

High Council of Justice of Georgia



# Activity Report of the Judicial System

„Independent and Impartial,  
Effective and of High Quality,  
Transparent and Accountable,

Justice

- last three years“

**2017 - 2019**



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# I. International Recognition of the Progress Made by the Judiciary



## World Bank, “Doing Business” Report

### “Assessment of Judicial Reforms”

Survey conducted by the consortium of authoritative and neutral entities – „IPSOS 39 FRANCE“, „Amicus Curiae“, Professor Ian Van Dyke and Georgian Opinion Research Business International (GORBI)

Judiciary in Georgia is:

- ✓ **fair** - **55%** of the population agrees
- ✓ **trustworthy** - **52%** of the population agrees
- ✓ **independent** - **51%** of the population agrees.

Georgia is the 6th country worldwide in the Doing Business Index.

This success was largely conditioned by the implementation of the system of random and automatic assignment of cases in courts.

**Random and automatic assignment of cases has increased the quality of legal proceedings and it has contributed to enforcing contracts, which is one of the components that makes doing business easier**

#### Georgia

##### ✓ Starting a business

Georgia made starting a business easier by allowing voluntary value added tax registration at the time of business incorporation.

##### ✓ Paying taxes

Georgia made paying taxes easier by levying income tax on distributed profits rather than on taxable profits. At the same time, Georgia made paying taxes more difficult by requiring value added tax to be imposed on advance payments for goods and services.

##### ✓ Enforcing contracts

Georgia made enforcing contracts easier by introducing random and automatic assignment of cases to judges throughout the courts.

# Economic Freedom of the World – Report prepared by Fraser Institute In September 2019

In the Human Freedom Index Georgia is the leading country in Caucasus and Central Asia

In the Component of Rule of Law - Georgia precedes European states such as Bulgaria, Belarus, Serbia, the Ukraine, Armenia and Azerbaijan.

In the Component of Independence of the Judiciary – Georgia precedes the following member states of the European Union: Bulgaria, Croatia, Hungary, Poland and Slovakia; additionally, other European countries – Moldova, Ukraine, Armenia, Serbia, etc.

In the Component of Impartiality of the Judiciary – Georgia is ranked higher than the aforementioned states, also higher than Italy, Latvia, Lithuania, Spain, Romania, the Czech Republic, Ukraine, Greece and other European states.

Personal Freedom	Economic Freedom	Freedom Rank	
7.53	7.94	41	1. Georgia → 7.74
7.15	7.70	54	2. Armenia → 7.42
7.05	6.92	67	3. Kyrgyz Republic → 6.98
6.69	7.10	73	4. Kazakhstan → 6.90
6.10	6.34	121	5. Azerbaijan → 6.22
5.49	6.05	138	6. Tajikistan → 5.77

# Rule of Law Index of the World Justice Project 2019

In the Rule of Law Index Georgia has the highest rank in the region of Eastern Europe and Central Asia and it leads the countries with lower income

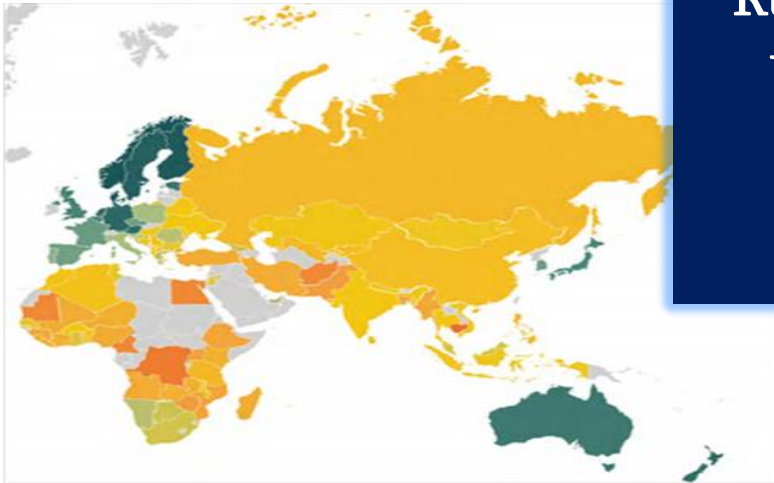
In terms of criminal justice, the legal proceedings in Georgia are more effective and carried out in due time rather than in a number of EU states, such as Bulgaria, Croatia, Greece, Portugal, Romania and Slovenia

Overview of Scores & Rankings

The table below shows the overall scores and rankings of the WJP Rule of Law Index 2019 in alphabetical order. Scores range from 0 to 1, with 1 indicating the strongest adherence to the rule of law.

Country/State/Region	Score	Change	Global Rank	Global Rank Change
Georgia	0.61	0.00	41	

## Rule of Law Index of the World Justice Project 2020



On 11 March 2020 the World Justice Project (WJP) published the results of research - Rule of Law Index 2020.

According to the report, in the component of rule of law Georgia is the regional leader and holds the top position among the 14 states of Eastern Europe and Central Asia. Georgia is the first among the EU Eastern Partnership countries as well.

In 2019 Georgia held the first place among the 30 countries with Lower Middle Income. In 2020 Georgia was transferred to the group of 42 states with Upper Middle Income and it occupies the 7<sup>th</sup> place. At the global level, among the upper middle income states, Georgia has better results than Argentina, South Africa, Brazil, Russia, China, etc.

In Europe Georgia is 20<sup>th</sup> and precedes countries such as Bulgaria, Hungary, Turkey, Moldova, North Macedonia, Albania, Serbia, Ukraine, Bosnia and Herzegovina, etc.

According to the Rule of Law Index of 2012-2013, Georgia was 11<sup>th</sup> in the region of Eastern Europe and Central Asia and it was 12<sup>th</sup> among the countries with lower middle income.

Besides that, in terms of a number of components of civil and criminal justice index Georgia precedes the following Member States of the European Union:

- Civil justice is more accessible and affordable in Georgia than in the following states: Italy, Poland, Romania, Greece, Hungary and the Czech Republic;
- Civil justice is more effective and timely in Georgia than in Italy, Hungary and Greece;
- Criminal justice is more effective and timely than in Portugal, Slovenia, Romania, Poland, Greece, Hungary, Estonia and Spain;
- Criminal justice is more impartial and free from corruption than in Slovenia, Greece, Hungary, Croatia and Romania.

# 2020 Index of Economic Freedom

## Judicial Effectiveness

**Georgia** - is among the top 20 European states;  
- ranks first among the countries of Eastern Partnership;

According to Index of Economic Freedom of 2020 prepared by one of the global leading research centers - the Heritage Foundation, with its score in the component of judicial effectiveness, Georgia is among the top 20 out of 45 European states. In 2020, the ranking of Georgia has increased by 3.3. Consequently, Georgian judiciary moved up from 19<sup>th</sup> place in 2019 to the 18<sup>th</sup> place in 2020. Pursuant to the report of 2020 prepared by the Heritage Foundation, with its effectiveness Georgian judiciary precedes a number of Member States of the European Union, such as Spain, Italy, Poland, Greece, Croatia, the Czech Republic, Hungary, Latvia, Romania, Bulgaria, Slovakia and Slovenia.



Research on judicial effectiveness prepared by The Heritage Foundation entails the following components: independence of the judiciary, quality of judicial process and favoritism in obtaining judicial decisions.

The report of 2020 has in all aspects reflected the success achieved by Georgian judiciary.

The Index of Economic Freedom prepared by The Heritage Foundation relies upon, among others, World Economic Forum and reports prepared by the World Bank.

## Effectiveness of Justice

### Ranking of European States

№	2019	Score	2020	Score
1.	The United Kingdom	85.9	Denmark	84.6
2.	Sweden	84.0	Norway	82.8
3.	Switzerland	82.0	The United Kingdom	82.7
4.	Finland	81.2	Switzerland	81.5
5.	Norway	81.2	Finland	80.5
6.	Denmark	77.8	Sweden	79.9
7.	Estonia	76.0	Luxembourg	74.4
8.	Germany	75.4	Germany	74.3
9.	The Netherlands	74.7	The Netherlands	73.9
10.	Luxembourg	72.4	Estonia	73.7
11.	Austria	71.3	Austria	73.2
12.	Ireland	68.4	France	71.2
13.	France	66.1	Portugal	65.6
14.	Portugal	64.3	Ireland	64.4
15.	Iceland	63.8	Iceland	63.2
16.	Belgium	61.6	Belgium	62.5
17.	Lithuania	61.2	Lithuania	62.1
18.	The North Macedonia	60.7	Georgia	57.9
19.	Georgia	54.6	Romania	56.1
20.	Kosovo	53.5	Montenegro	55.3
21.	Romania	51.9	Armenia	54.1
22.	Montenegro	51.8	Turkey	53.7
23.	Belarus	51.7	Spain	51.8
24.	Spain	51.4	Italy	51.3
25.	Malta	50.4	Latvia	51.1



## II. Ensuring Independence and Impartiality

*Following the legal amendments of 2017-2019, the range of authority of the High Council of Justice was enhanced. The changes concerned the rule of composition of the Council. In the reporting period the HCoJ has carried out intensive work. In the second half of 2017 the HCoJ held 23 meetings, in 2018 – 47 meetings and in 2019 – 45 meetings. In the reporting period, the HCoJ adopted 835 decisions. Due to the work of the HCoJ, new guarantees of institutional and personal independence and impartiality of the judiciary were successfully implemented. In the 3-year reporting period it has been vivid that ensuring independence and impartiality of the judiciary is one of the main strategic aims of the HCoJ and ensuring it is an irreversible process.*





## 2.1. Strengthening Independence of the Judiciary

### 2.1.1. Institutional Independence



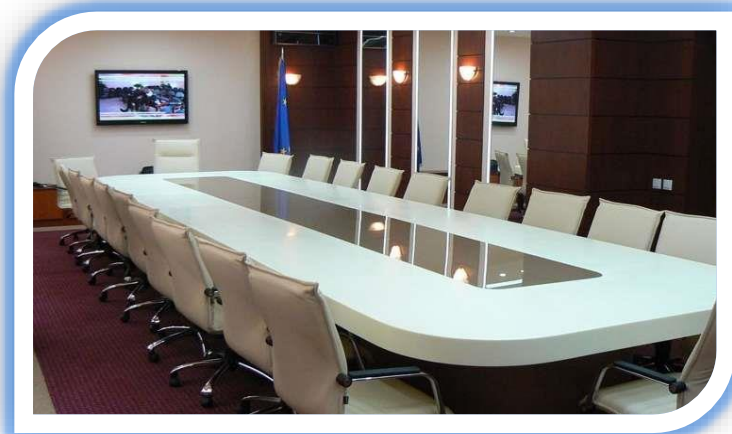
#### Nomination of Supreme Court Judges and the Authority of the High Council of Justice:

In the framework of the constitutional reform of 2017, the HCoJ was actively engaged in the work related to the amendments defining the criteria and procedure of election of Supreme Court judges. The HCoJ represented legislative proposals to the working group on judicial reform, in regard with the criteria and procedure of election of Supreme Court

judges. Finally, due to the amendments, the authority of nominating candidates for appointment by parliament was transferred to the HCoJ. The criteria for selection of candidates for Supreme Court Judge office were defined, moreover, the procedure of nominating candidates to the parliament for appointment was adopted. The new regulation on conflict of interests should also be mentioned which concerns the registration of the member of the HCoJ as a candidate for supreme court judge office. According to the amendments, the latter has no opportunity to exercise the rights to assess or vote for/against other candidates at any phase of the proceedings, or to put a question to another candidate during the public interview at the HCoJ.

In 2019 the HCoJ conducted two competitions for selection of candidates for the judicial office at the Supreme Court. In the framework of the first procedure conducted in accordance with the Decision of the HCoJ of 10 May 2019 and of the second procedure conducted in November of the same year, in total 160 persons applied to the HCoJ. The interviews were quite lengthy and engaging in terms of the intensity and variety of the questions put to the candidates. In total, as a result of both competitions, selected candidates proceeded to the next stage, where the HCoJ, on the basis of secret ballot, evaluated the candidates in terms of their competence and integrity. Finally, the HCoJ has nominated 27 candidates (in total) for appointment by parliament.

Thus, in accordance with the aforementioned legal amendments in 2019 the HCoJ successfully conducted the procedure of selection and nomination of Supreme Court judge candidates. The process was largely transparent. An opportunity to attend public interviews at the HCoJ was taken by all interested persons and organizations. Additionally, the public interviews were being broadcasted in live and a open public had the opportunity to observe them.



### New Authority and Obligations of the High Council of Justice

The legal amendments concerned a wide range of the authority of the HCoJ: the right to authorize criminal proceedings against a judge was inferred to the HCoJ. New regulations were adopted regarding the election of the Chairperson of the Council and this authority was inferred to

the HCoJ. The right to nominate a candidate

for the Chairperson's position was inferred to at least 1/5 of the Council members. Additionally, it should be mentioned that the HCoJ was empowered with the right to issue normative acts.

In order to improve the process of electing the chairpersons of the first and second instance courts, the organic law of Georgia "On Common Courts" was amended and the requirement to substantiate decision of the HCoJ was added. Besides that, the law defines the standard of reasoning of the HCoJ's decision following the ballot regarding appointment of a judge, which shall be published on the website of the Council. To be more precise, the reasoning shall contain a description of the procedure and reference of the appointed judge, inter alia, the scores received and opinion about his/her good faith. The reasoning is drafted by the Secretary of the HCoJ. A member of the Council can draft a dissenting opinion that shall be published.

In terms of institutional independence, a tangible change is implementation of involvement of the judges of the court in the process of electing the chairperson of that court. Namely, before appointing chairpersons of the courts of the first and second instance, the HCoJ shall consult the judges of that specific court.

The institutional independence is further strengthened by the fact that the HCoJ is now accountable in front of the self-regulatory body of the judiciary. It creates additional guarantees for internal systemic control of ensuring independence.

#### Involvement of Judges In the Development of Legislation Related to the Judiciary:

In order to ensure engagement of judges in the process of development of legislation related to courts, judges have an opportunity to be involved in the work of the Scientific Consultative Council established at the Supreme Court and to submit their comments/suggestions in writing through posting relevant documents on the intranet portal of Common Courts. In 2018 subparagraph c<sup>1</sup> was added to the Rules of Procedure of the HCoJ according to which the HCoJ ensures involvement of judges from all instances, despite the territorial jurisdiction, into the development of legislation related to the judiciary and also in conferences related to justice.

### 2.1.2. Individual Independence

#### Lifetime Appointment of Judges:

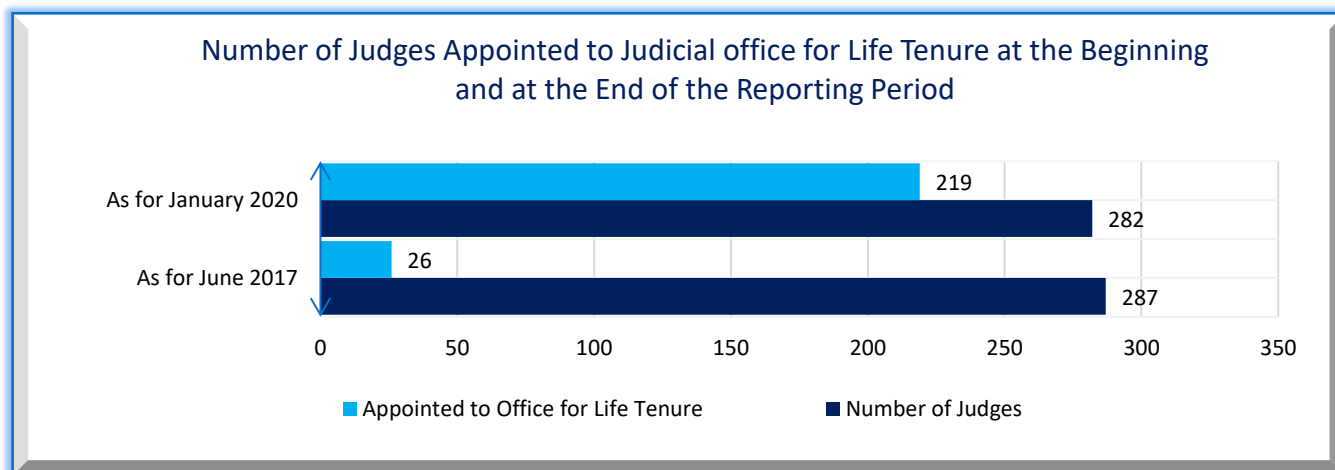
Lifetime appointment to judicial office, until reaching the statutory age limit established by the organic law, applies to all judges of the common courts of Georgia, inter alia, to the judges of the Supreme Court. With regard to those judges who were appointed to office before 1 July 2017 for the 3-year term and held office for no less than 3



years, at their request, verification procedures established by the Law may be terminated and that judge may be appointed to judicial office for life tenure by the decisions of the HCoJ. Besides that, Article 13<sup>2</sup> was added to the Rules of Procedure of the HCoJ, pursuant to which all the procedural matters related to lifetime appointment to office of those judges who were appointed for 3-year term and who have at least 3 years of experience of holding a judicial office were defined in an exhaustive manner.

According to the Law on Constitution, guarantees of individual independence of judges (inter alia, Supreme Court judges) were reinforced by establishment of the rule about the lifetime appointment of judges. This rule was not only prescribed under the law, but it was further implemented by the intensive work of the HCoJ for three years. As of 1 January 2017, out of 287 judges of common courts only 26 were appointed for lifetime tenure, while as of 1 January 2020, out of 282 judges of common courts 219 are appointed for lifetime tenure.

See the diagram:

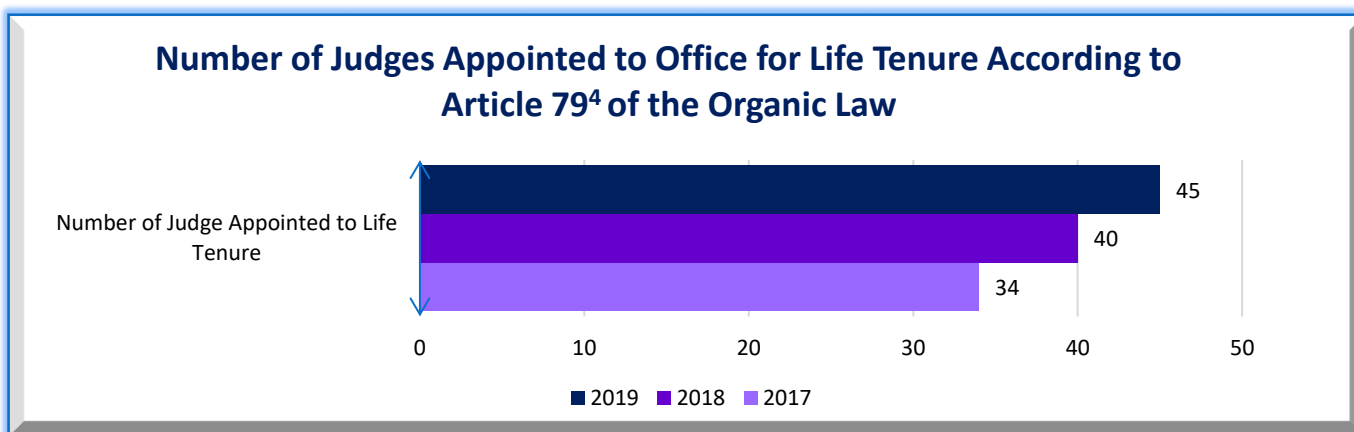


#### Evaluation of Judges:

The HCoJ carried out important and fruitful work in terms of evaluating the judges appointed to office for a term of three years. In 2017-2019, 18 judges were appointed to office for a term of three years. Since June 2017 till the end of 2019 the HCoJ finished the three-year monitoring of 36 judges and regarding each of those judges, 6 opinions were drafted by the HCoJ members (2 opinions per year); 9 judges were evaluated according to the data acquired in 2 years of monitoring and regarding each of them, 4 opinions were prepared by the HCoJ members (2 opinions per year); 15 judges were evaluated according to the data gathered in one year of monitoring and regarding each of them 2 opinions were drafted by different members of the HCoJ. In whole, the members of the Council have

adopted 222 inferences/drafted 222 opinions regarding 111 judges. At different stages, each of the judge members of the HCoJ prepared about 16 opinions, while the non-judge members of the Council prepared – about 20. The average opinion consists of 14 pages. In total, all of the judges met the requirements of lifetime appointment and consequently, the HCoJ has decided positively upon their appointment.

See the diagram:



The opinions drafted by a member of the HCoJ are available to the evaluated judge. It should be noted that none of the evaluated judges has expressed dissatisfaction or has made any remarks regarding the results of the evaluation or infringement of their independence or excess of powers by the members of the HCoJ. The rules for contesting a decision regarding a judicial candidate were set out in the Organic Law in the framework of the “third wave” of the judicial reform. Grounds for contesting a decision, authorized body before which such decision is contested, rules and deadlines were set out.

#### New Guarantees of Irremovability of Judges:

A new provision has been added to the Constitution according to which the irremovability of judges is guaranteed under the organic law. Reorganization or liquidation of a court cannot be considered as valid grounds for a dismissal from a judicial office to which a judge was appointed for life term.

It is noteworthy that pursuant to the legal amendments, the chairperson and judges of the Supreme Court shall be discharged by impeachment.

#### Creation of „Georgian Women Judges’ Association”:

In order to support the individual independence of judges a progressive innovation was implemented, namely, the women judges of the common courts of Georgia established “Georgian Women Judges Association” (GWJA). The aims of the association make it clear that widening the role of women judges – adopting gender sensitive approach, supporting judicial activities, ensuring independence, security and impartiality of judges – will importantly raise the quality of individual independence of judges.





It is noteworthy that the majority of judges of the common courts of Georgia are female and they have the opportunity to direct their activities towards raising trust of the public in the judiciary. GWJA actively started its work in terms of educational activities and international relations. Namely, the Association held its first conference – “Modern history of the Georgian judiciary, perspectives and challenges”.



Besides that, a memorandum of cooperation was signed by the Association and the High School of Justice that entails planning and conducting a number of educational activities (lectures, seminars, trainings, workshops, etc.) on topical matters.

Additionally, the board of the Association held meetings with EU4Justice Program team leader, Justice Renate Winter and with the representatives of other donor organizations.

Within the framework of the aforementioned meetings the parties discussed the ways of identifying current obstacles, finding ways to overcome them and exchanged ideas about the main directions of their future cooperation. GWJA will further support the engagement of women judges in discussions related to topical matters of justice.

#### Improving financial guarantees of the judiciary:

Financial independence of judges has increased. The amendments of 2018 to the organic law “On Common Courts” prescribe the amount of the salary/remuneration and the salary increment/bonuses to remuneration for judges. Additionally, the organic law states that a judge’s salary shall not be reduced throughout the entire term of office of the judge, which is a strong guarantee of the financial independence of judges.

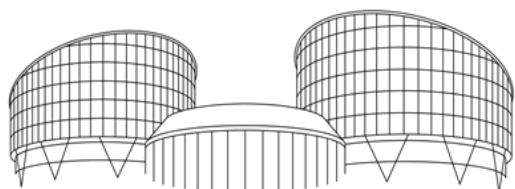
According to the Decision №1/65 of 15 January 2018 by the High Council of Justice, monthly salary increment was set/fixed for the judges of district (city) courts and courts of appeals. Additionally, the rule of paying salary increments was defined in an exhaustive manner in the Decision of the Council “Defining the Amount of Bonuses to Remunerations of Judges of Common Courts and Providing Allowance for Accommodation”.

## 2.2. Reinforcing Impartiality of Justice

Effective implementation of justice hinges upon how impartial the judges are when applying law. The court decisions nowadays clearly indicate the level of protection of human rights and rule of law within the judiciary. Statistical reports on the implementation of justice by the courts were periodically submitted to the HCoJ in all the three fields of judicial proceedings. The analysis of the aforementioned

statistical reports underlined the trend towards providing impartial justice in criminal, administrative and civil proceedings. Liberalization of justice at the national level demonstrates the quality of the protection of human rights and rule of law in the country. This has reflected on the statistical data on the number of individual complaints submitted to the European Court of Human Rights (ECtHR). The results of implementation of higher standards of impartiality in the process of adjudication by common courts should also be noted as they comprise an important part of the Strategic Development Plan of the Judiciary.

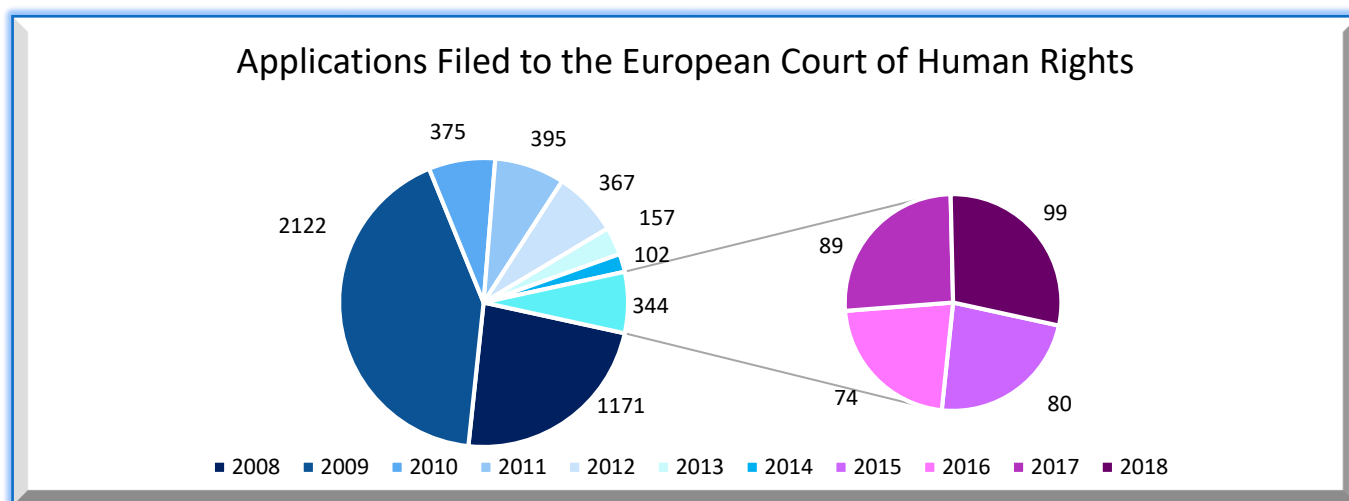
#### Applications to the European Court of Human Rights (ECtHR):



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

The number of applications against Georgia lodged to the ECtHR in 2017 was 89, while in 2018 there were 99 applications. Since 2008 the general trend of decrease of the number of applications continues and no substantial increase has been described. For instance, in 2009 the number of individual complaints against Georgia amounted to 2122; at the beginning of the previous reporting period there were 102 applications submitted while in the current reporting period 89-99 applications were lodged. Thus, in terms of protection of human rights an unequivocal improvement is eminent, which means that the quality of the remedies for human rights infringement available at the national level has improved notably.

See the diagram:



#### Reinforcing Jury Trial:

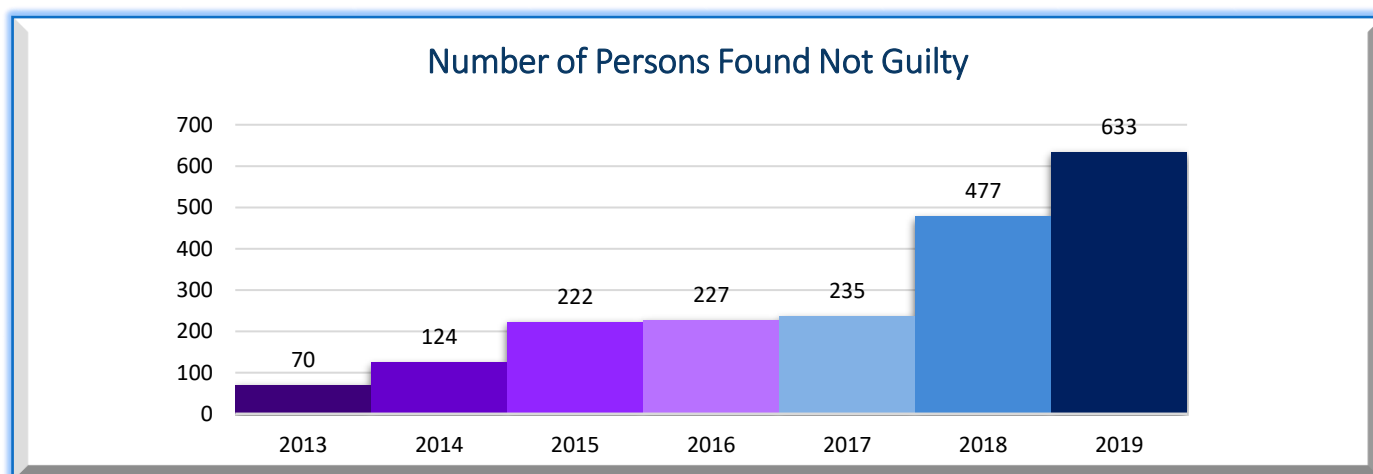
Implementation of the institution of jury trial is a significant accomplishment for the judiciary in order to ensure impartiality of courts. Thus, strengthening this institution and increasing its scope was a topical direction in the reporting period. A number of study visits organized by the Department of Justice (DoJ) of the United States of America (US), aimed at sharing international experience related to jury trial, were particularly valuable and fruitful in this regard. The study visits aimed at familiarizing

Georgian judges to the best practices and to the case-law of the US in terms of jury trial proceedings. At the Supreme Court of Georgia, a working group was established in order to ensure faultless implementation of standards of court proceedings involving jurors in the practice of the common courts. In accordance with the model proposed by the Legal Advisor of the DoJ, Michael Grant, the working group elaborated unified instruction concerning jury trial proceedings. Furthermore, following infrastructural projects implemented by the Department of Common Courts of the HCoJ shall be emphasized in terms of reinforcing effective functioning of jury trial: the Department of Common Courts carried out works in order to bring the infrastructure of the courts in line with the needs of jury trial in Tbilisi, Kutaisi and Batumi city courts, as well as in Gori, Telavi and Zugdidi district courts. Consequently, all the courts, in which jury trial is conducted in accordance with the criminal procedure legislation, are equipped in terms of the relevant infrastructure. Pursuant to the information provided by the Department of Common Courts, the cost of the aforementioned reconstruction works equaled 300 000 GEL.

#### Eminent Trends of Impartiality in Criminal Proceedings:

In the reporting period, the number of judgments of acquittal increased. Statistical data points out that the salient increase in the number of judgments of acquittal is continuous, namely, in the last 2 years the number of acquitted persons is greater by 302 than the same number in a 4-year period of 2014-2017. Besides that, the change in the data is interesting: the number of acquitted persons in 2008-2011 was 112, in 2014-2017 it was 808. In the same years, comparison of the lowest and greatest numbers of judgments of acquittal per year makes it clear that the plight has improved. For instance, in 2010 judgment of acquittal has been rendered in favour of 8 persons, in 2016 – 227 persons, while in 2019 – 633 persons.

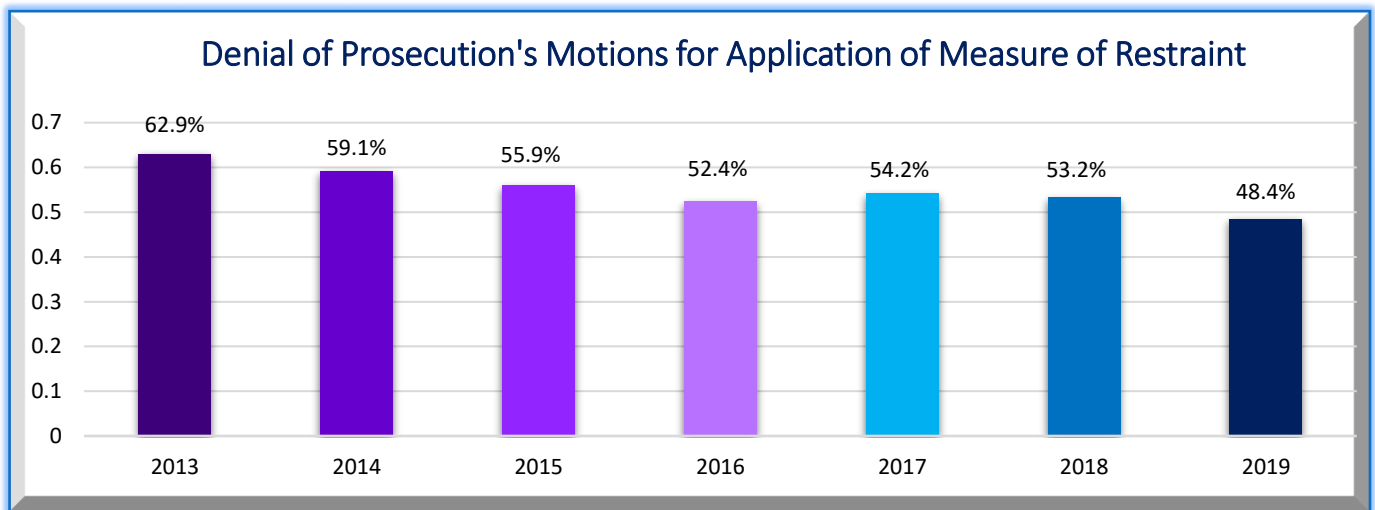
See the diagram:



In the reporting period, the number of cases granting prosecution's motions for application of measure of restraint reduced. It is noteworthy that the general trend of increase in the number of refusals to the prosecutions' motions for application of measure of restraint is present for the last years.

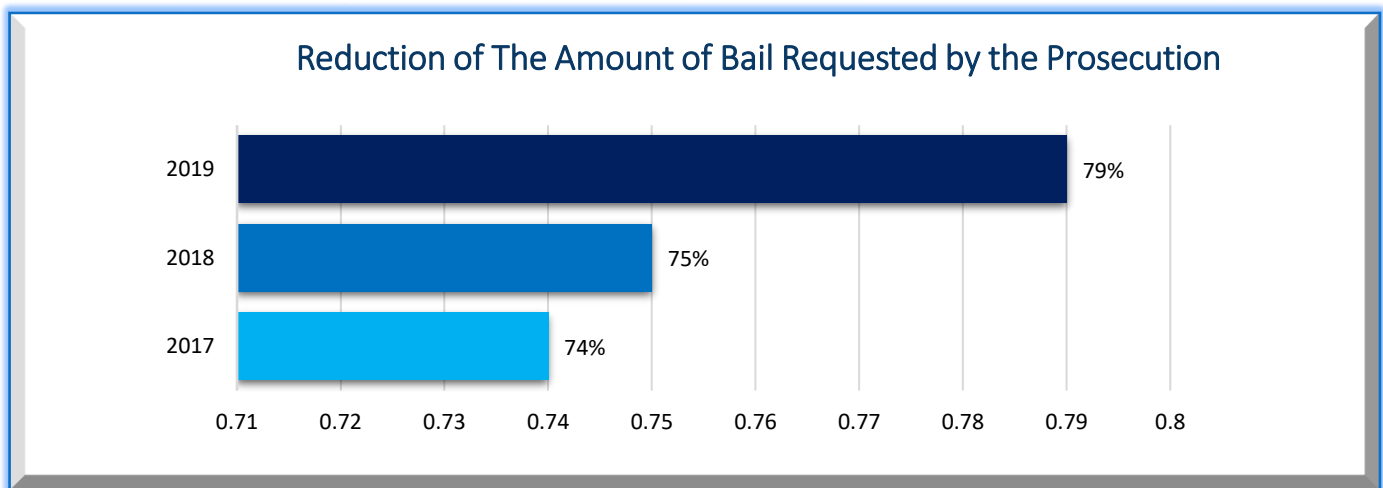
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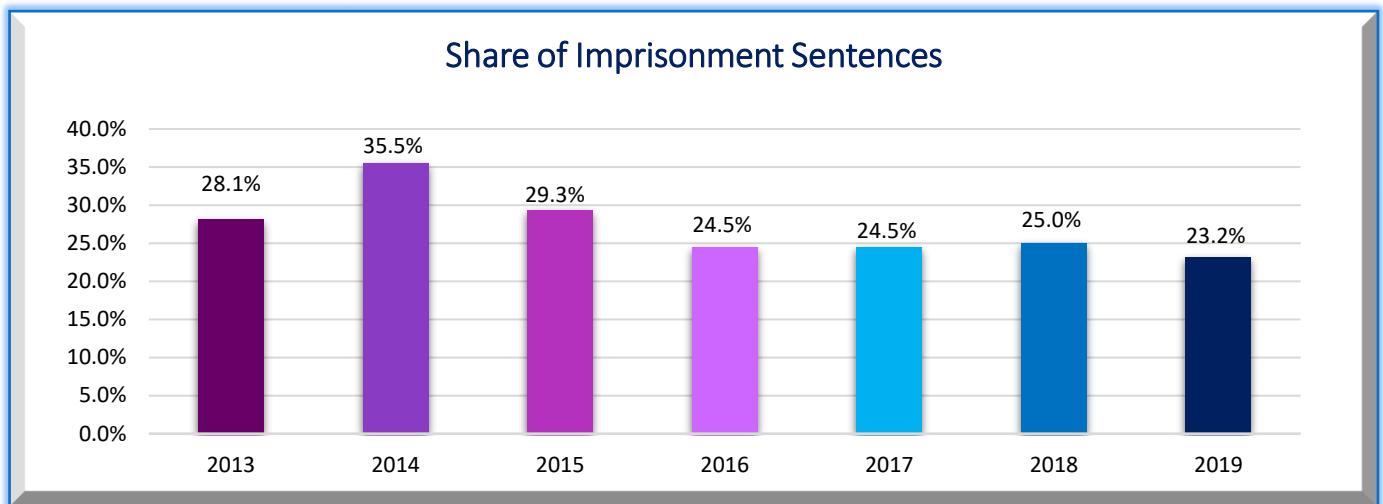
The general trend of reducing the amount of bail requested by the prosecution also continues. For instance, in 2013, 43% of the prosecution's motions were fully granted in terms of the amount of the bail, while in 2017-2019 the court did not grant the bail fully and it reduced the amount of bail in 74-79% of cases.

See the diagram:



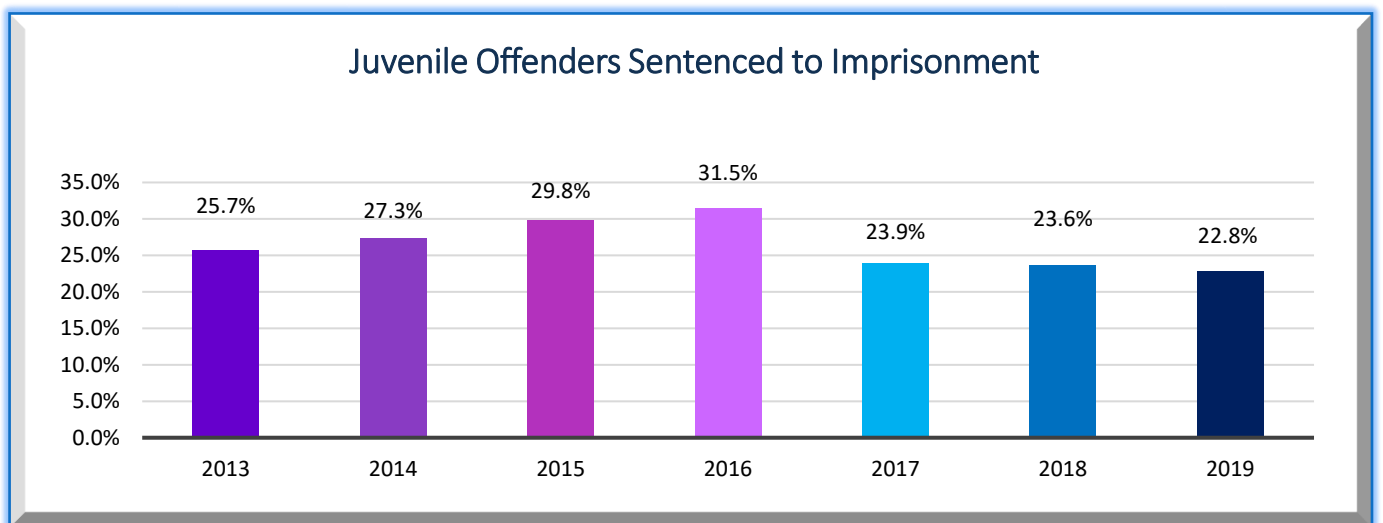
It is noteworthy that the share of sentences to imprisonment amounted to 24% in 2017, to 25% in 2018 and to 23% in 2019, while in the period of 2013-2016 the average share of sentence to imprisonment equaled 30%.

See the diagram:



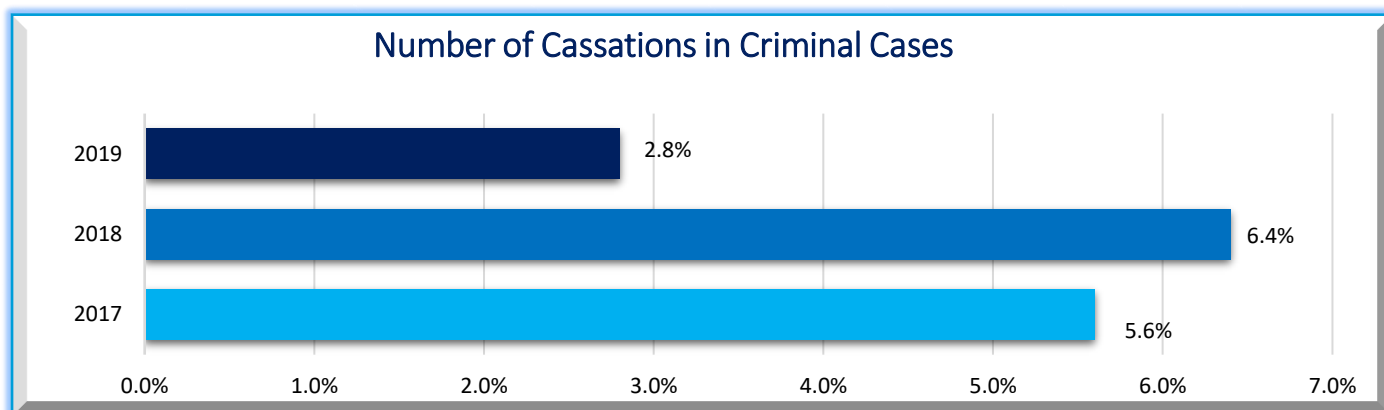
Like in the previous reporting period, the tendency towards reducing the duration of the imprisonment, is maintained. Namely, in 2017-2019 custodial sentence for more than 8 years was passed in case of 775 people, while in 2013-2016 relevant number equaled 898. The cases of application of custodial sentence towards juvenile offenders decreased.

See the diagram:



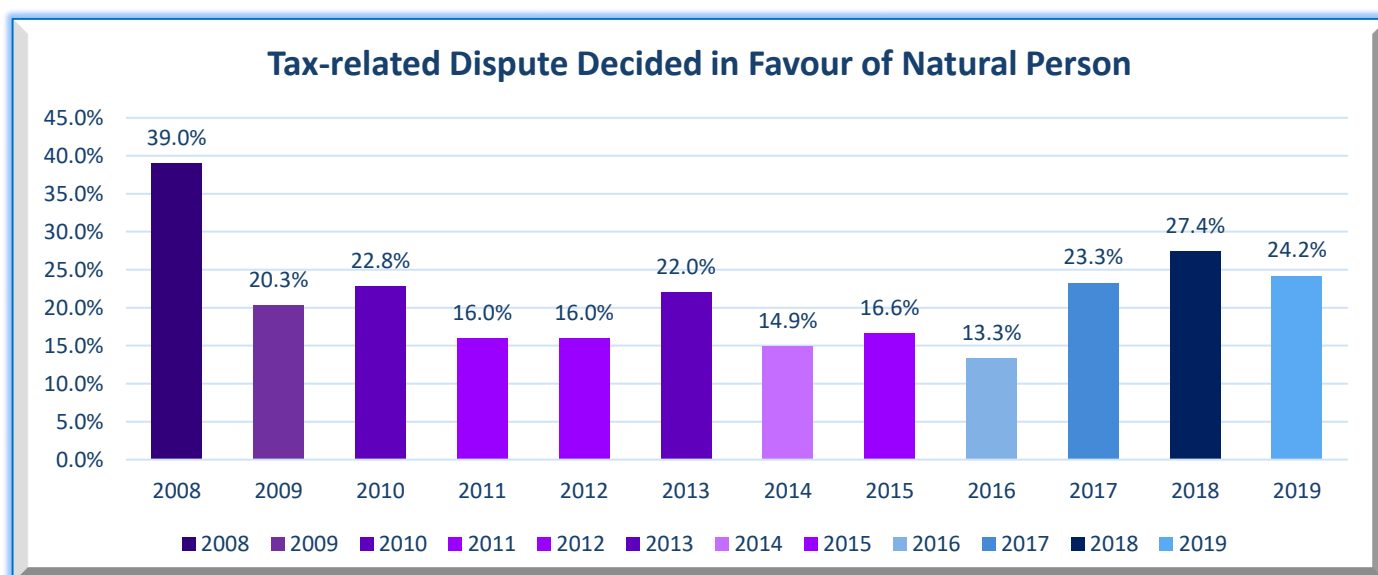
Another positive trend displayed for several years is that the number of first instance judgments appealed to the court of cassation does not exceed 6%.

See the diagram:



#### Eminent Trends of Impartiality in Administrative Proceedings:

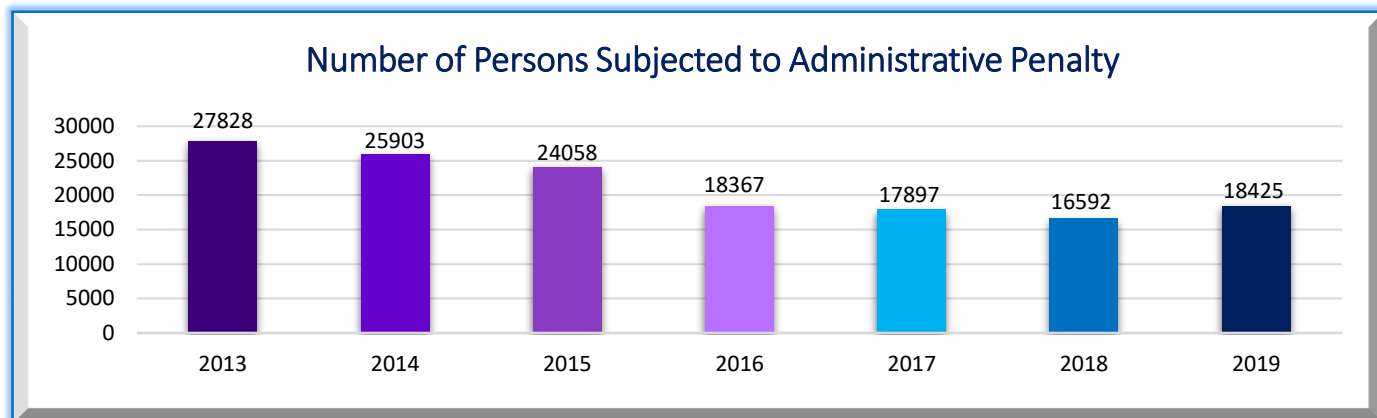
It should be noted that in the reporting period there is a steady trend towards increase in disputes adjudicated in favour of natural persons rather than the tax authority. Namely, the share of disputes between citizens and tax authority adjudicated in favour of a citizen amount 23.4% in 2017, 27.4% in 2018 and 24.2% in 2019. In the previous reporting period, the same data was 14.2 – 16.6%. Besides that, it is important to emphasize that the share of disputes decided in favour of natural persons in 2017-2019 is the highest indicator in the last decade.



The number of persons subjected to administrative detention as administrative penalty is low. In 2017 the number of such persons equaled 3.2%, in 2018 – 6% and in 2019 – 4.9%, while in the previous reporting period: in 2014 it equaled 6.2%, in 2015 – 5.3% and in 2016 – 4.3%.

Additionally, in the reporting period the number of persons subjected to a penalty for administrative offence reduced. While in 2013 the share of persons subjected to administrative penalty amounted to 89.2%, in 2017-2019 this figure equaled 60-63%.

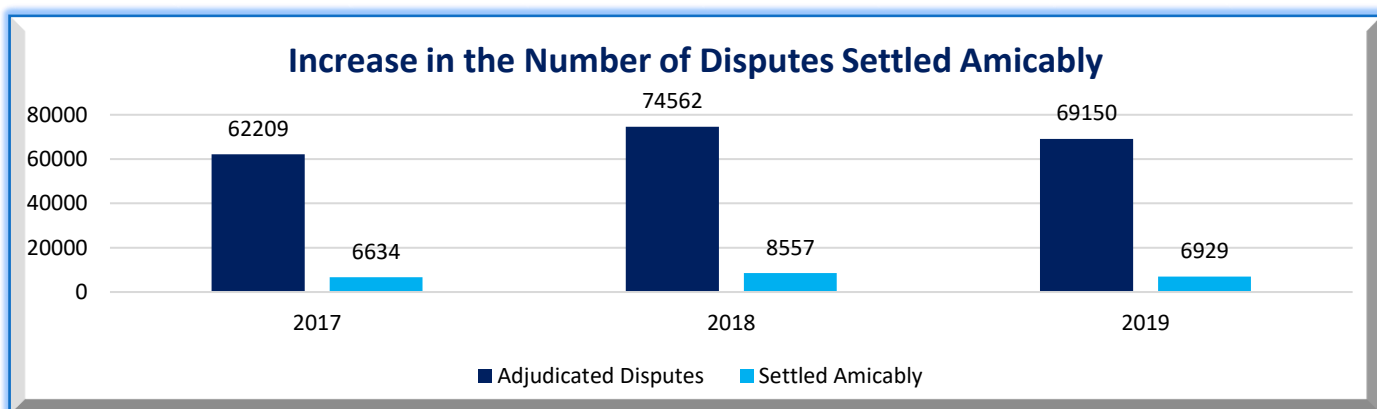
See the diagram:



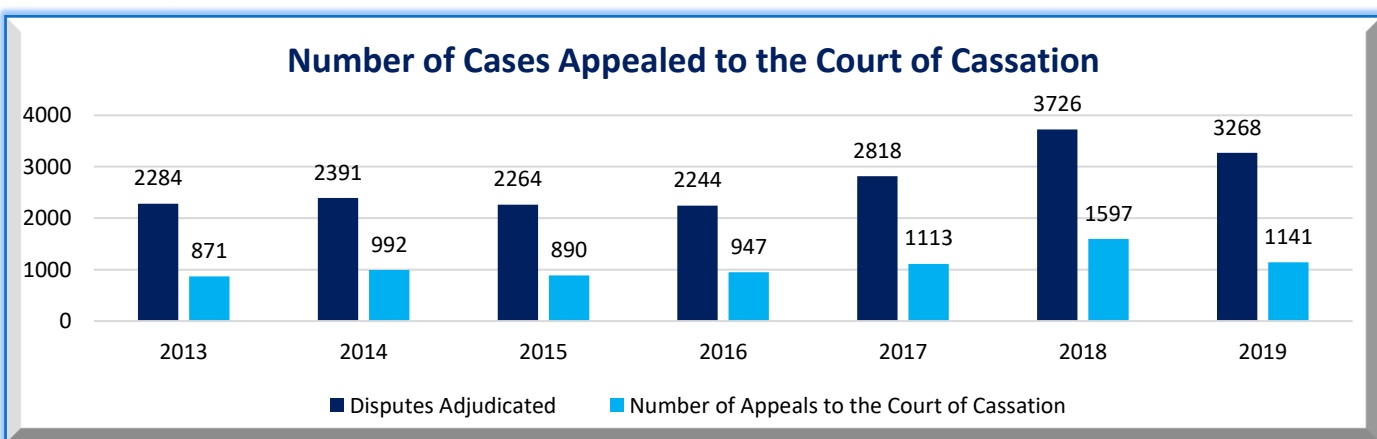
### Eminent Trends of Impartiality in Civil Proceedings:

In the reporting period, according to the data regarding the disputes adjudicated at the common courts of Georgia (first instance), the number of cases settled amicably is increasing annually. Increase in the number of disputes settled amicably shows that the court is oriented to ensure the legal interest of both parties.

See the diagram:



Despite the fact that the number of disputes adjudicated by courts of appeals has increased compared to the data of the previous reporting period, the number of cases appealed to the court of cassation is steady.

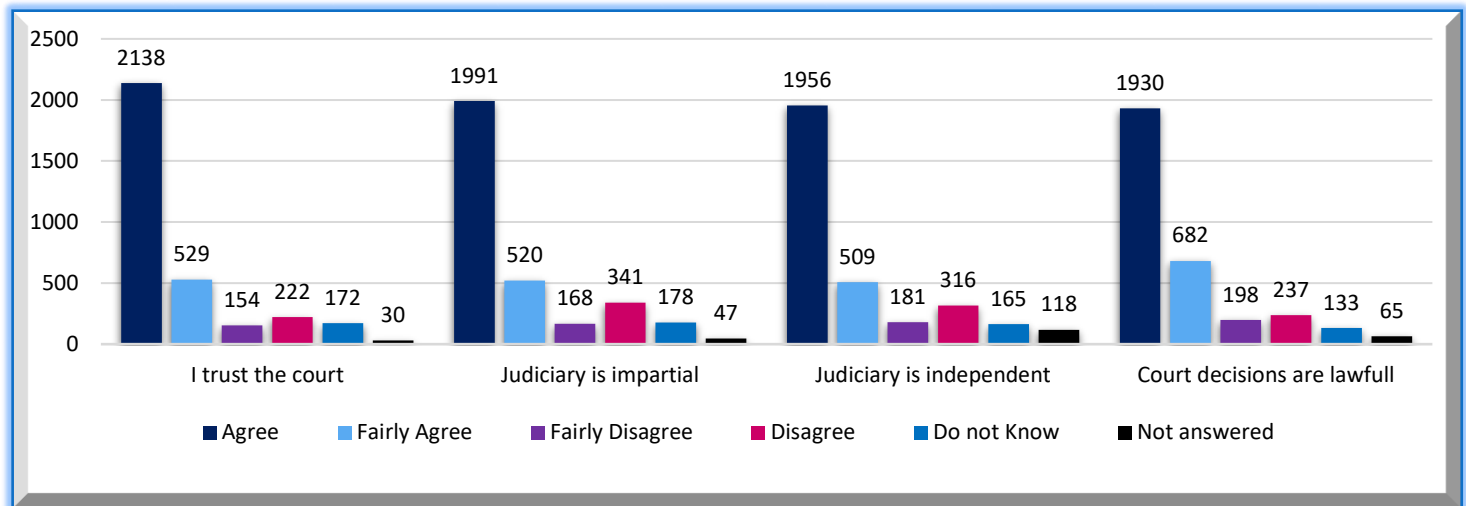
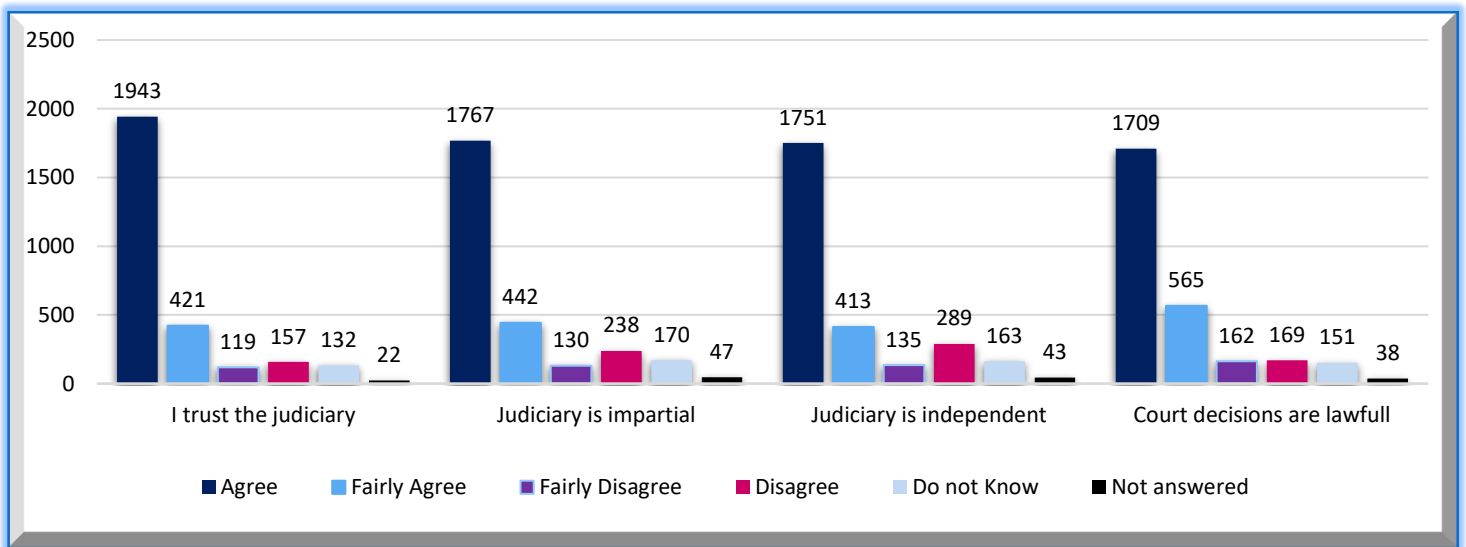


# „Judiciary is More Independent and More Impartial“

Public opinion<sup>1</sup>

Eminent results of the survey of the satisfaction of court users, See the diagrams:

January 2019:



July 2019

<sup>1</sup> High Council of Justice of Georgia, Survey of satisfaction of court users, 2019.

### III. Ensuring Effectiveness and Quality of Justice

*Reinforcement of effectiveness and high quality of justice is of the essence for increasing public trust in the judiciary. In order to ensure high quality of justice, it is vital to recruit the system and the judicial corp with professional and qualified staff; also to provide in-service training with modern methodology that was significantly reinforced through the steps taken in the direction of systemic and functional strengthening of the High School of Justice. Introduction of centralized system of court management made the management of human resources and case-flow more effective. Besides that, in the reporting period a number of studies were conducted concerning the increase in the case-load and the optimal number of judges needed in the system. The studies have shown the need of increase in the number of judges and of carrying out other important activities. In order to ensure the aforesaid, in the reporting period more judges were appointed to the office than in the previous reporting period; the narrow specialization of judges was introduced in the system of common courts; the innovative system of case-distribution was introduced. In 2017-2019 unprecedented number of costly IT projects were implemented. The reporting period is also remarkable in terms of interesting and comprehensive infrastructural accomplishments that have increased the quality and effectiveness/efficacy of the court services offered to the public.*

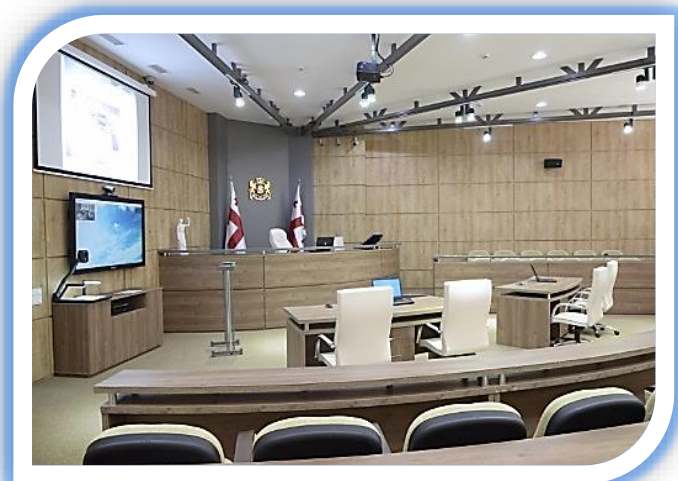


### 3.1. Quality Justice

#### Improvement of the Procedure and Program of the Qualification Examination:

In 2018-2019 the HCoJ adopted the program and the rule of conducting judge's qualification examination (hereinafter, qualification examination). New arrangements were made into the program of the qualification examination. In this regard, it should be emphasized that the part of the program concerning international instruments on human rights and international agreements concluded by Georgia, was improved. Additionally, the rule regarding the composition of the examination commission was amended. Also, new regulations laid down the possibility of exemption from the tax of taking the qualification examination, which emphasizes the priority given to the protection of rights of persons with disabilities and persons registered in the Unified Database of Socially Vulnerable Households.

In summer of 2018, with the support of USAID/PROLoG, taking into consideration the expert recommendations, the function of the examination program and the security standards were improved. In January 2019, with the mutual financial support of USAID/PROLoG and the Department of Common Courts, the members of the commission renewed the examination test, validated it and carried out psychometric analysis.



#### Comprehensive Reform of the High School of Justice:

In the reporting period, important and valuable activities were carried out in order to raise the quality of the School's work, to refine the initial training program for justice listeners, to increase the qualification and strengthen the capacities of the staff of the HSoJ and court staff, to elaborate and implement modern methods of distance learning courses.

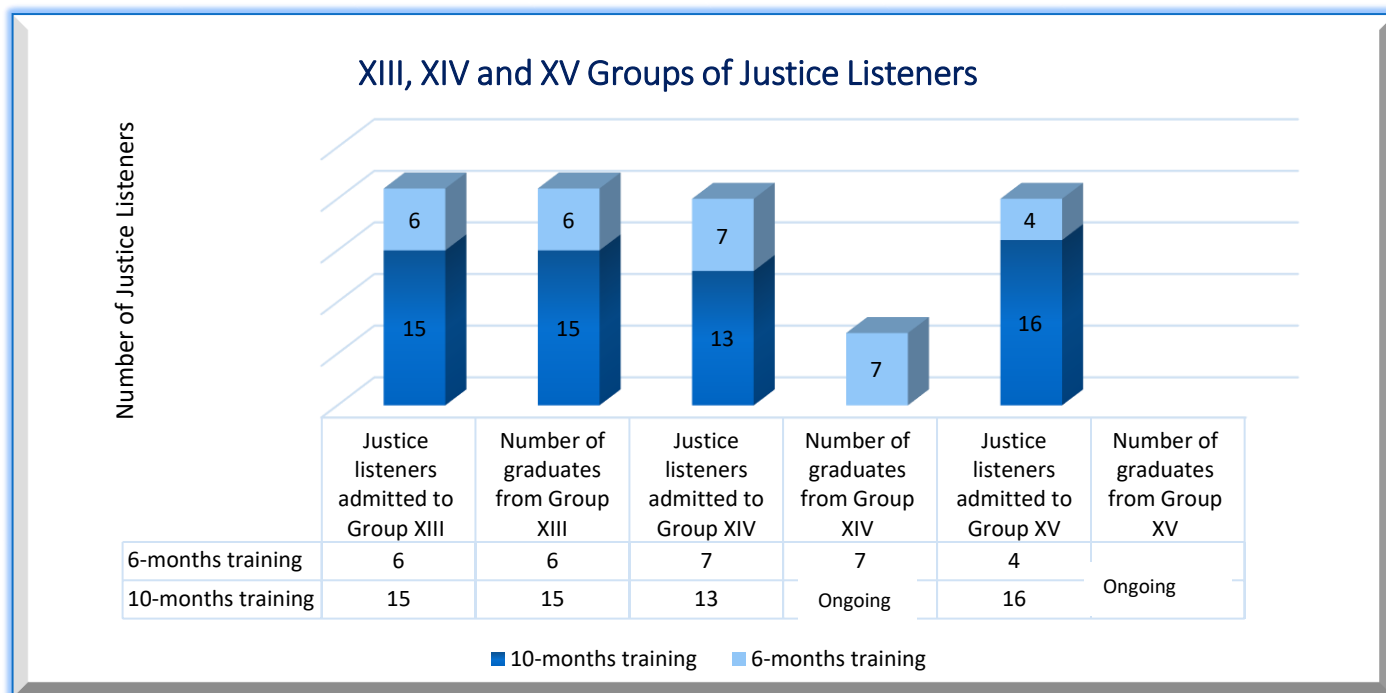
A number of significant changes were implemented: the rule of recruiting justice listeners was improved, the amount of the scholarship of justice listeners was doubled, duration of the initial training program was prolonged, its curricula were modernized and the internship for justice listeners was upgraded. These reforms will contribute to staffing the system of common courts with highly qualified specialists and to preparing highly qualified and competent judicial candidates at the HSoJ. In the framework of the so called "fourth wave" of judicial reform, remarkable amendments were made in the organic law "On Common Courts", pursuant to which, the authority and institutional independence of the HSoJ was significantly increased. Namely, from September 2020 onwards, the admission competition for justice listeners will be organized by the High School of Justice, instead of the High Council of Justice and the duration of the initial training program will be prolonged to 16 months. In addition to this, in the frame of cooperation of international experts and Georgian judge-experts, the initial training program and relevant curricula were updated. Besides that, the internship program was



improved and after the entry into force of the legislative amendments, justice listeners will have the opportunity to do the internship not only at Tbilisi City Court, but also in the system of common courts, at the Constitutional Court, at the Prosecutor's Office, in law firms, etc. All of the aforementioned changes will further contribute to ensuring quality justice.

In the reporting period, the data regarding admission of justice listeners and completion of initial training by them looks as follows:

See the diagram:



Moreover, noteworthy steps were taken in terms of improving the management of the School and elaborating its strategic plan. More precisely, in 2019 new members of the Independent Board of the School and the Director of HSoJ were selected. In the same year, with the support of the Council of Europe and in cooperation with experts, new strategic plan of the HSoJ was elaborated which comprises main aims of the institution and it is oriented at increasing the quality of the trainings provided.

Within the frames of the EU funded Twinning project, in order to strengthen the capacities of the HSoJ trainers, a training module on “Adult Learning Methodology” was developed. With the support of the same project, cooperation with the European Judicial Training Network (EJTN) was reinforced and participation of 20 persons (sitting judges, court staff and HSoJ staff) in training activities organized by EJTN in a number of EU states was funded. The aforementioned activities concerned not only legal issues, but also – topics related to training methodology.

In 2018, in line with the strategic decision of the Independent Board and the management of the School, the quality management system ISO 9001:2015 was implemented according to the international standards, which is a precondition for further improving the work of the HSoJ.

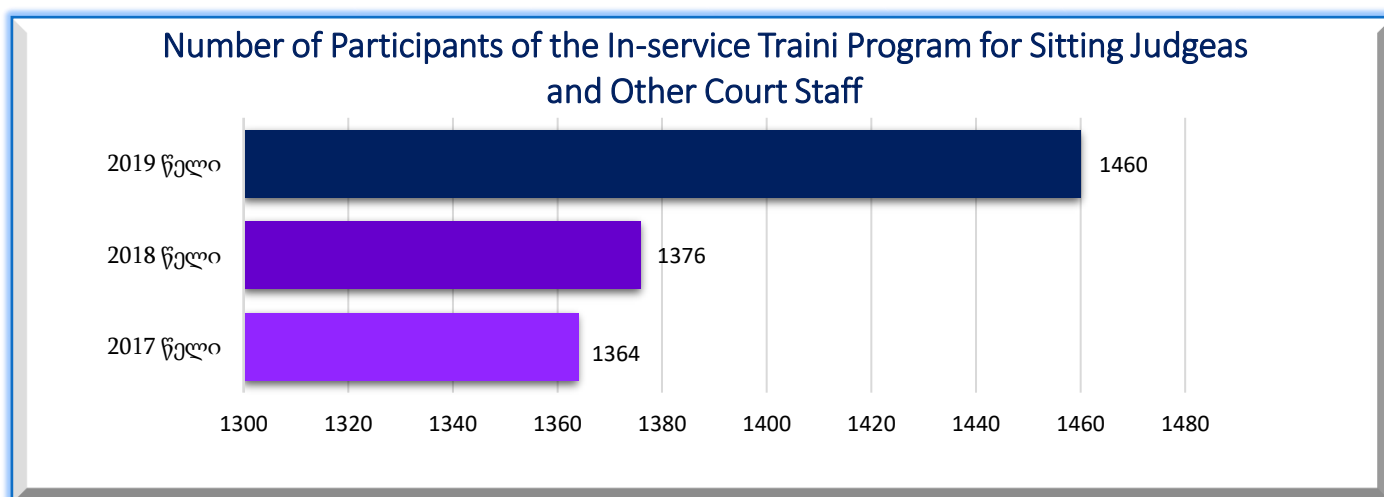
In the framework of the Council of Europe project – “Strengthening the Capacities of the High School of Justice”, the staff of the HSoJ enhanced knowledge and improved



capacities related to planning and administering training cycle and to identifying training needs. On 29 November 2019 the School was awarded ISO certificate #707110701 which entered into force on 31 October 2019.

Within the Council of Europe Project – “Strengthening the Capacities of the High School of Justice”, CoE experts and Georgian judge-experts nominated by the HSoJ developed a number of topical training modules. One of the main components of the EU funded Twinning project was development of distance learning, which was preceded by training needs analysis conducted for sitting judges and other court staff. The HSoJ has developed a number of distance learning courses in the framework of the in-service training program for sitting judges and other court staff. In the framework of the Twinning project, a distance learning platform was developed based on “Moodle”, which enabled launching distance learning course on “European Standards of Human Rights (Criminal Aspects)”. Besides that, at the end of 2018, in cooperation with the CoE, the HSoJ adapted and launched a HELP distance learning course on “Reasoning of Judgment in Criminal Law”, in which 20 court staff participated.

See the number of participants of the In-service Training Program for Sitting Judges and Other Court Staff:



In the reporting period, one of the priorities for the HSoJ was to reinforce the in-service training for the court staff. Namely, 106 trainings were conducted for the court staff in which 1542 persons participated; in addition, 16 mixed trainings were conducted for judges and other court staff in which 116 court staff participated.

In order to recruit and to promote the staff having the best potential, with the support of partner international organizations, winter and summer schools of justice were organized in 2018-2019. The educational events aimed to enhance the knowledge and develop the skills of selected assistants to judges and representatives of analytical units.

### 3.2. Effective Justice

Centralized System of Court Management:

Establishment of the Department of Court Management at the HCoJ may be deemed as an important step taken towards ensuring effective justice. The Department of Court Management is responsible for administering the common courts of Georgia and for improving supervision of management. This department examines information related to the case-flow management, case load and case hearing indicators in common courts, also the quality providing service to citizens; oversees the operation of the electronic files management programme and submits recommendations; supervises the efficient and targeted use of resources of the common courts; studies the managerial experience in courts and facilitates introduction of managerial culture and submits to the HCoJ reports and recommendations on the important issues of administration of common courts.

By its decision of January 21, 2019, the HCoJ has elected the chairperson of the Department of Court Management and in the same year, in accordance with the decision of the HCoJ, human resources of the Department was improved (inter alia, the IT group operating in the common court system was merged with the Department).

In 2019, a working group was established led by the Department of Court Management, which worked on improving organizational operation and regulation of case management. This improvement aims at the following: harmonize the rule with the modern requirements, codification of the existing case management practice, bringing the rule on case management into conformity with the electronic case management and electronic case distribution systems, etc.

In 2018-2019 a number of court managers' forums were held. In the framework of those meetings the topical issues of administration and management of courts was discussed. Such a format of meetings contributed to exchange of managerial experience among the court managers.

Under the auspices of the CoE supported project – “Strengthening the Capacities of the High School of Justice” - in order to improve the capacity of court management and of human resources management, the following training modules were developed by international and local experts: Advanced Course in Court Management for chairpersons and managers of courts; and Management and Leadership for judges. In 2017-2018, according to the aforementioned modules, trainings were conducted for judges, chairpersons of courts and managers of courts.

#### **Management of Human Resources and Merit-based System for Court Staff:**

In the reporting period the human resources in common courts were enhanced and strengthened. Besides that, the quality of the work done by the court staff increased due to introduction of the ranks and evaluation system. Namely, as for 31 December 2017 the number of the staff equaled 1444 while the same data for 2018 was 1504 and in 2019 – 1562 persons. According to the Decision of the HCoJ №1/237 of 24 July 2017 “on approval of amendment to the Decision of the HCoJ №1/232 of 29 November 2010 on structures of courts' registries and list of posts of court staff of Tbilisi and Kutaisi Appeals Courts, District (City) Courts”, ranks of servants were defined in line with the law of Georgia “on Civil Service”. It is important to note that in line with the law of Georgia “On Civil Service”, in 2018 the system of ranks and evaluation of court servants was introduced.

Besides that, the Decision of the HCoJ №1/251 of 18 September 2018 defined the rules for internship at the HCoJ and at the common courts. It should be noted that in the framework of internship and practice

in the judiciary, students of law faculties have a beneficial opportunity to learn about and to participate in diverse areas of the work of the courts, gain valuable practical experience and enhance their theoretical knowledge through cooperation with judges and other court staff. Additionally, the resource provided by interns contributes to increasing the efficacy of court services.

#### Increase in the Number of Judges and Assessment of the Needed Number:

In the reporting period two competitions for selecting judicial candidates were organized. As a result of the first competition, 34 judges were appointed to office out of which 15 were the graduates of the HSoJ, 1 had been previously appointed to judicial office; 18 of them were sitting judges. In case of the second competition, 32 judges were appointed – 3 graduates of the HSoJ, 2 judges who had been previously appointed to judicial office and 27 sitting judges.

As for June 1 of 2017, there were 338 seats for judges in district (city) courts and courts of appeals, while as for January 1 of 2020, this number has increased by 40 and now amounts to 378.

In order to assess the needed number of judges and other court staff, an expert invited by the project of USAID/PROLoG - Jesper Wittrup together with the EU, CoE and local experts prepared a study estimating the needed number of judges in Georgia. According to the findings of the experts, taking into consideration the existing case load, current number of judges is insufficient. In order to solve the problem of overloaded courts, the judiciary needs 410 (or 380-450) judges that means increasing the current number of seats by 100. Now the USAID/PROLoG expert is working on the second stage of the study which entails assessment of distribution of judges and other court staff among the courts and aims at determining a proper system of defining case weight. It should also be noted that in order to assist the expert and ensure quality study, a working group consisting of judges was established. At its meeting the working group discussed the principles of defining case weight and of grouping/ranking the main types of cases.



#### Case Management and Narrow Specialization:

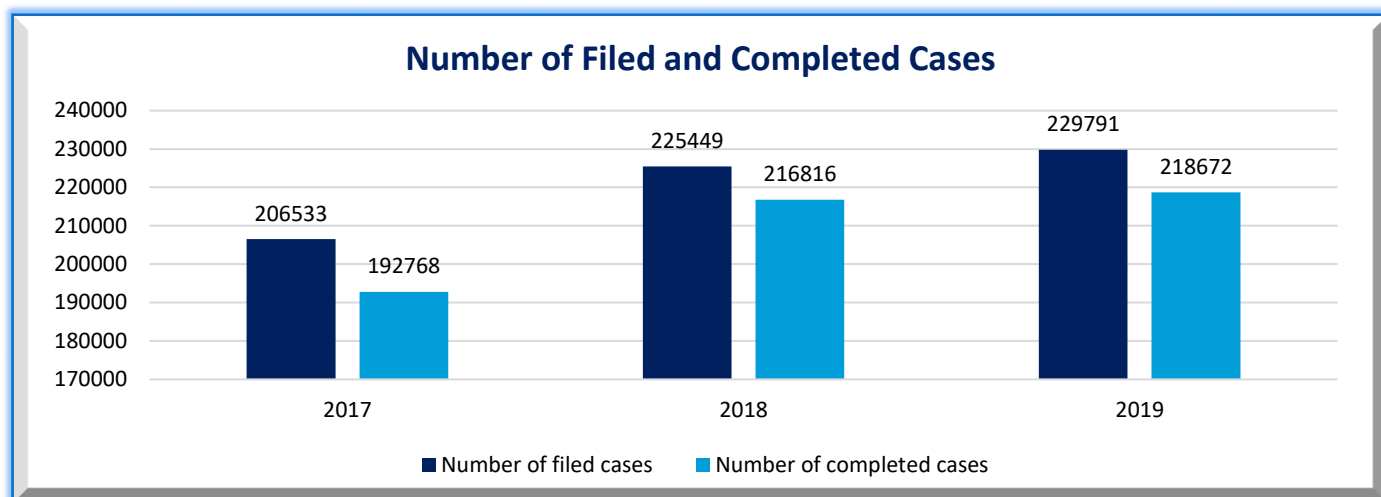
Statistical data shows that the number of filed cases has increased, which significantly affects the number of adjudicated cases and it conditions increase in the number of backlog.

Namely, according to the data, in 2018 a total of 225 449 cases were filed that exceeds the same data of the previous year (206 533) by 18 916. This data also demonstrates that the case load, like in the previous years, is increasing annually.

Besides that, in 2018, compared to 2017, the number of completed cases was more by 24 048 – 216 816 cases. Additionally, in 2019 out of the total number of 229 791 cases filed to common courts 218 672 cases were completed.

It is noteworthy that while in 2017 93.3% of the cases were completed, the same data for 2019 has increased to 95%.

See the diagram:



In order to manage the increased caseload in courts and to reduce the backlog, by the decision of the HCoJ a narrow specialization of judges was introduced at Tbilisi City Court and Tbilisi Court of Appeals. It should be emphasized that narrow specialization was implemented in the field of child's rights; moreover, in order to reinforce communication with persons with disabilities and to provide child-friendly environment in court, mandatory trainings for judges were introduced. In terms of implementation of the mechanism for decreasing the workload of the judiciary, the program of the DoJ shall be noted which provided trainings and organized study visits to the US, aimed at sharing experience to the relevant staff of the Department of Common Courts.

#### Automatic Distribution of Cases:

In order to reinforce higher standard of impartiality of judges and equal distribution of cases among them, in the framework of the so-called “third wave” of judicial reform, the organic law “On Common Courts” was amended. According to this remarkable amendment, at the first and the second instance courts as well as at the Supreme Court of Georgia the cases are distributed among judges automatically and randomly by the electronic program.

In line with the amendments to the organic law, the HCoJ issued Decision №1/56 of 1 May 2017 – “Automatic Distribution of Cases by Electronic System in Common Courts of Georgia”.

In accordance with the decision, the electronic case distribution system was successfully implemented in the system of common courts at the end of 2017.

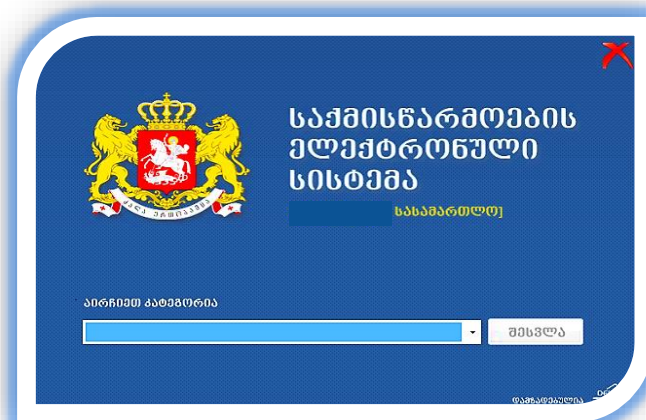
The automatic system of random case-distribution may be deemed as one of the major innovations and achievements which ensures highest standard of transparency within the judiciary. The automatic distribution of cases, via the electronic system, is based upon the principle of random allocation of cases among judges. This system fully satisfies the high standards

of independence and impartiality of a judge. Besides that, electronic distribution of cases ensures speedy judicial proceedings and equal allocation of caseload among judges. The electronic system has made justice more effective and speedy. The unprecedented progress of the electronic case distribution system within the Georgian judiciary is remarkable – its positive effect is experienced by court users and this achievement is also recognized on a global scale. According to the World Bank evaluation, the electronic and random distribution of cases “has increased the quality of legal proceedings and it has contributed to enforcing contracts”.

The electronic system of case distribution within the judiciary of Georgia was developed by the IT service of common courts and it is in compliance with the modern standards of programming. High standards of security meet the requirements of system protection and reliability and the system is further protected from unauthorized access.

#### Introduction of Alternative Dispute Resolution:

In 2019 the parliament of Georgia passed the law “On Mediation”. In terms of reducing case flow, it is important that the range of disputes subject to mediation according to the Civil Procedure Code of Georgia was enhanced. Under the auspices of the project of the EU and the United Nations (UN), the expert of communications developed the Communication Strategy of the HCoJ on Mediation for 2018-2019. The HCoJ also elected the person responsible for the implementation of the Strategy. In 2018, under the auspices of the EU project, a workshop was organized related to enhancing mediation to criminal law and to juvenile justice. Judges, prosecutors, mediators, social workers and representatives of the executive branch participated in the mentioned meeting. In 2018, with the support of EU and UN Development Programme (UNDP), a training on mediation was organized for Georgian judges. In line with the aforementioned law, the HCoJ approved the form of Unified Register of Mediators, program of mediation and rules of payment of remuneration of a mediator. In 2019 the persons meeting the requirements laid down by the law were registered in the Unified Register and at the end of the same year the first general session was held.





Aforesaid activities, aimed at implementing alternative dispute resolution, contribute to fast and effective introduction of mediation as a new institution. This has positive impact on reducing case load of common courts and increases effectiveness of the judiciary.

#### Implemented IT Projects:

In order to identify and to respond to the existing challenges in terms of information technologies (IT), with the support of partner organizations (EU, CoE, USAID/PROLoG and GIZ), the HCoJ contracted



ICT Business Council of Georgia to carry out IT infrastructure and software audit. In the frame of this process issues related to software, cyber-security, infrastructure, administration and management were assessed.

In 2017-2019 significant and comprehensive IT projects were implemented – new server platforms and virtualization systems were introduced; data reservation system was developed; audio-video systems were improved; video conference system for distance interviewing was implemented; new conference cameras for video streaming and proper server were assembled; internet, network and communication systems were refined; video system for presentation of documents and material evidence was introduced; new call center, queue management system and electronic document management system were introduced;

In 2019 the LEPL Department of Common Courts introduced significant IT projects: Network Security System - NG-Firewall; centralized administration system for incident management and assessment of hardware; ensuring autonomous internet resources (BGP); backup saving system; E-mail security system; Development of Network and System Infrastructure Architecture and Replacement with New Systems. For the complex implementation of IT monitoring program, the LEPL Department of Common Courts was awarded the "Innovative IT Project of 2019" by "Softline Georgia", "Oberig-IT" and "Solarwinds".

In the reporting period, introduction of diverse and costly IT projects has significantly contributed to improving external and internal services of common courts. Improvements in IT have increased the overall effectiveness of the judiciary.



## Infrastructural Projects Implemented:



The reporting period was quite diversified in terms of infrastructural projects that entailed comprehensive activities related to increasing effectiveness of common courts, namely: new court buildings were constructed; court buildings and front yards were repaired (facade maintenance, repair works, planting of greenery and asphaltting); new plumbing and fire control systems were assembled; internal infrastructure of courts was refined; new courtrooms were designed and relevant facilities inserted; court buildings were adapted to persons with disabilities; in order to provide child-friendly environment, new special rooms were designed; new building of archives was constructed; the real estate fund of common courts grew.

### Infrastructure of the courts was refined throughout Georgia



**2017**

9 courts

**2018**

15 courts

**2019**

11 courts

Special emphasis shall be put on the opening of new building for civil cases in Tbilisi City Court, which may be deemed as the most complex infrastructural project in the reporting period as the new building has remarkably improved the working environment of Tbilisi City Court and the effectiveness of the services provided by the court. Besides that, it should be noted that every direction of the projects successfully implemented within the reporting period comprises diverse activities which generally increased the quality of court services.

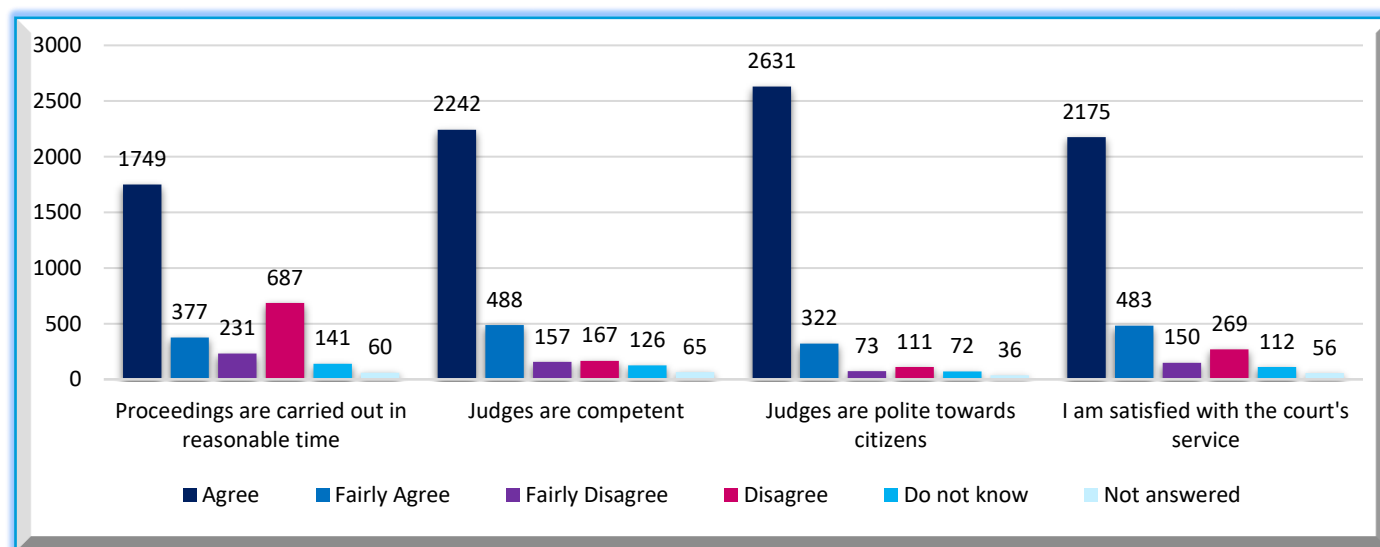
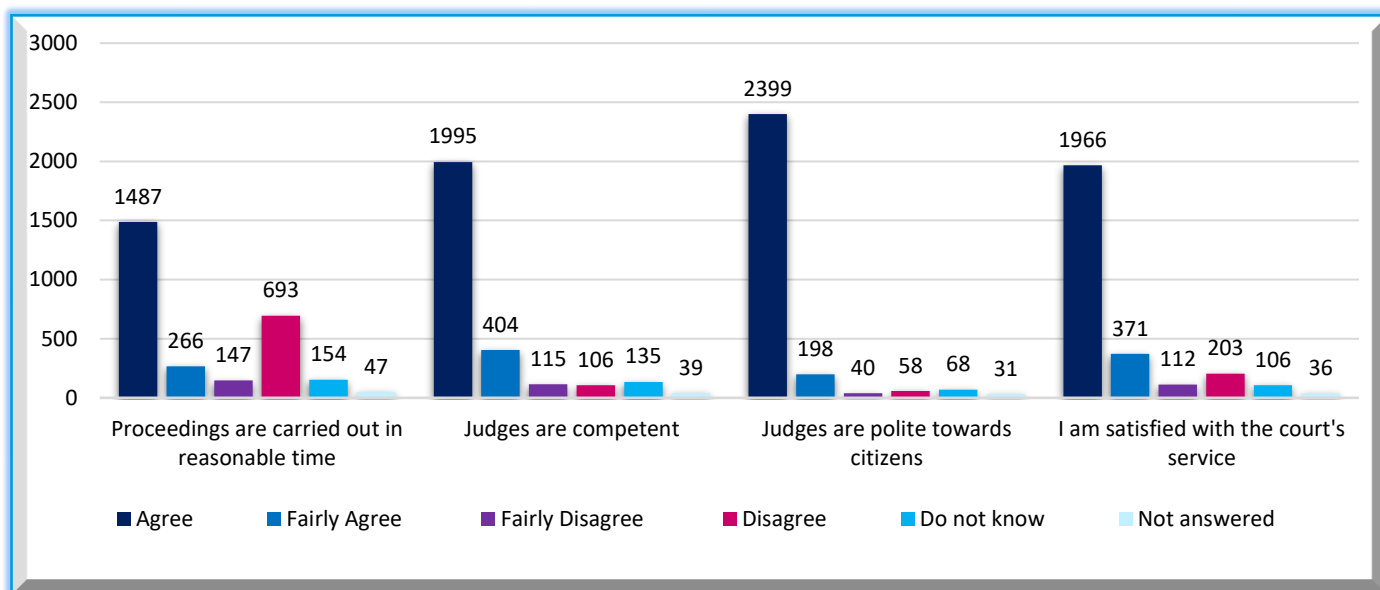


## „Justice Is More Effective and of Higher Quality“

Public Opinion<sup>2</sup>

Eminent results of the survey of the satisfaction of court users. See the data:

January 2019:



July 2019

<sup>2</sup> High Council of Justice of Georgia, Survey of Satisfaction of Court Users, 2019.

## IV. Ensuring Accessibility and Transparency

*In the reporting period, with a view to ensuring accessibility of court decisions and proactive publication of judgments, the unified database of court decisions was enhanced; a new website of court decisions started operation; the Communication Strategy of the Judiciary was developed; besides that, in order to reinforce communication with public, important steps were taken to implement the institution of speaker-judges. In this period, the system of common courts remained open to the public and to the interested persons through the tours in courts. A remarkable innovation is implementation of free legal consulting in courts, which enables interested persons to receive competent consultation from the court staff regarding legal issues. In the reporting period, the judiciary met the high standards of ensuring accessibility to public information; the electronic system for requesting public information worked faultlessly and the number of cases in which public information was issued remarkably exceeds the number of refusals. The infrastructural projects implemented in the reporting period further demonstrate that provision of services maximally tailored to the needs of the vulnerable groups is a priority for the judiciary, which aims to ensure accessibility of justice for all. Taking into consideration the 3-year work of the judiciary, it may be presumed that justice system is more adapted to the needs of persons with disabilities in terms of the ways and forms developed for providing services to them. Significant and progressive development is demonstrated in the direction of providing child-friendly environment in courts. In order to ensure that justice is focused on the best interest of a child, the court proceedings were improved and adapted environment was created.*

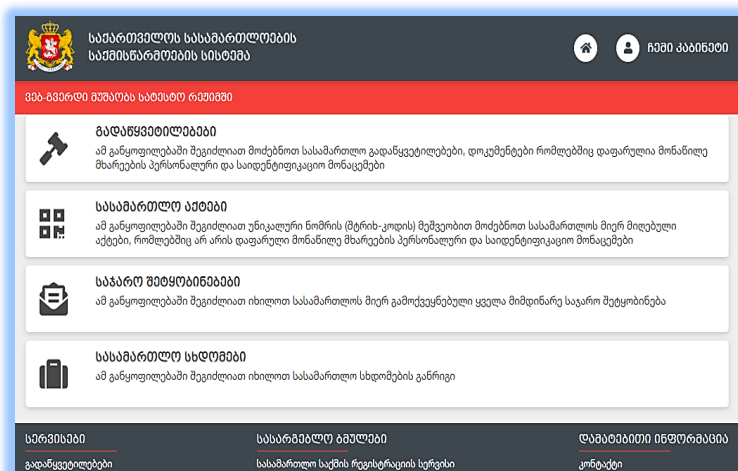


### Publication of Court Decisions:

The IT audit carried out in spring of 2018, assessed the due operation of all the programmes of common courts (inter alia, search program of court decisions – info.court.ge). According to the results of the audit, in order to develop software module of the unified database of decisions, the Department of Common Courts and the Analytical Service of the Ministry of Finance of Georgia concluded an agreement on 4 March 2019. Pursuant to the Agreement, through cooperation, the search module of court decisions was developed.

On 21 June 2019, the HCoJ organized a presentation of the new search database of court decisions at the premises of the HSoJ.

The search engine allows users to search for court decisions. At the end of the reporting period, 40 095 decisions were uploaded to the system.



### Public Communication Strategy:

On 19 November 2018, the HCoJ approved Public Communication Strategy developed through the support of the EU project. The Communication Strategy aims to enhance trust in the judiciary, to formalize meetings with diverse professional groups, to engage in active cooperation with NGO-s and international organizations and to systematize relations with the media.

The Strategy defines the main areas of internal and external communication of the judiciary. The document discusses different types of communication, as well as, diverse compilations of communication tools and channels, usage of which is necessary for meeting the interests and for satisfying the needs of different target groups. The main directions of the work of Public Relations Service are the following: relations with the press, management of social media and events, etc. In 2017 a workshop was organized with the participation of the members of the HCoJ, Georgian judges and of a German judge – Helen Best, which aimed to elaborate and implement uniform practice of functioning of the PR Service. On 21 May 2018, the HCoJ adopted Decision №1/192 “On Appointing Speaker-judges at Tbilisi Court of Appeals and Tbilisi City Court”. In line with this decision, 10 speaker-judges were appointed at the aforementioned courts.

### Issuing Public Information:

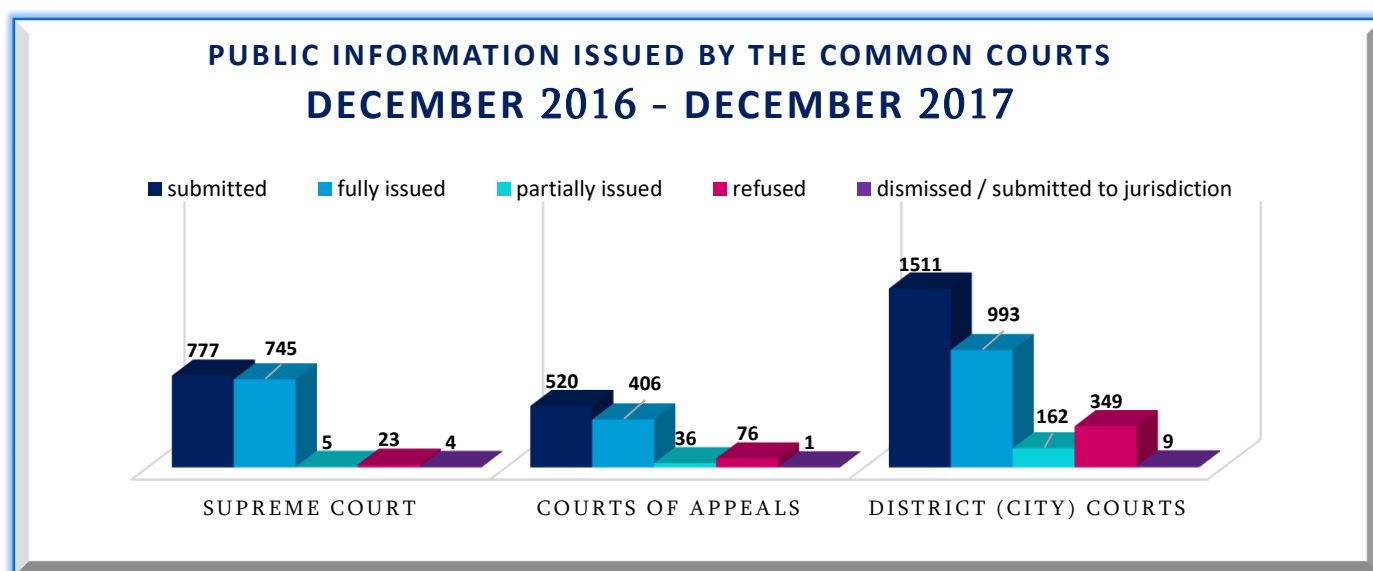
In 2018, 188 requests on obtaining public information were submitted to the HCoJ out of which: a. public information was issued fully in case of 161 applications; b. in case of 8 requests the HCoJ refused to issue the public information; c. in case of 13 requests the public information was issued partially; d. 6 requests were dispatched according to jurisdiction.

Besides that, in 2018, the complaint submitted to the HCoJ regarding the refusal to issue public information was granted subsequent to the administrative proceedings.

In 2019, 94 requests on obtaining public information were submitted to the HCoJ out of which: a. public information was issued fully in case of 76 applications; b. in case of 9 requests the HCoJ refused to issue the public information; c. in case of 7 requests the public information was issued partially; d. 2 requests were dispatched according to jurisdiction. It shall be noted that in 2019, none of the 9 rejected requests were appealed.

According to the reports of common courts of Georgia on issuing public information, in the period of December 2016 to December 2017 a total of 2806 requests for public information were submitted to the courts, out of which in 2344 cases the information was issued. In the reporting period of 2018 a total of 3269 requests were received out of which in 2835 cases the information requested was issued. In the reporting period of 2019 a total of 3169 requests for issuance were submitted to the courts out of which 2790 requests were satisfied. In the period of December 2016 – December 2017, 14 requests for public information were submitted to the HSoJ and in all cases the public information was issued; in 2018 reporting period the School received 23 requests and in all cases the requested public information was issued; as for the reporting period of 2019, 13 requests were submitted to the HSoJ and all of them were provided with the public information. As regards the LEPL Department of Common Courts, in the period of December 2016 to December 2017 a total of 86 requests of public information were submitted to the courts, out of which in 79 cases the information was issued. In the reporting period of 2018 a total of 94 requests were received out of which in 86 cases the public information was issued. In the reporting period of 2019 a total of 64 requests for issuance were submitted to the courts out of which in 61 cases the requested public information was issued.

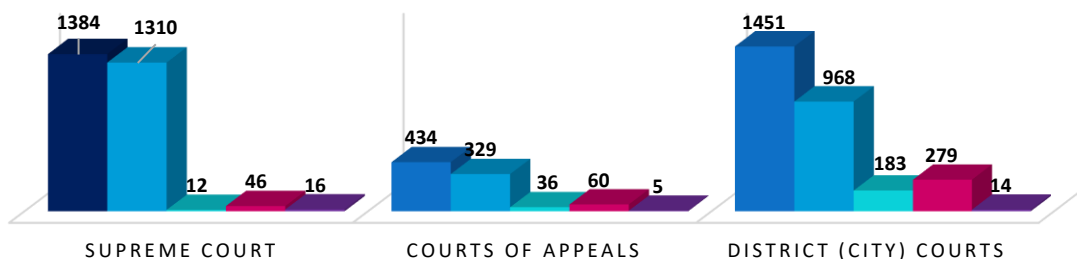
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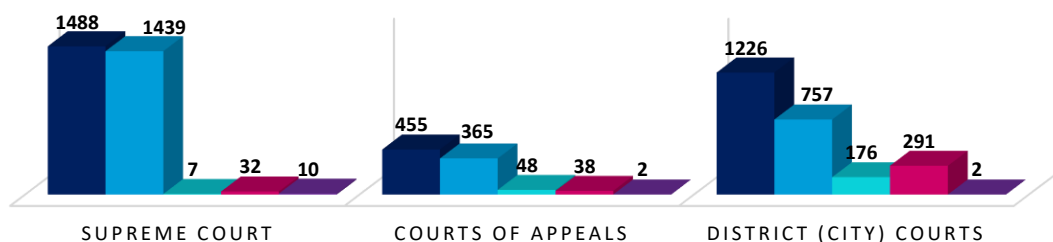
## PUBLIC INFORMATION ISSUED BY THE COMMON COURTS 2018

■ submitted ■ fully issued ■ partially issued ■ refused ■ dismissed / submitted to jurisdiction



## PUBLIC INFORMATION ISSUED BY THE COMMON COURTS 2019

■ submitted ■ fully issued ■ partially issued ■ refused ■ Dismissed / submitted to jurisdiction



### Open Days and Free Legal Consultation:



In order to raise awareness among the public regarding the professions existing within the judiciary, the district (city) courts and courts of appeals have organized a number of meetings/tours for pupils with the participation of court staff and sitting judges. During the open days, pupils and students of law faculties have an opportunity to visit courts, put questions and engage in discussions, learn about the judiciary – its functions and the role of judge, and also to visit the courtrooms. In the reporting period, a number of moot courts were organized in common courts in which students from different law schools participated and they were assessed by sitting judges.



On 1 February 2019 the HCoJ adopted a recommendation “On Providing Free Legal Aid at Regional (City) Courts”. Pursuant to the Recommendation, on 24 February 2019 Tbilisi City Court provided free legal consultation to citizens. In the framework of this activity, interested persons were provided with competent legal consultation in civil, administrative and criminal law.

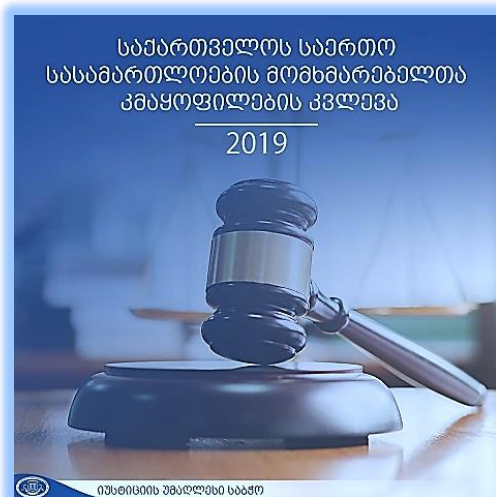
#### Transparency of the Activity of the HCoJ:

In order to improve the procedure of publishing the decisions of the HCoJ, the decision of the HCoJ “On Approving the Rules of Procedure of the High Council of Justice” was amended on 2 July 2018. An obligation to publish the decision of the HCoJ on its official website was established and HCoJ is obliged to publish the consolidated versions of its decisions on its website.

The amendments to the organic law drafted by the reform group increase transparency of the Council’s work even more and they impose on the HCoJ an obligation to upload information about the date and agenda of its session on the website three days earlier. Additionally, the draft of the normative act to be discussed during the meeting shall be uploaded on the Council’s website seven days earlier.



#### Satisfaction Survey of Court Users:



In order to assess the level of satisfaction with the quality of justice and courts within the society, on 17 December 2018 the HCoJ approved the rule on satisfaction survey of court users. According to the rule, at the common courts of Georgia the satisfaction survey of court users is organized biannually - for this an organizing group led by the manager of the specific court is created. The organizing group is guided by the Department of Court Management of the HCoJ, which, within a month after submission of the results, generalizes them and submits conclusions to the HCoJ.

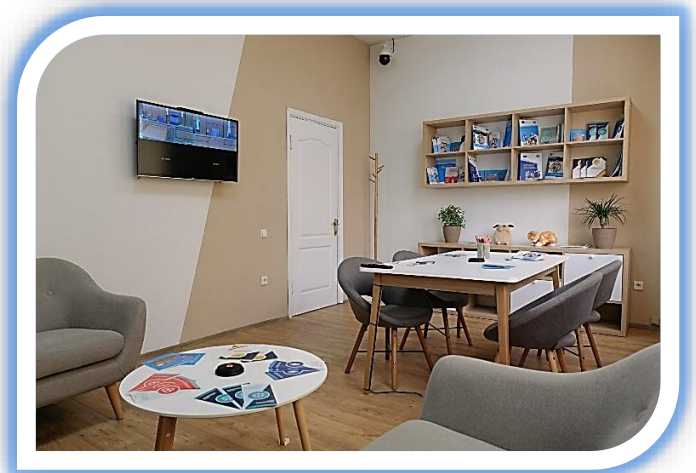
In 2019 two satisfaction surveys of court users were conducted. The first survey was held on 21-25 January 2019, while the second one was conducted on 1-5 July 2019. The surveys contained questionnaire on independence and impartiality, quality and effectiveness, accessibility and transparency of justice. The outcome of the survey is reflected in thematic chapters and it enshrines the results achieved in every strategic field.

### Court Service Tailored to the Needs of Vulnerable Groups:

With a view to adapting the environment to the needs of persons with disabilities, the Department of Common Courts intensively reconstructed court buildings. As a result ramps for wheelchairs were installed at the entrances of the buildings and nearby territory, and restrooms in the buildings were reconstructed and equipped with needed tools to adapt them for persons with disabilities. The new building of Tbilisi City Court was equipped with the infrastructure adapted to persons with disabilities. With the support of GIZ, 2 working group meetings were held at the Scientific-advisory Council on issues of protecting rights of persons with disabilities in court proceedings. The meetings were conducted with participation of two German experts: Friedrich Schnitger and Maria Mammer, Judge of Berlin Court. On 15-16 June 2018 such a meeting was organized for judges from courts of western Georgia where discussions were held on legal proceedings in cases concerning legal guardianship, role of a judge in such cases based on German law, protection of rights of adults and providing them with support in light of their human rights (from the point of view of their disabilities), as well as the role of the UN Convention on the Rights of Persons with Disabilities.

### Child-friendly Justice System:

Under the UN and EU joint programme “Access to Justice and Development of a Child-friendly Justice System in Georgia” a “Concept Paper on Child-friendly Justice System” was prepared. In order to provide child-friendly environment in court, a number of infrastructural activities took place in the reporting period. Additionally, once the Juvenile Justice Code entered into force, a special project was launched at Tbilisi City Court to develop suitable infrastructure there.



3 cells were prepared specifically for juvenile defendants that are equipped according to the requirements of international standards that include restrooms, video surveillance and air conditioning systems. To ensure access to court for juveniles in civil litigation, judges that work on family disputes were placed in specialized building that provides environment adapted for children. Tbilisi City Court has a separate building, which is the former premises of the HSoJ and it is fully equipped for Collegium of Civil Cases to have 3 court rooms, 5 work rooms and a room for meetings with juveniles. Besides that, it should be noted that child-friendly environment in line with the international standards was created in Rustavi City Court.

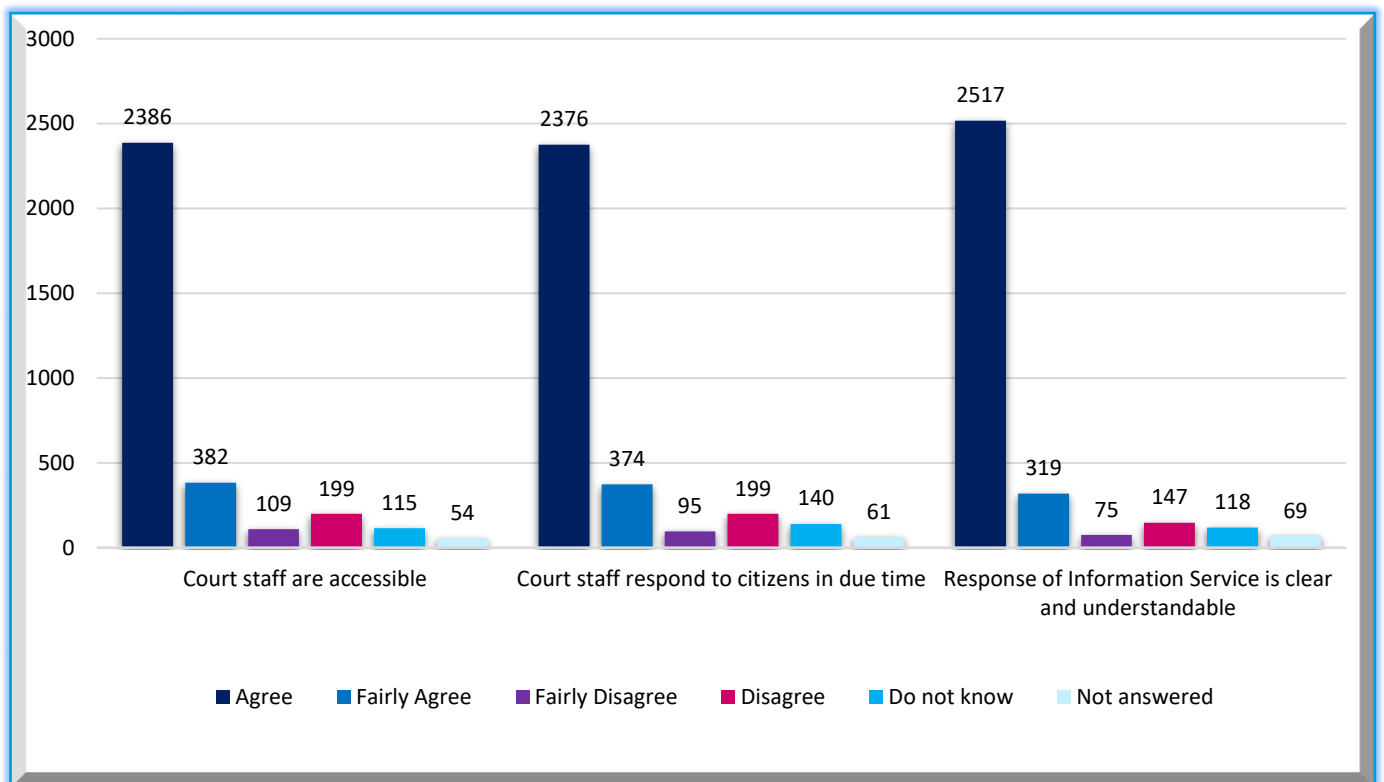
Based on the Decision of HCoJ, the HSoJ developed training curricula for specialized judges in child's rights. According to those curricula, trainings for sitting judges and other court staff were conducted. In 2019 the standard of specialization in the field of child's rights entered into force.

## „Justice is Accessible and Transparent“

Public Opinion<sup>3</sup>

Eminent results of the survey of the satisfaction of court users. See the data:

July 2019



<sup>3</sup> High Council of Justice of Georgia, Survey of Satisfaction of Court Users, 2019

## V. Ensuring Accountability of Justice

*In order to reinforce accountability of justice, it is essential to develop a model of disciplinary liability of judges that is capable of responding to the challenges faced by the system and which is based upon the principles of independence, objectivity and foreseeability. In the reporting period a number of activities were carried out with the view of refining and implementing provisions on disciplinary proceedings against judges that was carried out in the framework of the “fourth wave” of the judicial reform. A significant change is establishment of the HCoJ’s obligation to represent its activity report to the self-regulating body of judges, which enhanced the internal institutional accountability of the judiciary. Besides that, one of the strategic components of strengthening the accountability of justice is raising the standards and quality of court decisions so that the outcome of the judicial proceedings is unambiguous and comprehensible for the parties to the proceedings and for the society. Substantiation of court decisions is an essential tool for exercising the right to fair trial and the activities aimed at refining it and raising the level of acceptability shall provide opportunity for generalizing diversified analytical studies and the information gathered. In this regard, significant measures were undertaken for strengthening the structural and functional capacities of the divisions dealing with generalization of practice and analysis. In the process of rendering decision, if the latter is based upon the well researched and analyzed international and national practice and upon the rightly generalized statistical data, the reasoning of court decisions will be improved significantly and it will increase the level of support towards judges.*



## Disciplinary Proceedings and the Work of the Independent Inspector:



დამოუკიდებელი  
ინსპექტორის  
სამსახური

On 20 November 2017, on the basis of the results of the competition held, the HCoJ selected the first Independent Inspector. The Office of the Independent Inspector was partially staffed on 7 February 2018 in line with the Law of Georgia “On Public Service”, and on 4 April, the office was fully staffed. In order to conduct preliminary examination, Independent Inspector is entitled to request all information, documents and materials related to the disciplinary misconduct. The Inspector is further entitled to invite any person to hear his/her information regarding the disciplinary misconduct at hand. The Independent Inspector is not limited to the circumstances indicated in the complaint. Imposition of disciplinary liability on a judge may be based on circumstances that have not been specified in the complaint, application or other information on committing disciplinary misconduct by a judge but that were revealed during the preliminary examination. During preliminary examination Independent Inspector assesses also aggravating and mitigating circumstances. The Independent Inspector submits the results of the preliminary examination and inquiry in the form of opinion and suggestions to the HCoJ. The HCoJ with the 2/3 majority of the full composition takes the decision to terminate or to initiate disciplinary proceedings against the judge.

On 20 April 2018, Law of Georgia “On Disciplinary Liability of Judges of Common Courts of Georgia and Disciplinary Proceedings” was revoked. As a result, the organic law of Georgia “On Common Courts” was amended and chapter XIII<sup>1</sup> was added to the law, which regulates issues related to disciplinary proceedings.

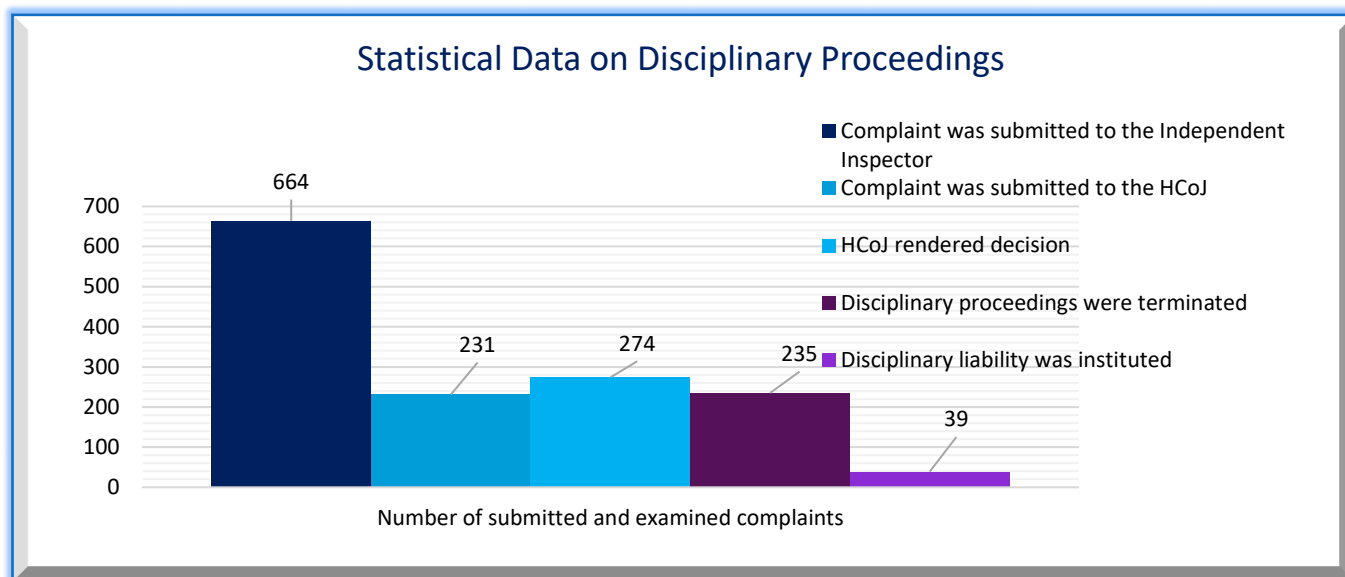
In the framework of the “fourth wave” of judicial reform in Georgia, the grounds for disciplinary liability and types of disciplinary misconduct were refined. Namely, according to the new regulations: disciplinary liability is imposed only for culpable acts; new standards of proof were introduced – standards of probable cause and of high probability; types of disciplinary misconduct were refined as well.

The authority of the independent inspector was enhanced, namely, Inspector was granted access to diverse databases, she/he is also authorized to submit a substantiated letter to the Ministry of Internal Affairs for additional information.

The independent inspector is further authorized to suspend disciplinary proceedings. The guarantees of independence of the inspector were improved in terms of increase of positive votes of HCoJ members required for his/her dismissal. Besides that, complaint mechanism for contesting the decision of the HCoJ on dismissal of the Independent Inspector was introduced.

The Office of the Independent Inspector represented 2 activity reports that covered the results of generalizing complaints in 2017-2019 and the statistical data on disciplinary proceedings.

See the diagram:



The statistical data on disciplinary liability is interesting, namely: in the reporting period, the Independent Inspector has submitted 214 opinions on 231 disciplinary complaints to the HCoJ for examination. Following the examination of the aforementioned opinions, the HCoJ issued 274 decisions: 235 decisions on termination of disciplinary proceedings, 39 decisions on instituting disciplinary liability and taking explanation from the judge involved. The HCoJ heard and decided upon 28 cases out of which 20 disciplinary proceedings were terminated and in 8 cases disciplinary liability was imposed on the judge.

After the hearing of the cases by the disciplinary board of the common courts of Georgia and in one case – by the disciplinary chamber of common courts, out of 8 cases, in 5 cases the judge was found innocent and in 3 cases the judges were served with private letters of recommendation. The cases of imposition of disciplinary liability concerned 4 facts of ungrounded delay in hearing a case, in 3 cases it concerned 3 facts of improper fulfilment of the judicial duty and in one case – breach of the rules of judicial ethics.

The office of the independent inspector has its own document management system and the funding of the Office, in comparison with the previous year, cannot be reduced without the inspector's consent. It should be noted that since 30 August 2018, the chancelleries of the Office of the Independent Inspector and of the HCoJ operate separately. Disciplinary complaint may be submitted in written form, as well as electronically via the website of the HCoJ. In order to ensure simpler and even more accessible complaint procedure, there are complaint boxes in courts. With the support of the CoE project, the website of the Office of the Independent Inspector was designed where the form of disciplinary complaint and relevant instructions can be found together with the information regarding disciplinary proceedings.



## Accountability to the Self-regulatory Body of Judges:



The Constitution of Georgia has enshrined the accountability of the HCoJ in front of the self-regulatory body of judges. In accordance with the amendments implemented in the framework of the “fourth wave” of the judicial reform, the chairperson of the HCoJ represents the annual report of the Council’s activities to the Conference of Judges of Georgia. The report is also uploaded on the web-page of the HCoJ.

It should be noted that in the reporting period 6 conferences were held and representing the annual report by the HCoJ chairperson to the Conference has formed a custom and a proof of the Council’s accountability in front of the Conference.

## Reports Submitted by the HCoJ:

The HCoJ has prepared and submitted in due time:

- Compliance report on the International Covenant on Civil and Political Rights (ICCPR);
- Compliance report on the International Covenant on Economic, Social and Cultural Rights (ICESCR);
- Compliance report on the Council of Europe Convention on Action against Trafficking in Human Beings;
- Compliance report on the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);
- Progress report on Istanbul Anti-Corruption Action Plan of the Organization for Economic Cooperation and Development (OECD);
- Group of States Against Corruption (GRECO), Compliance report on recommendations issued in the Fourth Round Evaluation Report on Georgia;
- Reports on Action Plans for the Implementation of the Association Agreement and the Association Agenda;
- Reports on Annual National Programme (ANP);
- Reports for Universal Periodic Review (UPR);
- Reports on the Government Action Plans for Protection of Human Rights;
- Reports on the National Anti-Corruption Action Plans;
- Progress reports on the Reform of Criminal Justice System;
- Compliance reports on the International Convention on the Elimination of All Forms of Discrimination Against Women;

## Increase in the Quality of Reasoning of Court Decisions:

In order to improve the reasoning of court decisions a number of issues were put on the agenda within the judiciary: the need for development of the structural units carrying out analytical

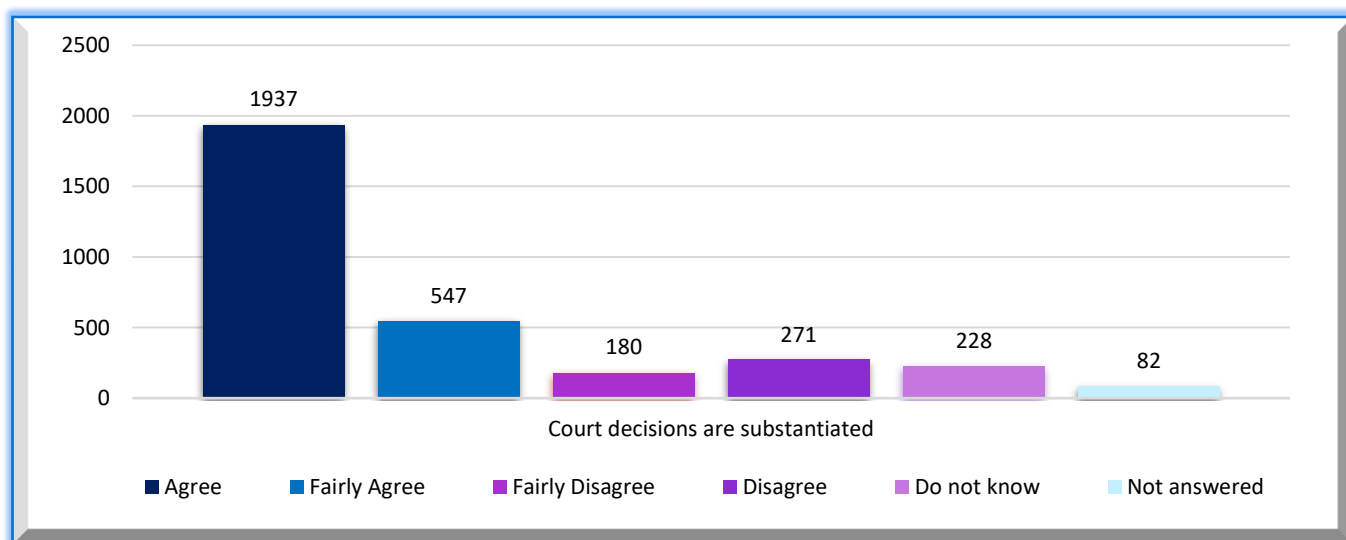
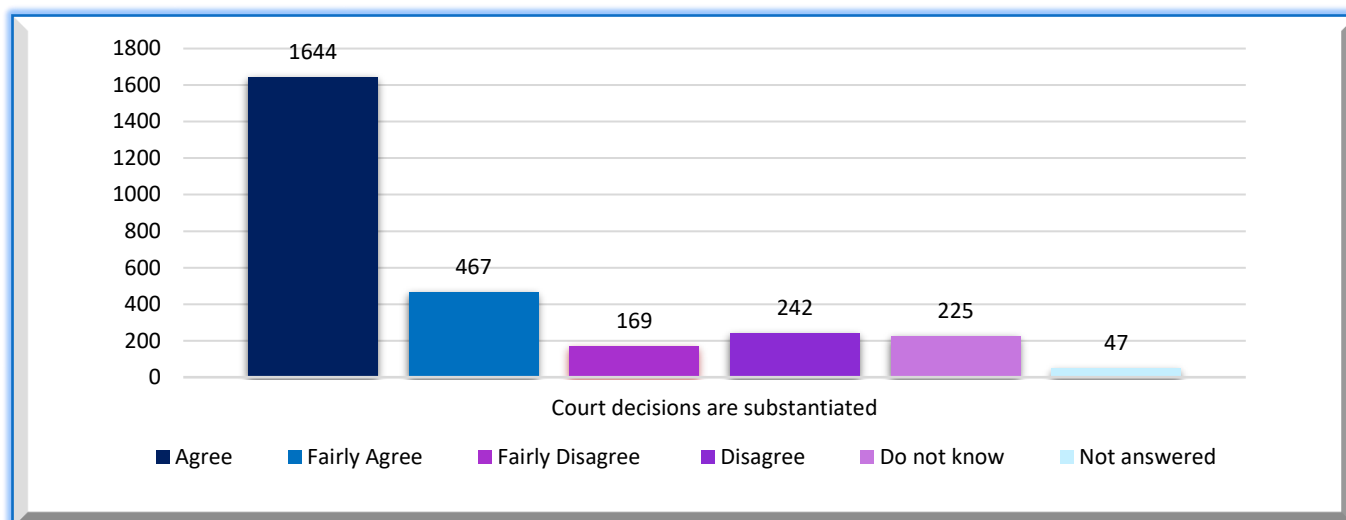
functions; technological advancement of IT resources; need for introduction of a unified standard of statistical data processing. In this direction, notable activities carried out in the reporting period entail elaboration of methodology for the research and generalization of court practice, programmes of training for the staff of the analytical and generalization units, implementation of training modules on the methodology and criteria of reasoning of court decisions. In November 2017, within the framework of the EU Project a local expert prepared Research Guidebook which covers types of documents/research, legal analysis, structure of documents and standards for use of statistical data. Representatives of analytical services from all instances of courts were involved in the development of this Guidebook, which addresses their needs and is based on analysis of research that they carried out. With the support of the EU Project and USAID/PROLoG series of trainings were held for judges' assistants from the Supreme Court and staff of Division on Generalization of International and National Court Practice on international human rights law. Besides that, access to the case law of ECtHR, Constitutional and Supreme Courts of Georgia was improved, namely: in 2017 a memorandum was signed between Ministry of Justice of Georgia and ECtHR in order to ensure access to the Georgian version of HUDOC database and creation of the Georgian interface. Supreme Court's International Judicial Practice Examination Division in cooperation with the Ministry of Justice prepared a glossary of terms of the HUDOC search database in Georgian language. Besides that, there are 885 ECtHR decisions translated into Georgian uploaded on the website of HUDOC. In addition to this, the thematic documents prepared by the Human Rights Center of the Supreme Court are available on the website of the Supreme Court. With the support of the CoE, the HCoJ initiated work on elaborating a guidebook regarding assessment of the reasoning and quality of court decisions. Besides that, in cooperation with the HSoJ, under the auspices of the mutual project of the EU and the CoE – "Strengthening the Application of the European Convention on Human Rights in Georgia", a distance learning course of HELP on "Reasoning of Criminal Judgments" was successfully implemented. In 2019, in cooperation with German Corporation for International Cooperation (GIZ), the HSoJ conducted a training for court staff on "Reasoning of Court Decisions in Commercial Disputes". Additionally, in 2019 the HSoJ organized training for judges on "Reasoning of Court Decisions in Administrative Law". A number of activities are planned in future for raising the quality of reasoning of court decisions through analytical research, as well as – through development and implementation of training modules.

## „Justice is More Accountable“

Public Opinion<sup>4</sup>

Eminent results of satisfaction survey of court users. See the data:

January 2019:



July 2019

<sup>4</sup> High Council of Justice of Georgia, Satisfaction Survey of Court Users, 2019.

## VI. Completed and Planned Activities in Strategic Directions

*This report reflects all the major, significant achievements of the High Council of Justice of Georgia that clearly demonstrate the successful implementation of the Judicial Strategy in the reporting period. The efforts of the HCoJ in every direction of the reform were oriented at ensuring more independent and effective, more transparent and accessible justice system. The HCoJ has further been accountable in terms of making the information about its work and achievements accessible. However, the reform continues and the HCoJ has set certain goals for the next stages of implementation of the judicial strategy for 2017-2021.*

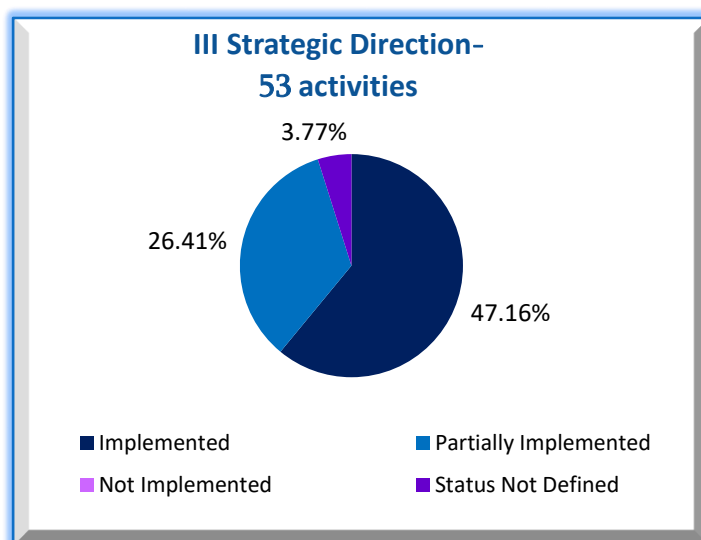
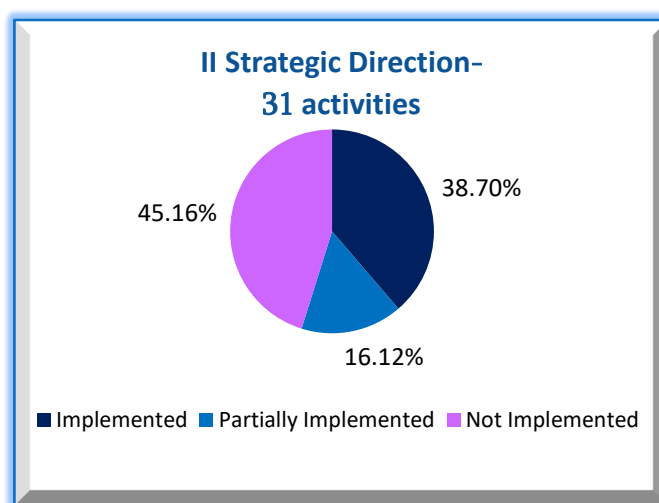
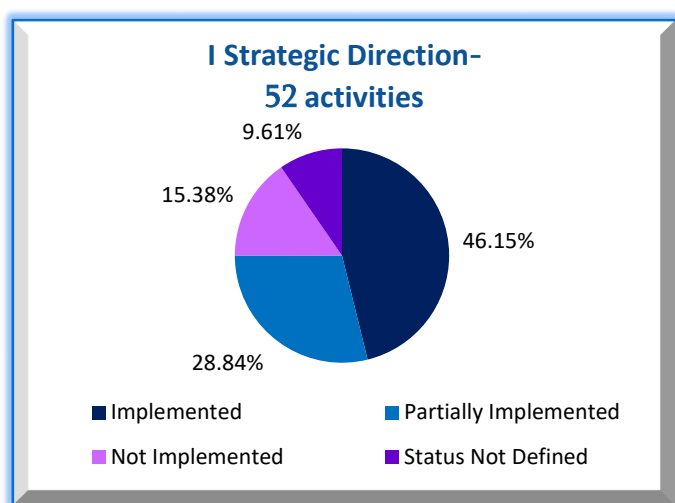


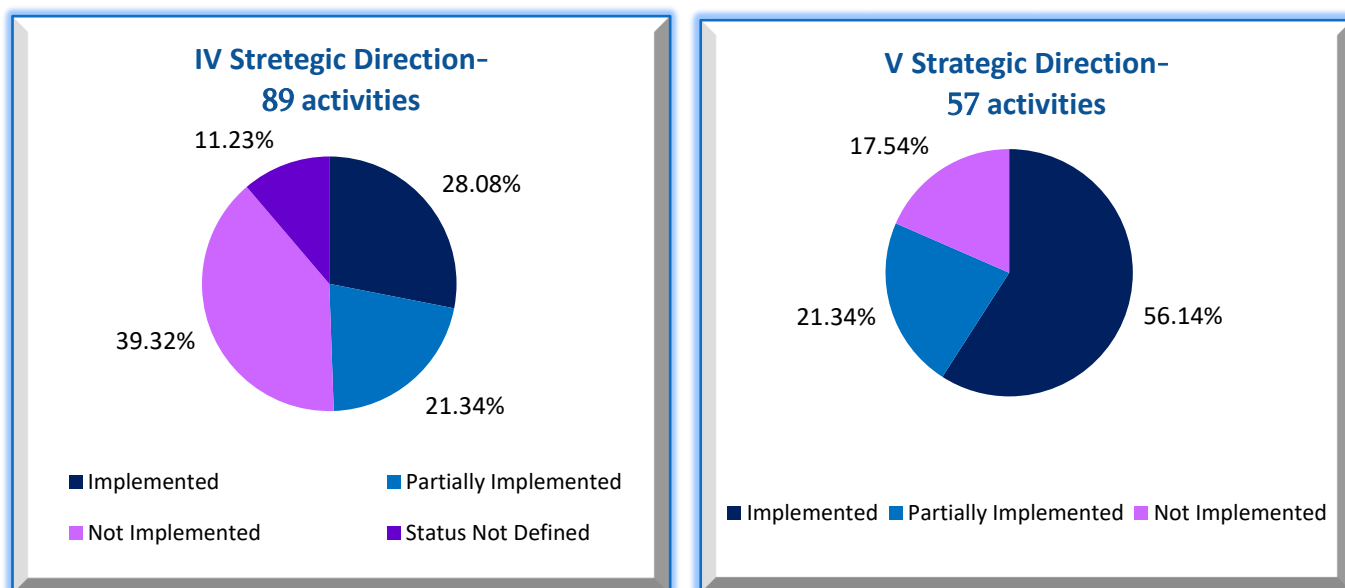
## Progress Report of the Judicial Strategy and Action Plan

In the process of European and Euro-Atlantic integration, the level of independence, accountability, effectiveness and accessibility of the judiciary is of utmost importance. The HCoJ fully recognizes its significant role in this process and thus, with the support of partner international organizations, continues its work on implementing the judicial strategy for 2017-2021 which has been adopted in compliance with the Association Agreement between the European Union and Georgia.

The progress of compliance with the activities falling into five major strategic directions of the action plan is the following:

See the diagrams:





Implementation of the action plan was accompanied by certain challenges, because of which part of the activities were not completed to schedule and further efforts to implement them are being taken. In this regard, following challenges should be emphasized:

- After the adoption of the Strategy and the Action plan, the renewal of the composition of the HCoJ in spring of 2017 has automatically brought about changes in the date of accomplishment of certain activities;
- Implementation of part of the obligations requires legal amendments, thus, such process was not dependent solely on the judiciary;
- Considerable part of the activities implies introduction of significant innovations and thus, requires a systemic approach. Such innovations entail, e.g. introduction of a completely new system of evaluation and promotion of judges. Creation of the system of evaluation and promotion of judges is inevitable, however the HCoJ deemed it unreasonable to introduce a new system in the reporting period, which would put the judges in a difficult and unfair situation due to the caseload they have.
- In order to ensure high transparency of the strategy implementation process, in the summer of last year, the HCoJ has represented first year progress report to the international and local NGO-s and representatives of the legislative and executive branches of government involved in the development of the action plan. In the nearest future, the HCoJ will represent to the public the second annual report and the compliance report for the first two years, on the basis of which, it will adopt the next action plan for 2019-2020. International and local NGO-s are involved in the process of designing the new action plan. The draft action plan was submitted to them together with the second annual report.



## In the Direction of Independence and Impartiality

### Need for Refining the Compensation System for Judges:

Judges are compensated in accordance with the “Law of Georgia on State Compensation and State Academic Stipends” which states that the amount of compensation shall not exceed 560 GEL. One of the challenges in terms of enhancing social guarantees of judges is the amount of compensation and need for refining the model of awarding compensation, which requires additional financial resources. In this regard, the HCoJ continues active cooperation with other branches of the government. For now the HCoJ works on selecting relevant pension model. Another essential challenge concerns the lack of protection of judges’ remuneration from inflation.

## In the Direction of Accountability

According to the changes introduced in the framework of the “fourth wave” of judicial reform, the Code of Judicial Ethics needs refinement and a statute of the Ethics Council must be drafted. The HCoJ actively works on these issues.

## In the Direction of Effectiveness and Quality:

### Small Number of Judges:

Increase in the number of judges to the optimal minimum is crucial. As it has been already noted, authoritative surveys demonstrate that the current number of seats for judges does not meet the optimal minimum and in order to achieve the required number a minimum of 100 seats shall be added. Besides that, in some courts an increase in the number of court staff is also required for optimal effectiveness.

An assessment system of the effectiveness of courts needs to be created and quality standards – developed. Additionally, the issues of periodic evaluation and creation of promotion system for judges need to be solved. The infrastructure of common courts need to be refined, inter alia, significant efforts shall be directed to improving IT infrastructure.

### Activities to be carried out in the field of mediation:

After the entry into force of Law of Georgia “On Mediation”, timely and effective implementation of the mediation programme approved by the HCoJ is of the essence. According to the programme, the HCoJ shall ensure entry into force of mediation in big courts. Besides that, the programme entails diverse activities directed to further development of mediation.

## In the Direction of Transparency and Accessibility

### Strategy of Public Relations:

In order to implement the Communication Strategy of the Judiciary adopted by the HCoJ, an action plan on Communication of the Judiciary is being elaborated.

### Open Days and Free Legal Consulting:

In order to increase public trust in the judiciary, according to the recommendation adopted by the HCoJ, open days are planned in common courts, which aim to familiarize the public and interested persons with the general principles of and relevant topics regarding the functioning of the judiciary.