadequacy 2 private bailiffs and 92 bailiffs of NBE were put under disciplinary proceedings.

For other, please see the following: Violations of the requirements envisaged by the specific regulatory acts of the National Bureau of Enforcement. Available in Georgian:

http://nbe.gov.ge/files/_-%E1%83%90%E1%83%AE%E1%83%90%E1%83%9A%E1%83%98.docx

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	103 [] NA [] NAP
1. Reprimand	102 [] NA [] NAP
2. Suspension	0 [] NA [] NAP
3. Withdrawal from cases	0 [] NA [] NAP
4. Fine	0 [] NA [] NAP
5. Other	1 [] NA [] NAP

Comments - If “other”, please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons: 1 case of salary arrest for bailiff of NBE.

Total number of sanctions is 103. Out of this, 2 sanctions were pronounced against private bailiffs and 101 sanctions against bailiffs of NBE.

Reprimand was pronounced against 2 private bailiffs and against 100 bailiffs of NBE.

H1. Please indicate the sources for answering questions 186, 187 and 188:

Source: Data provided by:
the General Inspection of the Ministry of Justice, and
the National Bureau of Enforcement (see www.moj.gov.ge; www.nbe.gov.ge)
Law of Georgia on Enforcement Proceedings.

8.2. Execution of decisions in criminal matters

8.2.1. Functioning of execution in criminal matters

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

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

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions).

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

() Yes

(X) No

Comments

191. If yes, what is the recovery rate?

() 80-100%

() 50-79%

() less than 50%

Comments - Please indicate the source for answering this question:

9. Notaries

9.1. Profession of notary

9.1.1. Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

	Number of notaries
TOTAL	267 [] NA [] NAP
Private professionals (without control from public authorities)	0 [] NA [] NAP
Private professionals under the authority (control) of public authorities	267 [] NA [] NAP
Public agents	0 [] NA [] NAP
Other	0 [] NA [] NAP

Comments - If "other", please specify the status:

192-1. What are the access conditions to the profession of notary:

[X] diploma

[X] payment of a fee (e.g. purchasing office)

[] co-opting of peers

[X] other

Comments A notary is free in its professional activities and exercises public authorities through notarial and other associated activities on the basis of the Law on Notary of Georgia and other legal acts. While performing its notary duties, a notary is independent and impartial. A notary is appointed to the position by the Minister of Justice. Any capable citizen with higher legal education, who has undergone internship (or has 5 year working experience at specialization) and a qualifying examination for notaries can be appointed to the position

of a notary.

192-2. (Modified question) What is the duration of appointment of a notary?

- Limited duration, please indicate it in years:
- Unlimited duration

Comments The age limit for occupying the position of the notary is up to 65 years. Based on the grounded proposal of the Notary Chamber, the Minister of Justice may extend a notary’s term of office for no more than 5 years.

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

- within the framework of civil procedure
- in the field of legal advice
- to certify the authenticity of legal deeds and certificates
- in the field of mediation
- other (please specify):

Comments In accordance with the Law on Notary of Georgia, a notary issues the writs of execution (Art.38.1 (p))

194-1. Do notaries have the monopoly when exercising their profession:

- in civil procedure
- in the field of legal advice
- to authenticate deeds/certificates
- in the field of mediation
- other

Comments - Please indicate any useful clarifications regarding the content of the notaries’ monopoly or on the opposite regarding the competition they have to deal with:

194-2. As well as these activities, what are the other ones that can be carried out by notaries?

- Real estate transaction
- Settlement of estates
- Legality control of gambling activities
- Authentication of documents
- Translations
- Signatures
- Other

Comments

195. Is there an authority entrusted with supervising and monitoring the notaries’ work?

- Yes
- No

Comments

196. If yes, which authority is responsible for supervising and monitoring notaries?

- a professional body
- the judge
- the Ministry of Justice
- the public prosecutor
- the Ministry of Interior
- other (please specify):

Comments Together with the Ministry of Justice, the Notary Chamber of Georgia is an authority entrusted with supervising and monitoring the notaries' work. It is a legal entity of public law operating under the supervision of the Ministry of Justice of Georgia pursuant to the Law on Notary (see www.notary.ge).

196-1. Is there a system of general continuous training mandatory for all notaries?

- Yes
- No

Comments

I1. Please indicate the sources for answering question 192:

Sources: Data provided by the Ministry of Justice of Georgia (see www.moj.gov.ge);
 Data provided by the Notary Chamber of Georgia (see www.notary.ge)
 The electronic Registry of Notaries;
 The Order 1627 of Minister of Justice of Georgia 2016, December 14;
 Law on Notary of Georgia.

10.Court interpreters

10.1.Details on profession of court interpreter

10.1.1.Status of court interpreters

197. Is the title of court interpreters protected?

- Yes
- No

Comments

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

- Yes
- No

Comments

199. Number of accredited or registered court interpreters:



[30]

[] NA

[] NAP

Comments

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

Yes

No

Comments - If yes, please specify: According to Art. 213 of the Civil Procedure Code of Georgia, the court shall instruct an interpreter on his/her duty to interpret the explanations, testimonies and statements of persons who have no command of the language of the legal proceedings, and to interpret for these persons the content of the explanations, testimonies, statements, and documents made public in court, as well as the content of court orders, rulings and judgments. The court shall warn the interpreter that he/she shall incur criminal liability for deliberately incorrect interpretation. If an interpreter does not appear before the court without reasonable cause or avoids fulfilling his/her duties, he/she shall be penalized with GEL 50.

201. Are the courts responsible for selecting court interpreters?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects court interpreters

Comments

J1. Please indicate the sources for answering question 199

Sources: Data provided by High Council of Justice (see www.hcoj.gov.ge); Order of HCOJ N1/232 on Approval of Structure and List of Staff of Tbilisi and Kutaisi Appeals Courts and Regional (City) Courts, November 29, 2010.

11. Judicial experts

11.1. Profession of judicial expert

11.1.1. Status of judicial experts

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

"expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,

"technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,

"legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

Other (please specify):

Comments

202-1. Are there lists or databases of technical experts registered?

Yes

No

Comments - Please, indicate any useful comment regarding these lists of experts if they do exist (e.g. : who decide of the registration on the list ? Is the registration limited in time ? does the expert take the oath ? how is his/her skill evaluated ? by whom ?)

203. Is the title of judicial experts protected?

Yes

No

Comments - If appropriate, please explain the meaning of this protection: According to article 335 of Criminal Code of Georgia Coercion of a person by deception, blackmail or other unlawful act by an official or by a person equal thereto to provide an explanation or evidence, or coercion of an expert to provide an opinion, shall be punished by imprisonment for a term of two to five years, with deprivation of the right to hold an official position or to carry out a particular activity for up to five years.

According to Article 365 Any threat to kill or to damage the health or destroy the property committed against a prosecutor, investigator, lawyer, expert, enforcement officer, other participant of the legal proceedings or their close relatives, in connection with the investigation, conduct of defence, court hearing of a case or material and/or with the enforcement of a judgement or other court decisions, shall be punished by a fine or imprisonment for up to two years.

Article 372 of the same code regulates the exertion of influence on an interviewee, a witness, victim, expert or interpreter.

203-1. Does the expert have an obligation of training?

	Obligation of training
Initial training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Continuous training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

203-2. If yes, does this training concern:

the proceeding

the profession of expert

other

Comments

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

Yes

No

Comments

204-1. On the occasion of a mission entrusted to him/her, does the expert have to report any potential conflicts of interest?

Yes

No

Comments

205. Number of accredited or registered judicial / technical experts:

[]

[] NA

[X] NAP

Comments

205-1. Who sets the expert remuneration?

- Remuneration is set by the contract.

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

(X) Yes

() No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge: The rights and obligations of the experts are regulated by procedural law, in case of incorrect report an expert may be subject to prosecution.

207. Are the courts responsible for selecting judicial experts?

[] Yes, for recruitment and/or appointment for a specific term of office

[] Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

[X] No, please specify which authority selects judicial experts Parties of the case.

Comments

207-1. Does the judge control the progress of investigations?

(X) Yes

() No

Comments

K1. Please indicate the sources for answering question 205

Sources: Data received from the Ministry of Justice (see www.moj.gov.ge)

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1.Reforms

208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. Have innovative projects been implemented? If possible, please observe the following categories:

1. (Comprehensive) reform plans The reforms in the judiciary of Georgia are being carried out in several phases.

In May 2013 the first phase of institutional reform was completed through adoption of whole range of legislative amendments. The first phase was mostly focused to depoliticize the High Council of Justice and to guarantee civil society involvement in decision-making process. Besides, in order to increase transparency of trials, set of conditions were provided for making audio or video recording of a trial and for ensuring the records available to the parties and other interested persons upon their request. The draft amendments were elaborated on the basis of international and European standards and were mostly welcomed by the Venice Commission. The second phase was dedicated to constitutional amendment that introduced on a temporary basis the principle of probation before lifetime appointment of a judge. In the scope of this reform it was necessary to structure the clear, transparent and objective mechanism for the appraisal of judges, based on the two main criteria – integrity and competence, the system which after three year probation period would ensure the appointment of professional judges, who have proved that they are qualified, conscientious and impartial. The third phase of the reform was completed in 2017, focusing on the guarantees of independence of the individual judges and their involvement in the activities of the court. The amendments are as follows:

- Every court decision without indicating personal data is published on the court`s website;
- The selection process of judges is carried out based on two basic criteria – integrity and competence. The candidate has the right to appeal the decision on the refusal to a special chamber within the system of the Supreme Court of Georgia (the "Qualification Chamber"). In the latter case, the judge has to prove that there was a violation of the procedure that affected the decision of the High Council of Justice. If the Qualification Chamber finds the violation of the procedure, the decision on the refusal is annulled and the High Council of Justice has an obligation to consider the issue again taking into consideration the findings of the Chamber. - All the candidates occupy the position of a judge through participating in the open competition. The amendments made the procedure nondiscriminatory. The graduates of the High School of Justice (the "HSJ") and the people released from studying at the HSJ will all participate in the open competition. Besides, before these changes, the law was vague with regard to the procedure of the selection and appointment of the judges. The amendments regulate the issue together with the procedure for the background check of the possible candidates for the office. As a result of the third stage reform, the candidates have the right to appeal the decisions on the appointment.
- The guarantees for non-interference in the activities of a judge are more clearly articulated, namely, the law will state that no one has the right to instruct on the decision of the case. - The administrative functions of the court chairs are distributed; namely, the court staff is managed by the court manager and the chairperson retains the supervisory functions. - The chairperson is not authorized anymore to initiate the disciplinary proceedings against judges. The function is transferred to the Independent Inspector that is a new institution for the court system and is directed to strengthen the principle of equality between the judges and also, transparency of disciplinary proceedings. The independent inspector assesses the grounds of the disciplinary proceedings after the preliminary examination, though, the final decision concerning the beginning or the termination the disciplinary proceedings will be taken by the High Council of Justice of Georgia.
- The principle of automatic allocation of cases is introduced that will avoid any doubts about the chairman`s impartiality who was allocating the cases before the changes. All the details related to the allocation of the cases are regulated by the High Council of Justice. The system has already been working in pilot regime in one of the city courts (Rustavi City Court) since July 1st, 2017 and will be spread over the whole court system from the beginning of the year 2018; - Transfer of a judge to different court is regulated. Transfer of a judge without their consent is allowed only in the exceptional circumstances and from the closely situated courts. The High Council of Justice is obliged to make the substantiated decision regarding the transfer of a judge. - The procedure for disciplinary proceedings is obviously refined. In particular, the changes optimized the stages of the disciplinary proceedings. In addition, after the reform, the Disciplinary Panel is obliged to bear in mind that removal from the office as a disciplinary sanction is the last resort and may be used only in exceptional cases. The amendments increased the transparency of the disciplinary proceedings by allowing the

judge to make the proceeding open to the public upon request. - A standard of proof is introduced in disciplinary proceedings.

- The amendments ensured to increase the transparency of the High Council of Justice by obliging it to publish the information about the adopted decisions, on the session dates and agenda and all the relevant information related to its activities on the Council's website.
- The issue of the promotion of judges is regulated in order to restrict any vague precondition to avoid making the impartial decision by the HCJ. Hence, the only prerequisite for the promotion is five-year working experience in the lower courts. The exceptional capacity, existed before the amendments, to promote a judge who "made a special contribution to the development of law, formulation of uniform judicial practice and fast and effective administration of justice, also if he/she demonstrated high judicial skills during the exercise of judicial power" is eliminated to expel making questioned decisions.
- Admissibility criteria in Supreme Court of Georgia for cassation appeals are amended so that it is possible to attend the cassation court if the decision of the court of the appellate court contradicts the precedent decisions of European Court of Human Rights or if it is a criminal case with the participation of juvenile.

The Government of Georgia is considering to introduce Specialized Commercial and Tax Chamber within the Georgian judicial system. The project has two main targets: providing additional incentive for investors doing business or considering doing business in Georgia and supporting to reduce existing backlog in courts. Commercial Chamber will have jurisdiction over domestic commercial disputes, commercial disputes with international element, arbitration (recognition and enforcement of awards), bankruptcy, insurance, competition law, intellectual property, tax disputes, etc. The commercial chambers will have their own procedural rules and electronic case management system. In 2017 Judicial Strategy (2017-2021) and Action Plan (2017-2018) were adopted. Both the Judicial Strategy and Action Plan are divided into 5 main topics: Independence, Accountability, Quality, Efficiency and Access to Justice. The High Council of Justice and other relevant agencies are planning to introduce the changes in the named areas.

2. Budget The Budget of the Legal Aid Service in 2016 was 2.075.877 EUR. In accordance with the financial agreement between the European Union and Georgia, the obligation of the state is to increase the budget of Legal Aid Service in 2018 by 10%, compared to the budget of 2016. The budget has been agreed to increase

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) Pursuant to the Judicial Strategy (2017-2021), it is planned to develop quality measurement indicators and quality standards of the judiciary. This objective implies further development and establishment of quality measurement parameters and indicators, particularly fine-tuning of measurement of such components as: the quality of the processes and decisions, court service and users perception. In parallel with this, quality standards of performance needs to be updated and established. Along with the above mentioned, the main goals of the Judicial Strategy are as follows: Ensuring the optimal number of courts, judges, court clerks and court staff as well as their reasonable workload; Optimising the terms of the legal proceedings and reducing the case backlog; Improvement of the organizational structure and administration of the judiciary; Developing alternative dispute resolution mechanisms; Developing material-technical and electronic management base; Developing relations with partner institutions; Ensuring the equal access to justice for all, and essential services for vulnerable groups; Provision of services by ensuring speed, comfort and innovation. The last objective implies constant development of the quality of service, simplicity and comfort for customers while using the court services.

As already mentioned above, in accordance with the legislative package drafted by the Ministry of Justice within the framework of the third phase of the judicial reform, a principle of electronic case assignment was introduced, according to which the cases are assigned electronically among the judges of district (city), appellate and supreme courts, based on a random allocation principle.

The Judicial Strategy and Action Plan also contain activities related to the management of courts, efficiency and renovations. Activities include development of evaluation and monitoring mechanism for courts, reform of the organizational structure of the

courts after the evaluation of the current structure, and the development of the court infrastructure that is suitable for the disadvantaged groups. At the end of 2016, the Prosecution Service of Georgia (hereafter PSG) completed drafting the PSG Strategy and Action Plan for 2017-2021. Subsequently thereafter, in the framework of Criminal Justice Reform Council, the draft Strategy was presented to the representatives of the state institutions, NGOs and international organizations. After receiving and considering the feedback, PSG Strategy and Action Plan were adopted on 31 January 2017 and 12 April 2017 respectively. The goals under the PSG Strategy and Action Plan include strengthening crime prevention measures, increasing the quality of investigation and prosecution, improving the human rights protection, increasing the independence of prosecutors, capacity building of PSG staff and improving the public trust in the Prosecution Service.

3.1. Access to justice and legal aid The Judiciary Action Plan 2017-18 includes the list of activities with the aim to make justice more accessible. For example: making court decisions more accessible; introducing user oriented court services; informing public about the right to access to courts and court services. Since January 1, 2016, the mandate of the Legal Aid Service has been expanded in the following directions:

Legal assistance is provided to the asylum-seekers as well as to the internationally protected persons whose disputes, related to the international protection requirement, shall be considered by the court in respect of the case under Chapter VII6 of the Administrative Procedure Code of Georgia, regardless of their solvency, unless they have not chosen the lawyer by general rule (since January 1, 2016).

Representation in an administrative agency on an administrative case is provided if a person is insolvent and providing legal assistance to him (representation in the administrative body) is reasonable due to the importance and difficulty of the case (15 June, 2016).

When considering the case of involuntary isolation of a patient, a person with tuberculosis by obligatory rule shall be entitled to a lawyer if he/she has not chosen a lawyer by the general rule (January 1, 2017).

According to the amendments to the Law of Georgia on Prevention of Violence Against Women and / or Domestic Violence, Protection and Assistance to Victims of Violence, the mandate of Legal Aid Service has expanded to assist with the victims of domestic violence (June 1, 2017).

4. High Judicial Council For ensuring the efficient and quality administration of justice within the judiciary the High Council of Justice implemented significant activities. One of them is the adoption of the Judiciary Strategy (2017-2021) and Action Plan (2017-2018).

The Judicial Strategy reflects the following official documents: The National Strategy for the Protection of Human Rights for 2014-2020 years, Criminal Justice Coordination Council of The Ministry of Justice for Judicial Reform Strategy 2017-2021 years, The National Anti-Corruption Strategy and the National Program document of the Government of Georgia- "The Basic data and Directions for 2017-2020 years." Strategy also includes the requirements and recommendations of international organizations and international courts, in order to support Georgia's aspiration to join the Euro-Atlantic Organizations with current changes into the court system. Pursuant to the Judicial Strategy, it is envisaged to develop the self-governance of courts and the High Council of Justice. Namely, strengthening the independence of the High Council of Justice as an institution and improvement of the composition rule of the HCOJ; specification objective criteria for electing/appointing the judge and non-judge members of the HCOJ and setting out a transparent procedure. Procedures should feasibly ensure the representation from all instance court, especially from regional courts at the HCOJ. The rule of gradual renewal of the composition of council should be introduced for ensuring continuity of institutional memory and the effective performance of the High Council of Justice; transparency of the performance of High Council of Justice should be enhanced ; activate practice of enlarged hearings of the council, ensure reasoning for the decisions, demonstration of political neutrality and non-discriminatory approaches in the decision making process on individual issues; promptly delivering of information, regarding the activity of the High Council of Justice with the implementation of practice, elaborating and publishing annual reports

and statistical data to the public; strengthening the self-governance of the court and role of the conference of judges. In this context, equipment non-judge members of the High Council of Justice with functional immunity and ensure similar social protection guarantees similar to judge members; supporting the public perception that non-judge members belong to the judiciary power and they are not accountable to the government bodies or officials who have elected or appointed them on this position; also, ensuring active involvement of court representatives in case of legislative amendments on judicial reforms and institutional independence of the judiciary at the Parliament of Georgia. Taking measures for strengthening the financial-budgetary independence of the judiciary; ensuring sufficiency of actual budgets based upon objective criteria and resolution of conflicts related to budgets. The organic law should decree that the judiciary budget cannot be less than the budget of previous year and provide for the right of the judiciary to present its budget to the Parliament directly when the government refuses to approve the request to increase its amount.

The Action Plan for 2017-18 of the Judiciary includes a program for strengthening the institutional independence of the High Council of Justice. The following key activities are planned: renewal of the rules and procedure of selection of members of the council; ensuring functional immunity and social guarantees for the members of the Council, and renewal of the Regulation of the High Council of Justice.

Second main activity relates to the reorganized structure of the High Council of Justice. Notably, the following structural units were formed: Management Department, Independent Inspector's Staff and Judicial Performance Evaluation Management department.

Third main activity relates to that fact, that wrongful practice of prolonging the judicial term after the expiry of official term was eliminated.

Forth main activity is updated rule for evaluating the efficiency of judge's performance. With the purpose of introducing the quality setting standards within the judiciary in 2016 and for improving their control mechanisms, common standards were introduced. In this context, there were various instructions developed for common courts with the purpose of quality improvement and standardization of processes, namely, guidelines for giving titles to electronic documents; rule of functioning of the hotline; provisions of the Public Relations Service, etc.

High Council of Justice conducted several studies in the sphere of their activities, namely, in 2016, based on the decision of the High Council of Justice of Georgia on Approving the Regulation for Evaluating the Effectiveness of Performance of Judges of Common Courts and the CEPEJ methodology, the High Council of Justice conducted the study for calculating the required number of judges at common courts. With the purpose of instituting the court mediation for administrative disputes, the following study was prepared "Alternative Dispute Resolution Means in Administrative Disputes - experience of foreign countries". In addition, the judges evaluation rule of various countries were studied, to ensure that other than the quantitative element, the qualitative element is also reflected in the evaluation rule. Also, several reports were prepared and sent on time to the international organizations.

Significant activities were held for the support to the court mediation.

HCOJ held several activities for improving the efficiency of judiciary.

For providing speedy, easy and comfortable services to citizens, also for creating an adequate working environment for judges and the court personnel, also for increasing the efficiency, several significant projects were held.

It is noteworthy, that Council activities have become much more intense and the publicity level of Council activities has increased significantly.

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. Judges: Under Judicial Strategy 2017-2021, it is envisaged to improve the quality of initial and continuous education of judges, court clerks and other officials. This objective aims at developing systems for initial and continuous training in a way that it supports continuous professional development of judges and staff; through the establishing assessment system and the decision of lifetime appointment of the judges, the continuous training gains more importance. Also, Judicial Strategy envisages ensuring optimal number of courts, judges, court clerks and court officials and their reasonable workload. This objective implies having the right number and size of courts, right number of judges and court clerks in each court and managing them in a way that lets them perform their tasks and duties within reasonable timeframes, while maintaining the high quality of their output. It is important to perform periodical workload analysis of the courts, judges and court staff and rationalise their number. 2017-18 Action plan of the Judiciary includes the list of

activities related to the development of mechanism of appointment and promotion of judges; promotion of the profession of a judge and court staff amongst students; improvement of the system of listeners enrolment in the High School of Justice, improvement of the system of continuing education for judges; adjustment of a system of wages and pensions of judges in accordance with international standards.

Prosecutors: Capacity building of PSG investigators and prosecutors remains to be one of the highest priorities of PSG. Considerable number of capacity building activities is planned for the next year covering, inter alia, fight against serious crimes such as corruption, money laundering, terrorism financing, trafficking in human beings, drug trafficking etc. as well as juvenile justice, protection of human rights and implementation of international standards. For increasing the coordination and cooperation mechanism between the law enforcement bodies and facilitating the common understanding of the court standards, PSG, in association with other agencies, will organize joint trainings and workshops with investigators of other bodies, defense attorneys, judges and representatives of different competent authorities. In 2018, PSG will start developing e-library and training needs assessment software aiming at providing the PSG employees with wider access to the learning materials as well as improving the current training needs assessment mechanism.

PSG also plans to implement the mentoring program next year. The program will contribute to the proper adaptation and capacity building of the newly recruited PSG employees.

Lawyers: In 2017 GBA (Georgian Bar Association) introduced mandatory internships of the attorneys associated with the attorney's profession and the obligatory internships on the basis of the Association. The compulsory internship system implies preparation of professional skills through training and practical course for the future lawyers, who want to enter into the attorney's profession. The electronic portal of lawyers will be activated from November 2017, through which lawyers will be able to:

- Create their own electronic account and profile and have official communication with the Bar Association.
- Electronically register on planned trainings in the framework of continuous legal education, get information about accumulated credits and past trainings and have access to training resources.
- If desired, the data of their profile (name, surname, contact information, specialization, work experience etc.) will be open and pinned in a search system, where an interested citizen can seek his preferred lawyer (from 2018).
- To obtain information on a lawyer as a member of the association, about their status and on disciplinary proceedings against them.

ABA ROLI (Rule of Law Association) for the members of the Georgian Bar Association of Georgia has created the First Internet Program (OLP) Online Learning Platform for the Continuous Legal Education Program. OLP includes video trainings, training material, various manuals and legislative material. Through the program, members of the Bar Association, Criminal Law, Civil Law and Common Specialists have the opportunity to improve their qualifications and accumulate compulsory credit hours at their desired time and place.

As of October 2017, 267 educational events have been held for lawyers in support of the Advocacy Association Training Center, international / local organizations and various educational institutions within the framework of continuous legal education.

- The Bar Association has been actively involved in discussions on important issues for the establishment of quality justice in the country.

During the year, 9 round table (Bench-Bar) was conducted in various scales with the participation of judges, prosecutors and lawyers, where the topical issues for all the professions were discussed.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities The Ministry of Justice, supported by the EU, is about to finalize a two-year work on the revision of the Criminal Code aimed at liberalization and modernization of Georgia's substantive criminal law to ensure its full compliance with relevant international standards. In aggregate more than a half of the Criminal Code articles were revised. The draft amendments to the General Part of the Criminal Code are aimed to change a number of criminal law concepts, such as repetitive criminal offence, types of responsibility, insanity defence, error of law and error of fact, etc. Amendments to the Special Part of the Criminal Code are grouped into three categories: disposition of norms,

mitigating and aggravating circumstances and sanctions/sentences. The sanctions/sentences for the crimes set forth in the Special Part of the Criminal Code were systematically reconsidered to make them proportionate to the harm they may cause to society. As a result, new sanctions have been proposed which are correspondent to the nature, gravity and circumstances of the offence and are in line with the European standards of criminal liability.

The draft of the revised Criminal Code was positively assessed by the EU contracted international experts. Upon finalization it will be presented to the Parliament for adoption.

In case of dispute related to the international protection requirement of an asylum seeker and an internationally protected person, regardless of their insolvency, will be provided by legal aid derived from paragraph 2 of Article 16 of the Convention on Refugees. Georgia joined the Convention on 28 May 1999 and is in force from 7 November.

Protection of victims of violence against women and / or domestic violence is ensured by Article 57 of the "Council of Europe Convention on the preventing and and combating violence against women and domestic violence". The above mentioned Convention was joined by Georgia on 11 May 2014.

Under the requirements of International Covenant on "Economic, social and cultural rights", from 2018 legal aid mandate is expanding, which means, that in unfair dismissal cases, beneficiaries will be provided by legal aid services (in administrative and judicial body in the way of representation) according to the Labor Code of Georgia and the Law of Georgia on Public Service.

7. Enforcement of court decisions The working process on the new Code of the Enforcement aims to provide the compliance of Georgian legislation with the European and modern international standards. The new draft law intends to eliminate the shortcomings in the legislation relating to the enforcement proceedings by systematization of the structure and content of the law, taking into consideration a number of innovations which aim getting the law closer to the requirements of the European Convention on Human Rights and to strengthen the principle of equality of parties during the process of the enforcement. The reform will contribute to the improvement of the efficient enforcement system in Georgia. The institutions of a private bailiff and the bailiff of the NBE will be annulled and the Chamber of Enforcement Officers will be established as a legal entity of public law within the system of the Ministry of Justice. The National Bureau of Enforcement will arrange for the chamber and the enforcement officers all the necessary services for carrying out their responsibilities efficiently.

8. Mediation and other ADR The Government of Georgia is planning to introduce legislative background for developing mediation. Nowadays mediation is one of the tools for settlement of disputes between the parties, but there are only several provisions in the existing legislation. The new Law on Mediation has been drafted. It sets forth in detail the rules of conducting mediation, defines the role of courts in promoting mediation, provides for setting up a self-regulatory body of mediators which will define the rules of entry to and exit from the profession, etc. The key objective of the legislative package is to enhance access to justice and ensure quick, effective and cheap settlement of disputes.

9. Fight against crime Further increasing the effectiveness of fight against crime, inter alia, corruption, money laundering, terrorism financing, trafficking in human beings, drug trafficking, is one of the top priorities under the newly adopted PSG Strategy and Action Plan. For achieving this goal, PSG Strategy and Action Plan provide for the detailed activities covering prevention of crime, investigation, prosecution, search, seizure, confiscation and international cooperation, gradually to be implemented throughout the next years. See more details about the Strategy and Action Plan in paragraph 3 above.

9.1. Prison system Reforms carried out by the Ministry of Corrections of Georgia during recent years transformed the system applying strictly repressive and forceful methods to the one compatible with the requirements of international human rights instruments and European standards.

The Ministry of Corrections initiated comprehensive reforms, all aimed at improvement of imprisonment conditions existing before 2012 by completely eradicating torture and inhuman treatment, promoting rehabilitation and providing adequate healthcare while introducing modern prison management methodology, based on individual approach, risk assessment and sentence planning. As noted by number of national and international observers, torture and ill-treatment as a systemic concern and a method of controlling inmates is no longer tolerated by the management of the Ministry. Recommendations provided by human rights monitoring bodies concerning imprisonment conditions, including increasing minimum living space per prisoner from 2 to 4 square meters as well as other rules for the treatment of prisoners are effectively addressed.

The progress in the penitentiary healthcare needs to be highlighted as well. State programs for treatment of Hepatitis C and Tuberculosis are fully functioning in all prisons. Adequate and timely testing and treatment have lead to drastic reduction of new cases of tuberculosis. Suicide prevention program implemented in all penitentiary establishments along with improved penitentiary healthcare resulted in tangible decrease of Prison mortality rate.

Institutional Reform: An institutional reform was launched by the MoC in May 2015 with the aim to improve:

- structure – by incorporating the penitentiary department, previously a sub-division of the MoC with parallel functions, into the central apparatus of the latter, enhancing links between policy-making and enforcement, strengthening the mechanisms for protection of human rights including the preventive monitoring system, and simplifying of administrative procedures;
- human resources – by establishing a special penitentiary service, introducing distinction between civil and paramilitary employees, setting up mandatory training courses for the penitentiary staff and increasing social, legal and security guarantees of employees;
- Security – by developing security standards through modernization of the operational and analytical activities, and establishing crisis management standards;
- Social approach – by enhancing social work and rehabilitation process through transforming the social service from a paramilitary to a civilian one, implementing new social programmes and enhancing educational opportunities.

Living conditions: Recommendations of human rights monitoring bodies concerning overcrowding and improving living conditions in the penitentiary establishments are effectively addressed. The number of prison population was reduced under 9 400 (as of December 2017). The international experts and special rapporteurs, in particular as regards the continuing improvement of living conditions at the penitentiary establishments, combating prison overcrowding and improving healthcare services in prisons, recognized a number of positive developments. The CoE report issued in the framework of the regional project in 2016 - “Criminal Justice Responses to Prison Overcrowding in EaP Countries” well demonstrates the progress Georgia has made in terms of effectively tackling the issues of overcrowding with a set of policy and institutional measures.

Currently 6 parole boards (3 for adult male, 1 for juveniles and 1 for women since May 2014) review cases of early conditional release and the commutation of the remaining sentence term into a less grave punishment on monthly basis.

Legislative Amendments: The goal of the Ministry is to maintain balance between effective enforcement of sentences and protection of human rights. The transparent and liberal course embraced by the leadership of the Ministry aims to ensure maximum protection of the rights of inmates, to improve imprisonment conditions and to promote re-socialization/rehabilitation.

Since 2014, the Ministry of Corrections of Georgia amended Imprisonment Code and related laws (the total of 40 laws). The purpose of the legal amendments was to harmonize the Penitentiary Legislation with international standards, to fulfill the recommendations given by the European Committee for the Prevention of Torture and other international organizations and also to facilitate the rehabilitation /reintegration process of inmates. Based on the amendments:

- A new law on Special Penitentiary Service has been adopted. The new law defines organization and procedural rules and powers of the Special Penitentiary Service of the Ministry of Corrections of Georgia within the scope of its powers of enforcement of detention and imprisonment in more detailed manner. The law also mandates special examination of candidates for employment at the Special Penitentiary Service, status of servants as well as the guarantees of protection;
- Living space per prisoner has increased in compliance with the CPT’s ‘minimum standard for personal living space in prison establishments’ to 4 sq. meter per inmate.;
- Modern smart reception units have been arranged at all intake prisons, where all newly admitted pre-trial/convicted inmates receive relevant services, such as risk assessment, psychiatric assistance and methadone replacement programme for drug-dependent inmates;

- Introduction of objective classification system, including a personal assessment of risks and needs was a main novelty in the basic reforms. It takes into consideration an inmate's behavior, criminal, institutional and personal history. Based on the risk levels the inmates are distributed to four different types of establishments: (1) Low risk, (2) semi-open, (3) closed and (4) High risk penitentiary establishments;
 - Individual sentence plans are developed and implemented by multidisciplinary team consisting of a security officer, social worker and a psychologist for each inmate. The team can also invite specialists from other fields based on necessity. The classification of inmates facilitates the process of prison management by improving security in prisons and ensuring better and more targeted rehabilitation/resocialization of inmates. The process of individual risk assessment and inmates' classification should be finalized by the end of 2017. Furthermore, the new law considers obligation of periodic reevaluation of the risks of inmates.
 - The Ministry has been working actively towards increasing the opportunities of employment of inmates. With the aim to promote the employment of inmates a number of legislative amendments have been initiated and adopted, including establishment of industrial zones and small enterprises on the territories of penitentiary establishments. Moreover, the Ministry created a special online shop to sell the handcrafts made by inmates at the establishments. The proceeds from the sales are directly transferred to the bank accounts of the inmates.
 - The legal conditions for inmates has improved significantly, in particular the number of visits, the circle of visitors and communication opportunities for inmates with the outside world have increased; long rendezvous for socially vulnerable inmates has become free of charge and the cost for Juvenile inmates has halved; the charge for video calls for inmates has been abolished;
 - Based on the Juvenile Justice Code, a new type of alternative non-custodial sentence house-arrest was enacted in 2016. Enforcement of the house-arrest sentence is carried out by the appropriately equipped monitoring center that operates under the National Probation Agency. The MoC plans to expand the application of house arrest for adult convicts.
 - The Minister of Corrections of Georgia has issued an order regulating special equipment and the procedure for their application within penitentiary establishments; based on the consultations with civil sector representatives, the Ministry refused to use electroshock.
 - In order to prevent human rights violations in the penitentiary establishments, the MoC strengthened the internal monitoring mechanisms by introducing a new structural entity - Systemic Monitoring Unit under the General Inspection Department. The unit reviews complaints filed by inmates and ensures effective follow-up. Locked complaints boxes are available in all penitentiary establishments. Confidentiality is guaranteed by law and inmates are informed in due time on actions or responses related to their complaints.
 - Public Defender and the members of the National Preventive Mechanism have unimpeded access to the penitentiary establishments and from September 2016 are provided with the right to take photos of inmates and their detention conditions with their consent to document potential abuses.
 - In compliance with recent legal amendments, inmates at low-risk correctional facilities have been given an opportunity to receive higher education through distance learning.
 - Additionally, inmates with the remaining term of imprisonment not exceeding 12 months, will be located in the release preparation and will be granted with the right to leave the establishment during weekends and weekdays in compliance with their work or study schedule outside of the establishment.
 - Additionally, new initiative has been introduced for women prisoners: women inmates, whose children leave the facility after reaching legally imposed age limit (3 years), will be granted the right to leave the penitentiary establishment during official holidays and weekends for the period of one year.
 - The legislative amendments also affected conditions of life-sentenced prisoners. Namely, life sentenced prisoners may have their sentence commuted to a lesser sentence (house arrest) provided that they served 15 years in prison and that the court, based on the personality of the inmate, decides in favor of the commutation of sentence. Furthermore, after the completion of 20 years of prison term, the court will be allowed to grant an early conditional release.
 - It should also be noted, that the court has been authorised to grant early compassionate release on the grounds of serious illness and old age (women – over 65; male – over 70) provided that they have served no less than half of the sentence term.
- Inmates' rehabilitation/re-socialization and employment: Promotion of employment and rehabilitation opportunities is one of the top priorities for the Ministry of Corrections. With the aim of rehabilitation/re-socialization of pre-trial/convicted inmates, the implementation of rehabilitation programs is ongoing in the penitentiary system. The number of professional/vocation programs has

remarkably increased, in particular:

- Social workers and psychologists of the establishment systematically carry out various psycho-social-rehabilitation programs: anti tobacco, anti alcohol, anti drugs and trafficking, aggression and anger management programs, preparation for the release, etc. The establishment is equipped with sport inventory; Overall objective of the Ministry is to keep inmates busy, physically active and mentally occupied so that after release a person returns to the society with less risk of reoffending;
- Furthermore, inmates are provided with number of educational programs, such as, professional trainings, psycho-social programmes/therapy, general education, computer courses, culinary arts courses, bibliotherapy, and intellectual/cognitive meetings at low risk penitentiary establishments;
- Small enterprises are established on the territories of the correctional facilities, where convicted inmates are employed (A bread bakery at No.16 Penitentiary facility; A sewing enterprise at No.5 penitentiary facility; A woodcraft shop at the Freedom Restriction Facility);
- The Ministry established an online platform, web-page - www.online.moc.gov.ge, to sell items made by convicted inmates. The money from the sold items goes directly to the inmate's bank account;
- In frames of CoE funded project "Human Rights and Health Care in Prisons and Other Closed Facilities in Georgia" the Atlantis Programme has been introduced to promote rehabilitation of drug and alcohol depended inmates, with involvement of psychologists and social workers;

Penitentiary healthcare: Major progress has been achieved towards improvement of prison healthcare service, particularly:

- Primary healthcare model has been introduced in all penitentiary establishments and medical service at the penitentiary establishments is in line with the country's standards for medical service; penitentiary healthcare standard has been prepared and approved by the order of Minister. The practice of submitting monthly statistics to the National Disease Control Center (NDCC) in the state unified form has been introduced. Medical documentation is managed in accordance with the general procedures approved by the state policy. The efficient operation of the electronic waiting lists and provision of urgent services or referral to the civil sector hospital in emergency cases are regulated;
- The medical facilities of the penitentiary system have been equipped with tuberculosis rapid detection device (GeneZpert), which can identify various forms of the disease (TB) within 24 hours and allow starting treatment immediately. Introduction of "Hepatitis C" elimination programme and involvement of the diseased prisoners intensively are in line with state medical standards. A large-scale screening was carried out and significant number of patients has shown full recovery;
- The medical personnel (doctors and nurses) regularly undergo various trainings and long-term programmes, which ensures continuous nature of their education and efficient performance of professional duties. Furthermore, in compliance with the "Istanbul Protocol", MoC conducted intensive trainings for medical staff for the documentation of injuries according to this regulation.;
- Suicide Prevention Program is successfully implemented and inmates with a high risk of suicide are involved in the program (Employees of the penitentiary facilities receive special trainings in suicide prevention);
- The Ministry of Corrections made mental health care and psychiatric services a priority in the prison healthcare system; Up to 200 employees underwent training on the management of inmates with mental health problems;
- Psychological services were introduced in all penitentiary establishments;
- Provision of services for drug-dependent inmates has expanded and now it is available in more penitentiary facilities.
- A prison healthcare standard, as well as the basic standard of medication has been developed and approved;
- The Ministry of Corrections of Georgia and the Ministry of Labour, Health and Social Affairs of Georgia issued a joint decree, which sets sanitary and food standards for prisoners. The new standards stipulate 12 different diets for inmates with various needs;
- All penitentiary establishments are equipped with dental offices and every inmate of dental care; Quality control division was created, which ensures quality control of medical services by case assessment and/or system evaluation; All inmates, according to their needs have accessibility to receive medical service at civil hospitals.
- In order to provide inmates with proper healthcare services, contract is signed with more than 62 hospitals and clinics of civil sector.
- Improved healthcare services has led to a significant decrease in prisoner mortality- (in 2013 22 (twenty two) deaths were reported, in 2016 10 (ten) deaths were reported in the penitentiary facilities per 10,000 inmates).
- Injury tracking forms, considering "Istanbul Protocol" recommendations, were developed in order to shoot possible injuries on the bodies of inmates. Upcoming Plans:
- In the near future, the Ministry of Corrections plans to open a pre-release preparation facility, known as a halfway house for the

inmates serving sentence at a low-risk and medium-risk correctional facilities with the remaining term of imprisonment up to 6 months.

•New facility for juveniles and young inmates ranging from 14-21 of age is being projected. In an effort to promote juvenile offenders' rehabilitation/ re-socialization and to prevent reoffending, the Ministry is implementing a variety of primary and supplementary programs. Juvenile offenders can acquire a profession, master a trade, engage in educational programs and receive certificates upon completion.

9.2 Child friendly justice The fourth phase of the judicial reform concerned the Juvenile Justice Code. The Parliament adopted Georgia's first separate and specialized Juvenile Justice Code on 12 June 2015. The new Code expands the alternatives to criminal prosecution, such as diversion and mediation, and diversifies the sanctions available to judge to ensure that the detention and imprisonment are used only as the measures of the last resort as derived from the principle of the best interests of the child and other international standards under the UN Convention on the Rights of the Child and relevant international instruments. It is worth to note that, according to the Juvenile Justice Code, juvenile justice procedures will be administered only by professionals specialized in juvenile justice such as investigators, prosecutors and judges, mediators, social workers, etc. The Juvenile Diversion and Mediation Program was enacted in 2010 on the basis of the amendments introduced to the Criminal Procedure Code of Georgia. In 2012, the program was extended and in August 2013 the pilot mode was completed. In November 2014, the Ministry of Justice Centre for Crime Prevention started the implementation of the diversion and mediation program. Various important changes were introduced: the categories of crimes to which diversion applies were extended; the diversion procedures were improved; the rules of conduct for the professionals were established; and the role of a mediator was enhanced. Since 2016, the Juvenile Diversion Programs applies to the adults of 18-21 years of age; the judge has been granted the authority to return the case to the prosecutor for the diversion; new diversion measures have been established; the Diversion and Mediation Program became the primary considerable remedy for the professionals in the justice system. The Juvenile Justice Code entered into force on 1 June 2016. Accordingly, the juvenile accused, convicted, acquitted and victimized by the Code shall be provided with legal aid, as well as it is ensured the protection of the rights of the witness if the witness is insolvent. The Legal Aid Service in 2018, will provide a child-friendly environment for two legal aid offices (Tbilisi, Kvemo Kartli).

9.3. Violence against partners In 2014, the Government committed to ratify the Istanbul Convention on preventing and combating violence against women and domestic violence. The Istanbul Convention was signed by the Minister of Justice on 19 June 2014 and the first package of the legal amendments was adopted on 17 October 2014. Aiming to bring the national legislation in full compliance with the requirements of the Istanbul Convention the Ministry of Justice elaborated another package of amendments. These amendments serve the objective of overcoming the challenges related to the violence against women, prevent and eradicate the cases of violence, broaden the legal remedies for the women victims of violence. The legislative package consists of up to 25 legislative acts. In the process of elaboration of the legislative amendments, extensive consultations were held between the Ministry of Justice and other state agencies and civil society. The draft amendments have been revised based on the suggestions and comments submitted by all stakeholders. Finally, the Istanbul Convention was ratified and the accompanying legislative changes were adopted by the Parliament in April and May 2017. The Convention went into effect with respect to Georgia on September 1, 2017.

10. New information and communication technologies Pursuant to the Judicial Strategy of 2017-2021, it is envisaged to develop material-technical and electronic management base of the court system. This objective implies the elaboration of the effective strategy for the development of IT technologies. For this aim it is planned to conduct the IT infrastructure study to detect the necessary needs, to develop internal and external networks placing adequate servers in order to ensure security and speed, and to introduce the new information technology security system. In addition, it is planned to further develop the software of the judiciary, which implies among others the development of electronic case proceedings, electronic case distribution and electronic document flow. It is also planned to develop software support of important administrative functions such as creation of budget and financial analysis module, electronic module of management of human resources system, electronic archives, statistical module, program for automatic publication of the judicial decisions, e-library, etc. In addition, it is planned to revise and enhance courts' web-pages on technical and content-wised level.

One of main aims of the Judicial Strategy is to establish innovative technology customer oriented services in courts. To achieve this aim the following activities are planned: initiation of electronic receipt of documents for distance submission of claims, development of the system of electronic initiation of proceedings, establishing electronic proceedings on insolvency cases, preliminary registrations for attendance of court hearing, electronic calculation of court taxes, and development of electronic procedures in order to simplify the enforcement letter issuing process.

11. Other See above equations to 1-10.