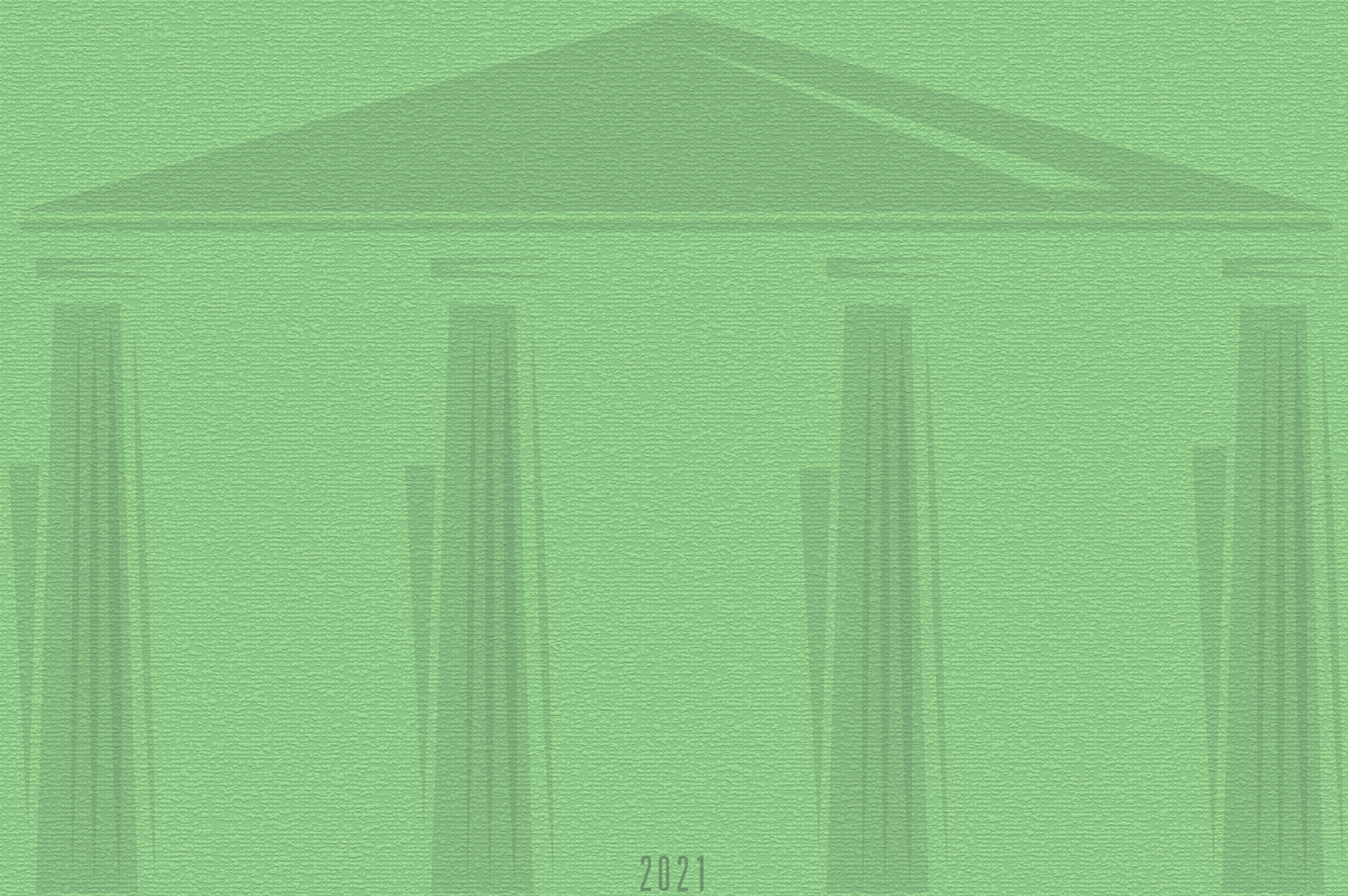


Transparency of the Judiciary in Georgia



2021

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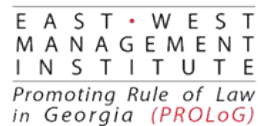
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Accessibility of information on the work of the judiciary is a necessary precondition for the existence of a democratic state governed by the rule of law. Transparent justice is one of the determinants of public confidence in the courts.

In recent years, some positive changes were undertaken to ensure the transparency of the judicial system. An important step forward in this direction was taken in 2013¹ when the court's obligation to audio/video record trials was defined at the legislative level; same concerned Public Broadcaster's authority to photo, video, audio, and/or film-record trials without any restriction unless the court had decided to partly or fully close the hearing.²

Moreover, in 2013, the High Council of Justice approved the Standard for Electronic Request and Proactive Publication of Public Information.³ The list of information to be proactively disclosed was determined in detail by this decision of the Council.

In 2017, within the frames of the 'third wave' of the reform, the obligation to publish the court decision taken as a result of a substantive hearing at an open session was established at the legislative level.⁴ An important innovation in terms of ensuring transparency was the creation⁵ of the website⁶ for court decisions in 2019. The website makes it possible to search for the desired decision according to relevant detailed filters.

An important step forward in terms of ensuring judicial transparency was the decision of 7 June 2019 of the Constitutional Court of Georgia, by which the court ruled that any decision taken in the process of the administration of justice should be open unless there is a reasonable need to restrict access to it.⁷ The relevant provisions of the Law on Personal Data Protection were declared invalid by the Constitutional Court starting from 1 May 2020 and the Parliament was given a deadline to regulate the issue in accordance with the requirements of the Constitution. However, despite the reasonable timeframe determined by the Constitutional Court, the Parliament has not yet adopted any legislative amendments.⁸



¹ Organic Law of Georgia on the amendments to the Organic Law of Georgia on Common Courts 06/03/2013, 260-III, available at: <https://bit.ly/3469kcl> [Date of access: 22.06.2020].

² Article 13¹ of the Organic Law of Georgia on Common Courts.

³ Decision N1/225 of 27 December 2014 of the High Council of Justice of Georgia, available at: <https://bit.ly/2YqRFe5> [date of access: 23.06.2020].

⁴ Paragraph 31, Article 13¹ of the Organic Law of Georgia on Common Courts.

⁵ Available at: <http://ecd.court.ge/> [Date of access: 23.06.2020].

⁶ Publishing of court decisions in a single database and the creation of a search engine was the obligation considered under the 2018-2019 Action Plan of the Open Government Partnership of Georgia. Available at: <https://bit.ly/37cMBiv> [Date of access: 16.10.2020].

⁷ The decision of 7 June 2019 of the Constitutional Court of Georgia on the case of 'Media Development Foundation' and the "Institute for Development of Freedom of Information' against the Parliament of Georgia, available at: <https://bit.ly/3rrYKaO> [date of access: 23.06.2020].

⁸ As of February 1, 2021.

The present study focuses on the main gaps in the proactive transparency of the judiciary. Non-compliance with the Constitutional Court's decision on the access to judicial acts and disregarding constitutional standards remain serious challenges. Non-fulfillment of the requirements established by the decision of the High Council of Georgia and incomplete publication of public information by the courts is additionally problematic. Existing gaps in terms of the processing and publishing statistics are also noteworthy.

Based on identified gaps and challenges, the study provides specific recommendations, consideration of which is essential for improving the transparency and openness of the Judiciary.

Key Findings

Access to court decisions

- Despite the reasonable timeframe, clearly determined by the Constitutional Court, the Parliament of Georgia has not yet adopted necessary legislative amendments for ensuring the accessibility of court decisions, which significantly undermines the rule of law in the country.
- When public information is requested, common courts are not guided by the constitutional standard and they do not provide the full text (without redacting personal data) of the decision, even though normative content of relevant articles of the Law on Personal Data Protection, which restricts the disclosure of the full text of judicial acts in the form of public information, is invalid since 1 May 2020.
- None of the common court judgments delivered after 30 April 2020 have been published in the search engine of court decisions; this is a violation of the law and a serious challenge in terms of transparency.

Proactively published public information

- The index of proactive disclosure of public information by the High Council of Justice is 43.64%, which lags behind the general index of many courts, revealing that the Council does not properly fulfill the obligation set by its own decision.
- No court has fully published the public information in accordance with requirements set by the High Council of Justice. The Supreme Court has the highest overall index (78.18%) of disclosure and Sachkhere District Court has the lowest (21.92%).
- The overall index of proactively published public information for 17 courts is less than 50%.
- One of the most problematic in terms of proactive disclosure is the annual activity report, which has been disclosed by 2 courts only.
- Annual Report on the Freedom of Information has been disclosed by 12 courts only.
- Information on quarterly salaries, supplements, and bonuses issued to officials (in total) and other employees (in total) has been disclosed on the website by 10 courts only.
- According to the decision of the High Council of Justice, information on the statistics shall be updated in case of changes, but this is a general wording as a result of which court statistics are not published at standard intervals and the frequency of publication depends on the discretion of a particular court.
- Out of 27 courts studied, 4 have their own website, while the remaining 23 operate on the basis of court.ge (the website of Georgian courts). The majority of websites created based on court.ge have similar gaps.

- No legal act exists in Georgia that defines a common standard and methodology for processing statistical information in the common courts' system, however, in practice, the courts are guided by uniform official statistical forms when collecting statistical data.
- Statistical data on court websites are not published in a uniform standard.
- Common courts do not produce statistical data on the average duration of disputes and the average duration of each stage of the proceedings and this should be assessed negatively. Courts only record the number of cases heard on time and in violation of the timeframe.
- In terms of disclosing information according to dispute categories and on the number of new, completed and remaining cases at the end of the year, the data published by the Supreme Court of Georgia are in full compliance with the standards of the European Commission for the Efficiency of Justice (CEPEJ) and this should be assessed positively.
- Statistical data are disclosed in detail, according to the types of disputes/crimes, on the website of the Supreme Court, however, the information on the cases filed under appellate and cassation complaints are not published according to categories.
- Statistical data on first instance disputes, published on the website of the Supreme Court, requires the addition of new separate subcategories.
- Statistics on covert investigative actions in total, as well as detailed information on motions related to wiretapping and recordings are being published on the Supreme Court website and this should be assessed positively.
- Even though courts process information on each covert investigative action according to territorial location and articles of the Criminal Code, neither the Supreme Court nor first instance courts publish this information on websites. Also, no data are being disclosed on covert investigative actions that were carried out in case of urgency and legitimacy of which were/were not subsequently recognized by the court.
- Statistical data on domestic violence, published on the Supreme Court website, are incomplete. Statistics related to protection orders do not provide information on the number of people who applied to the court with the request of the issuance of a protection order. In addition, the number of protection orders issued by the first instance that was appealed, as well as the number of revoked protection orders are not specified.

- Relationship between the violator and the victim, age, and/or the number of juvenile victims is not being published under either protection order or criminal case statistics on the website of the Supreme Court.⁹ Criminal cases related to domestic violence are not being published by location.¹⁰
- Statistical information on the results of the review of appeals and types of disputes/crimes is not being published on websites of appellate courts.
- Out of the first instance courts reviewed for the purposes of this study, only Tbilisi City Court publishes statistical data listed according to dispute/crime categories. Statistical information published by Rustavi and Batumi City Courts is quite scarce. Fragmented disclosure of statistical data on court websites is linked to the lack of human and technical resources.
- There is no unified software in the court system that would manage the process of the production of statistics as automatically as possible.
- Existing practice of the processing of court statistics is associated with significant risks in terms of statistical accuracy; despite the existence of certain data verification mechanisms, given the current process, achieving full control over the accuracy becomes difficult.
- Those courts that stand out by the relative abundance of information categories, present their data in PDF format, which is not compliant with good open data standards. Certain courts have developed electronic means of data visualization, but these means are not distinguished by the strength of either informative or analytical functionality.



⁹ According to the Supreme Court representative, the courts are working on the fulfillment of obligations undertaken by the Istanbul Convention, the special program tasked to aggregate all the necessary data under Istanbul Convention will be implemented in 2021, and the data will be subsequently published.

¹⁰ According to the Supreme Court representative, the data regarding the criminal cases is accessible upon request.

The authors used the following methodology in the process of working on this study:

Analysis of legal acts

The following legislative acts were studied by the authors within the frames of this study: the General Administrative Code, The Administrative Procedure Code, The Civil Code, The Civil Procedure Code, The Criminal Code, The Criminal Procedure Code, and the Code of Administrative offenses.

The project team has also reviewed the following secondary legislation: Decree №466 of the President of Georgia of 27 October 2000 and the Annual Program of Statistical Works approved by the order of the Government of Georgia.

Based on the analysis of the aforementioned legal acts, the practice of processing court statistics was evaluated and existing gaps were revealed.

Under the decision №1/225 of the High Council of Georgia of 27 December 2013 'The Standard for Electronic Requests and Proactive Publication of Public Information' has been approved. Based on this legal act, the authors of the study have evaluated the index of information proactively disclosed by the courts.

Analysis of international standards and existing practices in other countries

The authors of this study have studied the standard established by the European Commission for the Efficiency of Justice (CEPEJ). More specifically, the authors have reviewed the Guidelines on Judicial Statistics,¹¹ which contains detailed recommendations on statistical data to be processed by the courts. The authors have assessed the extent of compliance of statistical data available in Georgia with CEPEJ recommendations.

In addition to the CEPEJ standard, the project team also drew on the international experience and compared the situation in Georgia with the practice of statistics disclosure in the United States and the United Kingdom. The Countries where, according to the 2011 study¹² of the Institute for Development of Freedom on Information (IDFI), there is a good situation in terms of transparency, were selected for this study.

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¹¹ CEPEJ Guidelines on Judicial Statistics, available at: <https://bit.ly/2AAoZ9i> [date of access: 29.09.2020].

¹² Institute for Development of Freedom of Information, 'Proactive Disclosure of Judicial Statistics and other Public Information on Court Websites' 2011, available at: <https://bit.ly/3dXZRrm> [date of access: 29.09.2020].

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a Court Statistics
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The authors of the study have analyzed basic statistics of common courts disclosed by the Supreme Court of Georgia and have revealed the data categories that are/are not being published on the websites.

The project team has also assessed statistical information published on the websites of the following courts:

- 1** Tbilisi Court of Appeals
- 2** Kutaisi Court of Appeals
- 3** Tbilisi City Court
- 4** Batumi City Court
- 5** Rustavi City Court

The project team has also explored the format in which the statistical data are being published on the websites, as well as the means of data visualization. In particular, the availability of statistical data published on court websites in open data format and the extent to which visualization means were used to simplify data analysis for users were assessed.

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b Proactively Published Public Information
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In the process of monitoring proactively published information, the authors studied the websites of 27 courts and assessed the extent to which the courts complied with the rule established by the decision №1/225 of the High Council of Justice and how completely was the public information disclosed. Concerning each point, the authors assessed how well the information published by a particular court met obligations determined by the decision of the Council. The websites were assessed between 1 June 2020 and 30 June 2020 and reflect the situation in 2019 and the first quarter of 2020.

The authors used the following method of scoring:

1		2		3		4		5		6		7	
Paragraph	Score	Paragraph	Score	Paragraph	Score	Paragraph	Score	Paragraph	Score	Paragraph	Score	Paragraph	Score
1.1	3	2.1	3	3.1	3	4.1	3	5.1	3	6.1	3	7.1	3
1.2	3	2.2	3	3.2	3	4.2	3	5.2	3	6.2	2	7.2	2
1.3	3	2.3	3	3.3	3	4.3	3	5.3	3			7.3	3
1.4	3	2.4	3			4.4	3	5.4	3			7.4	3
1.5	3	2.5	3					5.5	3				
1.6	3	2.6	3					5.6	3				
								5.7	3				
								5.8	3				
								5.9	3				
								5.10	3				
								5.11	3				
								5.12	4				
								5.13					

The project team assessed how well the information published by the courts met obligations set by the decision of the Council, in terms of content, as well as the periodicity of displaying the data: The information has not been displayed or is not searchable – 0 point, the disclosed information is fragmented, difficult to access, contains inaccuracies, the periodicity of disclosure is violated – 1 point; The disclosed information is mostly complete – 2 points; The information is published fully and completely – 3 points.

According to the assessment table, out of the 38 paragraphs considered in the list of information to be proactively disclosed, set by the decision of the High Council of Justice, the highest score for 34 was 3 points, while the scores for the remaining 4 were determined differently, due to the following circumstances:

- 1 (Paragraphs 5.13 and 5.12 – a total of 4 points) – paragraph 5.13 refers to legislative acts on sums allocated to the administrative body from the funds defined by the Budgetary Code of Georgia; This, practically, includes information considered under paragraph 5.12, which is being published quarterly. Thus, the aforementioned paragraphs were assessed jointly by the highest score -4.

- 2 (Paragraph 6.2 – 2 points) – According to paragraph 6.2, individual administrative acts of public interest should be disclosed. Since IDFI lacks the ability to determine which acts are deemed as a subject of public interests by specific administrative bodies, this article was evaluated by the highest score – 2.
- 3 (Paragraph 7.2 – 2 points) – Paragraph 7.2 provides information on dues and tariffs that are established and/or paid by the administrative body. Since the majority of administrative bodies do not offer any kind of service and, therefore, do not set any kind of tariff (except the fee for copying documents issued in the form of public information), the mentioned paragraph was rated by the highest score – 2.

According to the decision №1/225 of the Council, district (city) and appellate courts are not subject to the requirements of part 4, 1st, 2nd, 8th-13th paragraphs of part 5, and the 4th paragraph of part 7 of the attachment to the standard of proactive disclosure. Therefore, the information published by relevant courts was assessed by the project team within the scope of obligations that apply to them.

The assessment of 38 points given in the decision of the Council by the usage of the aforementioned scoring system was reflected in this study as a total coefficient of transparency for the particular court. In particular, the study features the assessment of information published by each court in percentages, creating a clear picture of how the courts comply with requirements established by the decision of the Council.

The website¹³ of the High Council of Justice was also assessed in accordance with the decision № 1/225 by the project team. Every point of the public information list applies to this website, therefore, the project team was able to reveal the overall index of proactive disclosure of public information, as well as problematic categories:¹⁴

Analysis of public information

To monitor the accessibility of court decisions, the authors of the study requested public information from the following 6 courts:

- 1 The Supreme Court of Georgia
- 2 Tbilisi Court of Appeals
- 3 Kutaisi Court of Appeals
- 4 Tbilisi City Court
- 5 Batumi City Court
- 6 Rustavi City Court

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¹³ The website of the High Council of Justice: <http://hcoj.gov.ge/en/home> [Date of Access: 23.06.2020].

¹⁴ The website of the High Council of Justice was assessed as of 13 November 2020.

Copies of court decisions taken after 1 May 2020 (without covering personal data) were requested from afore-listed courts by the authors of the study. The project team has additionally requested the full text of court decisions for several high profile cases with high public interest from the Supreme Court of Georgia, Tbilisi Court of Appeals, and Tbilisi City Court. Based on responses received from the courts, the authors assessed the extent to which the courts comply with the standard established by the Constitutional Court and the extent to which they ensure the accessibility of full texts.

The project team has also requested various statistical data for 2018-2020 from the aforementioned 6 courts to assess the production of statistics in the courts and the data published on the website by comparing the disclosed data with statistical information processed in the court. The authors have also requested documents that define rules, procedures and technical means for the production of statistics and that establish statistical forms.

Individual interviews and a focus group

To further identify challenges in the court transparency and to analyze attitudes and opinions, the project team interviewed individual lawyers and representatives of non-governmental organizations by the pre-designed questionnaire. The authors conducted a total of 9 interviews. The interviews were conducted in October 2020.

Besides, the project team conducted a group interview (a focus-group)¹⁵ with the representatives of the court management department of the High Council of Justice and common courts. The participants of the focus group discussed issues related to the production of statistics in common courts¹⁶, as well as existing challenges in this regard.

The results of these interviews were reflected in the study to illustrate the opinions of respondents and not to generalize them.

Analysis of secondary sources

To obtain additional information within the scope of this research, the project team studied reports of the Public Defender and local non-governmental organizations.

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¹⁵ The group interview was conducted on 20 October 2020.

¹⁶ Questions were related to the content of the processed statistical data, the process of data registration/processing, software used in the process, tools for verifying the accuracy of produced statistics, measures undertaken in recent years to improve the process of the production of statistics, and other matters

Accessibility of Court Decisions

The degree of accessibility of court decisions has deteriorated significantly since October 2015. If before that, the courts disclosed copies of decisions in a complete form, after this period, the practice of refusing the disclosure of decisions with the reference of personal data protection argument was established. The common courts did not take into consideration the high public interest in the particular case. The balance between personal data protection and the accessibility of public information was disrupted because unconditional preference was given to personal data protection.

Based on the complaints of the Institute for Development of Freedom of Information and the Media Development Foundation, the Constitutional Court of Georgia, by its decision of 7 June 2019¹⁷, declared unconstitutional the normative content of articles 5 and paragraphs 1 and 3 of article 6 of the Law on Personal Data Protection that restricts the disclosure in the form of public information of the full text of decisions taken at an open court session.

According to the Constitutional Court, there is an increased public interest towards the accessibility of judicial acts, regardless of the issue they concern, against whom they are delivered, and what significance they carry in a particular time and circumstances.¹⁷ Therefore, any decision made in the process of the administration of justice should be open, unless there is a reasonable need to restrict access to it.

Besides, the Constitutional Court does not rule out the legitimate right of the legislator to establish such a balance concerning certain categories of information about a person, within which, as usual, personal data included in judicial acts are not disclosed without the subject's will. Such measures may be imposed in cases where the disclosure of information, depending on the content, subject, form of disclosure, timeframe, method, and other circumstances has a particularly intense impact on private life. For instance, data on juveniles, intimate information, and others may fall under this category.¹⁹

Such an interpretation by the Constitutional Court makes it clear that disclosing information on a person's conviction, without additional circumstances, may not affect private life so intensely to trigger the balance within which, as usual, personal data included in judicial acts are not being disclosed. Therefore, the legislation should exhaustively and clearly address exceptional cases that confirm the increased interest for the protection of confidentiality of information.

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¹⁷ The decision of 7 June 2019 of the Constitutional Court of Georgia on the case of 'Media Development Foundation' and the 'Institute for development of Freedom of Information' against the Parliament of Georgia.

¹⁸ The decision of 7 June 2019 of the Constitutional Court of Georgia on the case of 'Media Development Foundation' and the 'Institute for development of Freedom of Information' against the Parliament of Georgia, available at: <https://bit.ly/3rrYKaO> § 51.

¹⁹ The decision of 7 June 2019 of the Constitutional Court of Georgia on the case of 'Media Development Foundation' and the 'Institute for development of Freedom of Information' against the Parliament of Georgia, § 66.

Besides, the Constitutional Court explicitly stated that, in the event of such an exception, the decision-makers should take into consideration whether an increased public interest exists for the particular case, outweighing the interest for the protection of data confidentiality depending on the case category, litigators, and other circumstances. For instance, in the case of a political official, an increased public interest may exist, ruling out the ground for the protection of information.²⁰

According to the decision of the Constitutional Court, a system may be created, under which the protection of personal data included in court decisions taken at an open session will depend on whether the data subject has an interest in protecting its confidentiality. In case of such an interest of the data subject, the openness of the court decision will be determined by weighing the interests of access to judicial acts and the protection of private information reflected in these acts. Such a system, on one hand, ensures the prevention of disclosing private information against the will of the data subject and, on the other hand, is a less restrictive means for the right of access to judicial acts. At the same time, such a system does not create an unreasonable administrative burden for the data processor.²¹

The Constitutional Court declared disputed norms invalid from 1 May 2020 and gave a deadline to the legislative body to regulate the issue in accordance with the requirements of the Constitution. However, the parliament has not yet²² adopted the relevant legislative amendment.

Although no amendments have been introduced to the legislation, the normative content of relevant norms of the Law on 'Personal Data Protection' that restrict the disclosure as public information of judicial acts adopted at an open session is invalid from 1 May 2020. Therefore, starting from this date, the courts should be guided by the constitutional standard when disclosing information. However, common courts still do not disclose the full text of decisions as a response to the request for public information.

According to one of the respondents, it is comical that in the decision of the European Court of Human Rights against Georgia, personal data is open, while the decision of the Supreme Court on the same case is redacted.²³ According to the opinion of lawyers and representatives of the non-governmental sector, the decisions shall be disclosed and publicly available, even though the Parliament has not yet²⁴ adopted relevant amendments to the legislation. The refusal to disclose court decisions in the form of public information is unsubstantiated. The decisions should, in any case, be accessible and the court should have continued publishing them in at least the format they used to be published.²⁵

The authors of the study requested copies of court decisions (without covering personal data) delivered after 1 May 2020 from six courts.²⁶ In the written response of individual courts, the refusal to disclose the full text of decisions is based on the fact that relevant legislative amendments have

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²⁰ The decision of 7 June 2019 of the Constitutional Court of Georgia on the case of 'Media Development Foundation' and the "Institute for development of Freedom of Information' against the Parliament of Georgia, § 66.

²¹ The decision of 7 June 2019 of the Constitutional Court of Georgia on the case of 'Media Development Foundation' and the "Institute for development of Freedom of Information' against the Parliament of Georgia, § 33; 67; 70.

²² As of 1 February 2021.

²³ The information is based on interviews with lawyers and representatives of the non-governmental sector, conducted within the frames of this study.

²⁴ The information is based on interviews with lawyers and representatives of the non-governmental sector, conducted within the frames of this study.

²⁵ The information is based on interviews with lawyers and representatives of the non-governmental sector, conducted within the frames of this study.

²⁶ The Supreme Court of Georgia; Tbilisi Court of Appeals; Kutaisi Court of Appeals; Tbilisi City Court; Batumi City Court; Rustavi City Court.

not yet been adopted. These courts have also noted that, based on the 1st paragraph of article 28 and article 44 of the General Administrative Code of Georgia, they are obliged to protect the personal data included in judicial acts from disclosure.²⁷ It should be noted, that Rustavi City Court, **with the consent of the convict**, disclosed the copy of one verdict in the form of public information, without redacting the data of this person.²⁸

The project team has additionally requested the full text of decisions for certain high profile cases, with high public interest,²⁹ from three courts.³⁰ However, even in this case, the courts³¹ refused to disclose the full text of decisions on the ground of personal data protection.

It should be noted that the website of the Supreme Court features a search engine for the Supreme Court decisions³² that provides interested individuals with the searched decision, without disclosing personal data – in a redacted form.

In 2019, a website³³ for court decisions was created. The website allows searching for the desired court decision according to relevant detailed filters, such as the case number, date and text of the decision, instance, and name of the court, category of the case and dispute, as well as the decision type. Publishing decisions on the website is of great importance since in this way they are electronically introduced to not only practicing lawyers but also to researchers, students, lecturers, representatives of the civil sector, and other stakeholders.³⁴ Publishing and accessing court decisions in a single database was an important step forward in terms of improving transparency, accountability, and efficiency of the judiciary.

Decisions made between 1 January 2018 and 30 April 2020 are published in the search engine of court decisions, with personal data covered. It is noteworthy that none of the judgments delivered by the courts after 30 April 2020 is being published. This is a substantial violation since the Organic Law on Common Courts explicitly determines the obligation of publishing decisions made at an open session.³⁵

Such a practice reveals that there are serious challenges in the transparency of the judiciary. In the light of the low level of public trust in the judiciary, effective public control over judicial activities acquires particular significance. One of the means of ensuring this control is indeed the transparency of the court. Failure to comply with the decision of the Constitutional Court and disregard for the constitutional standard significantly undermines the rule of law in the country and endangers fundamental democratic values.

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²⁷ Letter N3-958-20 of 19 June 2020 of the Supreme Court of Georgia.

Letter N589/3 of 19 June 2020 of Rustavi City Court.

Letter N1/3193 of 19 June 2020 of Tbilisi Appellate Court.

²⁸ Letter N589/3 of 19 June 2020 of Rustavi City Court.

²⁹ Copies of decisions taken for Giorgi Ugulava, Mikheil Kalandia, Irakli Okruashvili.

³⁰ The Supreme Court of Georgia; Tbilisi Court of Appeals; Tbilisi City Court.

³¹ Letter N3-1198-20 of 31 July 2020 of the Supreme Court of Georgia.

Letter N1/4714 of 7 August 2020 of Tbilisi Appellate Court

Letter N1-01149/17457 of 3 August 2020 of Tbilisi City Court

³² Available at: <https://bit.ly/3eVYXx3> [Date of Access: 13.11.2020].

³³ Available at: <http://ecd.court.ge/> [Date of access: 21.10.2020].

³⁴ The information is based on interviews with lawyers and representatives of the non-governmental sector, conducted within the frames of this study.

³⁵ Paragraph 3¹ Article 13 of the Organic Law of Georgia on Common Courts.

Proactively Published Public Information

By the decision №1/225 of the High Council of Justice of Georgia of 27 December 2013³⁶, the Standard for Electronic Requests and Proactive Publication of Public Information was approved. This normative act defines the list of information to be proactively disclosed and obliges courts to periodically publish and update public information on their electronic resource, as well as to indicate the date of the last updating the information.

Information to be proactively disclosed, defined by the Council, is divided into the following 7 groups, thematically:

- 1 General information about administrative bodies;
- 2 Public information page;
- 3 Information on the staffing of administrative bodies;
- 4 Information on state procurements and privatization of state property carried out by administrative bodies;
- 5 Information on funding and estimates of administrative bodies;
- 6 Legal acts;
- 7 Other public information.

The public information includes 38 points, however, the requirements defined under certain paragraphs³⁷ do not apply to the district (city) and appellate courts.

This chapter assesses the extent to which the information published by 27 courts complies with obligations determined by the decision of the Council and also reveals the categories of information with the highest/lowest index of publication on the website. In addition, the study also focused on paragraphs with the high public interest and assessed their publication coefficient. The chapter also discusses the degree of fulfillment of obligations determined by its own decision by the High Council of Justice and the index of proactive disclosure of public information.

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³⁶ Decision N1/225 of 27 December 2013 of the High Council of Justice, available at: <https://bit.ly/2YqRFe5>, [Date of access: 06.11.2020]

³⁷ Part 4, paragraphs 1st, 2nd, 8th-13th of part 5, and paragraph 4 of part 7 of the list of information to be proactively disclosed.

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5.1. The ranking of proactive publication of public information

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The Supreme Court has the highest overall rate (78.18%) of information disclosure; its' website features most of the information defined by the decision of the Council. It is noteworthy that, to increase the level of accessibility, the Supreme Court has created the table of proactive disclosure of public information in the form of links, which almost precisely reflects the list of public information to be disclosed, determined by decision N1/225 of the Council. Thus, the users can easily search for public information sorted according to paragraphs in an integrated space. As noted by the lawyers during individual interviews, public information published on the website of the Supreme Court, in the form of a table, is quite convenient for users. The same is not true for the websites of other courts, where the information is placed in a fragmented and chaotic form.³⁸

Batumi City Court ranks second (71.23%) and Telavi District Court ranks third (68.49%) in the mentioned rating. Tables cannot be found on websites of these courts; however, it is possible to search for a significant share of information through thematic columns. Sachkhere district court had the lowest ranking - 21.92%.

The below table shows the total coefficient of assessment for proactively disclosed information for each court (in descending order), reflecting the overall index of compliance of each court with requirements determined by the High Council of Justice.

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³⁸ The information is based on interviews conducted within the frames of this research with lawyers and representatives of the non-governmental sector.

N	Court	Total Coefficient
1	The Supreme Court of Georgia	78.18%
2	Batumi City Court	71.23%
3	Telavi District Court	68.49%
4	Senaki District Court	64.38%
5	Akhaltsikhe District Court	63.01%
6	Ozurgeti District Court	57.53%
7	Zestaponi District Court	54.79%
8	Tbilisi City Court	52.05%
9	Zugdidi District Court	52.05%
10	Khelvachauri District Court	50.68%
11	Tbilisi Appellate Court	46.58%

12	Signagi District Court	46.58%
13	Kutaisi Appellate Court	45.21%
14	Khashuri District Court	43.84%
15	Poti City Court	38.36%
16	Akhalkalaki District Court	38.36%
17	Tsageri District Court	36.99%
18	Rustavi City Court	34.25%
19	Ambrolauri District Court	34.25%
20	Tetritskharo District Court	32.88%
21	Mtskheta District Court	32.88%
22	Kutaisi City Court	31.51%

23	Samtredia District Court	31.51%
24	Bolnisi District Court	31.51%
25	Gurjaani District Court	31.51%
26	Gori District Court	27.40%
27	Sachkhere District Court	21.92%

5.2. Disclosure index for the information of high public interest

This subsection focuses on the disclosure index for information that, according to the authors of the study, is more important than other data. More specifically, it discusses disclosure index for paragraphs 1.3 (annual report), 2.5 (annual report on the freedom of information), 5.3 (information on quarterly amounts of issued remuneration, supplements, and bonuses), and 7.3 (statistical data) of the decision of the Council, for which there is a higher public interest in comparison to other paragraphs.

Paragraph 1.3 obliges courts to publish annual activity reports on their electronic resource. Out of the 27 courts studied, none has fully complied with this requirement.³⁹ For the reporting period, they had to have published the 2019 annual report in March already. Only two courts had posted annual reports on their website, but none of these two was given a maximum score (see the table). The fact that Court published its annual report in a PowerPoint format clearly indicates the need for developing a common standard for publishing annual reports.

³⁹ As of June 2020.

Courts that have published the Annual Report	Highest score	Actual Score
1. Tbilisi Appellate Court	3	2
2. Rustavi City Court	3	2

According to paragraph 2.5 of the decision of the Council, the Annual Report defined under article 49 of the General Administrative Code of Georgia, submitted by the administrative body to the President of Georgia and the Parliament (the so-called December 10 Report), should be published. Only 12 courts published this report. The majority of published reports received the maximum score – 3 (see the table).

It is noteworthy that the courts publish reports in an individually designed format and do not use the unified standard. Quite frequently, the majority of requirements of article 49 of the General Administrative Code are disregarded and only the data on the number of applications submitted to the court with the request of public information is being published.

Courts that have published Annual Report on the Freedom of Information	Maximum Score	Actual Score
1. The Supreme Court of Georgia	3	3
2. Tbilisi Appellate Court	3	3
3. Batumi City Court	3	3
4. Telavi District Court	3	3

5. Signagi District Court	3	3
6. Bolnisi District Court	3	3
7. Khelvachauri District Court	3	3
8. Senaki District Court	3	2
9. Samtredia District Court	3	2
10. Tbilisi City Court	3	2
11. Zugdidi District Court	3	2
12. Khashuri District Court	3	1

Pursuant to paragraph 5.3 of the decision of the Council, the courts are obliged to publish information on quarterly amounts of remuneration, supplements, and bonuses issued to public officials (in total) and other employees (in total) on the website once in every three months. This information is published by 11 courts, while the remaining 17 either have not posted the information at all or have posted the old data on their websites (see the table).

Courts that have published information on quarterly amounts of remuneration, supplements, and bonuses	Maximum Score	Actual Score
1. The Supreme Court of Georgia	3	3
2. Batumi City Court	3	3
3. Zestaponi District Court	3	3
4. Zugdidi District Court	3	3
5. Ozurgeti District Court	3	3
6. Telavi District Court	3	3
7. Akhaltsikhe District Court	3	3
8. Senaki District Court	3	3
9. Signagi District Court	3	3
10. Akhalkalaki District Court	3	3

Paragraph 7.3 of the decision of the Council refers to the obligation to publish statistical data on the activities of administrative bodies. This requirement was more or less fully met by 16 courts, out of which the Supreme Court and Tbilisi City Court are exemplary (see the table).



Courts that have published statistical data	Maximum Score	Actual Score
1. The Supreme Court of Georgia	3	3
2. Tbilisi City Court	3	3
3. Tbilisi Appellate Court	3	2
4. Zugdidi District Court	3	1
5. Batumi City Court	3	1
6. Bolnisi District Court	3	1
7. Senaki District Court	3	1
8. Signagi District Court	3	1
9. Zestaponi District Court	3	1



10. Rustavi City Court	3	1
11. Kutaisi Appellate Court	3	1
12. Kutaisi City Court	3	1
13. Telavi District Court	3	1
14. Akhaltsikhe District Court	3	1
15. Khelvachauri District Court	3	1
16. Khashuri District Court	3	1

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It is noteworthy that with regards to paragraph 7.3 the decision N1/225 of the High Council of Justice states that the information on statistics should be updated in case of changes. Such a provision makes the assessment difficult as, based on this general wording, a large number of courts do not publish updated data on their electronic resource, even though they do process statistics for the submission to the Supreme Court.

It is advisable to set a specific deadline (quarterly, for instance) for publishing statistics on the activities defined under paragraph 7.3 of the decision of the Council; this would ensure the existence of clear landmarks for courts and, therefore, timely publication of information. With the existing formulation, it is possible to even oblige courts to update statistics on the website after each incoming and completed case, since the data on the case review is being updated daily.

Court statistics are not published in standard periodicity and the frequency of publication depends on the discretion of an authorized individual in a specific court. Some courts publish statistics on their websites weekly, while some publish quarterly or annually. It is preferable to change the existing provision and set a uniform standard by which every court will be guided equally.

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5.3. Information with the lowest disclosure index

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The below table features categories of information that are the most problematic in terms of the publication on the website and that have the lowest overall index of the disclosure.

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Paragraph	Information to be proactively disclosed	Disclosure index
1.4	Strategies, concepts, and action plans developed by the administrative body	4%
1.3	Annual report on the activities of the administrative body	5%
3.2	Normative acts that define rules for conducting competition in courts	15%
7.3	Statistical data on activities of the administrative body	26%
5.7	Information on the total cost of technical maintenance of vehicles	26%
5.6	Information on the total cost for fuel consumption	26%
5.5	List of vehicles that appear on the balance sheet of the administrative body with the reference to the model	26%
3.1	List of vacancies announced in the administrative body, results of the competition (the identity of winners only), rules and procedure for appealing results of the competition	28%

2.5	Annual Report defined under article 49 of the General Administrative Code of Georgia	36%
2.4	Administrative complaint forms/samples and information on the appeal procedure	37%

5.4. Information with the highest disclosure index

The below table features categories of information with the highest overall index of disclosure:

Paragraph	Information to be proactively disclosed	Percentage
7.2	Information on fees and tariffs set by or payable to the administrative body	100%
2.1	Name, surname, position, work email, work telephone, and fax number of the person (persons) responsible for access to public information.	96%
6.2	Individual legal acts that, according to the court, are of public interest	87%
3.3	The number of people employed in the administrative body with the reference to categories as well as by gender.	78%
1.5	The following information about the head of the administrative body, deputies, members, heads of structural units: name, surname, photo, biographical data	73%
2.3	Public information request form, sample and filling instructions	72%
1.6	Address, e-mail address, and telephone number of the administrative body and its structural units, as well as the telephone number, e-mail address, fax number, and hotline number of the public relations department	70%

7.1	Information on court services	68%
1.2	Legal acts (statute/charter, internal regulations) regulating activities of the administrative body and its structural units	53%
1.1	Structure and the description of functions of the administrative body	48%

5.5. Flaws found on court websites

Out of 27 courts studied, 4 courts (Tbilisi and Kutaisi appellate courts, Tbilisi City Court, and the Supreme Court of Georgia) have their own website address, while the remaining 23 operate on the basis of court.ge (the website of Georgian courts). Similar flaws, such as non-functional links, can be found on websites that operate based on court.ge. Some of the links do not open at all (server error comes up), blank pages come up or the users are redirected to the main page of the Tbilisi City Court website in the trial mode. Thematic graphs (fields) of electronic resources are not properly utilized; old data is being placed, while the relevant public information, in several cases, is posted in a non-thematic section. For instance, almost every website has a vacancy field, however, neither updated information nor the archive of old vacancies is available in these fields; relevant information is traceable in the general search field though. Lawyers, who are the users of court websites, note that, due to non-thematic placement and the issue of updates, it is especially difficult to obtain information from district court websites and they assess the websites as faulty.⁴⁰

A significant shortcoming of court websites is unconsolidated versions of legislative acts, posted in different fields that may mislead the user. This is the reason why practicing lawyers do not use legislative acts published on court websites.⁴¹ In addition, the majority of legislative acts placed on most websites do not open or the users get redirected to the main page of tcc.gov.ge; this affects the overall index of information disclosure by courts.

Complete disclosure of data for judges and officials is additionally problematic. The list of information defined by the decision of the Council is not fully placed on websites. Gaps related to the publication of the description of court structure and functions are also frequently revealed.

⁴⁰ The information is based on interviews conducted within the frames of this study with lawyers and representatives of the non-governmental sector.

⁴¹ The information is based on interviews conducted within the frames of this study with lawyers and representatives of the non-governmental sector.

Individual interviews revealed the need for placing the information on contact numbers of assistants of judges and the scheduling of the process, including first submission hearings,⁴² on the court websites.⁴³ In some cases, such information is disclosed; however, it is not accurate and requires an update. Preferably, the information on alternative dispute resolution should be posted on websites.⁴⁴

In the end, the electronic resources of courts have many gaps in terms of web administration. These shortcomings need to be corrected for the websites to properly fulfill their function and provide users with up-to-date, substantive, thematic information, that will be easily accessible.

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5.6. Index of proactive publication of public information by the High Council of Justice

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The High Council of Justice, just like the courts, is obliged by the decision N1/225 of the Council to publish public information on its website.⁴⁵ The project team assessed the information proactively disclosed on the electronic resource of the Council⁴⁶ and revealed problematic categories. It is noteworthy that all 38 paragraphs defined by the mentioned decision apply to the Council.

The availability on the website of the Council of the table of information to be proactively disclosed should be assessed positively. Through this table, the users can easily search for the desired information; however, it is advisable to post the table at a more obvious place. It is noteworthy that the website of the Council does not have any technical flaws that are common for the electronic resources of the district as well as city courts.

The overall index of disclosure of public information on the website of the Council is 43.64%, making it clear that it lags behind the overall index of many courts. More than half of public information, defined by decision N1/225, is not placed on the electronic resource of the High Council of Justice. This includes the Annual Report on the Freedom of Information, annual public procurement plan, the information on alienation and the transfer for use of the state property, adjusted budgets of the administrative bodies, information on issued remuneration, supplements, and bonuses, information on the costs of fuel consumption and technical services for vehicles, statistical data and others. For the body in charge of coordinating the judicial system, the current proactive disclosure index cannot be considered as a favorable outcome. The assessment has revealed that the Council does not fulfill its own decision and does not publish the majority of public information electronically.

In the end, the article of decision N1/225, most frequently violated by the courts and the High Council of Justice is article 3 that obliges administrative bodies to ensure accuracy, authenticity, and periodic update of electronically published information. Non-fulfillment of this obligation affects the transparency of the judiciary.

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⁴² The first submission hearing within the frames of administrative detention of the person who committed an administrative offense is implied.
⁴³ The information is based on interviews conducted within the frames of this study with lawyers and representatives of the non-governmental sector.
⁴⁴ The information is based on interviews conducted within the frames of this study with lawyers and representatives of the non-governmental sector.
⁴⁵ Decision N1/225 of 27 December 2013 of the High Council of Justice, available: <https://bit.ly/2YqRFe5> [Date of access: 23.06.2020].
⁴⁶ The website of the High Council of Justice: <http://hcoj.gov.ge/en/home> [Date of access: 23.06.2020].

This chapter analyzes statistical data published on websites of common courts. The first subsection reviews and assesses the practice of producing court statistics. The following subsection is dedicated to the review of the standard of the European Commission for the Efficiency of Justice (ECEJ) and the assessment of the situation in Georgia. The 3rd subsection discusses the following information posted on the website of the Supreme Court: statistics of the consideration of civil, administrative, and criminal cases, as well as of domestic violence and covert investigative actions. The following two subsections refer to the data placed on websites of city courts (Tbilisi, Batumi, and Rustavi City Court) and courts of appeal with regards to considered cases. 6th subsection discusses and assesses the format of published information. The last subsection features the final evaluation.

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6.1. The practice of producing court statistics

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According to the 2017-2021 judicial strategy,⁴⁷ one of the main challenges for ensuring an accountable judiciary is the heterogeneity of the production of statistics and the absence of a modern standard of analytical direction. It is noted in the document that the principle for the production of court statistics is faulty, cannot be carried out by the unified methodology, there is no unified software support, and information between court instances is not being exchanged. According to the strategy document, the methodology for processing and analyzing statistical information is not properly developed in courts and statistics is not user-friendly. Taking the afore-mentioned challenges into consideration, the strategy envisages refinement of statistical forms, analytical reports, and tools for their dissemination, as well as the development of unified methodology and adoption of relevant electronic programs.

In order to study challenges related to the production of statistics, as well as the tools used in the process of strategy implementation, IDFI addressed the courts⁴⁸ with the request of all regulatory documents that define rules, procedures, and technical means for the production of statistics and set statistical forms based on which statistics are being produced. As a response to this request, IDFI received identical general explanations from the courts of appeal and city courts.⁴⁹ According to these explanations, the courts produce statistics by filling out statistical forms, developed by the Supreme Court and agreed with the State Department of Statistics, which are then sent to the Supreme Court.

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⁴⁷ 2017-2021 Judicial Strategy, available at: <https://bit.ly/2Gd3a2H> [Date of access: 30.10.2020].

⁴⁸ The Supreme Court of Georgia, Courts of Appeal, Tbilisi, Batumi and Rustavi City Courts.

⁴⁹ Letter N589/3 of 19 June 2020 of Rustavi City Court;
Letter N1/3193 of 19 June 2020 of Tbilisi Court of Appeals;
Letter N465-2/10 of 19 June 2020 of Kutaisi Court of Appeals;
Letter N3328/3 of 19 June 2020 of Batumi City Court;
Letter N1-01119/11328 of 18 June of Tbilisi City Court.

According to the information provided by the Supreme Court,⁵⁰ the rule for the production of statistics in the courts is defined by the following documents:

- Decree №466 of 27 October 2000 of the President of Georgia;
- Letter N15/03-08/01 of 18 February 2002 (on the agreement of basic forms for official statistical reporting) of the Supreme Court of Georgia submitted to the State Department of Statistics.
- Annual Program of Statistical Works approved by the Government of Georgia;
- Interagency Memorandum of Understanding of 2010 on the publication of Unified Report on Criminal Statistics;
- Instructions developed by the Supreme Court.

Decree N466 of 27 October 2000 of the President of Georgia approved regulations on professional work and rules of procedure in the district (city) and regional courts as well as in supreme courts of Abkhazia and Adjara autonomous republics. Chapter XII of this document regulates rules of registration and recording of criminal, civil, and administrative cases. No significant changes were made in the mentioned rules since 2000 and nothing is being mentioned on the electronic production of court statistics. For instance, pursuant to article 50, registration statistical cards, according to numeration, are kept in card-files separately for criminal, civil, and administrative law cases, so that the last number is placed in the front row of the file.

By the letter N15/03-08/01 of 18 February 2002 of the Supreme Court of Georgia, forms (quarterly and annual) for the official statistical reporting were agreed with the State Department of Statistics. Neither the Supreme Court nor the Department of Statistics could provide this letter since it is already destroyed due to the statutory limitation.

Annual Program of Statistical Works approved by the Government of Georgia, as well as the Interagency Memorandum of Understanding of 2010 on the Publication of Unified Report on Criminal Statistics mainly define statistical data that should be produced by specific agencies for the reporting period. These documents are not really related to the regulation of rules, procedures, and technical means for the production of statistics.

The analysis of documentation regulating the production of statistics, provided by the Supreme Court, reveals that no significant documental/legislative changes were undertaken in recent years in the direction of defining rules and technical means for the production of statistics. According to the explanation of the Supreme Court, procedures and technical means for filling out statistical reporting forms are described in filling instructions.

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⁵⁰ Letter N3-958-20 of 19 June 2020 of the Supreme Court of Georgia.

The Supreme Court provided⁵¹ IDFI with filling instructions for statistical reporting forms with statistical cards for recording criminal cases only (forms N1-o and N2-o) and cards for the investigative work of the first instance courts (form N7); Form N1 is a statistical card on criminal cases received by the court, while form N2-o refers to the results of the review of the criminal case. Form N2 includes additional forms – statistical cards on cases that ended by a verdict and on hate crimes. Form N7 reflects data of investigative work by the first instance courts. Form N7-f is an addition to Form N7, where covert investigative actions are described.

As revealed from instructions, courts ensure filling out of electronic files, composed according to statistical cards, and send them to the statistics sector of the Supreme Court no later than 10th (5th for magistrate judges) of the following month. Monthly and quarterly statistical reports on criminal cases are received programmatically, according to electronic files sent by the courts.

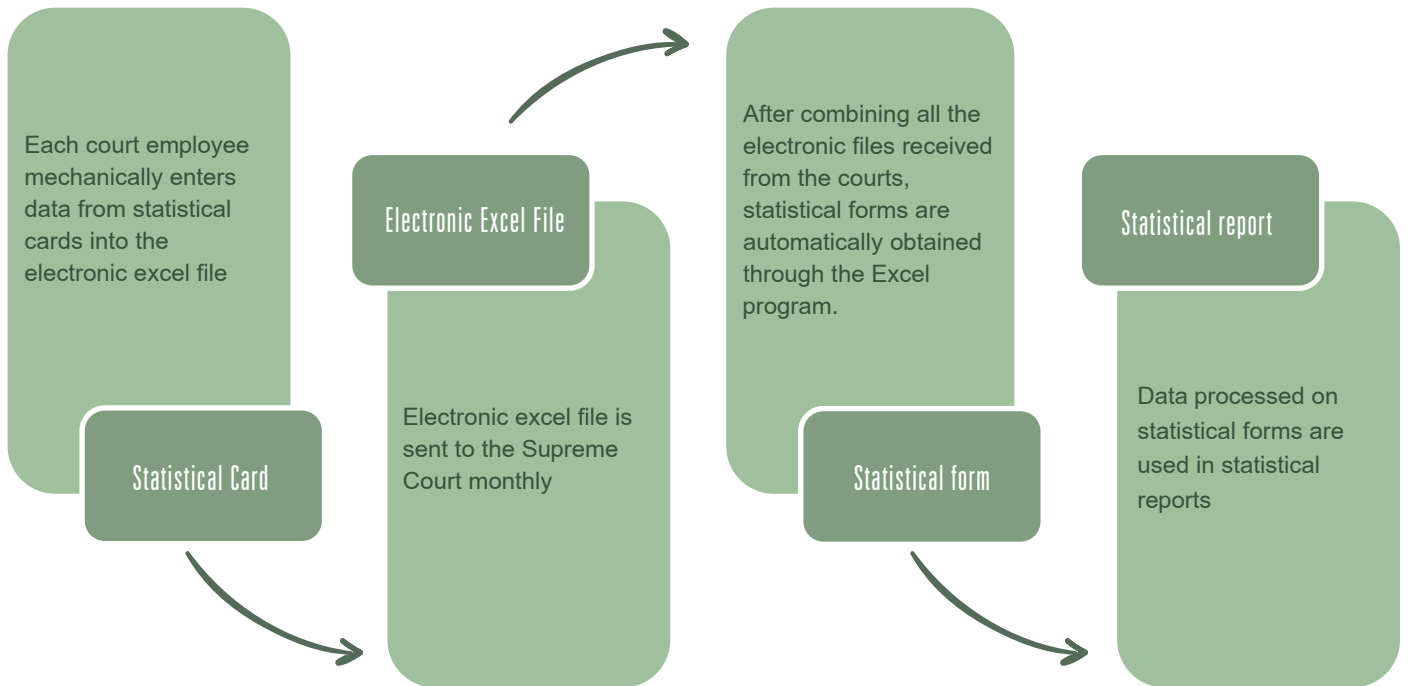
Representatives of the judicial system confirmed in an interview that there is no unified software in the judiciary that would automate the production of statistics as much as possible. Excel program is mainly being used in this process. For instance, in case of criminal cases, according to instructions adopted by the Supreme Court, employees of the court manually enter data from statistical cards to the electronic excel file, which are then monthly sent to the Supreme Court. After combining the received electronic files, the monthly and quarterly statistical reporting forms of criminal cases are obtained through the excel program.

In the case of civil and administrative cases, the Supreme Court has not developed instructions for filling out statistical forms. However, the forms are created in such a way that the data are entered in accordance with the indicated dispute categories and in compliance with the control formula embedded in the forms. Filled out forms for quarterly statistical reports only are sent to the Supreme Court by the courts and the Statistical Department of the Supreme Court then transfers these forms into excel. Excel, with relevant formulas, ensures automatic receipt of final statistical forms (according to courts and dispute categories). According to the explanation of court representatives, quarterly reports are currently sent to the Supreme Court via e-mail. Before 2020, similar documents were sent in a material form and data entry into Excel spreadsheets was performed entirely mechanically by Supreme Court staff.

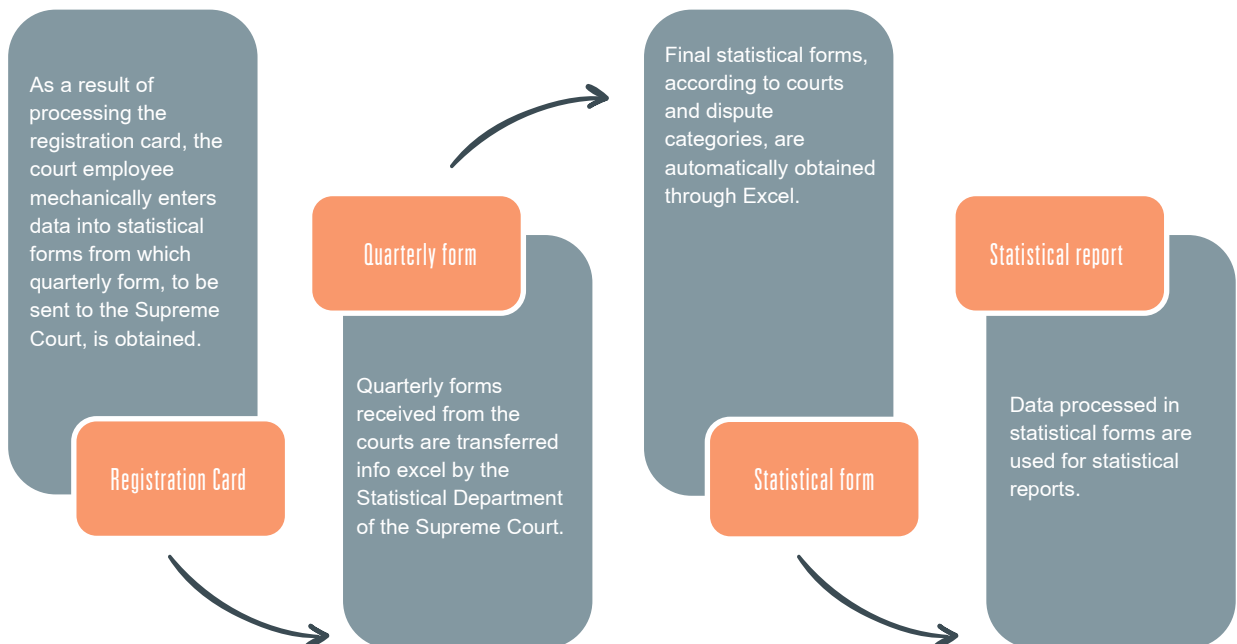
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⁵¹ Letter N3-143-20 of 23 July 2020 of the Supreme Court of Georgia.

The process of producing statistics on criminal cases in courts



The process of producing statistics on civil and administrative cases in courts



The existing practice of producing court statistics contains significant risks in terms of statistical accuracy. According to the explanation of the Supreme Court representative, excel files related to criminal cases are being inspected in accordance with the statistical cards received from the courts. More specifically, two employees of the statistical department, to the best of their abilities, read these files, and exercise logical control over them. The statistical department has also created parallel counting forms. It is feasible to exercise logical, as well as arithmetical control by comparing these forms with the final data. In addition, counting forms, available in Excel, exclude the processing of incompletely filled out file data.

Despite certain mechanisms available for the verification of statistics, according to the opinion of the Supreme Court representative, taking the existing process of the production of statistics into consideration, the full control of the accuracy is associated with significant difficulties. In case inaccuracies are found in the monitoring process, the data is corrected through communication with representatives of the relevant court.

According to representatives of the judicial system, some steps were taken in recent years to improve the process of the production of statistics, for instance, raising knowledge of employees for thorough learning of excel. Also, to obtain comprehensive statistics on the issuance of protection orders following the requirements of the Istanbul Convention, refine the service of providing the necessary information from the courts, and facilitate the process, a special small program has been developed, which provides automatic placement of the courts' data on protection orders on the Supreme Court server, etc. Besides, significant works are being undertaken at this stage to improve the process of the production of statistics, including the planned update of the electronic system of case management, with the addition of a statistics production module.

Analysis of the existing practice of the production of statistics reveals that the process of its approximation to modern standards is significantly delayed. This substantially complicates the tangible progress of goals set by the 2017-2021 Judicial Strategy. It is especially important to develop unified statistics software in the judicial system to refine the process of producing court statistics. This software would make the production process as automated as possible, on the one hand, and would significantly develop capabilities of statistical analytics, on the other hand.

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6.2. Standard established by the European Commission for the Efficiency of Justice (CEPEJ) and the situation in Georgia

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In 2008, the European Commission for the Efficiency of Justice (CEPEJ) adopted guidelines on judicial statistics, aimed at promoting the quality, transparency, and accessibility of statistics⁵²

According to the CEPEJ guidelines,⁵³ judicial statistics should enable policy-makers and judicial practitioners to get relevant information about court performance and the quality of the judicial system in order to facilitate the efficient functioning of a judiciary and contribute to the steering of public policies of justice. Most importantly, there should be a unified standard for the collection of statistical information in the courts. Besides, it is essential to publicize the data collected at a national level, through the internet.

There is no legal act in Georgia that defines the unified standard for the collection of statistical information of common courts. However, in practice, the courts produce statistics based on standard unified forms.⁵⁴ Some courts may also additionally produce a different type of statistics.⁵⁵

Concerning dispute categories, the guidelines clarify that it is important to break the general categories⁵⁶ down into different subcategories according to the types of dispute/crime. Each civil court may define these subcategories on its own. However, it is important to assign at least four categories: statistics on litigious divorce, employment dismissal,⁵⁷ robbery, and intentional homicide.

According to the guidelines, the data on courts and court proceedings should include the information on at least types and numbers of proceedings with a reference to the jurisdiction, as well as the information on the number of proceedings at the beginning of the year and on the number of new, completed and pending cases at the end of the year. Besides, it is important to differentiate cases resolved through a decision on the merit from cases completed otherwise.⁵⁸ It is noteworthy that the data published by the Supreme Court of Georgia complies with CEPEJ standards in this regard and this should be assessed positively.

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⁵² CEPEJ Guidelines on Judicial Statistics, available at: <https://bit.ly/3hdXOI5>, [Date of access: 27.10.2020].

⁵³ Ibid, Chapter I, Basic Principles, articles. 1-3, page 2.

⁵⁴ Group interview (focus-group) with the representatives of the Judicial Management Department of the High Council of Justice and common courts.

⁵⁵ For instance, information on court mediation is produced by Tbilisi City court but not by Batumi City Court. This information is based on letter N3-0499/3986481 of 5 October 2020 of Tbilisi City Court and letter N659 8/3 of 13 October 2020 of Batumi City Court.

⁵⁶ Criminal, administrative, and civil cases.

⁵⁷ On civil cases only.

⁵⁸ Termination of the case, refusal to accept under consideration, and other grounds.

Total data of all courts, by dispute types, is published on the website of the Supreme Court in more diverse categories, than defined in the CEPEJ standard. Out of the city courts studied, only Tbilisi City Court publishes statistics according to dispute type subcategories. It is obvious that other city courts, assessed within the frames of the monitoring, also process data on dispute subcategories, but do not publish them; this should be assessed negatively. In addition, it should be noted that the publication of scarce statistical information on the websites by other courts is related to the lack of human and technical resources.⁵⁹

According to CEPEJ Guidelines, statistics should ensure the assessment of the duration of proceedings at the country level as well as at the level of individual courts. It is important to produce statistics according to the timeframes for considering cases. The data should be grouped by the duration of the case consideration.⁶⁰ It is also desirable to separately record cases that are completed without hearing on the merits.

Regarding timeframes, Georgian courts only indicate whether the case was considered within the timeframes or whether the deadline was violated.⁶¹ Unfortunately, courts do not process any type of duration-related information, including the information on the average duration⁶² of stages of proceedings,⁶³ even though there is a public interest in the average duration of case consideration.⁶⁴ According to the Supreme Court representative, the full processing of these data will be possible after the launching of the electronic module of statistics.

In the end, information published on the websites of the Supreme Court and Tbilisi City Court is more or less in line with the CEPEJ standard. However, it is essential that common courts also process data on the duration of cases and the average duration of proceedings.

Statistical information published by Batumi and Rustavi City Courts is fragmented and does not comply with the criteria set by the CEPEJ standard. Courts should indicate dispute categories, as well as the number of remaining cases at the beginning and end of the year when publishing statistical information.

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⁵⁹ Group interview (focus-group) with the representatives of the Judicial Management Department of the High Council of Justice and common courts.
⁶⁰ For instance, the number of completed and pending cases in a period of less than 1 month, in 1-3 months, 4-5 months, 7-12 months, 1-2 years, 2-3 years, 3-5 years, and in a period of more than 5 years.
⁶¹ The information is based on an attachment to the letter N1/6027 of 9 October 2020 of Tbilisi Court of Appeals and on the letter N987/з of 9 October 2020 of Rustavi City Court
⁶² Group interview (focus-group) with the representatives of the Judicial Management Department of the High Council of Justice and common courts.
⁶³ Statistical data on the average duration of the preparatory stage, the central stage, the concluding stage, duration of appeals proceedings, or other legal remedies, which is also a standard established by CEPEJ.
⁶⁴ This is confirmed by interviews conducted within the frames of this study with lawyers and representatives of non-governmental organizations.

6.3. Statistics published on the Supreme Court website

The Supreme Court website features statistical data of common courts by past years from 2008 up to present.⁶⁵ The published information includes statistics on cases heard at common courts, on covert investigative actions, and domestic violence. This subsection critically analyses the mentioned data, discusses the experience of the United States and the United Kingdom, and offers recommendations on the processing of certain data categories.

a) Statistics on cases reviewed at common courts

a.a Civil cases

The dynamics⁶⁶ of the consideration of civil cases, published on the Supreme Court website, includes the number of cases pending in the first, appellate and cassation instances, for the reporting period, including the cases submitted in the reporting period, according to their types⁶⁷ and completed cases, with the indication of the outcome.⁶⁸ Courts of appeal and cassation court also show the stability of cases.⁶⁹

The Supreme Court publishes the movement of civil cases according to the types of disputes.⁷⁰ The data indicate outcomes of cases, including the number of cases completed in a settlement.⁷¹ Unfortunately, only some courts record the number of cases transferred to court mediation, including the number of cases that ended in a settlement and the number of cases that could not be settled and the dispute resumed in court.⁷² Therefore, the Supreme Court does not publish data related to mediation. To assess the effectiveness of the mediation institute, all courts should start processing this data, including by dispute types. The data should be published on the Supreme Court website. All the more so, when there indeed is an interest in mediation among practicing lawyers; however, according to their experience, it is difficult to retrieve comprehensive statistics.⁷³

⁶⁵ The Supreme Court of Georgia, Statistics of Past Years, available at: <https://bit.ly/3gfCH08>, [Date of access: 27.10.2020].

⁶⁶ Civil case statistics published on the Supreme Court website, the data of reporting period and of the previous year is provided, increase/decrease of cases and corresponding percentage change, pages 2-3, available at: <https://bit.ly/2CJBT65>, [Date of access: 28.10.2020].

⁶⁷ Cases of litigation, simplified and indisputable claims for the courts of the first instance.

⁶⁸ For example, refusal to admit, the decision is delivered, case terminated, etc.

⁶⁹ The stability index reflects the number of cases annulled and remaining stable out of the total number of considered claims.

⁷⁰ Litigation cases related to property, obligations, intellectual legal disputes, family law, inheritance, entrepreneurship, labor disputes, disputes related to private non-property rights, and others are covered. Besides, each case is broken down into relevant subcategories: cases of simplified and indisputable proceedings, on matters such as the identification of facts of legal significance, the recognition of a citizen as missing, the declaration of a citizen as dead, the identification of a support person, etc. are reflected.

⁷¹ Article 187³ of the Civil Procedure Code of Georgia defines the list of cases that may become subject to court mediation.

⁷² Information is obtained from a group interview (focus-group) with representatives of the Judicial Management Department of the High Council of Justice and common courts.

⁷³ This is confirmed by interviews conducted within the frames of this study with lawyers and representatives of non-governmental organizations.

It should also be noted that, due to the scarcity of human and technical resources, the court is unable to process data according to defendants in disputes related to the freedom of expression and defamation.⁷⁴

According to the Georgian civil procedure legislation, the court also considers cases related to discrimination.⁷⁵ Given the challenges in the country in this regard, it is important to include the statistical data on discrimination, together with other dispute types, on the Supreme Court website.⁷⁶ More specifically, the number of claims submitted and outcomes of case consideration for the reporting period should be included. Signs of discrimination,⁷⁷ as well as the number of cases of sexual harassment may also be indicated in statistics.

The need for processing such statistical data is also indicated in Public Defender's Report, according to which situation in terms of discrimination cannot be properly assessed, due to the absence of equality related statistical data in relevant bodies, including the courts.⁷⁸ However, an interview conducted in the focus-group revealed that the courts have already started processing this information in a trial mode, within the frames of the Council of Europe project.⁷⁹

Rustavi City Court stated in its letter, that it does not process statistics on discrimination cases, while Batumi City Court indicated that it did not process statistics on discrimination cases in 2018-2019 and it is vague whether it started to produce such statistics in 2020.⁸⁰ According to the Supreme Court representative, the courts were not processing these data previously and the Supreme Court was systematically requesting judgments regarding the discrimination cases from the courts, and studied and analyzed them. Now there are forms developed and implemented in trial mode concerning discrimination cases in courts. Therefore, it is advisable to publish these data when possible.

The movement of civil cases in the first instance courts is presented on the Supreme Court website according to the geographical location of the courts.⁸¹ Besides, outcomes of the reconsideration of decisions as a result of the appellate and private claims, are also posted, according to district/city courts.⁸² Different types of statistical data on the courts of appeal are also shown.⁸³

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⁷⁴ For instance, media, NGO, individual, and others. The information is based on a group interview (focus-group) with representatives of the Judicial Management Department of the High Council of Justice and common courts.

⁷⁵ Article 363 of the Civil Procedure Code of Georgia.

⁷⁶ According to the Supreme Court representative, this information is already being processed in trial mode.

⁷⁷ Number of discrimination cases on the grounds of religion, gender, sexual orientation, gender identity, and others.

⁷⁸ Special report of the Public Defender of Georgia on the Fight against Discrimination, its Prevention and the State of Equality, 2019, page 5, available at: <https://bit.ly/3nUAYSx>, [Date of access: 28.10.2020].

⁷⁹ Group interview (focus-group) with representatives of the Judicial Management Department of the High Council of Justice and common courts.

⁸⁰ The information is based on letter N988/3 of 9 October 2020 of Rustavi City Court and on Letter N 659 8/3 of 13 October 2020 of Batumi City Court.

⁸¹ Civil case statistics published on the Supreme Court website, pages. 11-13, available at: <https://bit.ly/2EarUY7>, [Date of access: 28.10.2020].

⁸² Ibid, pages. 15-17;

⁸³ Movement of appellate claims in courts of appeal, the outcome of the review of appellate claims, the dynamics of cassation appeals on civil cases and their admissibility, as well as outcomes of the review of Cassation appeals.

Unfortunately, the data on cases submitted by appellate and cassation claims are not published on the Supreme Court website according to dispute categories, as is the case with courts of the first instance. It is desirable that the data on the courts of appeals are published by dispute categories, to help interested individuals in identifying different trends, such as the type of cases that are appealed the most, or the rate of reversal for decisions of first instance courts by the courts of cassation and appeal, by each disputed category. According to the Supreme Court representative, these data are currently not processed but will be taken into account when developing the statistics module.

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a.b Administrative cases

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Similar to civil cases, the published statistical data include dynamics on the consideration of administrative and administrative offense cases, movement of cases by types of disputes, and information on case distribution by district/city courts.

In the statistical data published on administrative cases of the first instance, the number of cases completed by the settlement is recorded together with the number of terminated cases. It is desirable to separate settled cases in the table, as is the case for the statistical data on civil cases.

Published data, related to administrative offense cases, also indicate the number of persons against whom a ruling was made, number of persons held administratively liable, number of persons by administrative offense types, reviewed administrative offenses by district/city courts, and imposed administrative fines. It is desirable to also process and publish information by gender and age groups, including the number of juveniles who were held administratively liable.

According to the Supreme Court representative, the number of women and juveniles against whom a ruling was made is recorded in the forms of administrative offense cases. Therefore, it is possible to publish the total data. However, it is not possible to process more detailed information at this stage.

It is possible to obtain quite detailed statistical information for administrative cases of all three instances on the Supreme Court website. However, the published data does not include dispute categories in the cases of the court of appeals. It is advisable to reflect this information in the statistical data published on the Supreme Court website. It is also desirable to indicate outcomes of the reconsideration of cases and their movement, for administrative offense cases.

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a.c Criminal Cases

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Statistics on criminal cases are being processed by the same principle as statistics for civil and administrative cases. Concerning criminal cases, the data on the conviction, as well as the number of convicts for the reporting period is also given; categories are broken down by the types of sentence.⁸⁴ The data for appellate and cassation instances include information on reviewed appeals with a reference to the outcome.

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⁸⁴ The Supreme Court website, 2019 statistical data on criminal cases, available at: <https://bit.ly/2E1BEnP>, [Date of access: 28.10.2020].

Published categories of criminal cases do not include certain types of crimes, such as the crime against family and juveniles, drawing of juveniles into pornographic activities, torture or ill-treatment of animals, mutilation of female genitals, etc. This is due to the fact that the Supreme Court publishes only the information given in the old forms for statistical reporting. Although the courts are recording the data regarding the new articles in Criminal Code, they are not published on the Supreme Court website. Therefore, it is advisable to publish all the recorded data about crime categories on the website of the Supreme Court.

Despite existing problems, the ombudsman noted in their special report that, as a result of efforts taken by the statistical department of the Supreme Court, recording crimes related to femicide and attempts of femicide was improved. However, the Ombudsman also stressed the necessity of making some changes to the statistical cards of case registration in the first instance courts:⁸⁵ According to the Supreme Court representative, the changes have been made in terms of recording crime cases against women, and it will be possible to record comprehensive data in trial mode in 2021.

The Supreme Court website provides various statistical data about convicts. Criminal statistics additionally includes information on the terms of imprisonment and plea bargain. Unfortunately, broken down statistical data on motions for investigative actions⁸⁶ is not being published on the Supreme Court website.

Unfortunately, the information on the review of decisions of the first instance courts by the court of appeals is not published according to the types of crime, either. To assess the state of criminal justice, it is desirable to publish statistical information on outcomes at the courts of cassation and appeals, according to crime categories. Only the outcomes of the review are published for appellate claims⁸⁷; outcomes of the review and admissibility check are published for cassation claims.

Therefore, criminal statistics include quite a variety of categories, but some gaps still exist, such as the need for adding new categories to the published data on the types of crime. Besides, it is desirable to publish information on cases reviewed at the courts of appeal, according to the types of crimes.

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 Summary
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Statistical data published on the Supreme Court website is quite extensive and detailed and this should be positively assessed. Non-governmental organizations, researchers, and lawyers often use this statistical data for research or case analysis. Publishing court statistics on the website is of particular importance given that, when requesting statistical data in a written form, interested individuals are often provided with incomplete, vague information, and sometimes courts even refrain from responding.⁸⁸

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⁸⁵ The Public Defender of Georgia, report on the monitoring of femicide, 2014-2018 years, 2020, page. 21, available at: <https://bit.ly/2JtlFS6>, [date of access: 28.10.2020].

⁸⁶ Searches, seizures, motions for the inspection of an apartment or possession, as well as motions for investigative actions related to computer data.

⁸⁷ For instance: left unconsidered, left unchanged, acquitted, convicted, etc.

⁸⁸ The information is based on interviews conducted within the frames of this study with lawyers and representatives of non-governmental organizations.

To assess the efficiency and the quality of work of the judiciary, it is important to process and publish statistical data on the timeframes of case consideration for completed cases. Information may be processed according to the courts as well as the types of disputes/crimes. As a result, it will be possible to identify types of disputes/crimes for which procedural timeframes are often violated, as well as the courts that face excessive caseload or other types of problems.

In addition, to simplify the reading of statistics and to eliminate ambiguity, an auxiliary manual may be developed. The manual would explain the published statistical information, used terminology, and procedures. There are cases when different terms are used in normative acts and statistics or when categories are different,⁸⁹ there are also differences in numbers and the reason for such differences is unclear.⁹⁰

The experience of other countries is noteworthy in this regard. In the United States, for example, the website of the judicial system features the definition of terms, explains how average time is calculated with regards to civil or criminal cases⁹¹ and also explains the terms used in the statistical data of the first instance courts.⁹²

The practice of the United Kingdom is also interesting. In the UK, to simplify the reading of statistics for interested individuals, statistics guidelines, adopted by the Ministry of Justice, are posted on the official Government website, according to civil law,⁹³ family law,⁹⁴ criminal law⁹⁵ and other categories. It is advisable to have similar guidelines in the common courts' system of Georgia.

It is also important to refine statistical data related to dispute/crime categories, more specifically, to add new categories to already published ones. Processing statistics with current reporting forms is problematic since interested individuals need to receive comprehensive information.⁹⁶ Although, in accordance with the legislative amendments, the statistical reporting forms are changed and updated as much as possible every year, the production of statistics with the current forms for statistical reporting, given that the employee of the court mechanically, manually enters information, makes it impossible to fully solve this problem, since the 'forms can physically not fit'⁹⁷ the new categories. This challenge exists with administrative, administrative offense, and civil cases. To address this challenge, it is necessary to implement an electronic module for the production of statistics in the common courts.

To eliminate this problem, relevant measures need to be taken and such a system should be implemented, that would be flexible to legislative changes to improve the production of statistics.

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⁸⁹ For instance, the group interview revealed that, for administrative cases, disputes completed in the settlement in the first instance are recorded in the field of terminated cases while for civil cases, there is a separate field for cases completed in the settlement. It is desirable to explain such details in the auxiliary manual.

⁹⁰ The information is based on interviews conducted within the frames of this study with lawyers and representatives of non-governmental organizations.

⁹¹ The definition of important terms, published on the US judiciary website is available at: <https://bit.ly/3kZXNmU>, [Date of access: 28.10.2020].

⁹² Definition of terms used in first instance courts, published on the US judiciary website is available at: <https://bit.ly/2EcMTM>, [Date of access: 28.10.2020].

⁹³ Guide to Civil Justice Statistics, Ministry of Justice, available at: <https://bit.ly/3ePnqCw> [Date of access: 28.10.2020].

⁹⁴ Guide to Family Court Statistics, Ministry of Justice, available at: <https://bit.ly/3eK8lwR> [Date of access: 28.10.2020].

⁹⁵ Guide to criminal court statistics Ministry of Justice, available at: <https://bit.ly/3hmyvwO> [Date of access: 28.10.2020].

⁹⁶ The information is based on the results of interviews conducted within the frames of this study with lawyers and representatives of non-governmental organizations.

⁹⁷ Information was obtained from a group interview (focus-group) with representatives of the Judicial Management Department of the High Council of Justice and common courts.

b. Statistics related to covert investigative actions

According to the criminal procedure legislation of Georgia, the Supreme Court is obliged to set up a registry for covert investigative actions, where statistical information related to covert investigative actions will be reflected.⁹⁸ The register of covert investigative actions is available on the Supreme Court website⁹⁹. The data on covert investigative actions according to district/city courts, with the reference to the number of motions submitted in the reporting period and an outcome,¹⁰⁰ are reflected in the register.

The Supreme Court website publishes an archive of data on wiretapping and covert recording of telephone conversations, where statistical data is grouped according to years, as well as quarterly. The Supreme Court took the obligation to publish this data within the frames of Open Government Partnership (OGP), as reflected in the OGP Action Plan for 2014-2015.¹⁰¹ Therefore, the data is recorded since 2015 and includes the number of considered motions across the country, as well as according to district (city) courts, with the reference to the outcome and the qualification of the crime.¹⁰² Statistical data on the extension of timeframes for wiretapping and covert recording of telephone conversations are also recorded.¹⁰³

Although common courts process statistical data according to the geographical location and crime qualification on all types of covert investigative actions,¹⁰⁴ only the data on wiretapping and covert recording of telephone communication is published in such a detailed manner on the Supreme Court website. Except for the latter, the Supreme Court website only publishes general, aggregated data on covert investigative actions.¹⁰⁵

Publishing statistical information on covert investigative actions by the Supreme Court should be positively assessed. However, detailed data on each type of covert investigative action is also important for the public. Therefore, it is desirable to publish this information as well.

⁹⁸ Pursuant to article 14210 of the Criminal Procedure Code of Georgia, the information should include the data on motions submitted to the court for carrying out covert investigative actions, on rulings, and the destruction of the obtained material.

⁹⁹ As an example, refer to 2019 statistical data published on the Supreme Court website, available at: <https://bit.ly/3hcQfLe>, [Date of access: 27.10.2020].

¹⁰⁰ The outcome includes the following categories: left unconsidered, considered, satisfied, partially satisfied, rejected, material destroyed.

¹⁰¹ Decree N557 of 18 September 2014 of the Government of Georgia on 'Approving the Open Government Partnership Georgia' Action Plan for 2014-2015, Commitment 17, available at: <https://bit.ly/2QbuK0Z>, [Date of access: 27.10.2020].

¹⁰² The Supreme Court of Georgia, main statistics of common courts 2019, available at: <https://bit.ly/2E2MpWW>, [Date of access: 27.10.2020].

¹⁰³ The Supreme Court of Georgia, the archive of wiretapping and covert recording of phone conversations, available at: <https://bit.ly/2FHbrv5>, [Date of access: 27.10.2020].

¹⁰⁴ Letter N 3-1143-20 of 23 July 2020 of the Supreme Court of Georgia.

¹⁰⁵ As revealed from the addendum to form N7 provided by the letter N 3-1143-20 of 23 July 2020 of the Supreme Court of Georgia, first instance courts process information on every type of covert investigative action.

According to the data of 2019,¹⁰⁶ considered motions related to wiretapping accounted for only 15 percent of the total number of motions for covert investigative actions. Based on the published data, it is not possible to assess what type of motions for covert investigative actions are mostly addressed to the court or which covert investigative actions are carried out most frequently with regard to specific crimes. The need to publishing data also arises from the fact that, when receiving requests for public information, some courts may refrain from responding or may not provide data broken down into categories.¹⁰⁷

According to Georgian legislation, in case of urgent necessity, the prosecutor is obliged to address the district (city) court with the request to declare conducted/ongoing covert investigative actions legitimate, no later than 24 hours after the commencement of covert investigative action.¹⁰⁸ Information on the legitimacy of covert investigative actions is not reflected in the statistical data on the Supreme Court website. It is advisable to also publish these statistics on the website.

It is noteworthy that, in the United States, information on other types of covert investigative actions is also published along with information on wiretapping.¹⁰⁹ Data on wiretapping is quite diverse. In each case, information is given according to the jurisdiction, the judge, state prosecutor, or a person designated by him, types of crime, average daily duration of wiretapping, number of wiretapping days, number of persons,¹¹⁰ costs incurred, and the number of persons arrested as a result of covert investigative actions. Statistical data reflects the number of detained individuals and convicts as well as the data on types of crimes for which motions for wiretapping are most frequently reviewed by the US courts.¹¹¹

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¹⁰⁶ The Supreme Court of Georgia, 2019 register of covert investigative actions and data on wiretapping, available at: <https://bit.ly/3iS8Mwl>, [Date of access: 27.10.2020].

¹⁰⁷ As an example, Rustavi City court, by letter N988/8 of 9 October 2020, provided IDFI with general information on covert investigative actions with no indication of the types of covert investigative actions, even though IDFI had requested information concerning each type of covert investigative action.

¹⁰⁸ Article 143³, paragraph 6, of the Criminal Procedure Code of Georgia.

¹⁰⁹ Wiretapping, removal, and fixation of information from the communication channel and/or from the computer system, covert audio/video recordings are provided separately; available at: <https://bit.ly/34jU6lQ>, [Date of access: 27.10.2020].

¹¹⁰ The number of persons against whom wiretapping was carried out, as a result of issued order.

¹¹¹ Statistical information on covert investigative actions in the US is available at: <https://bit.ly/32cEe2l>, [Date of access: 27.10.2020].

C. Statistics on domestic violence

According to Georgian legislation, one of the tools for preventing violence against women and/or domestic violence is to produce relevant statistics.¹¹² Judicial bodies are also obliged to undertake preventive measures within the scope of their competence.¹¹³ The importance of the production of statistics is also emphasized by the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.¹¹⁴ Under the Convention, the parties undertake an obligation to regularly collect detailed statistical data on the cases of all forms of violence that fall within the scope of the convention.¹¹⁵ Such statistics are necessary to produce evidence-based policies and to assess the extent to which existing policies respond to the needs of the victim. In addition, statistics are important not only for raising public awareness but also for increasing applications from victims and witnesses.¹¹⁶ The bodies of public authority, including the courts, should ensure the creation of database systems that reflect large scale data. The data should include information on at least the age and gender of the abuser and the victim, types of violence, the relationship between the abuser and the victim,¹¹⁷ geographical location and other factors, such as disabilities.¹¹⁸ The need for processing this data is also discussed in the Council of Europe study on 'the Collection of Administrative Data on Domestic Violence in the Member States'.¹¹⁹

Statistical data on Domestic violence is provided separately on the Supreme Court website. Data are grouped according to the issued protection order and to judgments on criminal cases. Statistical data is published starting from 2018 for each year, as well as quarterly.¹²⁰

The number of protection orders, issued throughout Georgia, as well as the gender of violators and victims, are reflected in statistical data on protection orders. The data is also grouped by region. In addition, the note indicates the number of issued orders related to domestic violence.¹²¹ Statistical data on issued orders are also grouped by types¹²² of violence.¹²³

Although the Supreme Court website shows the number of cases submitted related to the suppression of domestic violence, as well as protection and assistance to the victims of domestic violence, the number of persons who addressed the court with the request of issuance of protection orders is not clear from the statistics. It is also not indicated how many orders issued by the first instance were appealed and how many were revoked.

¹¹² Article 6, paragraph 3, subparagraph "c" of the Law of Georgia on the 'Prevention of violence against women and/or domestic violence, protection and assistance to the victims of violence'.

¹¹³ Ibid, article 7, paragraph 1.

¹¹⁴ The convention entered into force for Georgia in 2017.

¹¹⁵ Article 11, paragraph 1, subparagraph "a" of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

¹¹⁶ Council of Europe, Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence, page. 14, available at: <https://bit.ly/2QajAu8>, [date of access: 27.10.2020].

¹¹⁷ For instance: girlfriend/boyfriend, partner, spouse, ex-girlfriend/ex-boyfriend, ex-spouse, ex-partner, another family member, etc.

¹¹⁸ Council of Europe Convention on preventing and combating violence against women and domestic violence, the handbook for parliamentarians, page. 32, available at: <https://bit.ly/2Jemldy>, [Date of access: 27.10.2020].

¹¹⁹ Council of Europe, 'Collection of Administrative Data on Domestic Violence in the Member States', EG-VEW-DC (2008) study, available at: <https://bit.ly/3hfcWP4>, [Date of access: 28.10.2020].

¹²⁰ The Supreme Court of Georgia, statistics of domestic violence, available at: <https://bit.ly/3aDVtGL>, [Date of access: 28.10.2020].

¹²¹ For instance, out of 141 orders issued in 2018, 139 were issued on domestic violence.

¹²² Physical, psychological, economic, sexual, coercion and neglect.

¹²³ The Supreme Court of Georgia, number of protection orders issued by district (city) courts of Georgia in 2019, available at: <https://bit.ly/3g8AHH6>, [Date of access: 28.10.2020].

In addition, when the court discusses the issuance of the protection order, in case of violence against juveniles, by this order, it decides the separation of juveniles from the abusive parent(s).¹²⁴ It would be interesting to also reflect the number of juveniles who were separated by protection orders in the statistical data published on the Supreme Court website. Unfortunately, this type of information is not being processed in courts today. The courts also do not process the information on the age of violators and victims and the relationship between them, when it comes to cases of restraining and protection orders.¹²⁵ According to the Supreme Court representative, the special program tasked to aggregate all the necessary data under Istanbul Convention was developed in 2020 and will be subsequently implemented in 2021.

The problem of the lack and incomplete reflection/processing of statistical data on domestic violence and a gender-based crime against women had been repeatedly mentioned by the civil sector.¹²⁶ Before 2018, the data on the appeals of restraining and protection orders were not collected according to the types of violence. On 13 September 2018, the settlement agreement was signed between the 'Partnership for Human Rights' and the Supreme Court of Georgia in Tbilisi City Court. According to the document, the parties agreed that the Supreme Court would process the information on appeals and abolitions of orders.¹²⁷ A program that processes the number of incoming and revoked protection orders works in a trial mode for the courts of appeal and this should be positively assessed. To get a full picture, it is advisable to post the mentioned statistics on the Supreme Court website.¹²⁸

With regards to criminal cases, the statistics include the complete data (all domestic crimes together, in total), as well as the information according to the qualification of crime. The number of persons is also reflected and the number of female victims is provided separately.¹²⁹

Unfortunately, statistical data on judgments on criminal cases do not reflect the geographic location, gender of the violator,¹³⁰ age and the relationship between the violator and the victim. Factors such as domestic violence against juveniles, persons with disabilities, and/or pregnant women may also be reflected. Group interviews with the representative of the judicial management department and common courts revealed that the courts are working on the fulfillment of obligations undertaken by the Istanbul Convention and have, in trial mode, started to record information that reflects the relationship between the violator and the victim; this is indeed a step forward.

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¹²⁴ Article 211, paragraph 52, and article 2115 paragraph 3 subparagraph 'f' of Administrative Procedure Code of Georgia.

¹²⁵ The information is based on letter N3-0499/3986481 of 5 October 2020 of Tbilisi City Court, Letter N988/3 of 9 October 2020 of Rustavi City Court, and letter N 659 3/3 of 13 October 2020 of Batumi City Court.

¹²⁶ PHR, Collection, Processing, and dissemination of Gender Statistics for the Prevention of Gender-based Violence in Georgia, 2019.

¹²⁷ Ibid, page. 66

¹²⁸ Group Interview (focus-group) with representatives of the Judicial Management Department of the High Council of Justice and common courts.

¹²⁹ For example, refer to data on the number of 2019 cases considered by district (city) courts of Georgia according to the crimes defined by articles 111 (liability for domestic violence) and 126¹ (Domestic Violence), published on the Supreme Court website, available at: <https://bit.ly/2FwDGwj>, [Date of access: 28.10.2020].

¹³⁰ Only the number of female victims is reflected by gender, while the gender of the violator is not indicated.

Another noteworthy category of domestic violence is a domestic crime committed on the grounds of sexual orientation and gender identity. In 2018, an independent UN expert visited Georgia regarding violence and discrimination issues. In his statement about the visit, the expert, among other important matters, emphasized the fact that the Supreme Court was unable to provide information on the number of domestic violence cases, committed on the grounds of sexual orientation and gender identity. As a result, he urged the state authorities, including the courts, to identify domestic violence cases, committed on the grounds of sexual orientation and gender identity, and to start producing the relevant statistical information!¹³¹ Unfortunately, the common courts still do not process this information.¹³²

As revealed by the group interview, an interagency¹³³ memorandum of understanding was signed this year, the notion of hate crime was introduced to the forms of statistical reporting and signs of discrimination on such cases will also be recorded, while the statistical data will be posted on the website of the National Statistics Office of Georgia. This deserves a positive assessment; however, it is desirable to reflect signs of discrimination in the data on domestic violence on the Supreme Court website as well. In addition, processing and publishing data on the age of victims is also important and is not currently exercised by the common courts.¹³⁴

Thus, statistical data on domestic violence, published on the Supreme Court website, is not complete. However, as noted previously, intensive works are being undertaken to eliminate existing problems.¹³⁵

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¹³¹ The mandate of an independent expert on the matters of violence and discrimination committed on the grounds of sexual orientation and gender identity, statement after the completion of the mission, available at: <https://bit.ly/2YgjVjI>, [Date of access: 28.10.2020].

¹³² The information is based on letter N3-0499/3986481 of 5 October 2020 of Tbilisi City Court, letter N988/3 of 9 October 2020 of Rustavi City Court, and letter N 659 3/3 of 13 October 2020 of Batumi City Court.

¹³³ Ministry of Internal Affairs, the Prosecution Service, common courts, and the National Statistics Office.

¹³⁴ The information is based on letter N3-0499/3986481 of 5 October 2020 of Tbilisi City Court, letter N988/3 of 9 October 2020 of Rustavi City Court and letter N659 3/3 of 13 October 2020 of Batumi City Court as well as on the group interview (focus-group) conducted with the representatives of the Judicial Management Department of the High Council of Justice and common courts.

¹³⁵ Information was obtained from the group interview (focus-group) conducted with the representatives of the Judicial Management Department of the High Council of Justice and common courts.

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6.4. Statistics published on websites of the courts of appeal

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Statistics published on the website of Kutaisi Court of Appeals include general information on criminal, administrative, and civil cases. The cases are divided into the following categories: number of incomplete cases at the beginning of the year, number of incoming, completed, and incomplete cases at the end of the year.¹³⁶ For criminal cases, mentioned categories are also broken down according to the gravity of crimes;¹³⁷ while for civil cases – according to the type of claims.¹³⁸ The same principle applies to the division of categories for administrative cases. As for the cases submitted to investigative collegiums, the data shows the number of incoming, considered, and unresolved cases with regard to the types of claims.¹³⁹ The publication of the mentioned information gives some idea about the work of courts; however, it is not complete.

Administrative, criminal, and civil statistics are published in the same principle in the Tbilisi Court of Appeals. However, information on the outcomes of the review and types of appellate claims is not published on the website of any court of appeals.

Although the publication of statistics in a unified standard by the courts of appeals should be assessed positively, it is important to also publish information on the outcomes of the review and types of appellate claims. The courts of appeal process various data.¹⁴⁰ Although the average duration of cases and stages of proceedings is not recorded, the data on each criminal, administrative and civil case is given with the reference to the date of submission and completion, allowing interested individuals to sort and convert this information into average duration. The court of appeals produces data on criminal, civil and administrative cases according to the types of disputes/crimes; the data on the freedom of speech and expression is produced according to defendants; the data on compliance/violation of timeframes for administrative and civil cases reviewed by Tbilisi Court of Appeals are also recorded.

Unfortunately, statistics on mediation, as well as on age and gender of persons held administratively liable are not being processed; type of relationship, ages of violators and victims, as well as signs of discrimination are not recorded for cases related to domestic violence and restraining/protection orders.¹⁴¹

Statistical data provided by the Kutaisi Court of Appeals, unlike the Tbilisi Court of Appeals, do not separately record signs of discrimination.¹⁴² In addition, there is no reference to the dates of submission and completion of cases in the data provided by the Kutaisi Court of Appeals, while the

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¹³⁶ The number of cases transferred by jurisdiction is also indicated for civil and administrative cases, while the number of cases submitted by the claim of a prosecutor and the number of private claims is indicated for criminal cases.

¹³⁷ Less serious, grave, and particularly grave.

¹³⁸ Appellate claim, private claim, statement due to newly discovered circumstances, etc.

¹³⁹ For instance: a measure of restraint, outcomes of terminating preliminary investigation, investigative actions, etc. see the website of Kutaisi Court of Appeals, available at: <https://bit.ly/37TAerx>, [Date of access: 28.10.2020].

¹⁴⁰ The information is based on letter N1/6027 of 9 October 2020 of Tbilisi Court of Appeals and its attachments.

¹⁴¹ The information is based on letter N1/6027, received from Tbilisi Court of Appeals, and on attached statistics.

¹⁴² The information is based on letter N747-2/10 of 8 October 2020 of Kutaisi Court of Appeals.

Tbilisi Court of Appeals provided data in a hardcopy of 1231 pages. This once again emphasizes the significance of publishing statistics on the websites of the courts of appeals, since, given current approaches, processing information received from the court is either impossible or requires enormous effort and time resources.

The practice of publishing statistics of reviewed cases by the court of appeals in the United States is also interesting. Statistical data of the courts of appeal published on the US judiciary website include information on judgments of the first instance courts, according to the outcomes and types of proceedings.¹⁴³ The data show court cases on each judge and chamber, as well as civil and criminal cases, according to the types of disputes. The number of judges who exercised their powers in the court is given by years and so is the number of incoming, completed, and pending cases at the end of the year, for the same period.

Quite various information, related to the duration of the administration of justice, is published in the US: the average duration from the submission of an appellate claim to the final decision, for each court, the average duration from the submission of the case until the substantive consideration, from the filing of an appellate claim until the filing of a counterclaim by the opponents, from the filing of the counterclaim until the first oral hearing, from the first oral hearing until the final decision, from the filing of an appellate claim until the final decision and from the filing of a claim in the first instance court until the final decision of the court of appeals. Also, cases that have been under review are presented by periods.¹⁴⁴

Neither the Supreme Court, not the courts of appeal publish information on the types of disputes/crimes submitted to the court. The best practice shows that it is important to post this statistical data on the website. With regard to the average duration of cases, it is necessary to process this information in the courts of appeals.

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¹⁴³ Detailed statistical data on the courts of appeals on the US judiciary website is available at: <https://bit.ly/3aHbeDJ>, [Date of access: 28.10.2020].

¹⁴⁴ Categories are divided into periods of 3-5, 6-8, 9-11 months, and periods of 12 months and more.

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6.5. Statistics published on websites of city courts

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a. Tbilisi City Court

Tbilisi City Court publishes a variety of statistical data on its website. This data is related to criminal cases;¹⁴⁵ number of convicts and punitive measures, place and time of the crime, composition of convicts, statistics on juvenile convicts¹⁴⁶ according to the types of crimes, investigative actions,¹⁴⁷ the number of persons held administratively liable, administrative and civil cases according to the types of dispute. Publication of detailed statistical information by Tbilisi City Court deserves positive assessment. At the same time, it should be noted that, unfortunately, the data on only the past 5 years is published on the website of the court.

b. Batumi City Court

General annual statistical data on civil, administrative, and criminal cases are published on the website of Batumi City court.¹⁴⁸ Information on civil cases includes the number of incoming and completed cases for the reporting period. Administrative cases are also recorded in the same principle.¹⁴⁹

Information published on criminal cases includes the number of incoming and completed cases, as well as of cases returned for preliminary investigation and the outcomes of their review.¹⁵⁰ Information on motions submitted by investigative bodies is reflected in the statistical data.¹⁵¹ Data on the use of measures of restraint, with the reference to the types of measures of restraint, is also published. It should be noted that the data is limited to the number of incoming and reviewed motions and does not include the number of satisfied motions. Therefore, it is desirable to add outcomes of the review to already published data and, concerning measures of restraint, to also add the number of motions that were rejected or that were replaced by some other type of measure of restraint.

Given that the mentioned data do not provide a detailed reflection of dynamics of civil, administrative, and criminal cases and dispute categories, it is desirable to break down the data and publish according to the types of cases/crimes and to also record case review outcomes for civil and administrative cases. It is important to publish statistical data on domestic violence and protection/restraining orders. At the same time, it should be noted that Batumi City Court does not have a statistical department, which makes it difficult to publish statistical data.¹⁵²

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¹⁴⁵ Types of crimes in statistical data on the review of criminal cases are related to the following categories: article of criminal code, initial balance, number of cases submitted for the reporting period, outcome, number of completed cases, and remaining balance.

¹⁴⁶ Data on juveniles include information on age, gender, and family, state of a person at a time of committing the crime, and the measure of punishment.

¹⁴⁷ Information on investigative actions will list preventive measures, measures of legal coercion, and other types of investigative measures in detail.

¹⁴⁸ For instance, Batumi City Court, 2019 Statistical information, available at: <https://bit.ly/3gfDNcg>, [Date of access: 29.06.2020].

¹⁴⁹ Administrative cases additionally include the number of motions for controlling the entrepreneur's activities, the number of incoming and satisfied motions for the sale of the sequestered property, and the number of reviewed administrative offense cases.

¹⁵⁰ Cases completed in a plea bargain, terminated cases, cases completed by substantive consideration, including acquittal and partially acquittal cases.

¹⁵¹ Motions for the detention, sequestration of property, seizure, legitimating seizures, searches, legitimating searches, placement of a person in a medical facility, inspection of an apartment or other property, legitimating the inspection of an apartment or other property, and for other investigative actions.

¹⁵² Group interview (focus-group) with the representatives of the Judicial Management Department of the High Council of Justice and Common Courts.

c. Rustavi City Court

Only the data for 2019 and 2020 is available in the statistics division of Rustavi City Court.¹⁵³ The statistics include the number of Rustavi civil and administrative cases, as well as criminal cases completed by plea bargain, information on motions submitted by investigative bodies, including the types of motions; however, the number of satisfied motions is not indicated.

Deriving from the afore-mentioned, it can be concluded that statistical information on the website of Rustavi City court is published in a general, incomplete manner. The data do not allow for the evaluation of the work of the court or for making a conclusion, based on processed/analyzed information.

As noted previously, the publication of scarce statistics on websites of the courts is directly related to the absence of statistical departments in the courts, as well as to insufficient human resources, which is problematic for all courts. Although Rustavi City Court does not publish statistics in a complete form, it should be noted that it was named as one of the most open courts in terms of communication and timely provision of information.¹⁵⁴

d. Summary

The monitoring revealed that statistics in city courts is not being published in a unified standard. Out of three city courts assessed, the Tbilisi City Court published the most detailed data. It is important to establish a unified standard for the publication of statistics for city/district courts. The experience of interested individuals confirms the need for the publication of information: court responses to letters with the request of information are late or incomplete. At the same time, on their end, there is less interest and willingness to cooperate in processing new statistics.¹⁵⁵

Although courts do process information on the violation of the timeframe for case review, it is desirable to also start processing information on the terms and duration for the case review.

Problems in the direction of the production of statistics are caused by the lack of human resources. Even more so, when the data in existing statistical forms are entered by the court employees mechanically, manually. However, it should be noted that some changes are planned in common courts in this direction, to automate a number of processes.¹⁵⁶

Out of the courts inspected during the monitoring, only Tbilisi City Court publishes information on cases, subject to its territorial jurisdiction, according to types of disputes/crimes. Statistical information posted on the websites of Rustavi and Batumi city courts is too fragmented. Statistics

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¹⁵³ Rustavi City Court website, available at: <https://bit.ly/2EcjzDj>, [Date of access: 28.10.2020].

¹⁵⁴ The information is based on interviews conducted within the frames of this research with lawyers and representatives of non-governmental organizations.

¹⁵⁵ The information is based on interviews conducted within the frames of this research with lawyers and representatives of non-governmental organizations.

¹⁵⁶ Group interview (focus-group) with the representatives of the Judicial Management Department of the High Council of Justice and Common Courts.

on each city/district court, according to types of disputes/crimes are not being published on the Supreme Court website. When information is being requested, the courts indicate that the collection and processing of information requires a lot of time and resources and, as a result, in some cases, they do not issue the information.¹⁵⁷ Therefore, based on the data published in Georgia, it is impossible to assess problems and trends in the direction of the state of the judiciary. When requesting information, a risk for receiving a late or incomplete response exists.

It is advisable that Batumi and Rustavi City courts, similar to Tbilisi City court, publish detailed statistical data, that includes information on the types of disputes and outcomes of their review, as well as on outcomes of motions on investigative actions, including those related to computer data.

It is noteworthy that some courts produce statistics on holding juveniles liable, based on the Code of Administrative Offenses of Georgia, while others – do not. In addition, Rustavi City Court does not process statistics on discrimination-related cases, under the Civil Procedure Code; it is vague whether these statistics are being produced in Batumi and Tbilisi City Courts.¹⁵⁸

The practice of publishing statistical data on cases reviewed in the first instance courts of the US is interesting. Various, diverse statistical data is posted on the judiciary system website concerning justice and the work of courts. These include information on types of disputes/crimes, number of plaintiffs and defendants, number of cases reviewed in the court, outcomes of case review, data on the cases reviewed by magistrate judges.¹⁵⁹ Types of crimes/civil cases are also recorded according to the first instance courts.¹⁶⁰ Statistical data on the issuance of search orders, broken down by the types of crime, can also be found on the judiciary system website of the United States.¹⁶¹

In addition, statistical data published on the US website reflects detailed information on the duration of the case review in the first instance courts. For instance, the average duration of case review, number of cases that required more than three years for consideration,¹⁶² the total number of days dedicated to the review of civil and criminal cases are all recorded on the website. The US also publishes statistical information on the duration of case review with the reference to the number of years.¹⁶³ Producing statistics on the duration of the case review is of great significance, as it is one of the indicators for assessing the work of courts.

With regard to criminal cases, it would also be interesting to view statistics on the imposition of financial obligations and the break down into categories, as is the case for the United Kingdom.¹⁶⁴ It would be interesting to produce statistics on the cases of imposing a financial penalty as a form of a sentence, similarly to the UK. In addition, in the statistics on the review of civil cases by the courts of England and Wales, the average duration of time between the filing of the claim until the

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¹⁵⁷ The information is based on letter N3-0499/3986481 of 5 October 2020 of Tbilisi City Court and letter N987/3 of 9 October 2020 of Rustavi City Court.
¹⁵⁸ The information is based on letter N3-0499/3986481 of 5 October 2020 of Tbilisi City Court, letter N988/3 of 9 October 2020 of Rustavi City Court, and letter N 659 3/3 of 13 October 2020 of Batumi City court, where Rustavi City Court explained that it does not process this type of statistics, while Batumi City Court indicated that it did not process this statistics in 2018-2019, but did not specify whether it started the production of this statistics in 2020. Tbilisi City Court ignored the matter.
¹⁵⁹ Detention, restraint measures (according to their types), reviewing motions on search orders, the process of arraignment, preparatory hearings.
¹⁶⁰ Detailed statistical data on the first instance courts on the US judiciary website is available at: <https://bit.ly/3l4l8DS>, [date of access: 28.10.2020].
¹⁶¹ Statistical information on searches, number of requested, satisfied, and rejected search orders on the US judiciary website is available at: <https://bit.ly/3hftsyi>, [Date of access: 28.10.2020].
¹⁶² On civil cases only.
¹⁶³ The cases are broken down in the following way: the number of cases that required less than a year, 1-2 years, 2-3 years, or 3 years and more for a review.
¹⁶⁴ Criminal court statistics quarterly, England and Wales, January to March 2020, available at: <https://bit.ly/2OJ1P47> [Date of access: 28.10.2020].

court hearing is also provided;¹⁶⁵ while in Georgia, not even general statistics on the duration of case review is published, not to say anything about the statistics on the period before hearing the case.

6.6. The format of statistical information published on court websites

For a complete analysis of court statistics, it is important to assess not only the content of published data but also the extent of customer orientation. This factor is significantly determined by the format of statistical data, visualization methods used, and analytical modules of data.

Publication of statistics in an open and easily editable format allows customers to use data without hindrance. Visualizations used (diagrams, maps, etc) simplify the perception of statistics and help in capturing the information clearly and accurately. Electronic modules of statistics help users in finding, categorizing, and analyzing desired information.

By the decision N1/225 of 27 December 2013 of the High Council of Justice, the courts are obliged to publish statistical data on their activities. This decision does not specify the content of data that should be included in the statistics published by the courts or the form in which it should be presented on the website. The standard of publishing information, defined by the Council, sets only minimum requirements, according to which the users should be able to download, print, and copy the information posted on the website.

According to the outcomes of monitoring proactive disclosure of public information on court websites, the obligation of the publication of statistical data is more or less completely fulfilled by 16 courts only. The format of statistics published by these courts differs according to instances and the volume of statistics. More specifically, 10 out of 16 courts publish scarce statistical data on the website in the form of records (HTML format), 4 courts (Supreme Court, courts of appeal, Zugdidi District Court) present statistics in a PDF format, while only 2 courts (Tbilisi City Court and Bolnisi District Court) publish information in an open, editable excel format.

Format of statistical data



¹⁶⁵ Civil Justice Statistics Quarterly, England and Wales, January to March 2020, available at: <https://bit.ly/30LR3jt> [Date of access: 28.10.2020].

Format of statistical data published by the courts

Courts that have published statistical data	Format of statistical data	Means of visualization
The Supreme Court of Georgia	PDF	Visualizations in a PDF document
Tbilisi Court of Appeals	PDF	Electronic means of visualization
Kutaisi Court of Appeals	PDF	–
Tbilisi City Court	Excel	Electronic means of visualization
Kutaisi City Court	Record on the website	–
Batumi City Court	Record on the website	–
Rustavi City Court	Record on the website	–
Zugdidi District Court	PDF	–
Bolnisi District Court	Excel	–
Telavi District Court	Record on the website	–
Senaki District Court	Record on the website	–
Signagi District Court	Record on the website	–

Zestaponi District Court	Record on the website	–
Akhaltsikhe District Court	Record on the website	–
Khelvachauri District Court	Record on the website	–
Khashuri District Court	Record on the website	–


As noted above, the majority of district and city courts publish statistics as a record on the website – in HTML format. This format represents one of the types of open data, which is mainly used for publishing narrative documents in a readable format and not for statistical data. Besides, the publication of information in this format by the common courts of Georgia does not comply with the goals of accessibility of statistical data in an open format. In the case of the Supreme Court and courts of appeal, the main part of statistical data is published in a PDF format, making it significantly difficult for users to work with this data. Out of Georgian Courts, Tbilisi City Court and Bolnisi District Court can be assessed as best examples of the format of the publication of statistical data, as they publish their data in an excel format.

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Information on cases pending in Kutaisi City Court
27-12-2019

Information on the cases pending in the Kutaisi City Court as of March 24, 2020:

Type of review	Quantity
all	4065
between them:	
- Criminal case	185
- Civil Law Case	3085
- A case of administrative law	795

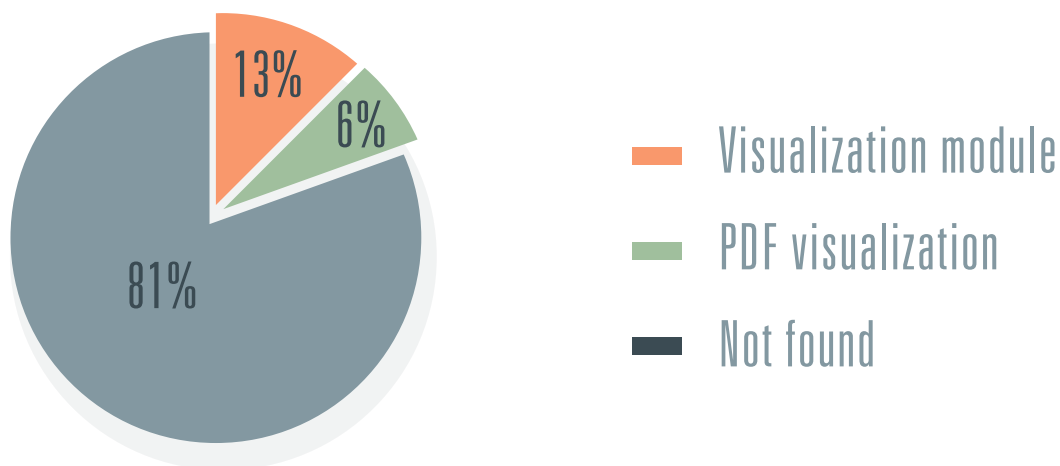


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Scarce data, published in an HTML format, by Kutaisi City Court

To perceive published statistical data more clearly, graphic and diagram visualizations are used by only three courts.¹⁶⁶

Visualization of statistical information



Visualization of statistical information on the Supreme Court website is limited to only graphs and diagrams found in PDF documents of statistics.

In the case of the Tbilisi Court of Appeals and Tbilisi City Court, electronic modules of statistics are created, providing some categorization and visual representation of statistics.

The module of statistics posted on the website of Tbilisi Court of Appeals, by its graphic representation, enables users to compare data by types of cases, years, and types of proceedings.

¹⁶⁶ The Supreme Court of Georgia, Tbilisi Court of Appeals, and Tbilisi City Court.

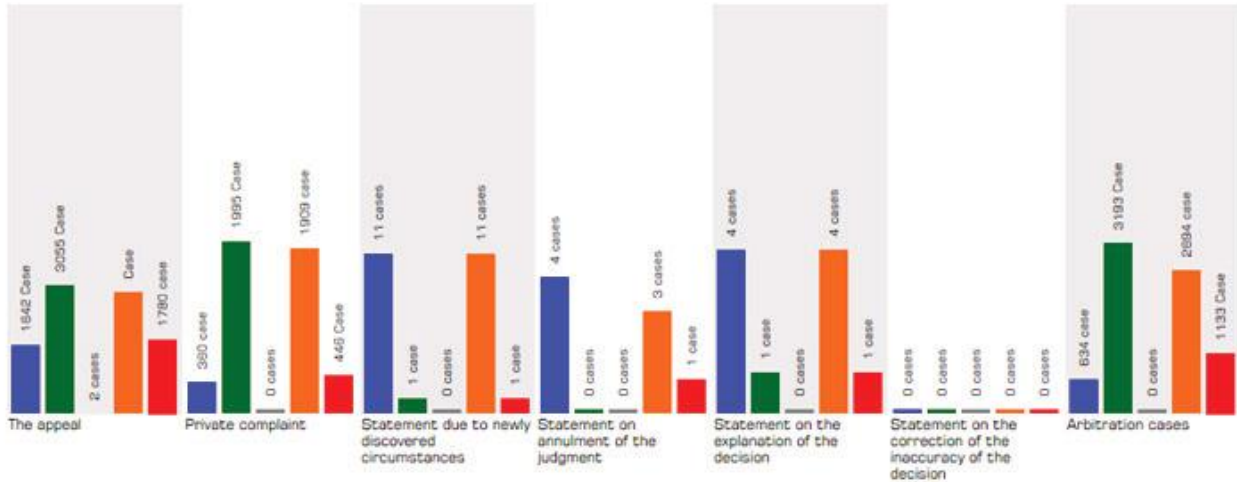
Tbilisi Appeals Court Statistics Dashboard

Statistics on civil cases | 2018 | Types of comparative statistics

2018 Statistics on Civil Cases

Balance of unfinished business for the beginning of the year: 2655
 Total number of incoming cases: 8245
 The case was transferred according to jurisdiction: Total: 2
 Total number of completed cases: 7536
 Balance of unfinished business: Total: 3362

Case completion rate: **91.40%**
 Average decision time: **162 days**



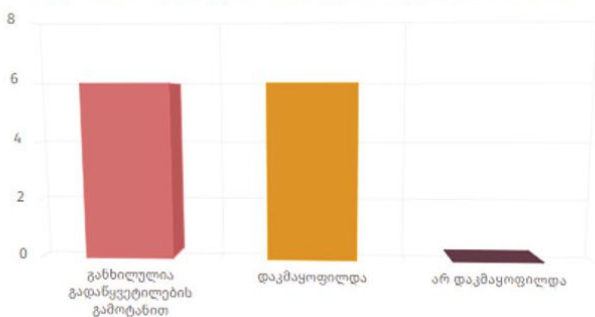
Only scarce data is reflected in the means of electronic visualization, posted on the website of Tbilisi City Court and it does not fully ensure the visualization of Tbilisi City Court statistics. In addition, the period of data, published for cases of different categories, differs from each other. For instance, only the dynamics of acquittals for 2019-2020 is presented in the criminal division, only the statistics of cases rendered by a decision based on labor relations in the public service for the first quarter of 2020 are reflected for administrative cases and only the disputes related to industrial property, copyright and related rights for the first quarter of 2020 are presented for civil cases.

სასამართლოს სტატისტიკა

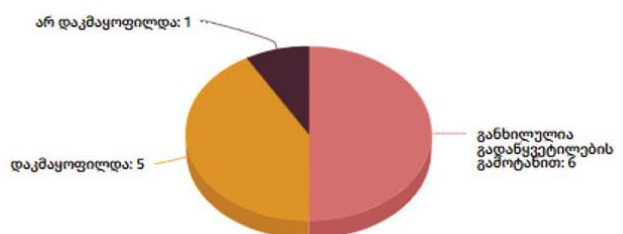
ნახეთ როგორია სასამართლოს სტატისტიკა ციფრებში

ფილტრები | დოკუმენტები | ზოგადი | სისხლი | ადმინისტრაციული | სამოქალაქო

2020 წლის I კვარტლის მონაცემები საბრძანალო საკუთრებასთან, საავტორო და მომხმარებელ უფლებებთან დაკავშირებულ დავებზე

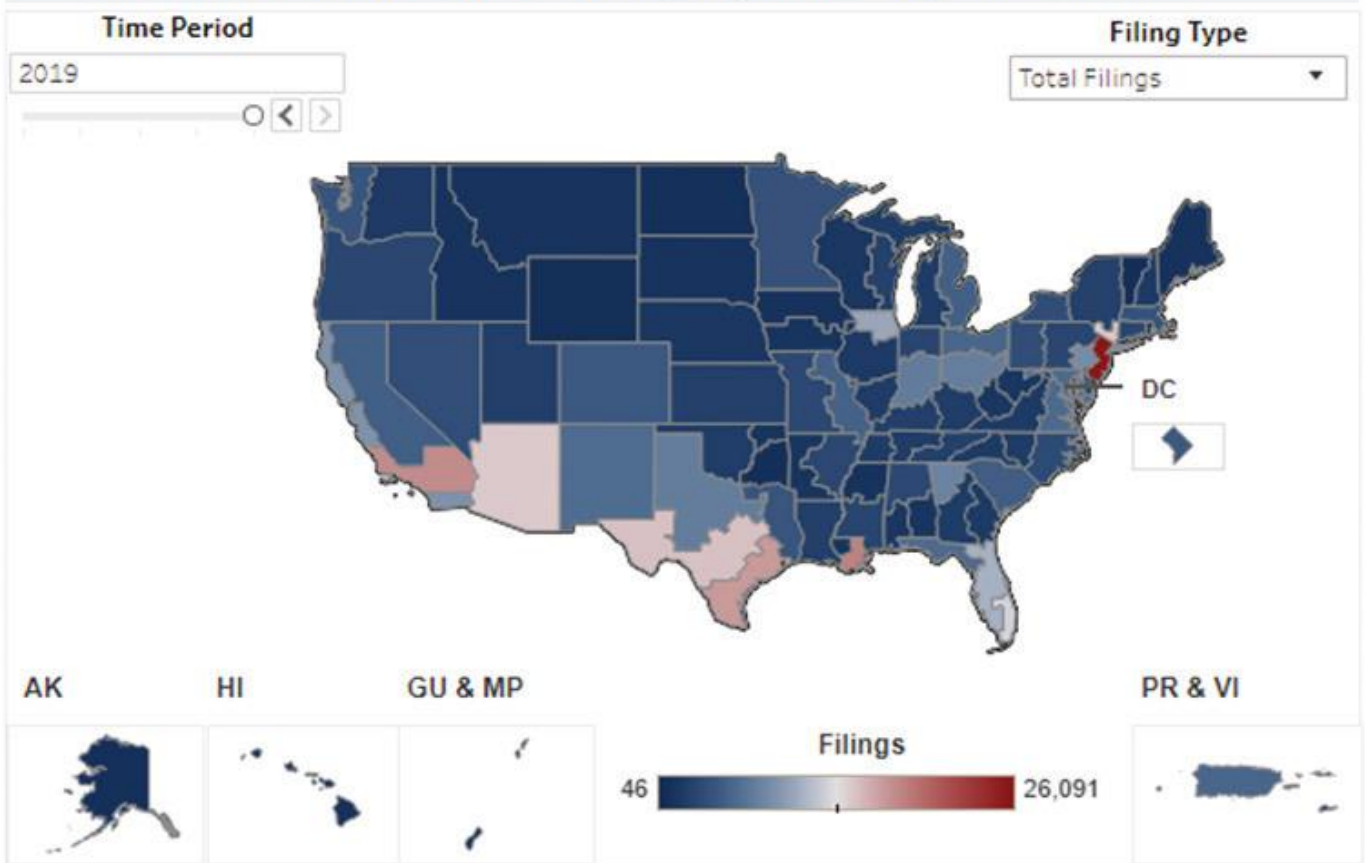


2020 წლის I კვარტლის მონაცემები საბრძანალო აღდგენისა და იძულებითი განაპდურის ანაზღაურების შესახებ დავის საგნით დასრულებულ საქმეთა რაოდენობაზე



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U.S. District Courts -- Total Filings for Civil Cases and Criminal Defendants, 12-Month Periods Ending September 30, 2015-2019



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Retrieving statistical data on the judicial system of the United Kingdom is possible at www.gov.uk, where statistical information is provided by the Ministry of Justice and by the National Office of Statistics. Statistical data published on this website are distinguished by the diversity of data format. The information is presented in an open data format. The website features the section of "Transparency Files", where data is presented in a CSV format. Visual components, programmatically composed via the mentioned open data, are used in different statistical reports. For example, a map of mortgage disputes has been developed, where each district has a color of corresponding meaning. This website also features infographics compiled by statistical data, simplifying the perception of data for the users.

Documents



[Criminal court statistics \(quarterly\): January to March 2020](#)

PDF, 810KB, 18 pages

This file may not be suitable for users of assistive technology.

▶ [Request an accessible format.](#)



[Criminal court statistics quarterly: January to March 2020 \(HTML\)](#)

HTML



[Criminal court statistics infographic](#)

PDF, 488KB, 1 page

This file may not be suitable for users of assistive technology.

▶ [Request an accessible format.](#)



[Criminal Court statistics \(quarterly\): January to March \(tables\)](#)

ODS, 877KB

This file is in an [OpenDocument](#) format

This file may not be suitable for users of assistive technology.

▶ [Request an accessible format.](#)



[Crown Court plea tool](#)

MS Excel Spreadsheet, 1MB

This file may not be suitable for users of assistive technology.

▶ [Request an accessible format.](#)

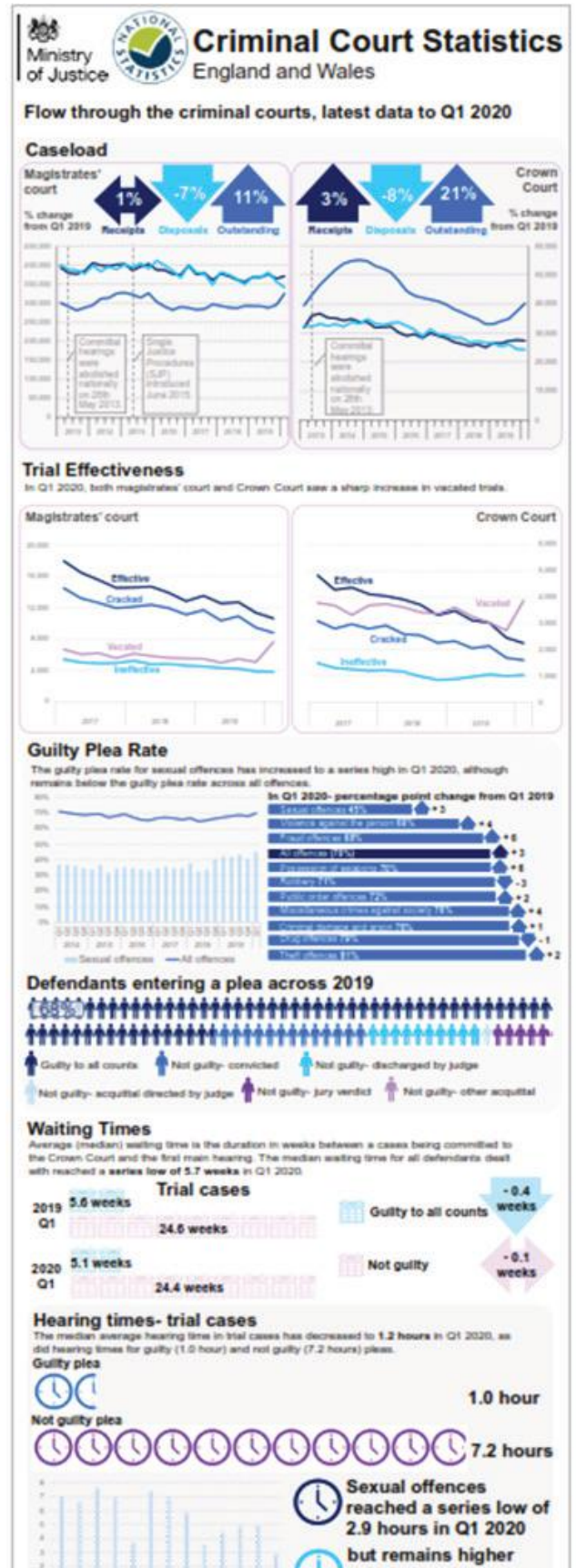


[Transparency Files](#)

ZIP, 8.12MB

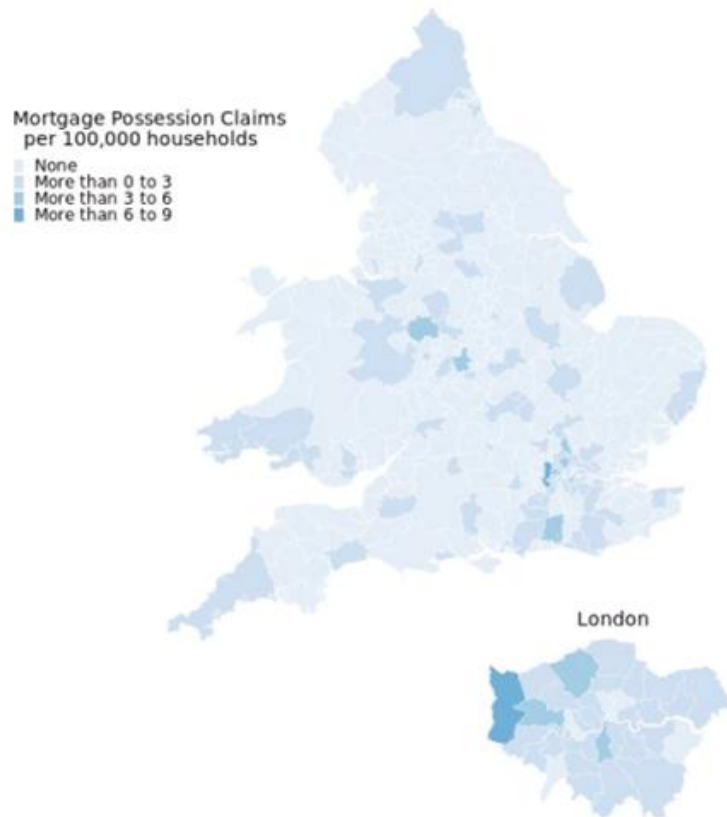
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▶ [Request an accessible format.](#)



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Figure 7a: Mortgage possession Claims per 100,000 households, April to June 2020 (Source: map.csv; see supporting guide)



Local Authority	Rate (per 100,000 households)	Actual number
Spelthorne	7.5	3
Hillingdon	7.3	8
Ealing	4.9	6

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6.7. Accessibility of court statistics — concluding evaluation

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It is possible to find diverse statistics on websites of common courts of Georgia. However, there are some challenges and gaps related to the production and publication of statistics.

Even though the common courts process a large amount of statistical data on the cases under consideration, the comprehensive recording of dispute subcategories remains problematic. The common courts are recording statistical data regarding all types of crimes in criminal cases, but they do not collect statistical data on some crucial dispute subcategories in civil and administrative cases. Statistical reporting forms act as an obstacle in this regard. They are not flexible at all for the periodic update of statistical data.

However, it is noteworthy, that the common courts are working on this issue, and to some degree, they are adding some crucial and necessary subcategories gradually to the data in civil and administrative cases. Some positive steps have been taken in this direction and the production of statistics on domestic violence has been approximated to the requirements defined by the Istanbul Convention.

It is challenging that common courts do not process data on the average duration of dispute and/or timeframes of case consideration. This information serves as one of the main indicators for assessing the work of courts. The production of statistics in common courts of Georgia is, in this regard, not compliant with standards established by the European Commission for the Efficiency of Justice and with the best practice.

Gaps exist in terms of accessibility of court statistics as well. Unfortunately, the courts do not publish statistical data in a uniform standard; when requesting the same information from different courts, the received responses differ, making it substantially difficult to fully understand and analyze data. Although the Supreme Court publishes quite diverse data, important statistical data of certain types are not available on its website either. All of the afore-mentioned once again stress the need for the publication of statistical data on websites of all courts in a uniform manner.

It is also problematic that the common courts are not publishing all the recorded data about crime/dispute subcategories on their websites. They are not publishing the data about new crime subcategories that the courts are recording in accordance with the legislative amendments, although this information is accessible upon request.

Unfortunately, there is no unified software that would automate the production of statistics to the possible extent. There are also significant risks related to statistical accuracy in the existing practice and this is additionally challenging.

According to the information provided by the Supreme Court representative, certain statistical data that was highlighted in this study is either being processed in trial mode or is expected to be recorded and later published in the future. This shows that the judicial system itself is aware of the shortcomings concerning the proactive disclosure of statistical information. In some cases, publishing comprehensive information is linked to launching an electronic module for processing statistics.

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Conclusion

Transparency and openness significantly determine public trust in the judiciary. The accessibility of information is necessary for assessing the work of courts as well as for identifying existing trends and gaps.

The present study revealed that there are significant challenges in terms of proactive transparency of the judiciary. The accessibility of court decisions is especially problematic in this regard. Non-fulfillment of the decision of the Constitutional Court makes it difficult to exercise effective public control over the common courts, on the one hand, and significantly affects the rule of law in the country, on the other hand.

Non-fulfillment of requirements defined by the decision of the High Council of Justice and incomplete publication of public information by the courts is problematic. Unfortunately, the index of the fulfillment of obligations determined by its own decision, by the High Council of Justice, is also quite low.

The study also revealed that there are some challenges related to the production and publication of statistics in the system of common courts, creating difficulties in terms of the accessibility of statistics.

Timely elimination of gaps, revealed by the present study, is essential for the improvement of transparency and openness of the judicial system.

Recommendations

Accessibility of court decisions

- ① It is important that the Parliament of Georgia adopts a legislative amendment necessary for ensuring the accessibility of court decisions in accordance with the decision of 7 June 2019 of the Constitutional Court.
- ① The legislative amendment should consider the openness of any decision, taken in the process of the administration of justice unless there is a justified need to restrict access to it.
- ① It is important that common courts ensure the publicity of the full text of decisions, according to the standard established by the Constitutional Court.

Proactively disclosed public information

- ① It is important that the High Council of Justice and common courts fully publish public information determined by the decision N1/225 of the Council.
- ① It is advisable that other courts, similarly to the High Council of Justice and the Supreme Court of Georgia, are guided by the table of information to be proactively disclosed; this would gather public data in one space and would simplify the process of obtaining information for users.
- ① It is important to thoroughly update electronic resources on the base of court.ge. It is essential to eliminate the problem of non-functional links and getting redirected to other pages.
- ① The courts should place information in thematic columns on the website and facilitate easy public access to information. The problem of fragmented placement of information in different fields should also be eliminated, simplifying the process of obtaining information for the users.
- ① It is essential to review already published information and delete null and void legislative acts from the website. It is also important that the courts publish consolidated versions of legislative acts on the website so that outdated editions do not mislead users.
- ① It is desirable to develop a uniform standard for the publication of the Annual Activity Report and Annual Report on the Freedom of Information. All courts will be guided equally by this standard.
- ① It is advisable that a specific publication timeframe (quarterly, for instance) is determined by the decision N1/225 of the High Council of Justice.

- ① It is important to adopt a legal act that defines a unified standard and methodology for the production of statistics in the courts and the publication of statistics on court websites.
- ① To ensure thorough procession, publication on the website, and accessibility of statistical information, when public information is being requested, it is important to provide courts with sufficient human and technical resources.
- ① To simplify the reading of statistics and to eliminate ambiguity, it is desirable to create an auxiliary manual that will define published statistical information, terms used, and procedures.
- ① The data related to the types of disputes/crimes should be refined. More specifically, the new categories should be added to already published ones.
- ① It is advisable to start processing and publishing statistical information on the average duration of cases and the average duration of stages of proceedings in the system of common courts.
- ① It is important to publish statistical information, processed by each type of covert investigative action, on common court websites and to indicate the geographic location, as well as the relevant article of the Criminal Code.
- ① It is advisable to separately record statistical data on covert investigative actions carried out without preliminary ruling of a judge, due to urgent necessity, which were/were not recognized legitimate later.
- ① It is desirable that all courts record and publish information on court mediation, with a reference to outcomes and types of disputes, allowing interested individuals to assess the work of this institute.
- ① It is important that the data on cases related to discrimination, defined by the Civil Procedure Code of Georgia, are published on the website of the Supreme Court. This data includes the number of claims submitted for the reporting period and outcomes of the case review. Statistics may be processed by signs of discrimination, as well as with a reference to the number of cases of sexual harassment.
- ① To get a full picture, it is advisable to include information on the number of persons who addressed the court with the request of issuance of protection order, on the index of protection orders appealed, and on the number of protection orders revoked by the court of appeals in statistical data related to protection orders, published on the Supreme Court website.

- ④ It is desirable that in statistical data on judgments on criminal cases related to domestic violence, the information is reflected by geographic location, as well as by gender and age of violators and victims. It is also important to reflect factors such as domestic violence committed against juveniles, persons with disabilities, and pregnant women, the relationship between the violator and the victim, the number of juvenile victims, crimes committed on the grounds of sexual orientation and gender identity.
- ④ It is advisable that courts of appeal, as well as Batumi and Rustavi City Courts, ensure the publication of statistical data by the types of disputes and crimes. It is important that courts of appeal also publish statistical data on protection/restraining orders and domestic violence.
- ④ It is desirable that, for civil and administrative cases, Batumi and Rustavi City Courts publish outcomes of case consideration, as well as complete information on all types of investigative actions, with a reference to the outcomes of reviewed motions.
- ④ It is desirable that the Tbilisi City court separately provides statistical information on investigative action related to computer data.
- ④ It is important to develop unified software of statistics for the judicial system. This software would, on the one hand, automate the production of statistics to the possible extent and would significantly develop opportunities for statistical analytics, on the other hand.

