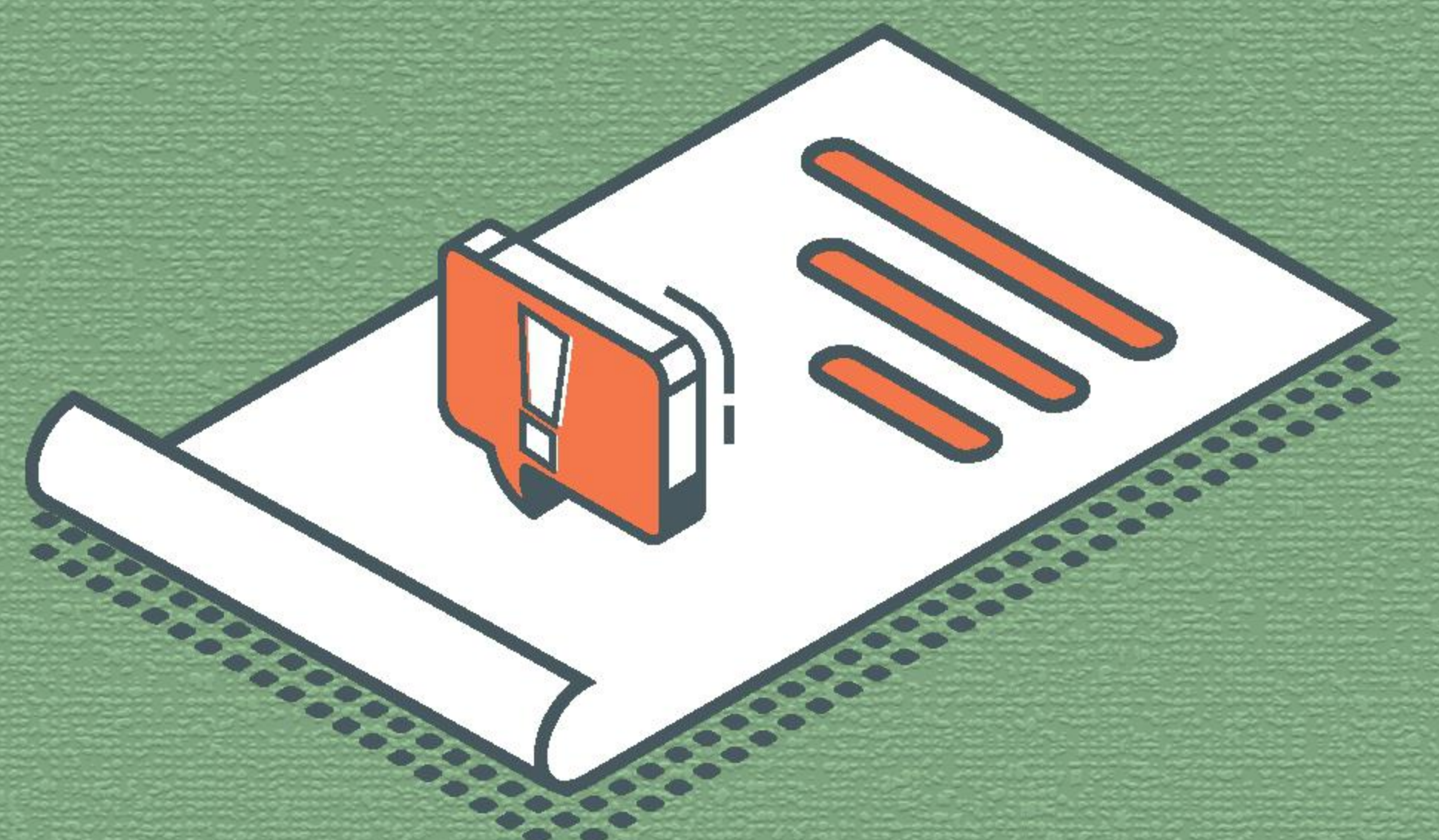


Transparency of the Judiciary in Georgia

JUDICIAL SYSTEM OF GEORGIA FACES SIGNIFICANT CHALLENGES IN TERMS OF PROACTIVE TRANSPARENCY:

- ! 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.
- ! 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.
- ! The index of proactive disclosure of public information by the High Council of Justice is 43.64%, 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%.
- ! 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.
- ! There is no unified software in the court system that would manage the process of the production of statistics as automatically as possible.
- ! 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.
- ! Neither the Supreme Court nor first instance courts publish information on each covert investigative action according to territorial location and articles of the Criminal Code on their websites.
- ! 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 information on the results of the review of appeals and types of disputes/crimes is not being published on websites of appellate courts.
- ! Fragmented disclosure of statistical data on court websites is linked to the lack of human and technical resources.
- ! Existing practice of the processing of court statistics is associated with significant risks in terms of statistical accuracy.



THE RANKING OF PROACTIVE DISCLOSURE OF PUBLIC INFORMATION¹

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%

¹ Based on the decision N^o1/225 of the High Council of Justice of 27 December 2013, the authors of the study have evaluated the index of proactive disclosure of public information by the courts. The project team assessed how well the information published by a specific court met obligations determined by the decision of the Council in terms of content, as well as the periodicity of displaying the data. The authors used the following special method of scoring: 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.

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%

WHAT MEASURES SHOULD BE TAKEN?



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.



It is important that common courts ensure the publicity of the full text of decisions, according to the standard established by the Constitutional Court.



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.



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.

- 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.
- 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.
- It is advisable to separately record statistical data on covert investigative actions carried out due to urgent necessity, which were/were not recognized legitimate later by the court.
- 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 to develop unified software of statistics for the judicial system that on the one hand, would automate the production of statistics to the possible extent and would significantly develop opportunities for statistical analytics, on the other hand.



USAID
FROM THE AMERICAN PEOPLE

EAST • WEST
MANAGEMENT
INSTITUTE
*Promoting Rule of Law
in Georgia (PROLoG)*

IDFI
Institute for Development
of Freedom of Information

.....

This material was made possible by the generous support of the American People through the United States Agency for International Development (USAID). The contents of this material are the sole responsibility of "Institute for Development of Freedom of Information" (IDFI) and do not necessarily reflect the views of East West Management Institute, USAID or the United States Government.