



The European Union
for Georgia
EU4Justice

ადამიანის უფლებების სწავლება და მონიტორინგის ცენტრი
EMC
Human Rights Education and Monitoring Center



Access to courts

Executive summary of public opinion survey results

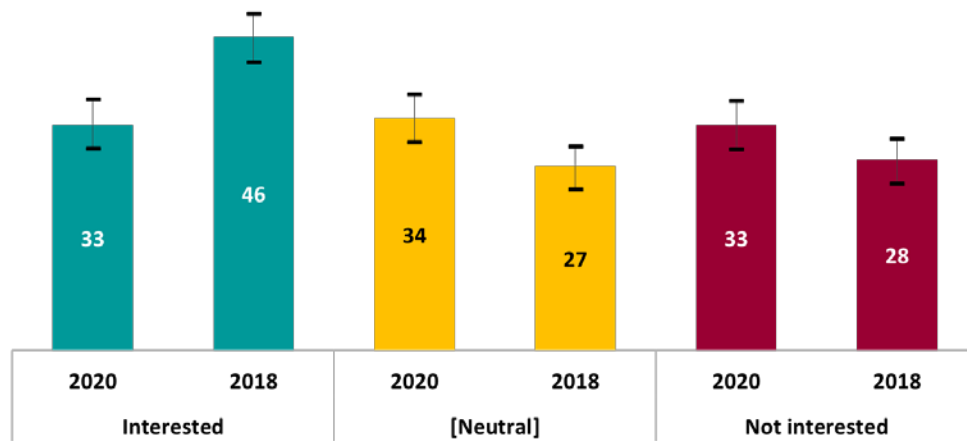
This document presents the findings of a survey of Georgian-speaking adults living in Georgia regarding attitudes towards access to courts. The study was conducted by the Caucasus Research Resource Centers - Georgia (CRRC-Georgia) within the framework of the project “Facilitating Implementation of Reforms in the Judiciary” (FAIR), implemented by Human Rights Education and Monitoring Center (EMC) in cooperation with the Institute for Development of Freedom of Information (IDFI). The survey took place between February 19th and March 8th of 2020. A total of 2,290 interviews were completed using the computer-assisted personal interviewing method (CAPI). The survey explored issues related to access to courts, in particular: attitudes of the population of Georgia towards courts, terms and fees of court trials, their awareness of alternative dispute resolution mechanisms and legal aid service centers, and experience of addressing courts. The survey results are representative of the Georgian-speaking adult population of Georgia, with a margin of error of 1.2% on the national level.

The survey returns to questions asked within a previous study conducted under the FAIR project in 2018. It finds that over the last two years, interest towards courts has decreased. In 2020, only one third of the adult population of Georgia (33%) said that they have interest towards the situation in Georgian courts, compared to 46% in 2018.¹

¹ In 2018, within the project “Facilitating Implementation of Reforms in the Judiciary” (FAIR) CRRC-Georgia held a population survey: Knowledge and Attitudes of the Population of Georgia towards Judiciary (https://emc.org.ge/uploads/products/pdf/Executive-summary-for-the-presentation_ENG_1544012529.pdf).

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To what extent are you interested in the situation in Georgian courts? (%)



Note: Answer options were grouped from a 10-point scale into a 3-point scale.

About half of the population of Georgia reports feeling that the performance of Georgian courts is “average” and almost one-third feels that the court system has not changed in the last six years. The majority of the population partly trust or partly distrust courts. Also, more than half believe that the court system in Georgia is not free from political pressure.

Regression analysis² finds that residents of the capital have higher probability of saying that the court system is not free from political pressure compared to people living in other urban areas or rural areas. Additionally, employment status and education level also appear related to an individual’s perception of court performance for the last six years. Those who are employed in the public sector are less likely to say that court performance in the last six years has gotten worse than those employed outside of the public sectors. Furthermore, people without higher education are more likely to say that court performance in the last six years has gotten worse than people with higher education. Additionally, people living in rural areas have a lower probability of saying that court performance in the last six years has gotten worse, compared to residents of the capital.

In addition to examining attitudes towards the court system generally, the survey also examines attitudes towards court expenses and the average duration of trials. Over half the population did not know the likely costs of being a party in civil, administrative and criminal trials, although a plurality believe that the

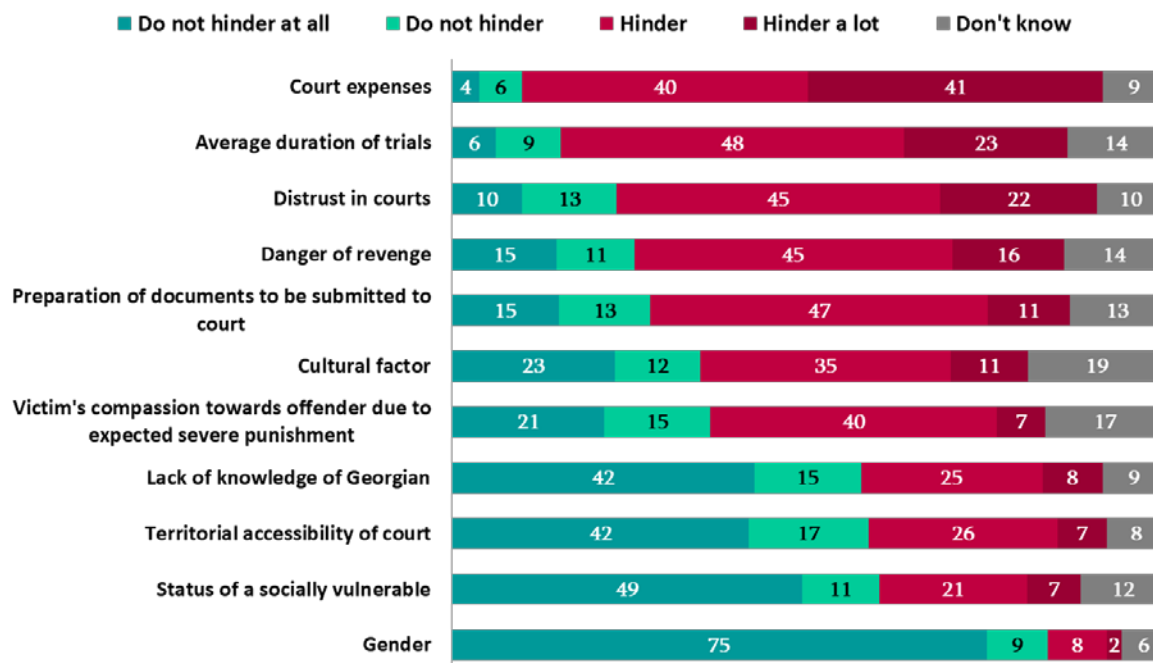
² Logistic and multinomial logistic regressions were used for analysis.

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court process would be expensive. At least half of the population believe that, everything considered, the court system is accessible. Around one third of the population do not know on average how long a civil, administrative or criminal dispute trial will take.

The large majority of the adult population of Georgia believe that court expenses hinder people living in Georgia from going to court. In addition to expenses related to going to court, the majority of people consider duration of court trials, distrust in the courts, fear of retribution, and preparation of documentation to be barriers to appeal to the courts. Up to half of the adult population of Georgia named two other barriers: compassion towards offenders stemming from the severity of likely punishment, and cultural factors – i.e. that some groups find it unacceptable to resolve disputes through courts. Around one third of the population or less named other barriers, such as lack of knowledge of the Georgian language and territorial accessibility (physical distance) from courts. Around a quarter of the population reported a belief that being socially vulnerable prevents people from accessing courts, with around ten percent seeing gender as an issue in this regard.

To what extent do the following factors hinder people in Georgia applying to courts? (%)



The following characteristics of respondents have a correlation with the likelihood of naming territorial accessibility of court as a barrier to access to justice: personal income, experience of appealing to courts

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in the last six years, and settlement type.³ Those with an average personal income⁴ are more likely to name territorial accessibility as a barrier than those with higher personal incomes. Also, those who have the experience of appealing to a court in the last six years are more likely to consider territorial accessibility as a barrier compared to those who do not have such experience. Similarly, people living in the capital and rural areas are more likely to name territorial accessibility as a barrier than residents of other urban areas.

There is a higher probability that people with no income feel gender is a barrier than people with a high income. It is also more likely that residents of the capital consider gender as a hindering factor than people living in other urban areas. Those who receive some kind of financial aid from the state are more likely to cite consequences for the defendant as a barrier than people who receive no financial aid from the state. Furthermore residents of the capital are also more likely to say that victims' compassion towards offenders is a hindering factor than people living in other urban areas.

In addition, the survey studied opinions towards access to courts for various groups living in Georgia. The majority of the population of Georgia says court is accessible for all the listed groups: representatives of ethnic minorities, ethnic Georgians, representatives of sexual minorities, heterosexuals, non-Orthodox Christians, other religion followers, Orthodox Christians, women, men, people with special needs, and socially vulnerable persons.

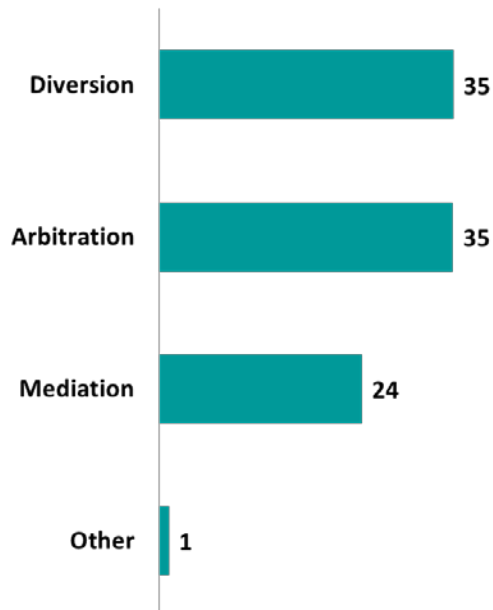
The majority say they would appeal to court if needed. The survey also examined the extent to which respondents are aware of alternative dispute mechanisms. Over half of the population say they have heard of at least one of the alternative dispute resolution mechanisms discussed. Specifically, almost a quarter of the population (24%) had heard of mediation, and over one third had heard of arbitration (35%) and diversion (35%). Knowledge of alternative dispute resolution mechanisms appears related to the education level of respondents, the sector of their employment, personal income and experience of appealing to court in the last six years.⁵ Those without higher education are less likely to say they have heard of alternative dispute resolution mechanisms than those with higher education. Also, those who are employed in public sector are more likely to know about alternative dispute resolution mechanisms than those employed in the private sector. Moreover, people with low personal income are less likely to have heard of alternative dispute resolution mechanisms than people with a high personal income. Furthermore, people with court experience in the last six years are more likely to have heard of the mechanisms than those who have no court experience in the last six years.

³ Logistic regression is used for analysis.

⁴ Personal income is personal money received in the previous month, after all taxes are paid. For the analysis, the personal income variable was grouped into the following categories: 0 – without income, up to 600 Gel – low income, 600-1000 Gel – average income, over 1000 – high income.

⁵ Logistic regression was used for analysis.

Have you heard of alternative dispute resolution mechanisms? (% of those who heard)



Note: Percentages do not add up to 100% as respondents were able to report more than one dispute resolution mechanism.

Respondents were also asked about their awareness of state and non-state funded legal aid service centers. The majority of the population had heard about the state-funded legal aid services and slightly more than half – about non-state legal aid centers. Trust towards state-funded legal aid services was higher with around one third of respondents reporting that they trusted such services, compared to a quarter reporting trust in non-state legal aid centers.

The survey results suggest that only 3% of the population wanted to appeal to court but have not done so, with most reporting the length of court trials and court fees as obstacles. According to the survey, only 6% of the population of Georgia claims they have appealed to court in the last six years. A large share of those which had, believed that trial duration and court fees hinder accessibility. Overall, the majority of those who have appealed to court in the last six years see the experience positively.

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