



ACTIVITY REPORT OF THE JUDICIAL SYSTEM

2020-2023

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I. Introduction

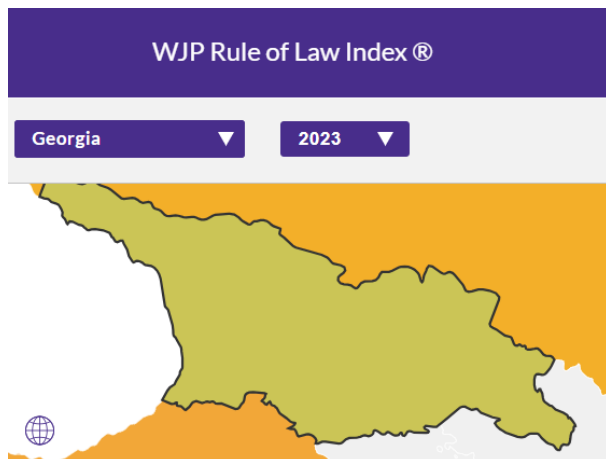
The judicial system has traveled a long and significant way of development. With the aim of fulfilling the commitments undertaken before the citizens and the international partners, large-scale work has been done during the past decade in the area of independence, impartiality, accountability, quality, effectiveness and accessibility of the judiciary. As a result of the constitutional reform, the so-called “four waves” of judicial reforms, and institutional changes, new institutions and innovative mechanisms have been developed and introduced; *inter alia*, extremely important safeguards for institutional independence of the judicial system and individual independence of judges have been created – the High Council of Justice (hereinafter “HCoJ”) has become a completely politically neutral body; the system of appointment of judges for life tenure has come into operation; a merit-based, objective and transparent procedure for the selection and appointment of judges of the courts of all instances has been prescribed into law in detail; the accountability of the HCoJ and the transparency of its activities have increased; the system of random electronic distribution of cases has been launched, which created guarantees for the protection of the process of distribution of cases among judges from all external interference; a completely new system of accountability of judges has been established - the Office of Independent Inspector was created, and the grounds of the disciplinary liability of judges and the guarantees for fair proceedings were defined in detail.

Given the extremely important role of justice on Georgia’s road to integration into the European and Euro-Atlantic structures, bringing the judicial system and the activities of the HCoJ as close as possible to the European values and standards still remains one of the priorities on the national agenda. The present report, which provides information on the activities carried out with the aim of ensuring the independence and impartiality of judges and an accountable, high-quality, effective and accessible judicial system, is one of the manifestations of the foregoing.

II. Recognition of the Progress of the Judicial System

The progress of the judicial system is recognized by authoritative international organizations:

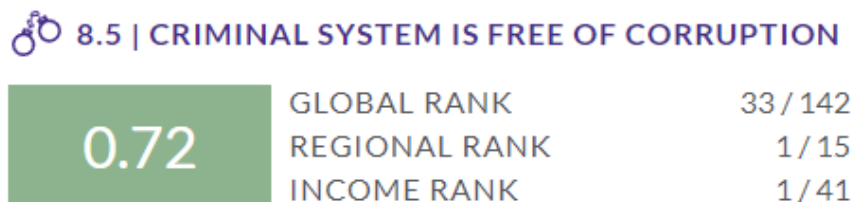
➤ Georgia is the regional leader with its score for absence of corruption in the judiciary.



According to the World Justice Project Rule of Law Index of 2020 and 2021, which assesses states and jurisdictions on the basis of a survey of the population, legal practitioners, experts and representatives of the academia, Georgia is the regional leader with its score for absence of corruption both in the judicial system as a whole and in the criminal system in particular.

According to the Rule of Law Index of 2022 and 2023, the positions of the Georgian judicial system have further improved. Georgia is a regional leader with its score for absence of corruption both in the judicial system as a whole

and in the civil justice system in particular; and with the score for absence of corruption in the criminal system, Georgia ranks first not only in the region but also among the states with upper middle-income.



The full version of the report is available at the following link: [rule-of-law-index](https://www.wjpi.org/rule-of-law-index).

➤ Georgia is among the European states that have the best results in terms of access to and affordability of justice



According to sustainable development reports published by Cambridge University in the years 2021-2023, which assess the achievement of the Sustainable Development Goals adopted by the Member States of the United Nations Organization, Georgia is among the 25 European states with the best scores for access to and affordability of justice.

The full version of the report is available at the following link: [SDGIndex/Georgia](https://sdgindex.org/Georgia).

➤ Positive Attitudes of Businesses towards the Court System

According to the survey conducted by the Caucasus Research Resource Center (CRRC) in 2021, businesses declare trust in the judicial system. The majority of business organizations have a positive attitude toward the

judiciary and make a positive evaluation of both the court performance and the competence and independence of judges.

The full version of the survey is available at the following link: [Views of Businesses on the Court](#).

➤ **The judicial system makes progress in terms of implementation of recommendations of the Group of States against Corruption (GRECO)**

The years 2021-2022 saw the publication of the 2nd report on the implementation of recommendations given to Georgia by the Group of States against Corruption and its addendum as part of the 4th round of anti-corruption evaluation.

GRECO makes a positive assessment of Georgia's progress in terms of improvement of the rules of appointment of judges. The organization deemed the adoption of the new Rules on Judicial Ethics and, on their basis, the development of an updated training module for judges as steps taken by the state in the right direction.

The group of experts of GRECO made a particularly positive evaluation of the legislative reform for the improvement of disciplinary proceedings against judges, on the basis of which the state introduced a system and procedures for disciplinary proceedings that are in line with international standards. In accordance with GRECO's recommendation, one more legislative amendment was made in 2021, according to which the HCoJ can make a decision on disciplinary issues if it is supported by the majority of its full composition. According to the report of 2022:



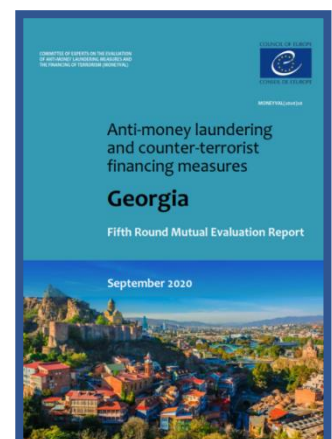
“GRECO welcomes the amendments to the LCC abolishing the requirement for a two-thirds majority for HCJ decisions on disciplinary matters, which is an important step in addressing one of the last elements expressed in the recommendation”.

➤ **The Georgian judicial system is efficient in terms of the fight against money laundering and financing of terrorism**

The Georgian “court system is efficient” in terms of the fight against money laundering and financing of terrorism, the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) emphasized in the Fifth Round Mutual Evaluation Report on Georgia published in 2020.

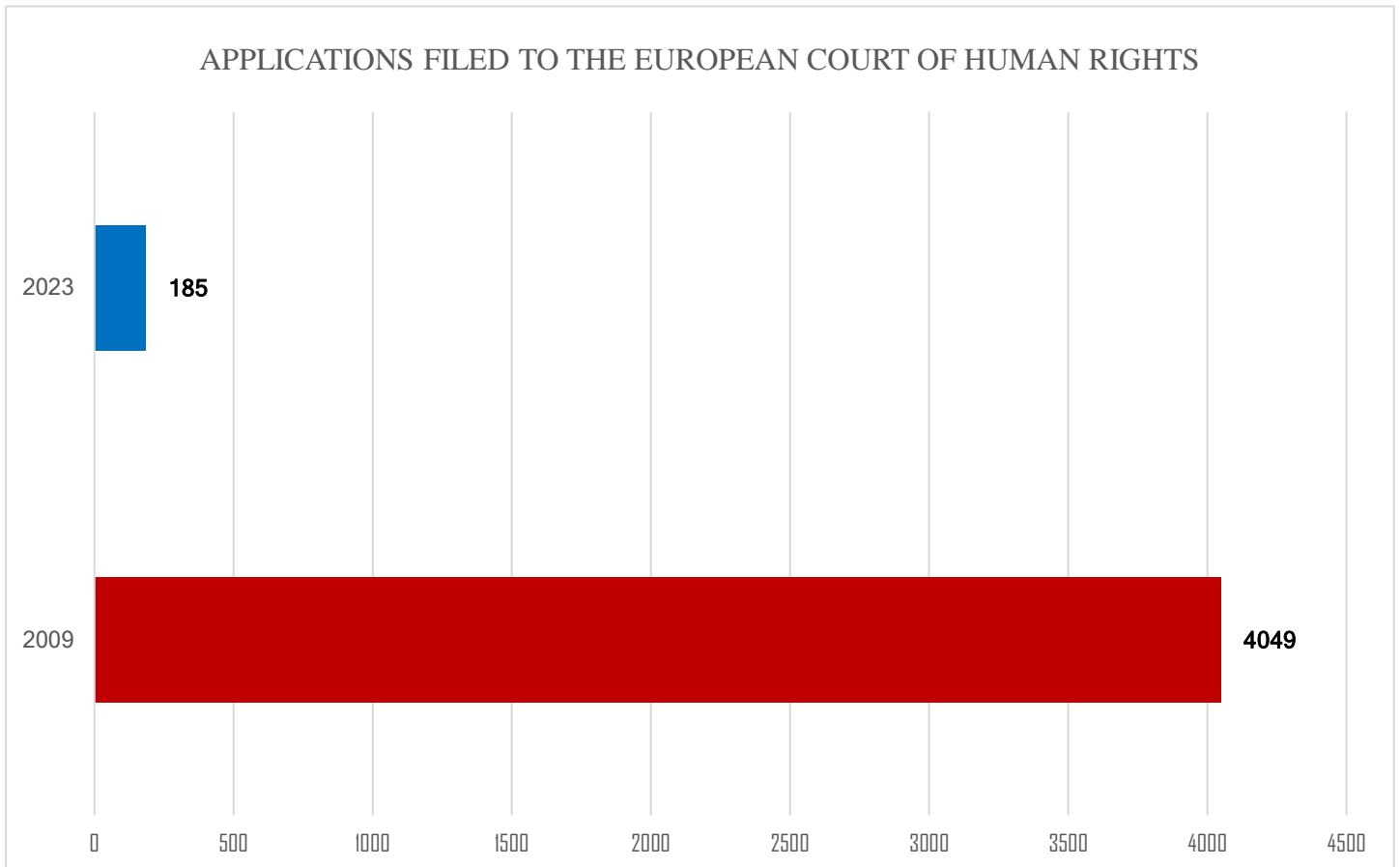
The report assesses the measures taken in Georgia against money laundering and financing of terrorism.

The full version of the report is available at the following link: [MONEYVAL Report/Georgia](#).



➤ The unprecedented decrease in the applications filed against Georgia in the Strasbourg Court indicates that the human rights protection mechanisms function effectively in the courts of Georgia

The liberalization of justice and the large-scale judicial reform implemented in recent years were directly proportional to the sharp decrease in the number of applications filed against Georgia in the European Court of Human Rights. In 2009, the number of applications lodged to the Strasbourg Court equaled **4,049**, whereas this number has decreased to **185** as of 2023.

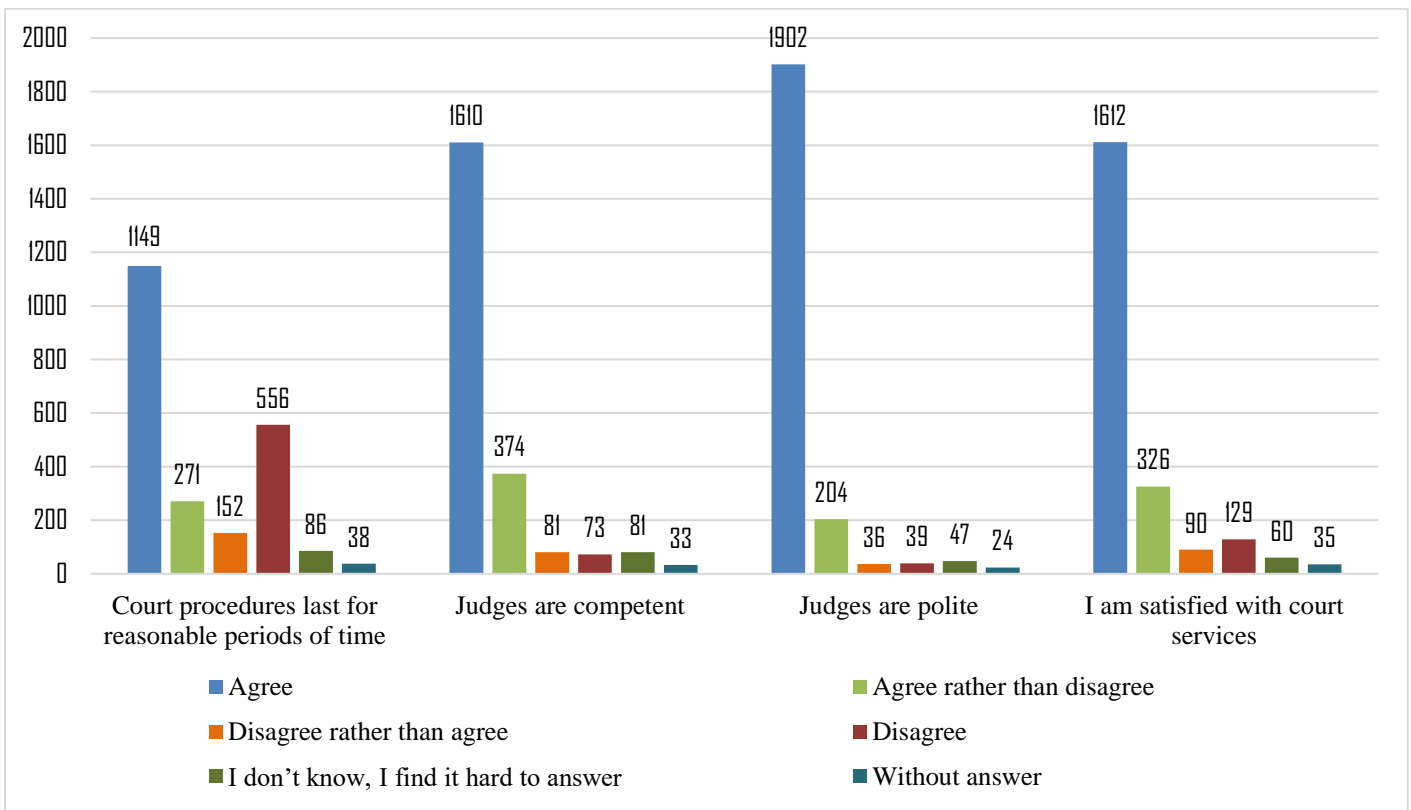
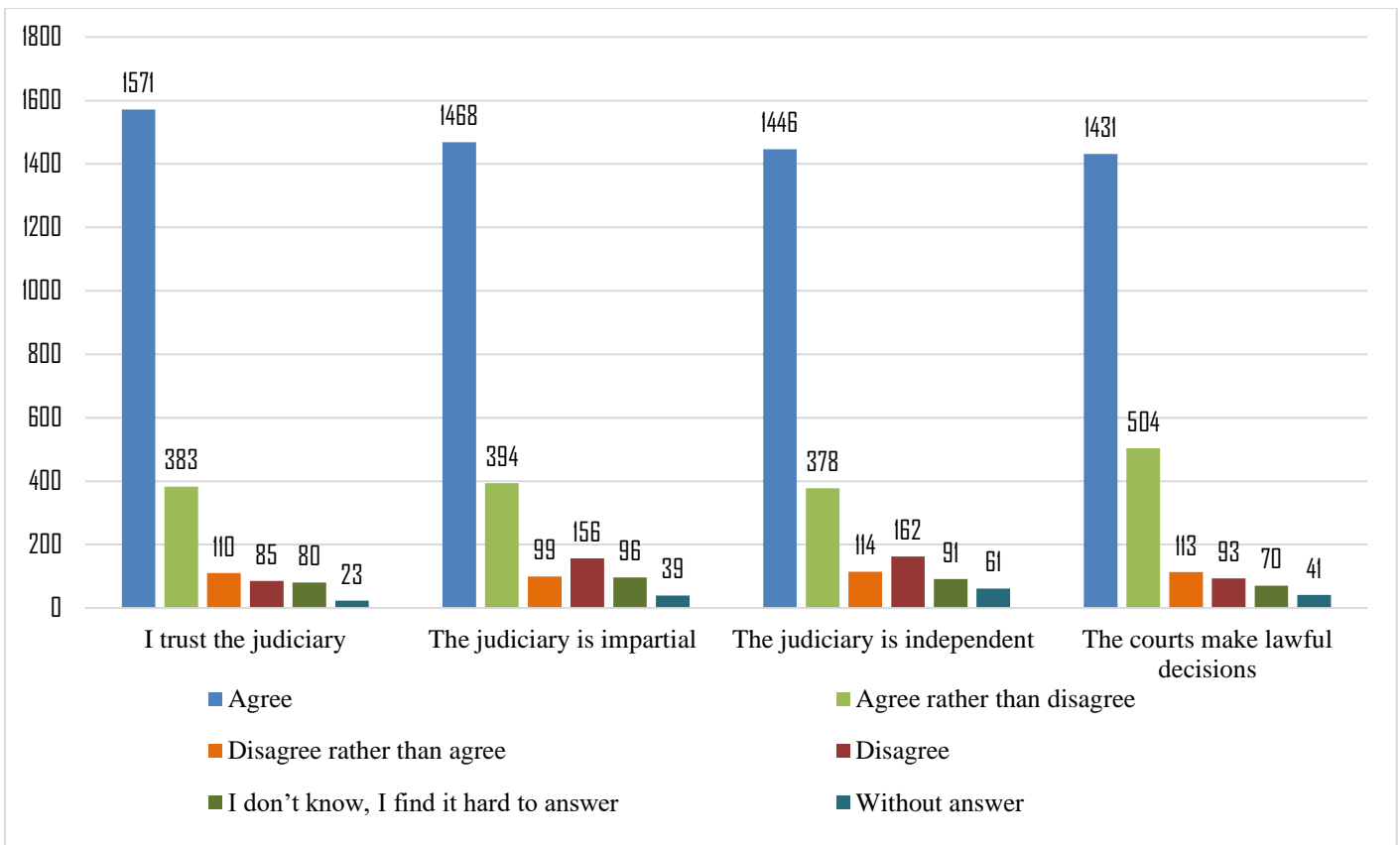


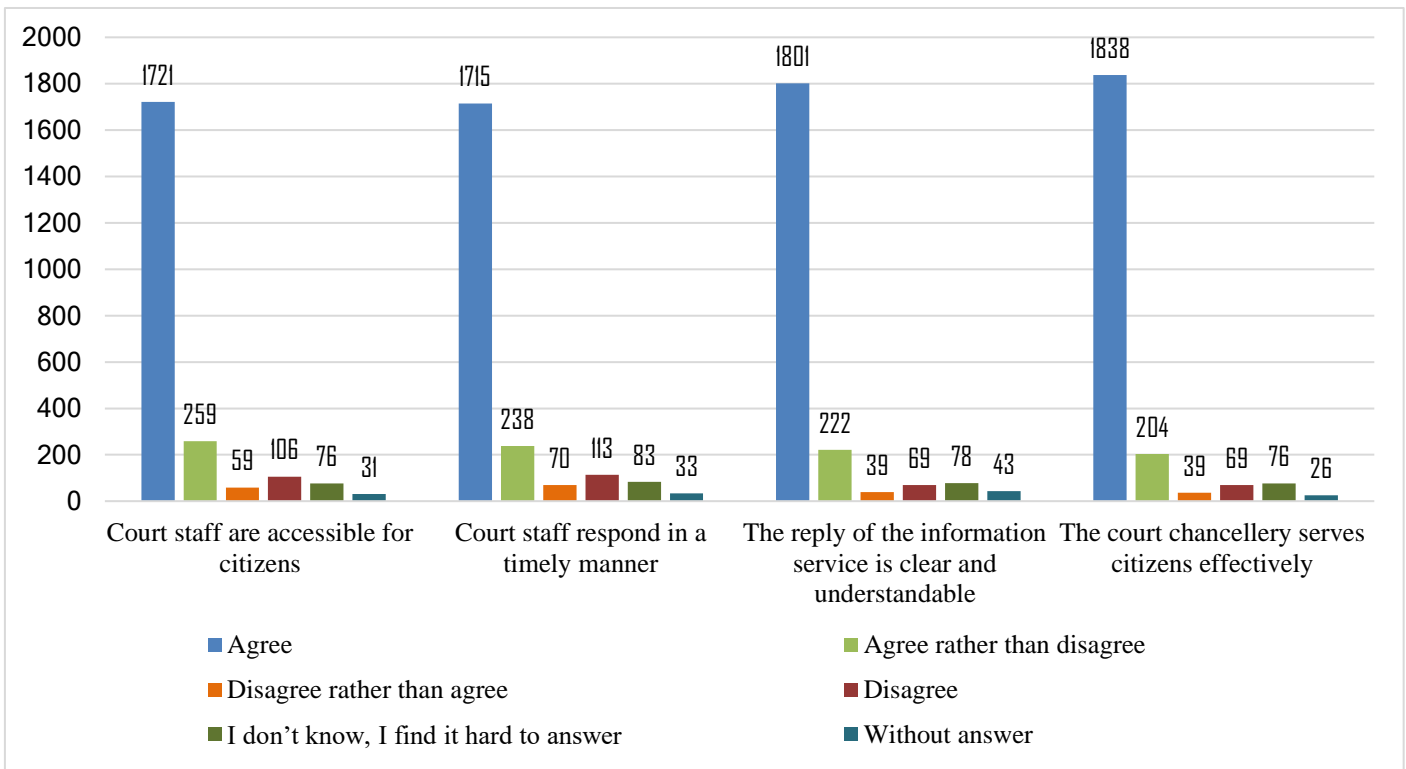
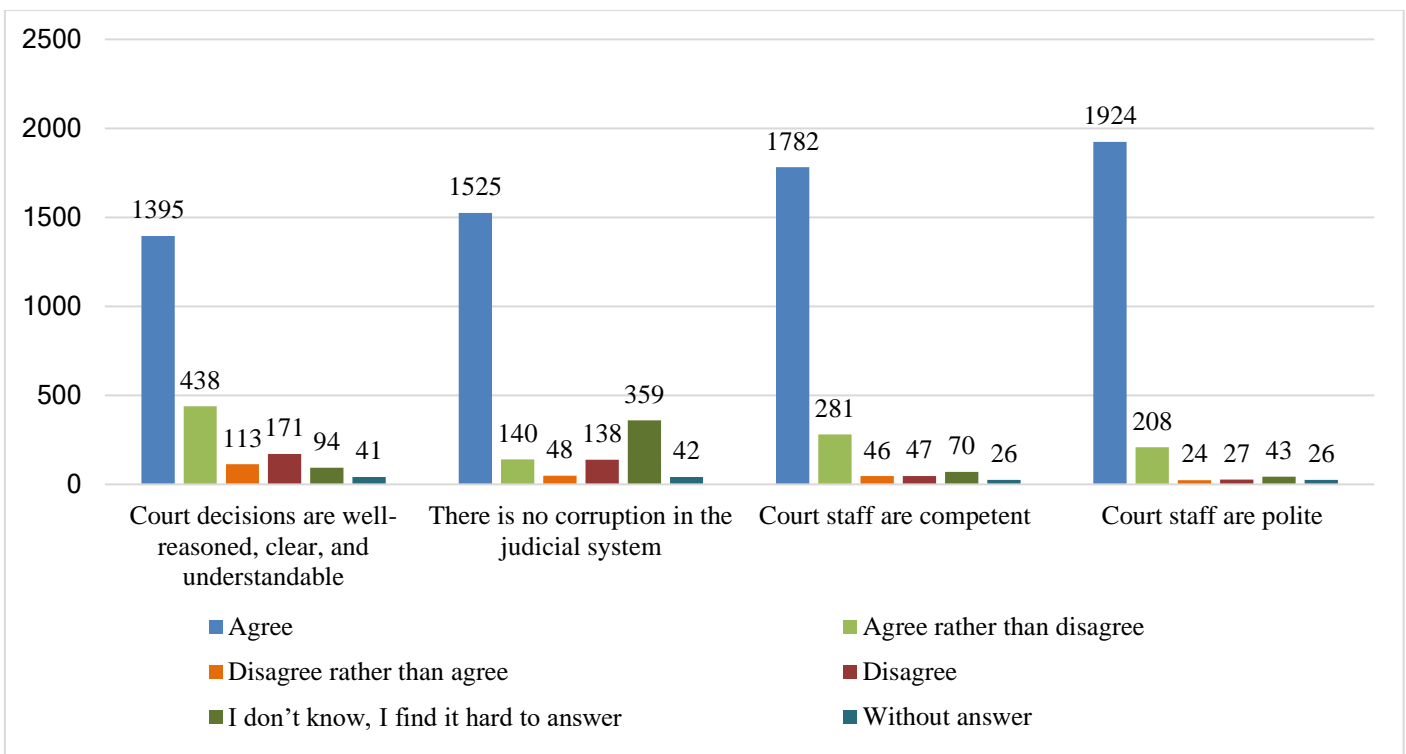
Court users acknowledge the progress of the judicial system:

In April 2022, **2,252 court users were surveyed** in the courts of Georgia of all the three instances. Of those surveyed,

- more than **64%** consider the judicial system as independent;
- almost **68%** state that the judiciary is free from corruption;
- **70%** trust the judiciary;
- more than **71%** consider judges as competent.

See the detailed results of the study in the figures below:





Studies of court users have been conducted in the common courts of Georgia since 2019 on the basis of the methodology enshrined in *Handbook for Conducting Satisfaction Surveys Aimed at Court Users in Council of Europe Member States* of the European Commission for the Efficiency of Justice (CEPEJ). The questions asked as part of the study relate to the assessment of the independence and impartiality of the judiciary and the quality, efficiency, accessibility and transparency of justice.

III. Ensuring Independence and Impartiality

1. Meetings and law-making activities of the High Council of Justice

The High Council of Justice was active during the reporting period:

In the years 2020-2021, despite the difficulties caused by the COVID pandemic, the HCoJ continued to operate full-time, holding meetings and making decisions.



During the years 2020-2023, the HCoJ held 154 meetings. All the meetings were open for the media – they had an opportunity to take photos and make video/audio recordings of the meetings. Any interested person could attend the open meetings, and the audio recordings of the meetings were available. At the 154 meetings held, the HCoJ considered only 7 issues *in camera*. All these 7 issues dealt with the selection of candidates for membership of the Expert Commission on the Qualification Examination of Judges, which is subject to being discussed *in camera* according to the law.

As of December 2023, the HCoJ is fully staffed and exercises its powers with a composition of 15 members.

During the reporting period, the procedure for the formation of the HCoJ was amended. The legislative amendment to Article 47 of the Organic Law of Georgia on Common Courts in December 2021 abolished the prohibition of election of one and the same person as a member of the HCoJ consecutively, which applied to both judge and non-judge members of the HCoJ. As the Venice Commission noted in its opinion issued in relation to Georgia on March 11, 2013, when discussing the staffing of the Council, “The logic behind the establishment of judicial councils suggests that as few limitations as possible be laid on the right of the judges to elect who, among their colleagues, they might wish to represent them in the Council.” The abolition of the unjustified blanket limitations for bodies authorized to elect members of the HCoJ will enhance the possibilities of staffing the HCoJ on the basis of professional experience and merit.

Amendments made to the Rules of Procedure of the Parliament of Georgia in June and November 2023 also regulated the procedural issues of election – on the basis of a competition – of five non-judge members of the HCoJ by the Parliament. Among other things, the amendments set forth the obligation of the Legal Issues Committee of the Parliament to hear each candidate for membership of the HCoJ at a public session. In addition, in order to ensure more transparency of the decision-making process at the Parliament, a secret ballot that had been established for making decisions on election of members of the HCoJ was replaced by an open ballot. The corresponding change was also included in the Organic Law on Common Courts.

Simultaneously, amendments made to the Organic Law of Georgia on Common Courts in June 2023 established a restriction related to election of more than four judge members of the HCoJ in any three-month period. By the same amendments, a candidate participating in the procedure of election of a judge member of the HCoJ of Georgia was granted the right to address the Conference of Judges before the voting and to present his/her vision and opinion regarding matters related to the exercise of his/her powers in the event of his/her election as a member of the HCoJ.

It is noteworthy that, according to the amendments that took effect from January 1, 2020, the HCoJ was granted the powers to issue a normative act – an ordinance. The organic law established that an individual act of the HCoJ is a decree, while a normative act is an ordinance. The HCoJ was made obligated to publish the reasoning of its decrees, including those adopted in connection with a judge’s career (appointment to office, transfer, promotion, etc.), and to publish draft normative acts to be considered at the Council’s meeting on the website of the HCoJ not later than seven days before the meeting of the Council.

With the aim of exercising its statutory rights and obligations, the HCoJ adopted 57 ordinances and 740 decrees in the years 2020-2023.

In the reporting period, the HCoJ submitted to the Parliament several legislative proposals, including a proposal on making amendments to the Organic Law of Georgia on Common Courts, which related to regulating the issues of remuneration of a member of the HCoJ elected by the Parliament/appointed by the President and termination of the powers of a member of the HCoJ, as well as a legislative proposal on making amendments to the Criminal Procedure Code of Georgia and to the Law of Georgia on Social Assistance, which aimed to regulate problems related to the process of selection of jurors. In addition, on the initiative of the HCoJ, on August 31, 2021, the Government of Georgia made an amendment to the Ordinance on Measures for Decreasing the Level of Poverty in the Country and Improving the Social Protection of the Population, which regulated issues concerning the social protection of jurors.

2. Selection of judges of the Supreme Court and nomination to the Parliament

2.1. Improvement of the procedure for the selection of candidates to be nominated to the Parliament of Georgia to be elected to the position of a judge of the Supreme Court

On 30 September 2020, 1 April 2021 and 13 June 2023, the Parliament of Georgia adopted significant amendments to improve the procedure for the selection of judges of the Supreme Court, which resulted in the formation of a system that ensures an exceptionally transparent, open and merit-based selection.

More specifically:

- The process of selection of judges of the Supreme Court is completely open at the High Council of Justice, as well as at the Parliament of Georgia; according to the law, a public hearing of candidates at the HCoJ shall be conducted in full compliance with the principle of equal treatment of all candidates;
- Members of the HCoJ evaluate judicial candidates for the Supreme Court on the basis of the criteria of integrity and competence;
- After a public hearing of the candidates, each member of the HCoJ shall provide a written substantiation of each score and each characteristic of the integrity criterion. In the assessments and substantiation, the member of the HCoJ shall indicate their name and last name and put their signature, which must be public and published on the website of the HCoJ. In addition, if a member of the HCoJ fails to assess all candidates and submit the assessments to the Office of the HCoJ of Georgia together with the substantiation, it will be considered that he/she does not participate in the procedure of assessment of the candidates. And the results of his/her assessments of all the candidates will be cancelled;
- After the publication of the evaluation of the candidates and the reasoning of each evaluation, based on the scores accumulated by the candidates in the assessment by the criteria of competence and integrity (the best rating scores) rather than on the basis of voting, the HCoJ, is to compile a list of candidates for the last stage of selection (at the stage of voting);
- The procedure of voting at the HCoJ to nominate candidates to the Parliament has been amended, to ensure that only those candidates will be nominated to the Parliament who have the best results in the assessment under the criteria of competence and integrity. Specifically, firstly the candidate who has received the best result in terms of the sum of scores among candidates assessed against the criterion of competence is put to vote and then, applying the same principle, the vote is held regarding the remaining candidates in succession. In addition, if any of the candidates fails to get the support of at least two-thirds of the votes of the full composition of the HCoJ, the remaining candidates will no longer be put to vote. If the sums of the scores collected by two or more candidates are equal in the assessment against the criterion of competence, the priority

in determining the order of voting will be given to the candidate who has gained better assessment against the criterion of integrity by more members of the HCoJ, and if these assessments are also equal – to the candidate who has longer professional experience;

- The voting is open, and a member of the HCoJ is required to provide reasoning for any position expressed in the voting, regardless of whether or not they supported the candidate. At the same time, information regarding which member of the HCoJ voted/refused to vote for which candidate, as well as the reasoning of the positions expressed in the voting, is public and published on the website of the HCoJ;
- Judicial candidates have the right to appeal against a decision of the HCoJ at the Qualification Chamber of the Supreme Court at any stage of the selection process;
- If a candidate files an appeal against a decision (decree/nomination) of the HCoJ, the selection procedure is to be suspended at the corresponding stage, until the Qualification Chamber of the Supreme Court has made a decision;
- Judicial candidates have the right to appeal to the Qualification Chamber against a decision again adopted by the HCoJ. Specifically, if the Qualification Chamber of the Supreme Court has revoked a decree/nomination adopted by the HCoJ in the process of selection of candidates for the Supreme Court and returned the case for repeated consideration, the repeated decree/nomination of the HCoJ may be appealed before the Qualification Chamber of the Supreme Court;
- The right to appeal against a decree/nomination of the HCoJ is valid at every relevant stage of selection of a judicial candidate(s) for the Supreme Court until the Qualification Chamber of the Supreme Court has made a decision to uphold the decree/nomination adopted by the HCoJ;
- There is a high standard for avoidance of conflict of interest in the process of selection of judicial candidates. If a judicial candidate for the Supreme Court is a member, a family member of a member, a direct relative in the ascending or descending line, a sister, a brother, a stepson/stepdaughter of a parent or a son/daughter, or a spouse's sister, brother or parent of a member of the HCoJ, this member may not enjoy the right to assess and participate in the voting for the candidate at any stage of the procedure;
- The issue of participation of a recused member of the HCoJ in the process of adoption of a repeated decree/repeated nomination by the HCoJ has been regulated. Specifically, if, as a result of consideration of an appeal, the Qualification Chamber of the Supreme Court establishes that a member of the HCoJ was biased in the process of selection of candidates, his/her approach was discriminatory, or he/she exceeded the powers granted to him/her by the Georgian legislation, which resulted in the violation of a candidate's rights, this member of the HCoJ shall no longer participate in the process of adoption of a repeated decree/repeated nomination by the HCoJ;
- With the aim of regulating the issues related to conducting a fair and effective public hearing of candidates for selection of the candidate to be nominated to the Parliament of Georgia for election to the position of a judge of the Supreme Court, on December 9, 2020, the High Council of Justice, by Ordinance No. 16, approved the Procedure for Conducting a Public Hearing of Persons Participating in the Procedure of Selection of the Candidate to be Nominated to the Parliament of Georgia for Election to the Position of a Judge of the Supreme Court of Georgia.

2.2. The process of selection/assessment of candidates to be nominated to the Parliament of Georgia to be elected to the position of a judge of the Supreme Court

During the reporting period, the High Council of Justice announced a competition to select candidates for the vacant judicial offices at the Supreme Court on three occasions – for 11 vacant positions in total.

Fifty candidates were interviewed by the HCoJ.

To prevent the spread of COVID 19, the HCoJ decided to hold the public hearing of all the candidates in the hall of the Plenum of the Supreme Court of Georgia. The interviewing process was conducted in line with the Procedure for Conducting a Public Hearing of Persons Participating in the Procedure of Selection of the Candidate to be Nominated to the Parliament of Georgia for Election to the Position of a Judge of the Supreme Court of Georgia of December 9, 2020. The interviews were held in line with the principle of equal treatment of candidates, where each member of the HCoJ had an opportunity to put questions to the candidates. The interview with each candidate lasted for 4-5 hours on average. The process of the public hearing was open and was attended by all interested persons and observers of international and civil society organizations, including



members of a monitoring group of the OSCE/ODIHR. In addition, the public hearing was broadcast live through the YouTube channel of the HCoJ. The public's access to the audio and video recordings of the interviews was ensured, which made the process even more transparent.

It should be noted that all the aforementioned competitions, including all the subsequent stages of assessment and selection of candidates, were conducted in accordance with the amendment of 1 April 2021, which means that the amendment applied equally to all the candidates, regardless

of whether they had applied for participation in the competition before or after the amendment. Throughout the evaluation process of each candidate, the members of the HCoJ provided a written substantiation of each score and each characteristic of the criterion of integrity, indicating the name and last name of the corresponding member of the HCoJ and, also, providing an individual written substantiation of the decision made at the time of voting, which contained argumentation on the assessment of the candidate against the assessment criteria. The assessments of the candidates and substantiation of these assessments, together with the names of the members of the HCoJ, the results of the voting and the decisions made by the members of the HCoJ at the time of the voting and substantiation of these decisions, as well as the nomination by the HCoJ, were published on the website of the High Council of Justice of Georgia in the manner established by the organic law.

One candidate used the right to appeal as established by the law and filed an appeal against a relevant decree of the HCoJ. The candidate demanded the decree to be abolished and that the members of the HCoJ be instructed to make a repeated, non-discriminatory, and unbiased assessment of the candidates and to produce relevant substantiation. The Qualification Chamber of the Supreme Court of Georgia rejected the appeal.

The HCoJ nominated 11 judicial candidates to the Parliament of Georgia for election to the positions of judges of the Supreme Court.

In accordance with the law, interviews with the candidates were conducted at a session of the Legal Issues Committee of the Parliament, in compliance with the principles of open, public and transparent process. All the parliamentary parties and representatives of the Public Defender's Office, the Legal Aid Service, the Georgian Bar Association, academia and non-governmental organizations had an opportunity to get directly involved in the interviewing process and to put questions to the candidates. The committee hearing of each candidate lasted for several hours, and any person (international and local organizations, citizens, etc.) who had in advance expressed a will to attend the interviewing process was allowed to do so. The relevant materials, documents and information obtained in connection with the candidates, as well as procedural documents and the information related to the process of election of the candidate, were published on the official website of the Parliament. Each committee



hearing and the process of election of the candidates by the Parliament was broadcast by a live stream, which allowed the public to monitor the process.

The Parliament of Georgia supported the election of 8 candidates as judges of the Supreme Court and did not elect 3 candidates. Due to this, in accordance with the Organic Law of Georgia on Common Courts, the HCoJ selected 3 candidates from the list of registered candidates and nominated them to the Parliament. Upon the completion of relevant procedures, the Parliament of Georgia elected all the 3 of them to the office of a judge of the Supreme Court.

All the 11 candidates nominated by the HCoJ to the Parliament of Georgia in 2021 were elected as judges of the Supreme Court for life tenure.

As of December 2023, 27 judges have been appointed at the Supreme Court. One judicial position remains vacant. 24 out of the 27 judges of the Supreme Court have been appointed for life.

3. Appointment of judges in the first (district/city) and second (appellate) instance courts

3.1. Improvement of the appointment procedure of judges at the first and second instance courts

On June 13, 2023, the Parliament of Georgia adopted an important amendment, according to which the judges of the first (district/city) and second (appellate) instance courts will be appointed to office in line with the rule established by the legislation of Georgia for the selection of candidates to be nominated to the Parliament of Georgia to be elected to the positions of judges of the Supreme Court. The aforementioned amendment reinforced the guarantees for an exceptionally transparent process of appointment of judges.

In the reporting period, as a result of an amendment of 30 December 2021 to the Organic Law on Common , the rule to limit the HCoJ to vote for a candidate against the list of vacant positions chosen by the candidate at the initial stage of a competition was abolished; according to the new regulation, if a candidate did not get the votes for the vacant position he/she has applied for, not less than three members of the HCoJ are granted the right to request the HCoJ upon the completion of the voting and with the consent of the candidate, to put the latter to a repeated voting for any of the positions left vacant as part of the ongoing competition. In this case, the HCoJ is to decide by the majority of those present whether to conduct a repeated voting regarding the candidate, while the repeated voting itself is to be held under a general procedure.

3.2. Appointment of judges to the first (district/city) and second (appellate) instance courts

The High Council of Justice continues to staff the judicial system with qualified, competent, and conscientious judges. In 2020-2023, 5 competitions were held for the selection of judicial candidates. As a result of the competitions, 98 judges were appointed to office. Of these 98 judges, 44 were appointed for life.



Of the 98 judges appointed to office, 53 were judicial trainees of the High School of Justice (hereinafter “HSoJ”), 9 were former judges, and 36 were sitting judges. In more detail:

- In the framework of the competition announced in June 2020 for 99 vacant judicial positions in the courts of appeals and district (city) courts, 36 judges were appointed to office, including 24 judicial trainees of the HSoJ, 8 former judges and 4 sitting judges;

- In the framework of the competition announced in February 2021 for 85 vacant judicial positions in the courts of appeals and district (city) courts, 44 judges were appointed to office, including 19 judicial trainees of the HSoJ, 1 former judge and 24 sitting judges;
- In the framework of the competition announced in March 2021 for 3 vacant judicial positions in the courts of appeals and district (city) courts, 3 judges were appointed to office, all of them were judicial trainees of the HSoJ;
- In the framework of the competition announced in August 2021 for 42 vacant judicial positions in the courts of appeals and district (city) courts, 7 judges were appointed to office, including 6 judicial trainees of the HSoJ and 1 sitting judge;
- In the framework of the competition announced in November 2022 for 76 vacant judicial positions in the courts of appeals and district (city) courts, 8 judges were appointed to office, including 1 judicial trainee of the HSoJ and 7 sitting judges.



In the framework of the competitions listed above, only 1 candidate used the right to file an appeal before the Qualification Chamber of the Supreme Court against a decree of the HCoJ on refusal to appoint the candidate to a judicial position. The Qualification Chamber rejected to grant the candidate's appeal.

As of December 2023, 305 judges are appointed at the courts of the first and second instance, including 276 judges appointed for life tenure and 29 judges appointed for a tenure of three years.

3.3. Evaluation of activity of the judges appointed for a tenure of three years

In the reporting period, members of the High Council of Justice prepared 342 evaluation reports on 80 judges appointed for a tenure of three years. After the completion of the evaluation procedures, 50 judges were appointed for life.

As of December 2023, 29 judges are appointed for a tenure of three years, in relation to whom the evaluation procedures are still underway.

It is noteworthy that, in the reporting period, the legislative amendments set forth a new element – knowledge of legal norms - to be taken into consideration in the process of evaluation of a judge appointed for a tenure of three years. In particular, it was established that during the evaluation of a judge the evaluator must also take into account the accuracy and relevance of the use of judgments of the European Court of Human Rights in the decisions delivered by the judge subject to evaluation.

4. Dismissal of Judges

In order to ensure the safeguards for the independence of judges, the Organic Law on Common Courts specifically lists all the grounds for the dismissal of a judge from office. In the reporting period, 40 judges of the first and second instance courts were dismissed from office on the grounds set forth in the organic law.

See the table for details:

Dismissal of judges of the first and second instance courts					
Grounds for dismissal	Election in another court	Reaching the age of 65	Death	Personal application	Expiration of tenure
Number of judges	13 judges	15 judges	6 judges	2 judges	4 judges

5. Strengthening the safeguards for the social protection of judges

In 2020-2023, important steps were taken for strengthening the safeguards for the social protection of judges.

The reporting period saw an increase in the monthly remuneration of judges. As of December 2023, the monthly remuneration of judges of the courts of the first and second instance has increased by 31-50% compared to 2019, while the monthly remuneration of judges of the Supreme Court has increased by 24%.

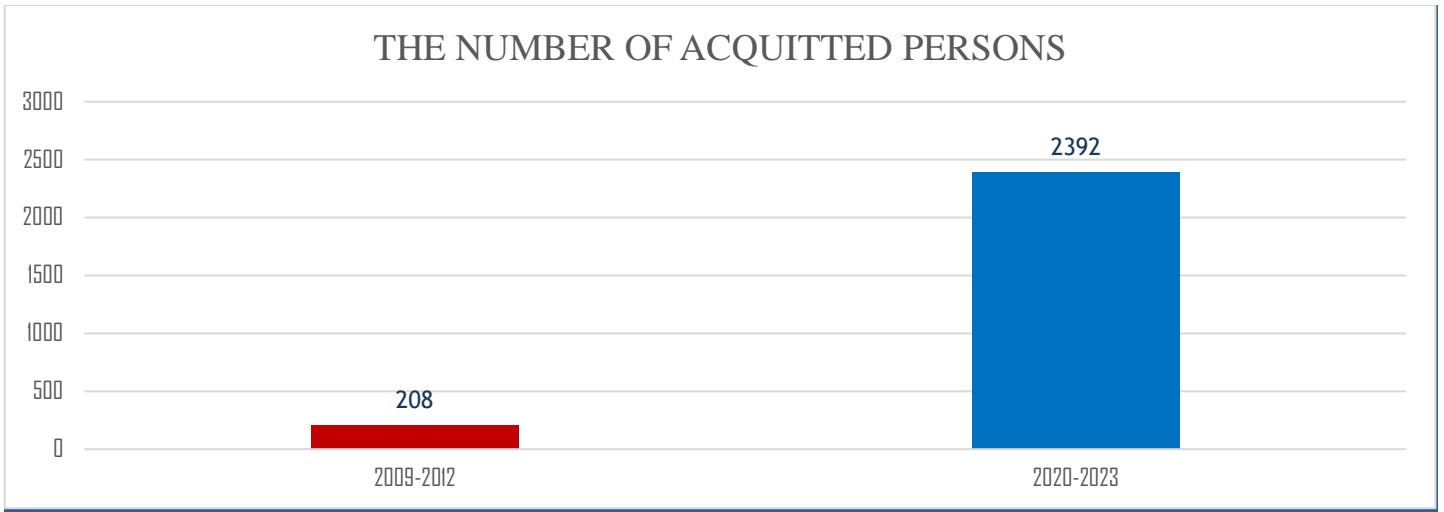
It is noteworthy that, according to the legislation, a judge who does not have a residential apartment in a self-governing city (municipality) where he exercises the judicial powers, is to be provided with a necessary residential space or reimbursed for the necessary expenses by the state.

On the basis of monitoring conducted, it was established that the limits on the amount of rent of a residential apartment to be paid to judges failed to correspond to the prices on the residential rent market. Accordingly, on 2 June 2023, the HCoJ adopted a decree increasing the limit on the monthly amount of rent to be paid to judges (for example, in the Tbilisi Municipality, the limit increased from GEL 955 to GEL 1,080; in the Telavi Municipality – from GEL 600 to GEL 750, etc.). This decision was conditioned by the will to ensure the independence of judges and to create decent living and working conditions for them.

6. Visible trends of impartiality of the judiciary in the legal proceedings

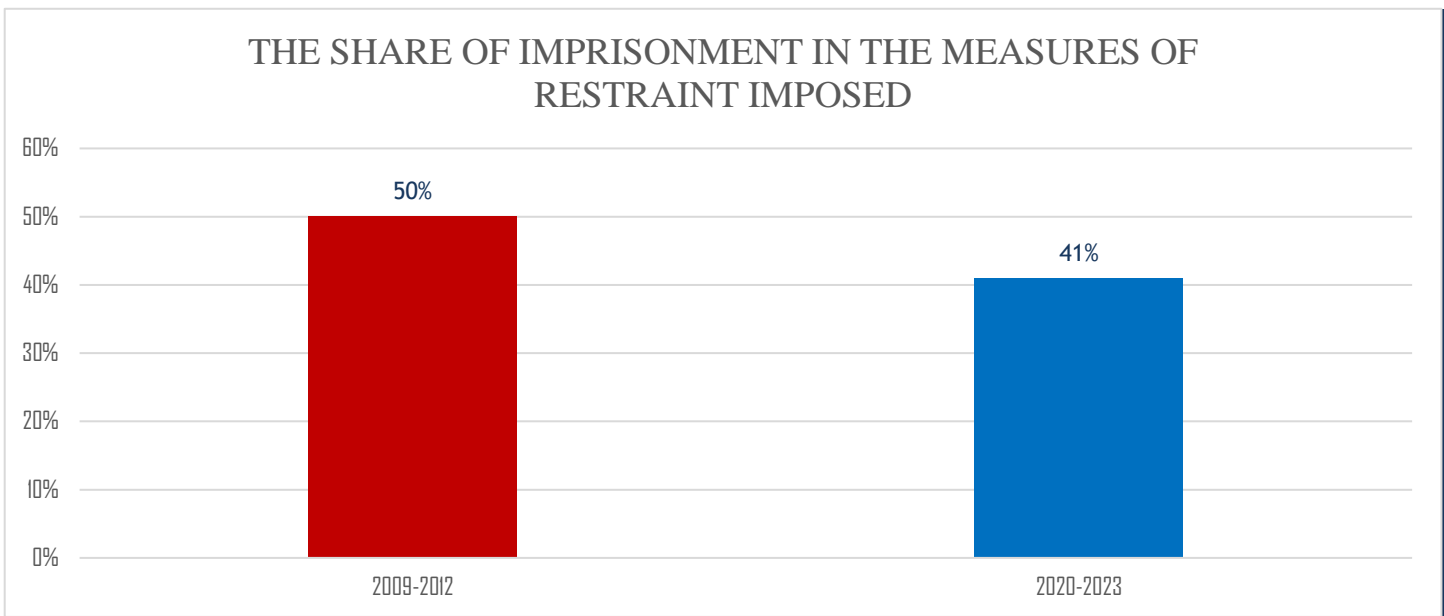
A clear sign of the impartiality of the judiciary is the unprecedented increase in the number of judgements of acquittal. In 2020-2023, a judgment of acquittal was delivered in relation to 2,392 persons, which is 11 times more than the number of persons acquitted in the years 2009-2012.

See the figure below:



The share of imprisonment in the measures of restraint imposed is decreasing steadily. Whereas the share of imprisonment in the measures of restraint imposed in the years 2009-2012 was 50% on average, in 2020-2023 it decreased to 41%.

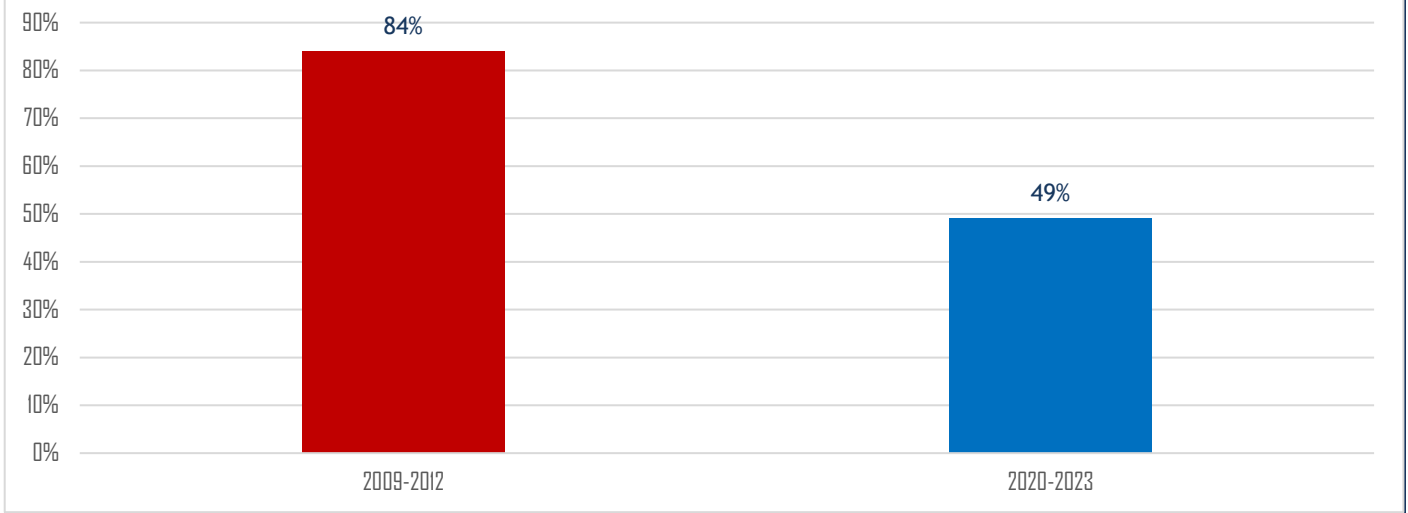
See the figure below:



It should be noted that the number of cases of granting the motions of the Prosecutor's Office to apply a measure of restraint decreases every year. Whereas in the years 2009-2012 the courts granted an average of 84% of motions of the Prosecutor's Office, in 2020-2023, this figure dropped to 49%.

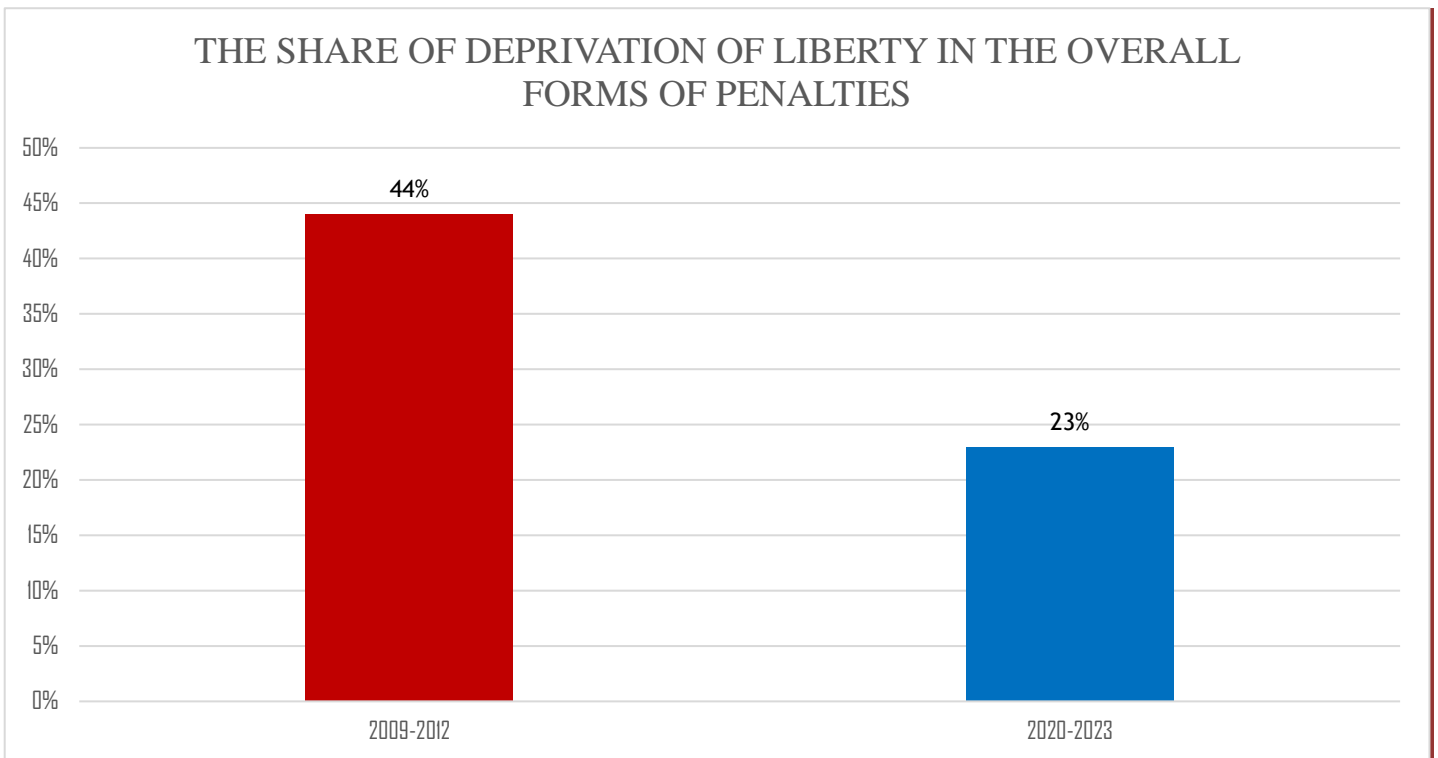
See the figure below:

THE RATE OF GRANTING THE MOTIONS OF THE PROSECUTOR'S OFFICE ON THE APPLICATION OF A MEASURE OF RESTRAINT



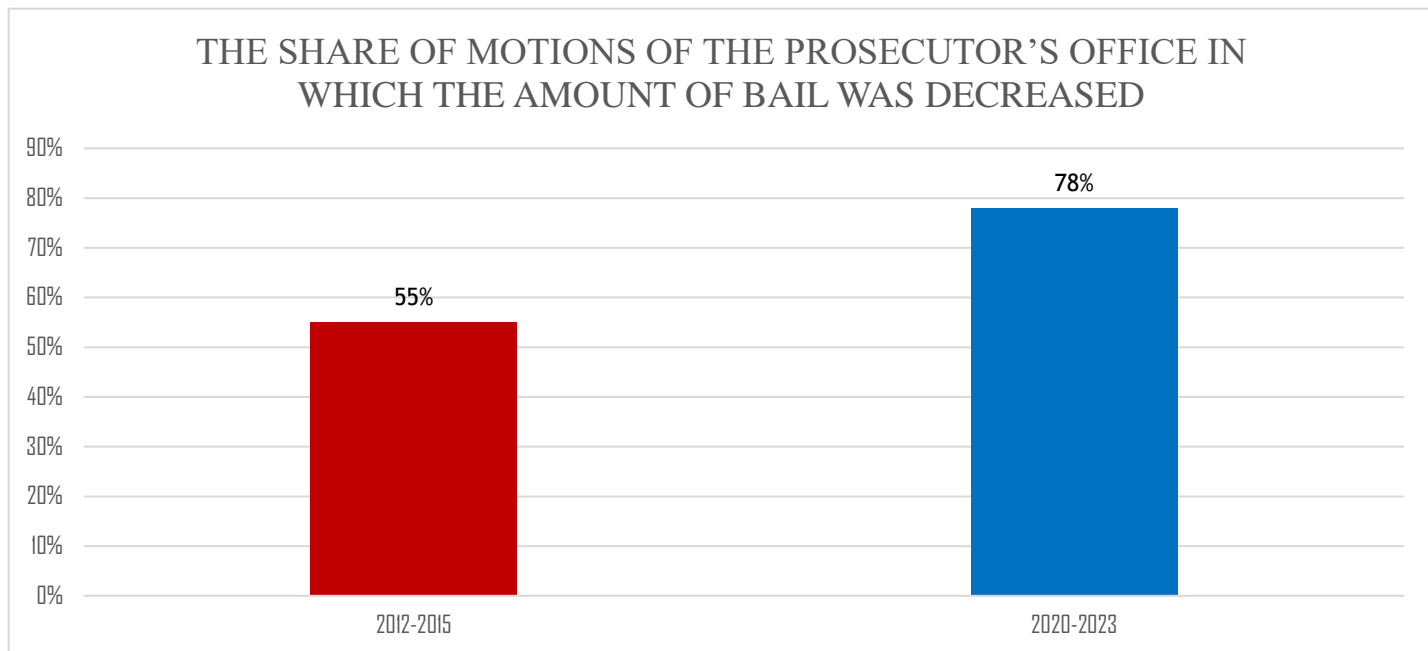
The share of deprivation of liberty as a penalty amounted to 23% on average in the years 2020-2023, whereas this figure equaled to 44% on average in 2009-2012.

See the figure below:



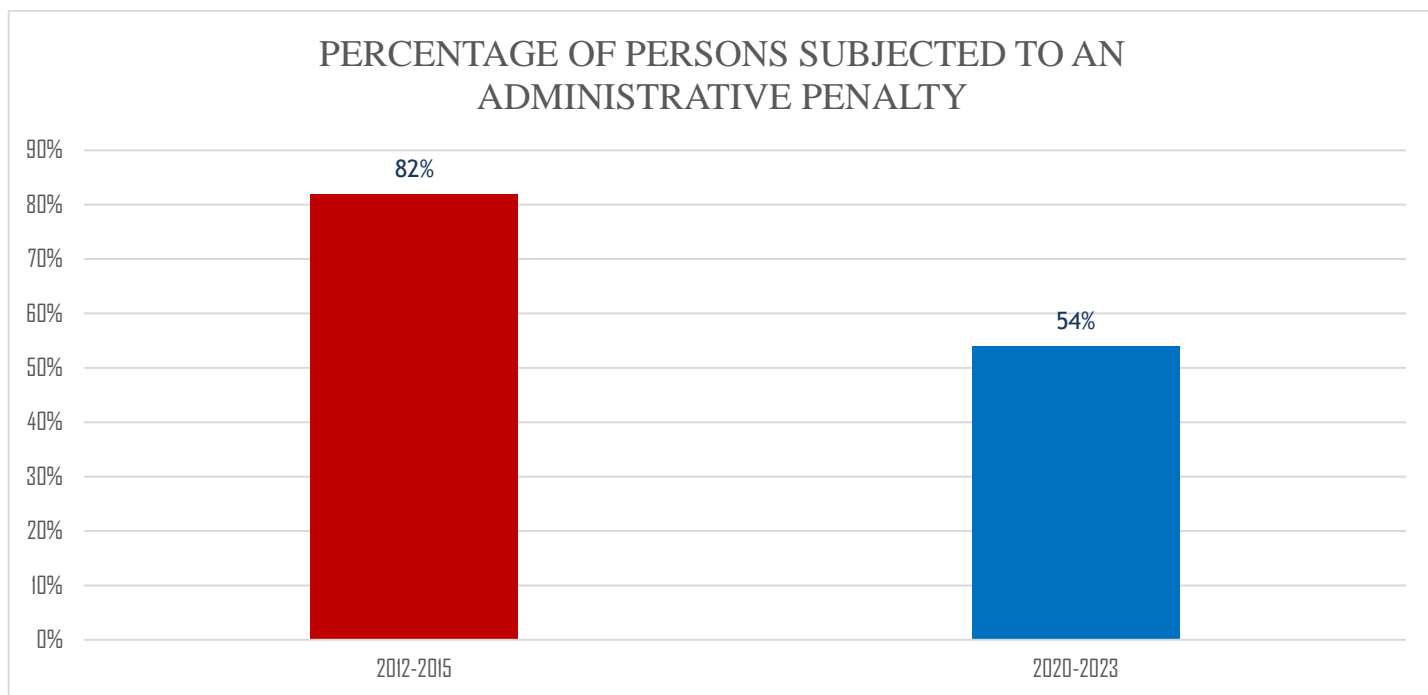
In the reporting period, the courts retained the tendency of reducing the amount of bail demanded by the Prosecutor's Office. Whereas the amount demanded by the Prosecutor's Office was reduced in 55% of the motions in 2012-2015, the number of such motions in 2020-2023 reached 78%.

See the figure below:



The number of persons subjected to penalties for administrative offences decreased considerably in the reporting period. Whereas an average of 82% of the offenders were subjected to an administrative penalty in the years 2012-2015, in 2020-2023 this figure decreased to 54%.

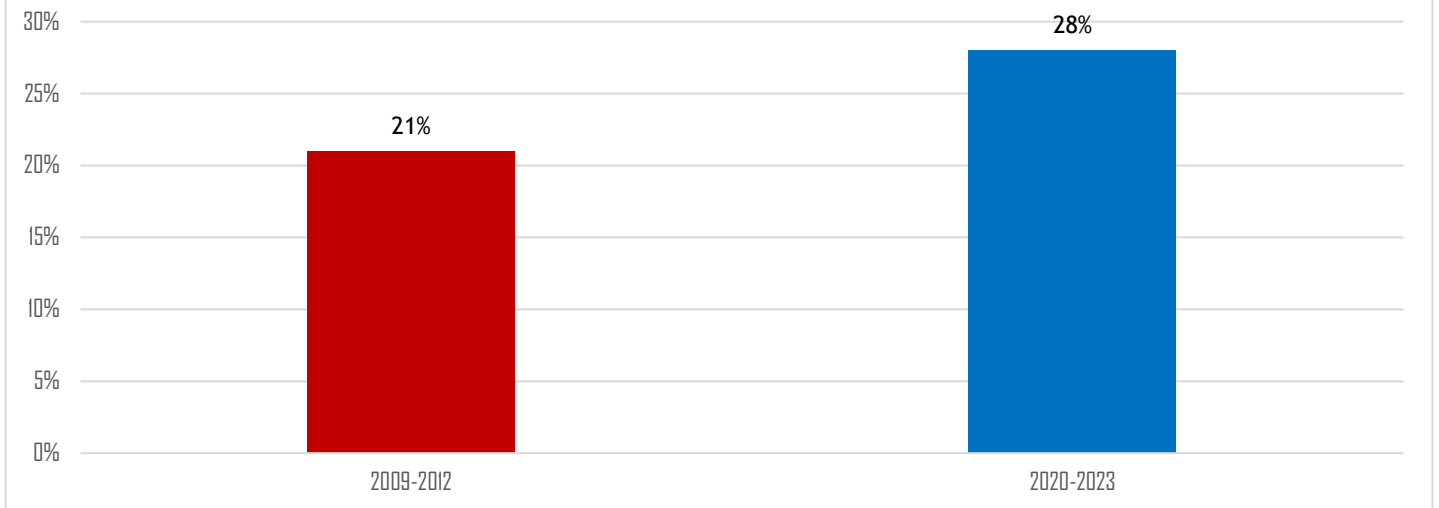
See the figure below:



In the reporting period, the number of tax disputes decided in favor of natural and legal persons in the courts of first instance increased even more. In the years 2020-2023, an average of 28% of the tax disputes in the courts of first instance were decided in favor of natural and legal persons. In 2009-2012, this figure had amounted to 21%.

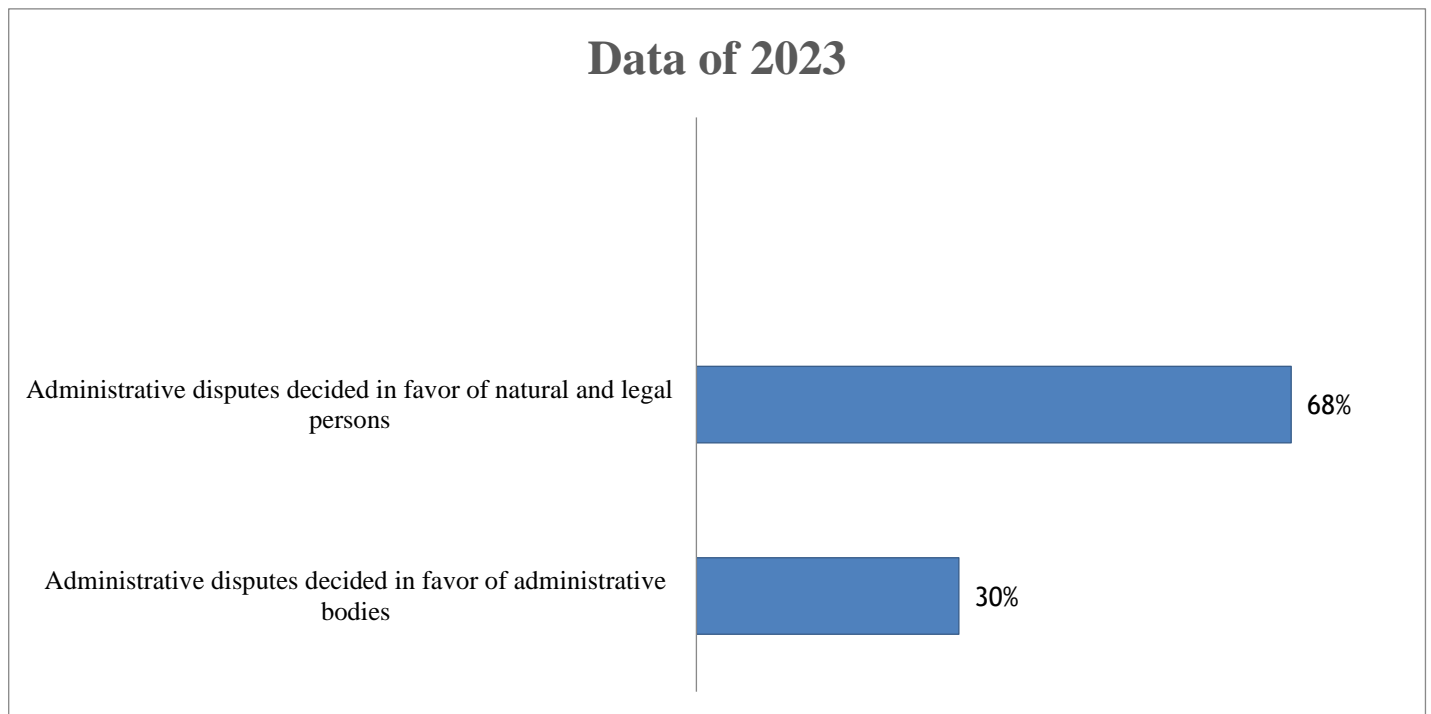
See the figure below:

TAX DISPUTES DECIDED IN FAVOR OF NATURAL AND LEGAL PERSONS



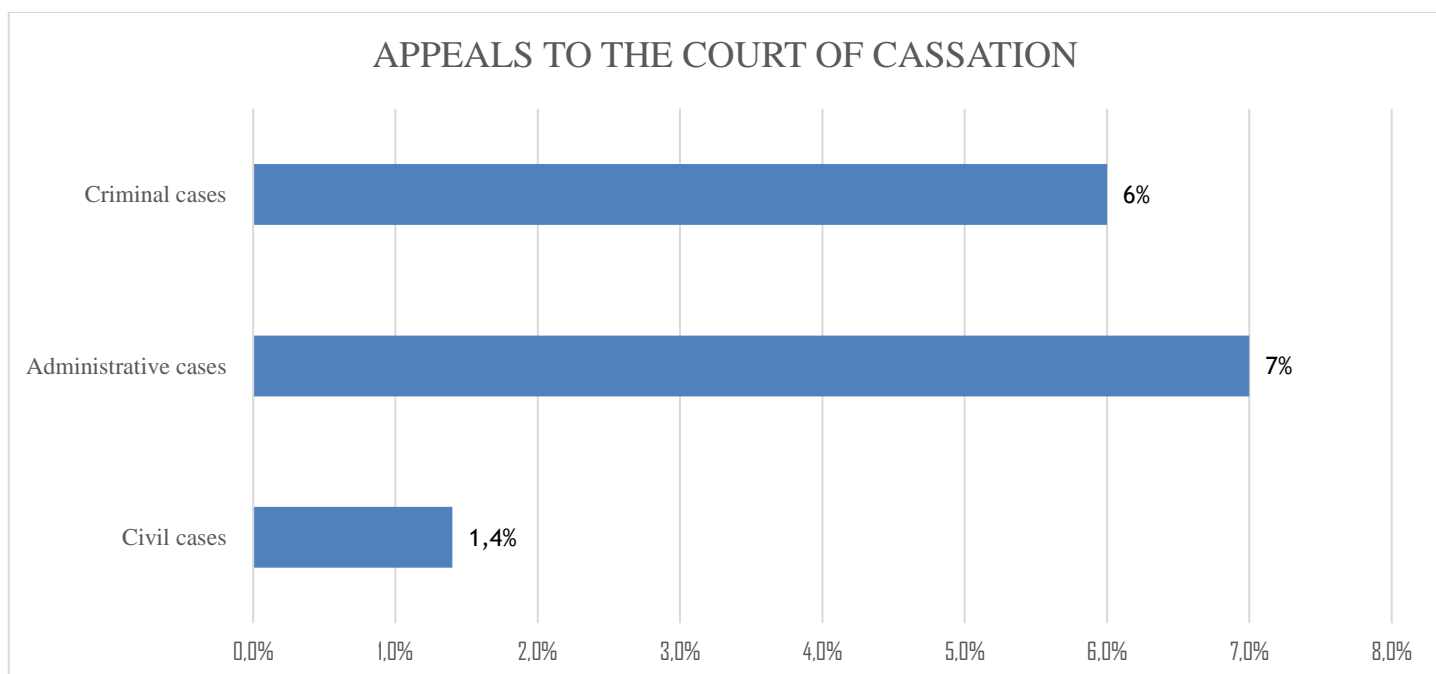
It should be noted that for years now, the Supreme Court of Georgia has retained the positive tendency of deciding administrative disputes (including tax disputes) in favor of natural and legal persons. The reporting period was no exception. According to the data of 2023, 68% of the disputes considered were decided in favor of natural and legal persons, and only 30% – in favor of administrative bodies. Among those, 64% of the tax disputes were decided in favor of natural and legal persons, and 32% – in favor of administrative bodies.

See the figure below:



The analysis of the data of recent years demonstrates that, on average, about 1.4% of civil cases, 7% of administrative cases, and 6% of criminal cases filed before the courts of first instance are subject to appeal to the Court of Cassation, which reflects court users' trust in the judiciary.

See the figure below:



IV. Activities for Ensuring Accountable Justice

1. Disciplinary proceedings against judges

1.1. Legislative amendments for the improvement of disciplinary proceedings

Disciplinary proceedings, as an important element of the accountability of the judiciary, serve the protection of the authority of the judiciary and the public trust in the judicial system. It is noteworthy that in recent years important amendments were made for the improvement of the process of disciplinary proceedings against judges and for ensuring its compliance with international standards and the recommendations of international organizations.

In order to increase the effectiveness of disciplinary proceedings, on 30 December 2021 the Organic Law on Common Courts was amended which decreased the time frames for disciplinary proceedings. Specifically, in the event of receiving a complaint, an application or other information about the alleged commission of disciplinary misconduct by a judge, the Independent Inspector has been given a period of 1 month for preliminary verification of the information (instead of the 2-month period established by the previous edition of the organic law), which may be extended by 2 weeks if necessary. During this period, the HCoJ must also decide on launching disciplinary proceedings against a judge and taking an explanatory note from him/her.

After an explanatory note is taken from the judge, the disciplinary proceedings at the HCoJ must be completed within a period of 1 month – the judge must be brought to disciplinary liability or the disciplinary proceedings against him/her must be terminated. If necessary, this time frame may be extended by not more than 2 weeks. After the judge is brought to disciplinary liability, the Disciplinary Panel of Judges of Common Courts of Georgia must also consider the disciplinary case within a period of 1 month and make a decision. As regards the Disciplinary Chamber of the Supreme Court, the time frame for consideration of the case is 15 days after the admission of the complaint, provided that, if objective circumstances are present, the Chairperson of the Supreme Court may extend this period by 15 days on a single occasion.

As a result of the amendments made during the reporting period, the Parliament introduced a rule which requires that on matters of disciplinary proceedings in relation to judges the HCoJ shall make a decision with the majority of its full composition.

The amendment had been motivated by the Venice Commission's recommendation issued with respect to Georgia. Specifically, the Venice Commission explained that "such a qualified majority (two-third majority of the HCJ) for the initiation of disciplinary proceedings creates the serious risk that too many complaints would not be followed up at this early stage... The requirement of a two-thirds majority for all the decisions of the High Council of Justice in disciplinary proceedings is too high. A simple majority requirement should be introduced for a better efficiency of the disciplinary system". It should be noted that, similarly to the Venice Commission, the Group of States against Corruption (GRECO) had also recommended – in the framework of the Fourth Evaluation Round on Georgia –the HCoJ to make decisions by a simple majority. Therefore, the introduction of the rule of making decisions by the majority of the full composition of the HCoJ addressed the aforementioned recommendations in full.

According to the amendments introduced on 30 December 2021 to the organic law, a new type of disciplinary misconduct was added to the categories of disciplinary misconduct – public expression of opinion by a judge in violation of the principle of political neutrality, which serves to uphold the principle of impartiality of judges and the judiciary, as an expression of opinion by a judge in violation of the principle of political neutrality may cause infringement on the independence, impartiality, and authority of justice. It is important that the amendments of 13 June 2022 to the organic law further specified the type of the mentioned misconduct and established that a judge's scientific or analytical deliberation on a judicial reform and/or amendments regarding the administration of justice would not be considered as a violation of the principle of political neutrality.

On the basis of the legislative amendments, a new type of disciplinary penalty was introduced – involvement of a judge in a relevant program with the aim of enhancement of his/her qualifications. The introduction of the new type of sanction aims to increase the variety of disciplinary penalties, in order to ensure selection of a sanction that is corresponding and proportional to the disciplinary misconduct. In addition, the amendments categorized the penalties into main and additional penalties, which, considering the content of disciplinary misconduct, makes it clearer in which case it is possible to impose main or additional penalties.

The amendments changed the rule of staffing the panel that considers the issue of recusal of the Independent Inspector. Specifically, the issue of recusal of the Independent Inspector is to be considered by a panel composed of 3 members of the HCoJ (2 judge members and 1 non-judge member).

Simultaneously, the amendments regulated the rule and procedure of withdrawal of a judge from the consideration of cases in a different way. Specifically, to avoid a negative influence on a specific criminal case, the HCoJ has been entitled to apply the Disciplinary Panel of Judges of the Common Courts – on the basis of a reasoned motion of the Independent Inspector and in the event of support of the majority of the full composition of the HCoJ – with a request to make a decision on withdrawal of a judge of a district (city) court or a court of appeals from the consideration of cases if criminal prosecution has been launched against the judge and the HCoJ of Georgia deems – on the basis of a body of mutually compatible and convincing evidence – that the judge's staying in the corresponding position is going to interfere with the proceedings of the specific criminal case. If the Disciplinary Panel agrees to the submission of the HCoJ of Georgia and deems that there is a body of mutually compatible and convincing evidence that is sufficient to assume with a high degree of probability that the judge's holding of judicial office might interfere with the proceedings of the specific criminal case, the Disciplinary Panel is to decide to withdraw the judge from the consideration of cases until the completion of the proceedings on the specific criminal case. Otherwise, the Disciplinary Panel is to make a decision to reject the submission of the HCoJ of Georgia.

The reporting period saw the increase in the institutional guarantees and authority of the Independent Inspector. Specifically, the right to approve the structure, staff list, and salaries of employees of the Office of Independent Inspector was granted to the Independent Inspector. This further helped strengthen the degree of the Inspector's independence. It should be noted that, on the basis of the legislative amendments, the HCoJ of Georgia approved

a new form of a disciplinary complaint. In the form of complaint, the types of disciplinary misconduct were changed and the details that the organic law considers obligatory to fill in were prescribed. The form of complaint is posted on the website of the Office of Independent Inspector. At the same time, any interested person can obtain a copy of the form at the Registry of the Office.

1.2. Decisions made as part of disciplinary proceedings

Four different bodies are involved in the process of disciplinary proceedings against judges – the Independent Inspector, the High Council of Justice, the Disciplinary Panel of Judges of the Common Courts, and the Disciplinary Chamber of the Supreme Court.

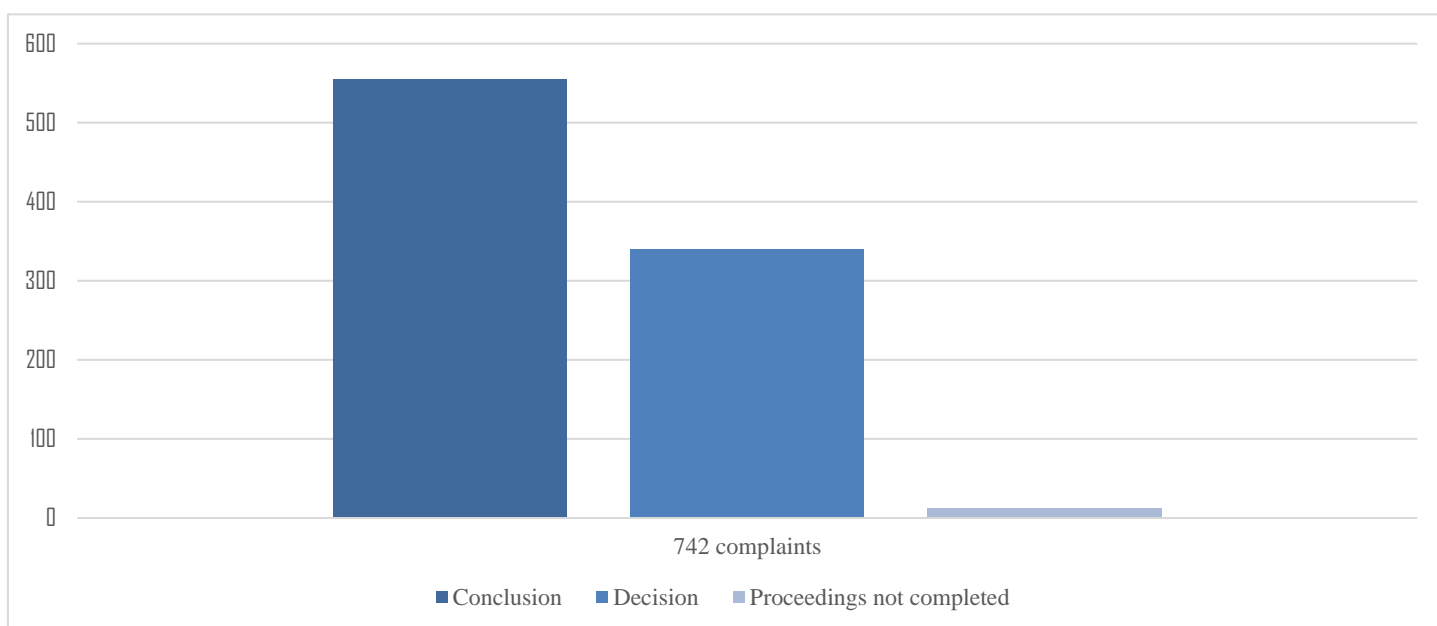
The Independent Inspector initiates the disciplinary proceedings against a judge and carries out a preliminary verification and inquiry into a disciplinary case. On the basis of the results of the preliminary verification and inquiry in relation to a judge, the Independent Inspector submits the opinion to the HCoJ, after which the HCoJ, by the majority of its full composition, makes a decision on termination of the disciplinary proceedings against the judge or launching a disciplinary prosecution and taking an explanatory note from the judge. After the disciplinary prosecution is launched, the HCoJ considers the issue of termination of disciplinary proceedings against the judge or bringing the judge to disciplinary liability. In the event of bringing the judge to disciplinary liability, the case is examined by the Disciplinary Panel of Judges of the Common Courts, whose decision may be appealed before the Disciplinary Chamber of the Supreme Court.

In addition, in cases directly listed in the law, the Independent Inspector is authorized to decide to refuse to launch disciplinary proceedings against a judge or to terminate disciplinary proceedings launched against a judge.

In the reporting period, the Office of Independent Inspector received 742 disciplinary complaints for consideration. Having considered these complaints, the Inspector made 340 decisions on termination of disciplinary proceedings or partial termination of the proceedings on the ground of legality of an act. The Independent Inspector prepared 555 opinions to be submitted to the HCoJ for consideration.

The statutory time frame prescribed for preliminary inquiry into the disciplinary cases on 12 complaints filed in December 2023 has not yet expired and these complaints are under consideration.

See the figure below:



In the reporting period, the High Council of Justice of Georgia considered 369 opinions of the Independent Inspector and made 419 decisions, including 391 decisions on termination of disciplinary proceedings and 28 decisions on launching a disciplinary prosecution against a judge.¹

In addition, the HCoJ considered 15 cases related to bringing a judge to disciplinary liability or termination of disciplinary proceedings against a judge, out of which the HCoJ terminated the disciplinary proceedings against a judge in 12 cases and decided to bring a judge to disciplinary liability in 3 cases.

The said 3 cases that concerned the alleged disciplinary misconduct committed by 3 judges were submitted to the Disciplinary Panel of Judges of the Common Courts for consideration. In 2 cases, which concerned the disciplinary misconduct committed allegedly by 2 judges, the Disciplinary Panel found the judges guilty of committing disciplinary misconduct and gave them a warning and reprimand as the penalty, and in 1 case, which concerned the disciplinary misconduct committed allegedly by 1 judge, the Disciplinary Panel decided to address the judge with a private recommendation letter.

One judge appealed the decision of the Disciplinary Panel to the Disciplinary Chamber of the Supreme Court. By the decision of the Disciplinary Chamber, the complaint was left unexamined.

1.3. Public awareness of disciplinary proceedings

To ensure transparency of disciplinary proceedings and the awareness of the public, the official website of the High Council of Justice contains full statistical data on all the stages of disciplinary proceedings, including the statistical information of the years 2020-2023 (statistics/hcoj.gov.ge).

The reporting period saw the renewal of the official website of the Office of Independent Inspector (<https://dis.court.ge/>), which contains information on the process and procedures of disciplinary proceedings, acts regulating disciplinary proceedings, the form of complaint, and the decisions made by the Office of Independent Inspector.

Once in every three months, the official website of the Office of Independent Inspector proactively publishes statistical information on the activities carried out by the Office (complaints received, opinions prepared, decisions on the termination of disciplinary proceedings, etc.). The official website also contains the annual activity reports of the Office of Independent Inspector, which, together with statistical information, present disciplinary cases against judges in a generalized manner.

Besides, since 27 November 2020, the Office of Independent Inspector has been operating a hotline, through which anyone can receive information related to disciplinary proceedings. During the reporting period, more than 580 calls were made to the hotline.

To ensure the public awareness of disciplinary proceedings, during the reporting period, the Office of Independent Inspector held a number of meetings with lawyers, students, representatives of the civil society sector and academia.

2. Improvement of the Rules on Judicial Ethics

With the aim of strengthening the accountability of the judicial system, updated Rules on Judicial Ethics were developed which are in full compliance with international requirements.

¹ In spite of the number of judges indicated in a disciplinary complaint, the Independent Inspector prepares single opinion on a single disciplinary complaint, in which he evaluates the action of each judge individually and submits the opinion to the HCoJ of Georgia. The HCoJ makes a decision on the commission of disciplinary misconduct by each judge individually. Due to this, the number of opinions submitted and that of decisions made by the HCoJ are different.

In 2019 the High Council of Justice started working on updating the Rules on Judicial Ethics. In order to ensure maximum inclusiveness of the process, the HCoJ set up a working group, which was staffed with judges representing the courts of all the three instances. At the first stage, with the support of donor organizations (Council of Europe project, EU project, USAID/PROLoG), international experts presented recommendations developed as a result of analysis of existing rules and practice of judicial ethics. On the basis of these recommendations, the working group developed a draft of the updated Rules on Judicial Ethics, which was discussed in detail with the participation of representatives of the judicial system and international and local non-governmental organizations. The HCoJ presented the draft prepared by the working group to the Conference of Judges, which ultimately approved the updated Rules on Judicial Ethics on 31 October 2021.

To ensure an effective realization of the guiding principles, values, and provisions reflected in the approved document, the HCoJ, by a decision adopted on 24 March 2023, set up a working group that will develop a commentary on the Rules on Judicial Ethics. The working group will finish work on the commentary in the nearest future, in line with the recommendation given by the Group of States against Corruption (GRECO) in the framework of the Fourth Evaluation Round on Georgia.

3. Accountability before the Conference of Judges



Three Conferences of Judges were held in the reporting period. Together with other decisions, the Conference of Judges adopted decisions on the election of judge members and the Secretary of the High Council of Justice. It is noteworthy that, as part of the accountability established by law, on 31 October 2021, and on 23 October 2022, annual reports of the Secretary of the HCoJ were submitted to the Conference of Judges. The Conference of Judges also heard the annual reports of the Head of the Department of Common Courts and the Independent Inspector in the manner established by law.

V. Activities for Ensuring Quality Justice

1. Judicial qualification examinations

Organizing the judicial qualification examinations with a high standard remains a priority for the High Council of Justice. This goal is served by the electronic system of the judicial qualification examination and selection, which was introduced in 2014 and ensures a high level of confidence in the process. The HCoJ takes constant care of retraining the selected experts in the methodology of preparation of examination questions. For this purpose, in 2020, an intensive certification program was implemented in the methodology of preparation of examination topics for 20 judge-experts selected by the HCoJ, which had been developed by the National Assessment and Examinations Center (NAEC) with the support of the USAID/PROLoG.

Both qualified and beginner lawyers constantly take interest in the examination, as passing the qualification examination successfully demonstrates that they possess professional qualifications.

The qualification examination was held five times during the reporting period. The HCoJ took a number of measures to ensure



that the examinations were conducted at a high standard: the composition of the Commission on Qualification Examinations was renewed, the database of examination assignments was revised and new assignments were created. To provide maximum information to those registered for the examination, the HCoJ ensured the publication of sample tests and writing assignments on its official website. All the examinations in the reporting period were held in electronic form, using examination assignments selected individually for examinees by the electronic system. The electronic system allows examinees to learn the examination results upon the completion of the examination. Individuals dissatisfied with the results were allowed to apply to the Group for Complaints.

See detailed information on the results of the examinations in the table below:

Examination	Number of persons registered for examination	Total number of successful examinees	Specialization		
			Civil and administrative law	Criminal Law	General
2020	205	21	15	6	-
May 2022	367	40	31	7	2
March 2023	226	40	28	12	-
June 2023	197	52	28	23	1
September 2023	188	42	17	25	-

2. Selection and initial training of justice listeners of the High School of Justice

In the framework of the fourth wave of the judicial reforms, an important reform was implemented for enhancing the independence and efficiency of the High School of Justice.

By the amendments made to the Organic Law of Georgia on Common Courts on 13 December 2019, the Independent Board of the HSoJ was granted the authority to conduct a competition for admission of justice listeners at the HSoJ. Prior to the amendments, the aforementioned authority was granted to the HCoJ. Therefore, the HSoJ undertook the duty to develop the norms regulating the process of admission of judicial trainees.

A number of issues related to the admission of justice listeners of the HSoJ and the training program were regulated in a novel manner:

- The rule of staffing the Independent Board of the HSoJ was amended. Specifically, the Independent Board shall consist of 7 members; 3 members of the Board shall be representatives of the courts of all the three instances, who must be elected by the Conference of Judges; 2 members of the Independent Board (1 judge member and 1 non-judge member) must be elected by the HCoJ from its composition, while the 2 remaining members must also be elected by the HCoJ from the academic staff of an institution of higher education. The Independent Board of the HSoJ has been staffed precisely in accordance with this rule;
- The duration of the initial training program for justice listeners of the HSoJ increased from 10 to 16 months; and for those with an experience of working as the head of a structural unit of the HCoJ, the head of

the office of a common court or of its structural unit, an assistant to a judge, a secretary of a court session, an investigator, a prosecutor and/or a lawyer for not less than 10 years, the duration of the training course was set at 12 months;

- The internship program for justice listeners of the HSoJ was improved. More precisely, after a trainee of the HSoJ completes the theoretical course and passes the corresponding examination, he/she may take an internship not only at Tbilisi City Court but also in the system of common courts, at the Constitutional Court, a notary office, the Prosecutor’s Office, a law firm, etc.;
- In accordance with the requirements established by the amendments, on 31 May 2023, the Independent Board of the HSoJ approved a new charter of the School, which thoroughly regulated the terms of registration of candidates for admission to the HSoJ and the stages of selection, as well as the criteria for the assessment of candidates (results of the qualification examination, moral reputation, personal qualities, professional skills, qualifications, the ability to assert and express, analytical/logical thinking and decision-making skills) and their interpretation.

In addition, the HSoJ developed and approved a 16-month training program that is entirely based on the recommendations prepared in the framework of the EU-funded Twinning Project – „Strengthening Judicial Training through Twinning”. The program has also been adapted to the 12-month training course.

In 2020-2023, three groups of justice listeners (Groups XVI, XVII and XVIII) were enrolled in the HSoJ. Group XVI (with 10 trainees), which was enrolled in the school by an ordinance of the HCoJ of 5 June 2020, finished the initial training program on July 23, 2021. All the 10 listeners passed the graduation examination successfully.

With an updated procedure adopted in accordance with the aforementioned amendments, Group XVII (with 30 trainees) was enrolled in the HSoJ by the decision of the Independent Board of 10 July 2023, and Group XVIII (with 19 trainees) was enrolled by the decision of the Independent Board of 24 October 2023. Both groups of trainees (XVII and XVIII) currently take the updated initial training program.

See the data on the duration of the initial training program of Groups XVII and XVIII of justice listeners in the table below:

Duration of course	Group of trainees XVII	Group of trainees XVIII
12-month training	15 trainees	12 trainees
16-month training	15 trainees	7 trainees

3. In-service training of judges and court staff

Providing judges and court staff with a continuing in-service training based on modern methodologies and standards remains the main priority for the High School of Justice. In the reporting period, the HSoJ took efforts to develop/improve the training courses for judges and other court staff in line with the recommendations delivered by international organizations (including the UN, the Council of Europe and the EU) and to develop/improve the learning modules tailored to their individual needs.

The HSoJ coped successfully with the challenges that emerged as a result of the COVID pandemic in 2020. To ensure an uninterrupted professional training of judges and court employees, the school took a number of

intensive measures and quickly developed an online in-service training platform, which contributed to the uninterrupted provision of the target groups with trainings. In order to avoid the spread of the coronavirus, most of the trainings in 2020-2021 were held remotely.

During 2020-2023, the HSoJ developed 16 training modules and organized 249 trainings.

The trainings modules for judges and court staff were developed on such important topics as:

- Mediation;
- Sexual harassment;
- Minority rights;
- The Code on the Rights of the Child;
- Article 26 of the Code on the Rights of the Child;
- Training of Trainers on the use of the HELP course;
- EU law;
- Transitional justice;
- Crimes related to wildlife and environmental legislation in Georgia;
- The rights of persons with disabilities in Georgia;
- Refugee law;
- Sexual crimes;
- Violence against women and domestic violence;
- Issues related to migration;
- Consideration of cases in court with the participation of children who are victims and witnesses of a crime and violence;
- Organized crime (money laundering, terrorism, etc.).

See detailed information on trainings held in the framework of the in-service training program of judges and other court staff in 2020-2023 and on training participants in the table below:

2020			
	For judges	For court staff	Joint trainings
Number of trainings	47	7	4
Number of training participants	1,147	120	92
2021			
	For judges	For court staff	Joint trainings

Number of trainings	30	25	22
Number of training participants	501	510	539
2022			
	For judges	For court staff	Joint trainings
Number of trainings	33	19	11
Number of training participants	438	306	175
2023			
	For judges	For court staff	Joint trainings
Number of trainings	25	13	13
Number of training participants	329	236	18

In addition to the trainings listed above, in 2020-2023, the HSoJ organized 16 Trainings of Trainers (TOT) for Georgian judge-experts.

In the framework of collaboration of the HSoJ and the Council of Europe, the judges actively participated in online courses implemented on the HEPL platform. In 2021-2022, the following online training courses were conducted for judges and court employees:

- Prohibition of ill-treatment in the context of law enforcement, security and other coercive measures;
- Accessibility of justice for women;
- Hate crimes and hate speech;
- Violence against women and domestic violence;
- Procedural safeguards in criminal proceedings and the rights of victims;
- Decision-making in courts and human rights.

With the support of a donor organization, on 20 October 2022, the HSoJ organized and held a presentation of a study entitled „Beyond the Door of the Court – Educational Needs of Judges” at the High School of Justice. On the basis of the findings of the study, the following new learning modules were developed and introduced in cooperation with the same organization:

- Construction law;
- Domestic violence;

- Problematic issues in the law of obligations.

With the support of partner international organizations, during the reporting period, the School of Justice for court employees and students interested in the work of the judicial system was held twice. The School of Justice is a unique platform that gives court employees a unique opportunity to enrich their knowledge and develop their legal writing skills. In the framework of the project, the participants have the opportunity to receive information from qualified experts about national and international standards in the area of human rights, including the rights of the child, prohibition of discrimination, freedom of expression, inviolability of private and family life, and other important issues.

In terms of ensuring the continuing education for judges, an important novelty is an amendment made in 2022 to the Organic Law of Georgia on Common Courts, according to which training on the issues of human rights, including the case-law of the European Court of Human Rights (ECHR), must be a mandatory component of the qualification enhancement program for judges. In accordance with the requirement of the organic law, the annual in-service training program of judges at the HSoJ includes trainings on the following topics:

- Precedential judgments of the ECHR (civil/administrative);
- Freedom of expression, including issues related to hate speech;
- Violence against women and domestic violence;
- European and international standards of human rights (general course/the field of civil and administrative law);
- Prohibition of discrimination – domestic legislation and international standards;
- Case-law of the EU;
- The standards of communication with persons with disabilities and providing information at a trial in a simple and comprehensible manner;
- The rights of persons with disabilities;
- Private international law;
- Promotion of justice by means of gender equality;
- Sexual harassment;
- The rights of asylum-seekers, refugees, and other persons in need of international protection;
- Prohibition of torture and cruel, inhuman or degrading treatment;
- The right to a fair trial according to precedential judgments of the ECHR (civil limb of Article 6);
- Sexual crimes.

4. Enhancing the quality of reasoning of court decisions

The judicial system works intensively to enhance the quality of reasoning of court decisions.

In connection with enhancing the quality of reasoning of court decisions, the amendment made on 18 October 2022 to the Organic Law of Georgia on Common Courts is noteworthy. In the light of the mentioned amendment, the European Commission acknowledged that the recommendation given under Paragraph 11 of the opinion issued on 17 June 2022 in relation to Georgia regarding the adoption of legislation for proactively

taking into account the judgments of the ECHR at the time of consideration of cases by the courts of Georgia was implemented.

Specifically, in accordance with the recommendation of the European Commission, the organic law established that „The structure of the administrative office of a court of appeals and of the Supreme Court shall include a structural unit oriented to the research into human rights law, including the case-law of the European Court of Human Rights, the main function of which will be to promote availability of the case-law of the European Court of Human Rights for judges, to conduct a periodic analysis of judgments of the European Court of Human Rights, and to carry out information and publishing activities in the said area“.

In line with the requirement determined by the organic law, Analytical Department of the Supreme Court of Georgia successfully provides considerable legal and analytical support to the common courts. The Department brings together the **Human Rights Center** and the **Center for Research and Analysis**.

The **Human Rights Center** provides for studies of the legislation and case-law of foreign countries, prepares analytical documents based on the case law of international courts, including the European Court of Human Rights, and ensures survey, translation, and review of the court decisions. The competence of the Center also encompasses administration of the Georgian-language interface of the search engine of the ECHR (HUDOC).

The Human Rights Center carried out the following activities in the reporting period:

- The Center received **330 requests** from judges and other court employees. It should be noted that the Human Rights Center provides legal support not only to the Supreme Court but also to other courts. During the reporting period, the Human Rights Center prepared analytical documents on various legal issues based on the case-law of the ECHR, legislation of foreign countries, conventions of the Council of Europe, and documents of the UN, OSCE and other international organizations.
- During the reporting period, the Human Rights Center translated and published 44 judgments delivered by the ECHR against Georgia on the website of the Supreme Court.
- With the aim of uploading on the Georgian interface of the HUDOC, the Center translated and edited **295** cases considered against both Georgia and other states (judgments and decisions).
- The Center translated and published 3 compilations of judgments of the ECHR against Georgia, as well as 3 collections of key cases of the ECHR.
- The Center translated and posted on the website of the Supreme Court 6 guides of the ECHR regarding certain issues of the European Convention (including *The Guiding Principles regarding Article 5 of the European Convention on Human Rights (The Right to Liberty and Security)*, *The Guiding Principles regarding Article 6 of the European Convention on Human Rights (Civil Limb)*, *The Guiding Principles regarding the Social Rights of the European Convention on Human Rights*, etc.).

The **Center of Research and Analysis** of the Analytical Department studies the compliance of the national judicial practice with international standards, prepares and publishes studies on various topical issues. During the reporting period, the Center for Research and Analysis prepared 15 studies/generalizations on various legal matters (these include *The Administrative-legal Mechanisms for the Fight against Violence against Women and Domestic Violence (Protective Orders)*; *The Main Standards of the Administration of Justice on Crimes of Sexual Violence and Sexual Exploitation of a Child from the Viewpoint of the Lanzarote Convention and Other International Acts*; *Interpretations of the Civil Panel of the Supreme Court of Georgia in Civil Law*; a study prepared in the framework of the program of the UN Women and the United Nations Population Fund (UNFPA) “Against Violence against Women and Girls in Georgia” – *Analysis of Case-law on Crimes of Stalking and Forced Marriage (2018-2022)*, etc.).

It is noteworthy that the Center for Research and Analysis also prepared 112 collections of generalization of the national judicial practice (including 16 collections in the area of criminal law, 48 – in the area of civil law, and 48 – in the area of administrative law).

An analytical unit operates at Tbilisi Court of Appeals as well. The main focus of its work is research into the practice of the ECHR, translation of the latest precedential judgments and judgments delivered against Georgia (in the form of legal summaries), processing and translation of the case-law of international courts or those of foreign countries, and preparation of thematic studies according to the circumstances of a specific case. The Bureau of the Chairperson of Tbilisi Court of Appeals is also actively involved in these activities.

In the reporting period, the following activities were carried out as a result of cooperation of the Analytical Unit and the Bureau of the Chairperson of Tbilisi Court of Appeals:

- In accordance with requests of judges, 53 thematic studies were prepared on the practice of the ECHR (discrimination, the motive of intolerance, the limits on freedom of expression, administrative offences in the lens of Article 10 of the Convention, some aspects of the right to respect for private life, some aspects of the right to the peaceful enjoyment of one's property, the rights of migrants and asylum-seekers, labour-related rights, etc.);
- 7 studies were prepared which contain the analysis of legislation and judicial practice of foreign countries in addition to the case-law of international courts (regarding the standard of reasoning of a court judgment, the limits of the principle of inquisition in administrative law, advertising in the context of freedom of expression, the property rights of the child, labor disputes, the limits on freedom of expression on a social media, and the rights of persons with disabilities);
- 3 studies (a thematic compilation of landmark decisions *Protection of Minors (Criminal Law)*, *The Rights of the Child* and *Sexual Orientation Issues*) and 2 guides (including *The Guiding Principles Related to Article 6 of the Convention (Civil Limb)*) of the ECHR were translated into Georgian;
- Legal summaries of 20 judgments/decisions adopted by the ECHR against Georgia were prepared in Georgian;
- In accordance with the requests of judges and/or with the aim of proactive publishing, legal summaries of 193 important judgments of the ECHR were prepared in Georgian language, while a number of precedential judgments were translated in full.

In accordance with the requirement of the organic law, a structural unit with the function of analysis of judgments of the ECHR was also set up at the Kutaisi Court of Appeals in 2023. The Analytical unit will commence operating in 2024.

5. Popularization of the professions of a judge and court staff

In order to ensure public awareness of justice system and the functioning of the judiciary and to raise awareness of the professions in the court system, immediately after the alleviation of restrictions related to the COVID pandemic, the practice of hosting mock trials and visits by students to the courts was renewed. For instance, 172 visits and 73 mock trials were held in the courts during 2023.

As part of the court tours, the school pupils and university students had an opportunity to meet with judges, put questions, and get actively involved in the discussion, get informed about the judicial system, its functioning and the role of a judge, and, at the end of the tour, survey the courtrooms.

Along with the court tours, the common courts continued hosting the mock trials. In the reporting period, a number of mock trials were held in various common courts for both school pupils and university students.

6. Involvement in the format of the Justice Coordination Council (Bench Bar)

On the basis of a memorandum concluded among the Supreme Court of Georgia, the Office of the Prosecutor General of Georgia, and the Georgian Bar Association, on July 16, 2020, the parties to the memorandum founded the Bench Bar – an institutionalized platform that aims to help enhance the quality of justice by regular meetings and discussions among representatives of legal professions, strengthen the legal profession, and establish mutual respect, a healthy collegial attitude, and common ethical principles among the professions.

Meetings of the Bench Bar involve judges, prosecutors, and lawyers. The meetings held during the reporting period dealt with various topical legal matters in the areas of criminal, civil and administrative law. The participants discussed problematic issues of violence against women and domestic violence and juvenile justice, amendments made to the Law of Georgia on Entrepreneurs, and other topical legal matters related to administration of justice.

VI. Activities for Ensuring Effective Justice

1. Administration/management of common courts

Improvement of the administration and management of the courts is a priority for the High Council of Justice. A particular role in this process is played by the Department of Court Management, which was created precisely for these purposes and functions productively.

With the aim of introduction of new approaches, the format of periodic meetings (forum) of court managers for ensuring active involvement of the management of the courts assumed even more importance. The forum of the court managers is one of the most effective mechanisms introducing the management policy developed in a centralized manner – at the level of the HCoJ, as well as for identification of local problems and seeking ways to eliminate them.

During the reporting period, the forum of court managers was held three times with the support of an international donor organization (the Council of Europe), and a number of important issues were discussed.

2. Automatic distribution of cases by means of an electronic system

The electronic program for automatic distribution of cases is supervised by the Department of Court Management of the High Council of Justice.

To ensure an orderly functioning of the program, in the reporting period, the HCoJ made several changes to the Procedure for Automatic Distribution of Cases by Means of an Electronic System approved by Decision No. 1/56 of May 1, 2017. *Inter alia*, the change made by Ordinance No. 38 of 30 November 2022 is noteworthy, on the basis of which the rates of allocation of cases in the event of appointment of judges to office, appointment as judges in other courts, appointment in another panel/chamber of the same court, transfer to another specialization of the panel/chamber of the same court, transfer of judges to other courts, and expiration of the term of transfer, as well as returning of a judge from a maternity and child care leave, have increased by 100%. This change contributes to ensuring allocation of equal caseload on the judges, accordingly, to decreasing the workload of the judges in a penal/chamber/narrow specialization of a given court, while ultimately serving the aim of providing speedy and efficient justice.

It is noteworthy that the program of electronic distribution of cases operates in an orderly manner, and not a single instance of temporary interruption of the system has been observed in the years 2020-2023.

In 2020, a total of 232,857 cases were distributed in the courts of all the three instances by means of the electronic program of distribution of cases, including 142,761 cases distributed by the principle of random distribution, which amounts to 61.30% of the distributed cases. In 2021, 294,033 cases in total were distributed in the courts of all the three instances by means of the electronic program of distribution of cases, including 187,106 cases distributed by the principle of random distribution, which amounts to 63.6% of the distributed cases. In 2022, 310,082 cases in total were distributed, including 182,217 cases distributed by the principle of random distribution, which amounts to 58.8% of the distributed cases. In 2023, 297,564 cases in total were distributed in the courts of all the three instances, including 171,809 cases distributed by the principle of random distribution, which amounts to 57.7% of the distributed cases.

It should be emphasized that, according to the Procedure of Automatic Distribution of Cases by Means of an Electronic System, cases may be distributed directly to a judge in only two cases:

- In the event of filing a repeated lawsuit/complaint/application/other document in a court in connection with a case that has once already been distributed to a judge by the method of random electronic distribution, they are to be directly distributed to that judge;
- Cases are not distributed based on the random allocation principle, when: There is only one magistrate judge in the respective municipality; There is only one judge of the relevant specialization in the district (city) court; There is only one judge of the relevant specialization on duty in the district (city) court.

3. Measures for overcoming the excessive caseload in the judicial system

The judicial system still faces one of the essential challenges – excessive caseload. Solving this problem requires a systemic approach and complex and coherent steps. In order to tackle this issue, the High Council of Justice constantly implements a number measures.

3.1. Ensuring an optimal number of judges and court staff

One of the effective methods for decreasing the caseload is ensuring an optimal number of judges and court employees.

Staffing the judicial system with highly-qualified judges is a priority for the High Council of Justice.

In the reporting period, by the decision of the HCoJ of Georgia, 25 seats of judges were added to district (city) courts, in particular, the Tbilisi City Court. As of December 2023, there are 412 positions of judges in the courts of first and second instance, from which 108 positions are vacant.

By the beginning of 2020, 289 judges had been appointed to office in the courts of first and second instance. In the reporting period, the HCoJ appointed 61 new judges.

To ensure an optimal number of judges in the district (city) courts and courts of appeals, 49 judicial trainees were enrolled in the High School of Justice in 2023. After the trainees complete the initial training at the HSoJ, the HCoJ will announce a competition for the selection of judges.

With the aim of resolving the problem of excessive caseload, a lot of attention is still paid to staffing the judicial system with an adequate number of employees. In the reporting period, the number of employees in the staff of the common courts of all the three instances increased by 135. As of December 2023, there are 1,681 positions of qualified public officers in the said courts, from which 1,454 positions are filled.

3.2. Contributing to practical implementation of alternative dispute resolution mechanisms

Contributing to the development of mediation as an alternative dispute resolution mechanism is particularly important for the judicial system, as it is one of the effective methods for alleviating the workload of the courts.

With this purpose, in active cooperation with the United Nations Development Program (UNDP) and in accordance with the Judicial Mediation Program approved by the HCoJ, LEPL Common Courts Department surveyed the material and technical resources of courts needed for putting judicial mediation into operation. Based on the identified needs, centers/spaces of mediation were set up in courts and were equipped with adequate material and technical base. In the reporting period, works related to the arrangement of mediation spaces were completed in 17 courts. In total, as of December 2023, 20 mediation centers/spaces have been created in common courts – in Tbilisi and Kutaisi courts of appeals, the city courts of Tbilisi, Kutaisi, Rustavi, Batumi and Poti, the district courts of Mtskheta, Akhaltsikhe, Telavi, Gurjaani, Tetrtskaro, Bolnisi, Gori and Ambrolauri, and the magistrate courts of Chiatura, Terjola, Sagarejo, Kareli and Dedoplistskaro.

In the reporting period, the number of mediators has increased considerably.

Through active cooperation with and funding of the UNDP, the year 2021 saw the creation of the Electronic Program of Judicial Mediation, by which cases will be transferred from the court electronically, by means of the Judicial Case Management Program. The judge (the office of the judge) will electronically receive information on the status and the outcome of a case in mediation by the Judicial Case Management Program. The program makes it possible to receive statistical information on the flow of cases subject to mediation. The program regulates the process of calculation of mediators' remuneration and reimbursement of corresponding amounts by the Common Courts Department.

With the aim of simplifying the use of the institution of mediation for citizens, on the initiative and with the support of the Rustavi City Court, together with the Mediators Association of Georgia, a QR code was developed in October 2022, which allows citizens to receive comprehensive information on mediation from the official website of the Mediators Association by simply scanning the QR code. The system of the QR code has already been put into use in the Rustavi City Court.

The HCoJ cooperates with the Mediators Association in a coordinated manner and makes decisions tailored to the mediators' needs. Based on the initiative of the Mediators Association, the HCoJ adopted a decision establishing the obligation of a mediator involved in the process of judicial mediation to conduct judicial mediation without remuneration (Pro Bono) in one case per year, instead of two cases. This decision serves to encourage the mediators involved in the process of judicial mediation and to increase their motivation.

4. The number of cases filed before the common courts and clearance rates

○ The clearance rate of cases filed to and decided by courts of all the three instances

According to the statistical data received and processed in 2020-2022, the number of cases filed before courts, as well as the number of cases decided (completed) has increased. Specifically, compared to 2021, the number of filed cases and the number of cases decided increased by 9% and 12% respectively.

The present report does not contain the statistical data of 2023, as due to the volume of the statistical data, the processing of data received as of December 31 is completed in the first quarter of the next year.

More specifically, the statistical data according to the instances of courts and categories of cases shows as follows:

○ The rate of cases filed before the Supreme Court and clearance rates

➤ The clearance rate according to categories of cases:

The number of **criminal cases** filed before the Supreme Court (cessation appeal, appeal) amounted to 1,465 in 2022, 1,616 – in 2021, and 1,151 – in 2020. The Clearance Rate (CR) of criminal cases amounted to 100% in 2022, 125% – in 2021, and 113% – in 2020.

The number of **civil cases** filed before the Supreme Court (cessation appeal, private complaint, motion) amounted to 1,784 in 2022, 1,525 – in 2021, and 1,586 – in 2020. The Clearance Rate (CR) of civil cases amounted to 109% in 2022, 106% – in 2021, and 96% – in 2020.

The number of **administrative cases** filed before the Supreme Court (cessation appeal, private complaint, jurisdictional disputes) amounted to 1,512 in 2022, 1,221 – in 2021, and 1,368 – in 2020. The Clearance Rate (CR) of administrative cases amounted to 102% in 2022, 105% – in 2021, and 84% – in 2020.

➤ **The rate of cases filed before the Courts of Appeal and clearance rates**

➤ The Clearance Rate according to categories of cases (appeals and private complaints):

The total number of **criminal cases** filed before the courts of appeals amounted to 3,354 in 2022, 3,064 – in 2021, and 2,720 – in 2020. The Clearance Rate (CR) of criminal cases amounted to 98% in 2022, 101% – in 2021, and 96% – in 2020.

The total number of **civil cases** filed to the courts of appeals amounted to 5,171 in 2022, 4,418 – in 2021, and 4,133 – in 2020. The Clearance Rate (CR) of civil cases amounted to 101% in 2022, 105% – in 2021, and 106% – in 2020.

The total number of **administrative cases** filed before the courts of appeals amounted to 3,752 in 2022, 3,429 – in 2021, and 3,069 – in 2020. The Clearance Rate (CR) of administrative cases amounted to 105% in 2022, 112% – in 2021, and 90% – in 2020.

➤ **The rate of cases filed before the first instance courts and clearance rates**

➤ The Clearance Rate according to categories of cases (includes merely cases, excluding motions, applications, etc.):

The total number of **criminal cases** filed before the courts of first instance amounted to 19,361 in 2022, 16,649 – in 2021, and 14,043 – in 2020. The Clearance Rate (CR) of criminal cases amounted to 94% in 2022, 91% – in 2021, and 90% – in 2020.

The total number of **civil cases** filed before the courts of first instance amounted to 97,557 in 2022, 87,508 – in 2021, and 62,314 – in 2020. The Clearance Rate (CR) of civil cases amounted to 101% in 2022, 91% – in 2021, and 88% – in 2020.

The total number of **administrative cases** filed before the courts of first instance amounted to 14,918 in 2022, 13,760 – in 2021, and 13,347 – in 2020. The Clearance Rate (CR) of administrative cases amounted to 81% in 2022, 84% – in 2021, and 77% – in 2020.

5. Implemented infrastructure projects

With the aim of improving the working conditions of the court staff and the conditions of service provided to court users, intensive works were carried out in the city courts of Tbilisi, Poti, Kutaisi, and Rustavi, in Kutaisi Court of Appeals, in the district courts of Khelvachauri, Senaki, Samtredia, Gori, Bolnisi, Khashuri, Ambrolauri, Akhaltsikhe, Telavi, Gurjaani, Zestaponi, and Mstkheta, and the magistrate courts of Kobuleti, Khobi, Shuakhevi, Akhmeta, Sagarejo, Chiatura, and Dedoplistskaro. More specifically, the court buildings and yards were renovated (including the roofing of buildings, facade maintenance, planting of greenery on the

external area, and laying asphalt); the supply of water in the court buildings was improved, the water drainage systems were installed, the works of optimization of the reserve electricity supply sources of court buildings – generators – were carried out; the fire safety systems were installed; the internal infrastructure of court buildings was improved – the courtrooms were renovated and equipped with the required facilities, child-friendly areas and mediation spaces were arranged; considerable works were also carried out with the aim of adapting the court buildings to the needs of persons with disabilities.

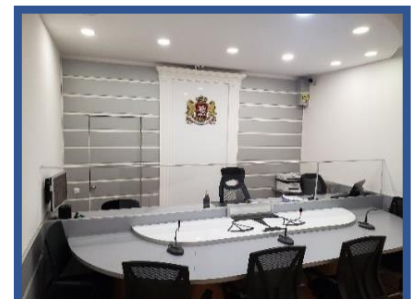
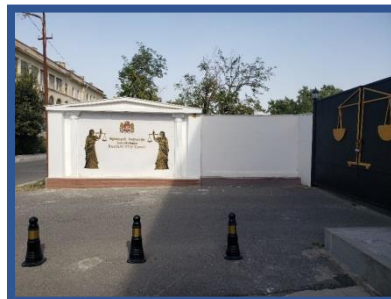


It should be noted that the design works of a new building of Tbilisi City Court were completed in 2020. The new building of Tbilisi City Court will be a 9-story structure with a total projected development area of 25,677 sq. meters, while the area of the court building itself will be 25,455 sq. meters.

The project envisages setting up 52 courtrooms (including 25 courtrooms for the Criminal Panel, 22 courtrooms for the Administrative Panel, and 5 courtrooms for jury trials), 80 workrooms for judges, conference halls, a library, and service spaces for citizens.

The year 2022 also saw the completion of the design works of the existing and newly acquired buildings of the Tbilisi Court of Appeals. According to the project, additional courtrooms, new workspaces and a parking area will be arranged in the existing court building. Besides that, full reconstruction/improvements of the external territory will be carried out. In addition, it is planned to reconstruct the building that has been transferred to Tbilisi Court of Appeals; the reconstruction involves arrangement of 12 new spaces, including spaces for citizen reception, courtrooms, workrooms for judges and court staff, and a conference hall.

The renovation/reconstruction works of the aforementioned building are scheduled to commence in 2024.



6. Improvement of information technologies

The following works were carried out during the reporting period:

- The file storage for the common courts was expanded due to the unsuitability of the old storage environment for file retention, coupled with the inadequacy of the remaining capacity to meet the growing demand. Therefore, new equipment was installed and configured in the central data center, and the transfer of the full files of case proceedings (up to 17 million files) to the expanded storage was organized. The server component of the video recording system and software was updated;
- The existing server infrastructure was improved – the hyper converged solution was introduced in the central server system. The central Data Base and the services of the court case management programs

were transferred to a new server;

- The network infrastructure was improved, specifically, in the district/city courts, access to suspicious channels was limited by means of new generation security system, the Anti-Bot, Ips and Anti-dDos instruments were switched on and introduced, the routers were improved – the load on appliances decreased, the stability and security level of connection among the courts increased;
- With the aim of increasing the security of electronic services in the courts, security systems were introduced and updated – the license for anti-virus software in common courts (Bitdefender GravityZone Business Security) was purchased. In addition, replacement of obsolete network appliances is actively under way, which is going to contribute to the exchange of information among the courts;
- The audio and video appliances were optimized – both the server part and software (up to the latest 7.0 version of Avigilon Inc) of the video recording system were upgraded in the common courts across Georgia;
- The old telephone system was replaced in Tbilisi Court of Appeals – the Court made a full transition to VoIP telephone connection;
- In accordance with legislative amendments, the module of selection of an insolvency practitioner in an insolvency case by means of an electronic system was developed;
- The development of a new case management program is under way, which will consider issues such as service-oriented and multi-layer architecture, the statistics and business intelligence module, etc.:
 - 70% of the main modules in the area of criminal case proceedings have been developed;
 - The services of electronic forwarding of motions and enclosed materials from the Prosecutor’s Office and forwarding of rulings to the Prosecutor’s Office have been put into operation in a test mode;
- The module of disciplinary proceedings was developed and introduced, which has been integrated into the case management program of the Supreme Court. This is going to contribute to the registration of disciplinary cases in the Disciplinary Chamber with the corresponding type of document and category of dispute and will ensure the confidentiality of the proceedings;
- The electronic program for the selection of jurors was developed, which fully complies with the requirements of the Criminal Procedure Code in terms of selection of jurors.

VII. Activities for Ensuring Accessibility of the Judiciary

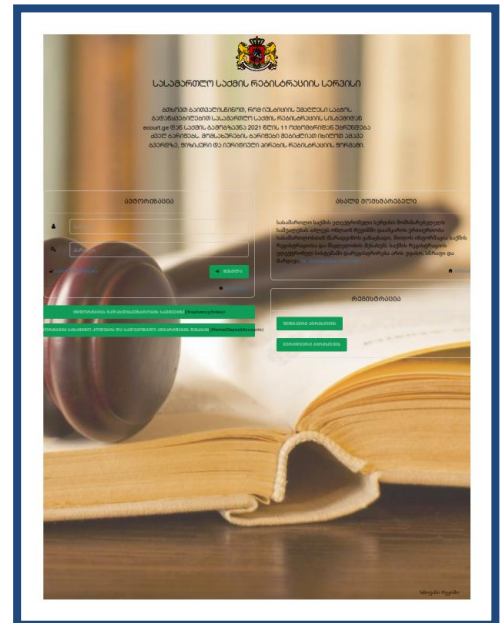
1. Measures for preventing the spread of COVID-19

At the beginning of 2020, in a period of crisis caused by the spread of the COVID pandemic, immediate and intensive measures were taken within the judicial system to ensure a stable and uninterrupted functioning of the courts. In 2020, the High Council of Justice developed four recommendations for common courts and court users, which were based on the recommendations of the World Health Organization, as well as on the relevant acts of the Government of Georgia and the Minister of Internally Displaced Persons from the Occupied Territories, Health, Labor and Social Affairs of Georgia.

In accordance with the recommendations, restrictions were placed on the unnecessary movement of people in a court building, on the number of persons attending a court session and on meetings, public events, study visits

In 2023, a new website of the Supreme Court was also launched. It should be noted that the renewed website of the Court contains an improved search engine and a map of courts, by which a user can search for the contact information of the courts.

Important work was carried out in the reporting period for the development of the Service of Electronic Registration of Court Cases (www.ecourt.ge). The Service of Electronic Registration of Court Cases is an important instrument in terms of accessibility of judicial services. The system allows users to remotely file a lawsuit and related documents, as well as to receive information on decisions adopted throughout the proceedings. It is noteworthy that in the years 2020-2022, the COVID pandemic considerably increased the demand for using the system, which was manifested both in the increase in registered users and in the number of electronically submitted documents (see the table below). In view of the aforementioned, the possibility of sending a document to the courts of the second and third instance was added to the Service of Electronic Registration of Court Cases.



In spite of the tangible results in terms of improvement of the service, work is constantly under way to further develop it, so that the program fully meets the existing requirements and challenges. In this regard, the launching of the novel functionality (in a test mode) of returning an electronic copy of a lawsuit to users of the system should be mentioned, by which the court will be able to electronically send the plaintiff a copy of the lawsuit to be sent to the respondent. This function shall contribute to decreasing both the length of the procedures and the material resources needed (the use of paper).

ecourt.ge	2017-2020	2020-2023
Number of registered users	912	6,200
Number of lawsuits and other documents filed	861	368,288

4. Setting up the Information Center of the Courts

By the decision of the High Council of Justice of 18 January 2022, the Information Center of Common Courts was set up within the Department of Court Management, which ensures provision of timely and accurate information to court users about the activities of the judicial system and the case proceedings underway in the courts of all the three instances (number of the case, the date of the hearing and the courtroom, court forms, etc.).

A number of measures were taken in the reporting period in order to equip the Information Center with the necessary software.

The Information Center started operating full-time from 6 April 2022. As of December 2023, it is staffed with 15 operators. At the initial stage, the operators of the Center were trained on legal matters as well as on matters related to the programs operating within the court system.

A steady increase in the incoming calls is a clear demonstration of the effective functioning of the Center. Whereas about 500 incoming calls were made to the Center every day in the initial period, in October 2022 this figure exceeded 1,000, and by the end of the reporting period, 1,500 calls on average were made every day. The Center operates every day, including on weekends and official holidays, which enables court users to receive information without hindrance.



For quality control purposes, daily monitoring over the work of the Information Center is carried out. The monitoring aims to further improve the service and to identify and eliminate flaws.

5. Improving the judicial practice and providing an adapted environment to persons with disabilities

To ensure the implementation of the UN Convention on the Rights of Persons with Disabilities in the Georgian legislation and its practical enforcement, on 14 July 2020, the Parliament of Georgia adopted the Law of Georgia on the Rights of Persons with Disabilities, which provides the legal safeguards for persons with disabilities at the national level. In accordance with the requirements of the law, by the ordinance of 12 March 2021, the High Council of Justice approved the Standards and Methodology of the Work with Parties to Proceedings with Disabilities, which sets forth the relevant procedural mechanisms and any reasonable accommodation to ensure that a person with disabilities may fully participate in the process of court proceedings. The standard defines general recommendations for accessible communication and establishes the standards of communication with persons with disabilities. The requirement to observe the standard extends to judges as well as to relevant employees of the office of the court who take part in the proceedings, at any stage of the proceedings.

In addition, in line with the requirements established by the law, the HCoJ developed and adopted the Action Plans of Common Courts for the Protection of the Rights of Persons with Disabilities for 2021, 2022, and 2023. The Action Plan sets out three main goals: 1. increasing the accessibility of court buildings for persons with disabilities, 2. increasing the accessibility of court services for persons with disabilities, and 3. increasing the accessibility of the legal proceedings in common courts. To fulfill each of the goals, the Action Plan determines specific activities, including full adaptation of the forms of the complaint and response to the complaint for persons with disabilities, organizing trainings regarding persons with disabilities for judges and court staff at the HCoJ, creating a fully adapted environment for persons with disabilities in specific courts, etc.

To implement the Action Plan, the HCoJ has actively cooperated with the community of persons with disabilities and organizations specializing in the rights of persons with disabilities. To implement the activities envisaged by the Action Plan, including assessment of the needs with the aim of adaptation of buildings of common courts and electronic services of courts and discussing the issue of increasing the accessibility of court forms, on 1 June 2021, the HCoJ of Georgia held an online meeting, to which up to 130 physical persons and organizations working on the rights of persons with disabilities were invited by the Council. A meeting organized by the HCoJ was held on 28 June 2022. The meeting aimed to ensure maximum involvement of the community in the implementation of the Action Plan. The meeting participants expressed views and proposals regarding the adapted court forms. On the basis of the views expressed at the meeting, the IT group of the Department of Court Management at the HCoJ developed a pilot version of adapted court forms that was forwarded to representatives of the community of persons with disabilities in December 2022 along with clarifying questions. The IT group worked actively during 2023 to make ensure that the observations made by representatives of the community of persons with disabilities were reflected in the court forms. As of December

2023, the work on the court forms has been completed. The developed forms will be submitted for approval to representatives of the community of persons with disabilities in the nearest future, after which they will be approved by the HCoJ.

The Department of Common Courts performed considerable work to adapt the court buildings in accordance with the National Accessibility Standards approved by the Government of Georgia.

It should be noted that a small office space was arranged at Rustavi City Court, which was equipped with pilot electronic programs designed for persons with intellectual disabilities or visual impairments. The electronic programs enable persons with intellectual disabilities or visual impairments to independently draw up applications, through voice expression in the Georgian language and to send them, also by a voice command, to the email of the Registry of the court. In addition, persons with intellectual disabilities or visual impairments can familiarize themselves (through voice translation) with electronic documentation of the court. The electronic program also has an additional function of delivery of short text messages, by which a person with intellectual disability or visual impairment who files an electronic application to the Registry of the court receives a short text message confirming that the electronic application was indeed sent from the small office space of the Rustavi City Court.

A number of infrastructure works are also planned in other courts.

It should also be mentioned that as a result of installation of the Georgian speech synthesizer (GEOTTS) by the IT group of the Department of Court Management of the HCoJ for ensuring the accessibility of judicial services for persons with disabilities, in the reporting period, the System of Judicial Case Management of the Courts of Georgia (ecd.court.ge), the Service of Electronic Registration of Court Cases (ecourt.ge), and the official website of the High Council of Justice of Georgia (hcoj.gov.ge) were adapted to the needs of persons with disabilities.



6. Improvement of court procedures considering the best interests of a child and creation of a corresponding environment in courts

A number of important steps were taken in the system of common courts with the aim of developing a child-friendly judicial system.

Pursuant to the requirements of the Code on the Rights of the Child, in 2020 the High Council of Justice approved child-friendly forms of the complaint/claim and judicial summons. The form of the complaint contains easily perceivable information on how a child should fill in the form, where they should submit/send the completed form, and what the court shall do after the claim is submitted. The judicial summons provides for explanation on the goal served by a summons, the goal of appearing in the court, and whom the child should

contact if they have questions.

On 11 August 2020, the HCoJ also approved the Standard of Specialization of a Judge in the Area of Protection of the Rights of the Child, which defines the procedure of specialization of judges – by means of special training – who hear civil and administrative cases with the participation of a child and/or related to a child. The standard establishes a list of trainings that constitute a minimum standard for the specialization of judges who deal with civil and administrative cases and defines the goals of each training. The conduct of trainings on the topics determined by the standard for sitting judges and judicial trainees of the High School of Justice is ensured by the HSoJ. Upon the completion of the trainings, the judge is awarded a certificate of completion.

It should be noted that, with the aim of ensuring hearing of cases with the participation of a child and/or those related to a child with a high standard, as of 31 December 2023, 281 judges have been specialized in accordance with the Standard of Specialization of a Judge in Juvenile Justice approved by the HCoJ in 2015, and 249 judges have been specialized in accordance with the Standard of Specialization of a Judge in the Area of the Protection of the Rights of the Child approved in 2020.

In the reporting period, considerable infrastructure works were done to create child-friendly environment in the courts. As of today, a child-friendly environment has been set up in the Supreme Court, Kutaisi Court of Appeals, Tbilisi City Court, Rustavi City Court, District Court of Zugdidi, and Poti City Court. In the reporting period, due to lack of office space in the court buildings, creating a child-friendly environment could not be accomplished in other courts, although setting up such an environment will be taken into consideration during the large-scale reconstruction works in those court buildings.

7. Promoting gender sensitivity in the judiciary

To better highlight the role of women judges in the effective administration of justice and the strengthening the rule of law, on the initiative of the Bureau of the Chairperson of Tbilisi Court of Appeals, on March 10, 2023, the International Day of Women Judges was marked for the first time in Georgia. The event was organized with the support of the Council of Europe project “Promoting an Integrated Approach to End Violence against Women and Enhancing Gender Equality in Georgia” and in cooperation with the Association of Women Judges of Georgia and the High School of Justice of Georgia.

The event was attended by undergraduate students from universities of various regions of Georgia, who took part in an essay competition entitled „Women in Justice, Women for Justice”. Judges of Tbilisi Court of Appeals discussed with students the importance of gender perspectives in legislation and practice and shared their personal experience of entering the profession and career development. The event ended with an award ceremony for the participants and the winners of the essay competition.



8. Strengthening the institution of jury trial

The introduction of jury trial is one of the important achievements for the judicial system. Therefore, work for strengthening this institution and increasing its scale also continued actively in the reporting period.

In the reporting period, the grounds for refusing to fulfill the obligation of a juror were reformulated. Specifically, according to amendments of June 2021, a person is granted the right to refuse to exercise the powers of a juror only in extraordinary cases – if he/she submits to the court a body of mutually compatible and convincing information confirming that he/she is performing a type of work in which replacing him/her in the specific period and circumstances is impossible or that it is going to cause irreparable damage. In addition, with the aim of increasing the effectiveness of the process of formation of the jury, the amendments provide for a mandatory appointment of a reserve judge – by the decision of the chairperson of the court – in the event of consideration of the case by the jury, who will replace the chairperson of the session for the selection of jurors in his/her absence and the process of selection will continue.

It should be noted that, as a result of amendments made in June 2021, the norms regulating the imposition of liability for failure to fulfill or inadequate fulfillment of respective obligations by a juror and a candidate for a juror's position were removed from the Code of Administrative Offences of Georgia and included in the Criminal Procedure Code of Georgia. As a result of the amendments, a failure to fulfill or inadequate fulfillment of respective obligations by a juror and a candidate for a juror's position will be considered as a failure to fulfill a procedural obligation of criminal law rather than an administrative offence. Therefore, the authority to respond to a failure to fulfill or to inadequate fulfillment of the obligations by a juror/candidate for a juror's position was granted to the chairperson of the session for the selection of jurors and to the judge considering the criminal case on the merits, which is a more effective and timely response mechanism.

In addition, on the initiative of the High Council of Justice, in August 2021, an amendment made to the government's ordinance established that remuneration received for participation in a trial as a juror (candidate for a juror's position) will no longer become the grounds for termination of registration in the Unified Database on Socially Vulnerable Families. The change was conditioned by the judicial practice reflecting that one of the grounds for candidates' refusal to participate in the process of selection of jurors was the absence of a mechanism that would protect them from termination of social assistance. Specifically, depositing an amount for reimbursement of daily, travel, and other direct expenses of a juror (candidate for juror's position) on the bank account of a person registered in the Unified Database on Socially Vulnerable Families could cause the termination of social assistance, which caused individuals belonging to this category to refuse to participate in a jury trial. The stipulation in the government's ordinance will significantly contribute to the conduct of the process of selection of jurors without hindrance and to ensuring the right of the accused to prompt justice.

In 2020-2023, juries considered 42 cases in relation to 46 persons. Of these, they delivered a guilty verdict in relation to 30 persons in 29 cases and a verdict of acquittal in 13 cases in relation to 16 persons.

See detailed data in the table below:

Number of cases considered by juries in the years 2020-2023	
Tbilisi City Court	18 cases
Rustavi City Court	7 cases

District Court of Gori	6 cases
Kutaisi City Court	6 cases
District Court of Telavi	3 cases
Batumi City Court	1 case
District Court of Zugdidi	1 case

VIII. International Cooperation

1. Involvement in international and local mechanisms created with the aim of integration of Georgia into European and Euro-Atlantic structures

The judicial system has been actively involved in both - international and local formats set up with the aim of integration of Georgia into the European Union and the North-Atlantic Treaty Organization:

- Since the adoption of the first National Action Plan created on the basis of the EU-Georgia Association Agreement and the EU-Georgia Association Agenda for 2014-2016, and in the reporting period, the High Council of Justice has been actively involved in the development of the Annual Action Plans for Georgia's EU Integration, the implementation of activities provided for by the Action Plan, and preparation of six-month and annual reports on the fulfillment of commitments undertaken by the Action Plan;
- The HCoJ actively participated in annual meetings of the Sub-committee on Justice, Freedom and Security and the Association Committee, and provided the representatives of the European Union the information on the fulfillment of commitments provided for by the EU-Georgia Association Agreement and the Association Agenda in the area of justice;
- The HCoJ performed extremely important work for the preparation of a document containing comprehensive information about the judicial system in response to the self-assessment questionnaire for the candidate country for the European Union, which was handed to Georgia by the European Commission on 11 April 2022. The European Commission was provided with detailed information about the organization and functioning of the system of common courts, including issues related to the organization and jurisdiction of the courts; the organization and authority of the High Council of Justice; issues related to the institutional independence of the judiciary and individual independence of judges; issues related to appointment, dismissal, transfer and promotion of judges and their social guarantees; issues related to the impartiality of judges and disciplinary proceedings; issues related to the financial independence; effectiveness and transparency of the judiciary, etc.;
- Together with the implementation of the EU-Georgia Association Agreement and the Association Agenda, participation in the implementation of the practical cooperation instrument between Georgia and NATO – the Annual National Programme (ANP) – with the aim of aligning with the Euro-Atlantic standards remains a major priority for the HCoJ.

2. Cooperation with international organizations

In the reporting period, the judicial system cooperated closely with the UN human rights monitoring bodies:

- In 2020, the High Council of Justice was actively involved in the preparation of the written report of Georgia in the framework of the mechanism of the Universal Periodic Review (UPR) and in the discussions at the meeting of the parliamentary committee. On 26 January 2021, the report of Georgia was discussed as part of the third cycle of the Universal Periodic Review (UPR) at the United Nations Organization. At the meeting that was attended by representatives of 105 member states of the UN, the Representative of the HCoJ, within the scope of her competence, presented the report on the measures taken and reforms implemented in the area of human rights;

- The judicial system participated actively in the elaboration of the 5th Periodic Report of Georgia on the implementation of the International Covenant on Civil and Political Rights. On July 4-5, 2022, at a hearing held at the UN Office in Geneva, the Human Rights Committee was presented detailed information on matters of interest to them, including the reforms implemented and the results achieved;

- It is important to mention the role of the HCoJ in terms of cooperation with the Committee on the Elimination of Racial Discrimination. The HCoJ was actively involved in the preparation of the 9th and 10th periodic reports of Georgia on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and in the oral discussions held on 23-24 November 2022;

- The HCoJ participated in the preparation of the 3rd Periodic Report on the implementation of the UN International Covenant on Economic, Social and Cultural Rights and in the discussion on the draft report at the Parliament. The elaborated report was submitted to the UN Committee on Economic, Social and Cultural Rights on 16 December 2022;

- The involvement of the HCoJ in the preparation of the 6th Periodic Report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women should be highlighted; Later, on 8 February 2023, the HCoJ representative participated in the oral discussion on the report submitted by Georgia to the Committee on the Elimination of Discrimination against Women;

- In 2022, the HCoJ took part in the preparation of the 5th and 6th unified state report on the implementation of the UN Convention on the Rights of the Child, which was submitted to the Committee on the Rights of the Child on 30 August 2023;

- The HCoJ was actively involved in the preparation of additional information on the list of issues developed by the Committee on the Rights of Persons with Disabilities regarding the 1st Report of Georgia on the implementation of the Convention on the Rights of Persons with Disabilities, which the state submitted to the Committee in 2021. On 9-10 March 2023, representatives of the judicial system took part in the oral discussion on the 1st report on the implementation of the Convention submitted by Georgia. The Committee was provided with detailed information about measures taken to ensure the accessibility of the judiciary for persons with disabilities.

The judicial system cooperates with the Council of Europe bodies:

- The HCoJ was actively involved in the process of submission of information on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings to the Group of Experts on Action against Trafficking in Human Beings (GRETA), in order to prepare an assessment report on Georgia;

- In 2021, with the participation of the HCoJ, information on systemic reforms implemented in the system of common courts of Georgia in 2016-2021 was submitted to the Council of Europe's European Committee on Legal Co-operation (CDCJ) with the aim of preparing a report on the implementation of the Action Plan for Strengthening Judicial Independence and Impartiality;

- For years now, the HCoJ has cooperated actively with the Group of States against Corruption

(GRECO). In 2020-2023, the HCoJ submitted to the organization information on the implementation of recommendations issued for corruption prevention with respect to judges in the framework of the fourth round of assessment;

- The system of common courts has a history of long and close cooperation with the European Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe. Within the framework of this cooperation, in the reporting period, the CEPEJ was provided with the statistical and analytical information for the preparation of reports as part of the 2020-2022 cycle of evaluation of European judicial systems as well as with the aim of assessing the efforts for judicial reform in Eastern Europe (Justice Dashboard EaP).

As part of cooperation between Georgia and the U.S.A., in the years 2020-2023, the HCoJ was involved in the process of submission of information on measures taken for the fight against trafficking in persons with the aim of preparation of the annual report of the U.S. State Department on Trafficking in Persons.

It is also important to mention the activities carried out by the Supreme Court in terms of reporting to international organizations. Together with involvement in the aforementioned formats, in the reporting period, the Supreme Court actively participated in the process of submission of the Report on the State of Implementation of Provisions of the European Social Charter by Georgia to the European Committee on Social Rights (ECSR), submission of information on the implementation of conventions ratified by Georgia to the International Labor Organization (ILO), and reporting on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) to the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO).

3. Cooperation with the judicial bodies of other states and international institutions

The judicial system cooperated actively with judicial bodies and institutions of other states. With the aim of familiarizing themselves with the good practice and enhancing cooperation, representatives of the judicial system took part in various international study visits, while, at the same time, hosting the delegations of other states.

With the support of international partner/donor organizations, in the reporting period, judges and other representatives of the judicial system paid visits to judicial bodies and other institutions of the United States, the Netherlands, Portugal, Ireland, and England. In their turn, with the aim of sharing the practice and reforms implemented in the judicial system, the High Council of Justice and the Supreme Court of Georgia hosted the delegations of the Maldives, Armenia, Moldova, Israel, Uzbekistan, Kyrgyzstan, and the Kingdom of Thailand.

In terms of sharing good practice with judges of common courts, the Court Advisor Program should be noted, which was implemented at Tbilisi City Court with the support of the U.S. State Department from 2018 and gave judges an important opportunity to receive pieces of advice and to familiarize themselves with American experience in connection with legal issues. The USAID Rule of Law Program also provided significant support for the judiciary by organizing visits of American judges to Georgia and their mentorship of Georgian judges. Such mentorship program was implemented at Rustavi City Court in 2023.



The visit of the Chairperson of Supreme Court of Georgia, judges of the Tbilisi Court of Appeals and the Tbilisi City Court, and a member of the High Council of Justice to the Kingdom of the Netherlands. During the visit, the judges familiarized themselves with the practice in cases regarding asylum-seekers and the standards and procedural approaches to immigration proceedings. The visit was organized by the Offices of the United Nations High Commissioner for Refugees (UNHCR) in Georgia and the Kingdom of the Netherlands and took place in September 2022.

The visit of the delegation of the Prosecutor General’s Office of the Republic of Kyrgyzstan to the High Council of Justice of Georgia on January 20, 2022. During the visit, representatives of the HCoJ familiarized the guests with the reforms implemented in the judicial system in the area of the fight against corruption.



The visit of the President of the ECHR, Robert Spano, Judge Lado Chanturia, and the Registrar of the 5th Section of the ECHR, Victor Soloveytchik, to the Supreme Court on July 6, 2022. The meeting participants discussed the importance of contributing to the process of bringing closer the international and national courts and the practice of applying precedent-setting judgments of the ECHR, emphasizing the process of effective implementation of European standards.



The visit of judges to the United States of America. The members of the delegation attended the trials related to the protection of children's rights, met with American experts, and familiarized themselves with the best practice of juvenile and family courts. The visit took place in September 2022 with the support of the USAID Rule of Law Program.



The study visit of the managers of the Supreme Court and the appeals courts, Zugdidi District and Rustavi City Courts to the Kingdom of the Netherlands – to the courts of Amsterdam, The Hague, and Den Bosch. The participants of the meetings discussed matters such as better management of the length of legal proceedings, the use of data and statistics in the process of decision-making, management and organization of courts and their budgets, consideration of complaints and responding to them, as well as digitalization of legal proceedings and related challenges. The visit took place on October 25-27, 2022, and was organized by the European Commission for the Efficiency of Justice (CEJEP) of the Council of Europe.

The visit of the delegation of judges from the Kingdom of Thailand to the Supreme Court on June 15, 2023. Georgian judges provided their Thai colleagues with detailed information about the system of common courts of Georgia and the rules of consideration of cases in the Supreme Court of Georgia according to procedural legislation.





The visit of the Bar Association and the Ministry of Tajikistan and Uzbekistan, as well as a judge of the Supreme Court of Tajikistan, to the Supreme Court of Georgia on August 10, 2023. Members of the delegation received detailed information about the system of common courts of Georgia and the rules of consideration of cases in the Supreme Court of Georgia according to procedural legislation.

The visit of the delegation of the Armenian judiciary to the High Council of Justice of Georgia on October 17, 2023. At the meeting, members of the HCoJ and the delegation discussed the reforms implemented in the system of the common courts in recent years and exchanged views on the future cooperation.



The visit of judges of the International Criminal Court in The Hague, as well as professors of criminal law from Germany and Great Britain, to the Supreme Court on September 25, 2023. The Chairperson of the Criminal Chamber and judges of the Supreme Court informed the members of the delegation of the activities of the Chamber and of matters of interest to them in the area of the criminal law legislation of Georgia. The meeting participants also discussed the need to activate relations with the International Criminal Court in The Hague and to strengthen professional ties.

IX. Plans for the Future

In spite of the tangible results achieved, the High Council of Justice continues working intensively to ensure that the activities of the judicial system are brought as close as possible to the best international practice. *Inter alia*, a number of measures will continuously be implemented to reinforce the independence of judges by strengthening the social guarantees; to ensure an optimal number of judges and court staff and promote the development of the methods of alternative dispute resolution with the aim of overcoming the problem of overloading of the courts; to improve the quality of reasoning behind court decisions (including by introducing the approaches of the ECHR) and to promote the professional development of judges/court staff; and to improve public relations in order to further enhance the trust in the judiciary and to promote the practice of using electronic means in judicial proceedings.