

**IMPLEMENTATION OF THE STRATEGY & THE ACTION PLAN  
BY THE PROSECUTION SERVICE OF GEORGIA  
INTERIM MONITORING REPORT  
2017-2018**





ევროკავშირი  
საქართველოსთვის  
EU4Justice



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## Introduction

The following document was developed within the project Promoting Prosecutorial Independence through Monitoring and Engagement, being implemented by the Institute for Development of Freedom of Information, in cooperation with its partner organisations (Caucasus Research Resource Centre (CRRRC) and Studio Monitor), with the support of the European Union. The purpose of the document is to review the implementation of the Strategy and 2017-2021 Action Plan of the Prosecutorial Service of Georgia (PSG). The document also assesses the Action Plan to contribute to its further enhancement.

In recent years, the prosecutorial system has undergone numerous changes in Georgia. Since 2013 several important reforms have been implemented: 2013 amendments removed prosecutorial functions from the Minister of Justice and assigned them to the Chief Prosecutor; according to the 2015 changes decisions on selection, appointment, and dismissal of the Chief Prosecutor are made by a collegial body – Prosecutorial Council; in 2016 Consultative Council, which reviews issues related to promotion and disciplinary liability of employees of the PSG, was established; in accordance with the Constitutional Amendments, after the 2018 Presidential elections, PSG was separated from the Executive Branch of the Government, the Chief Prosecutor’s Office was transformed into General Prosecutor’s Office and was established as an independent body. General Prosecutor is the head of the new body, while independence, transparency, and effectiveness of the institution are to be ensured by the Prosecutorial Council.<sup>1</sup>

The 2018 reform is of particular importance to Georgia, however, it also represents a significant challenge for the PSG, which has to demonstrate that it is institutionally independent, transparent and impartial body.

Increasing prosecutorial independence, including of individual prosecutors, enhancing their capacity, improving quality of prosecutorial work and increasing public trust are few among the ten goals (objectives) defined in the Strategy and Action Plan of the Prosecution Service of Georgia.<sup>2</sup> Monitoring of the strategic documents of the PSG is essential to determine whether the institution is developing in the right direction in the new environment and to assist it in defining future steps.

The following interim monitoring report evaluates the Strategy and Action Plan of the Prosecution Service of Georgia, reviews its progress and defines recommendations for improvement of achievement of goals and objectives provided in the strategic documents.

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<sup>1</sup> Organic [Law](#) of Georgia on Prosecution Service (2018), Articles 1, 6, 10, and 19.

<sup>2</sup> 2017-2021 [Strategy](#) of the Prosecution Service of Georgia



## Methodology

Qualitative, quantitative, and time-based methodological instruments have been used in the interim monitoring report of the PSG Strategy and Action Plan. The following document covers a two-year period (2017-2018) of the PSG strategic documents.

To determine the relevance of the PSG Strategy and Action Plan to the challenges existing in the law enforcement system, a situation analysis was conducted based on reforms planned or ongoing at the time of the development of the PSG policy documents.<sup>3</sup> The situation analysis also covers international standards, Public Defender reports, civil society assessments and public opinion survey results. The situation analysis is used for the general assessment of the PSG strategy documents as well as for evaluation of relevance and effectiveness of measures/activities to the goals and objectives defined in these documents. Based on the situation analysis main challenges, overcoming of which are critical and essential for the improvement of PSG activities, are identified.

A general assessment of the PSG Strategy and Action Plan, as well as, comparative analysis of other relevant plans are presented in a narrative form and their progress is not visualized.

Monitoring of implementation of goals and activities set forth in the PSG Action Plan was conducted by the Institute for Development of Freedom of Information in cooperation with regional organizations: “Civil Society Institute” in Adjara and “Association Dea” in Samegrelo-Zemo Svaneti. The primary source of information for this monitoring is the Prosecution Service of Georgia, from whom the organizations conducting the monitoring process requested public information based on predefined indicators. Additionally, information was retrieved from reports of international and local organizations, Public Defender, etc.

The PSG Strategy and Action Plan do not define outcome and impact indicators to be used for implementation progress assessment. Therefore, the methodology is based on the indicators that have been developed specifically for this report in cooperation and consultation with representatives of the PSG. Qualitative and quantitative indicators are used for evaluation of objectives and activities defined in the Action Plan.<sup>4</sup>

The achievement level for each objective and activity has been evaluated based on predefined indicators and each of them was assigned one of the four following statuses:

1. Fully implemented – an objective/activity was fully or almost fully fulfilled, on a 100-point scale this would correspond to 91-100 points.

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<sup>3</sup>Along with PSG Strategy and Action Plan, terms “PSG policy documents” and “PSG strategic documents” are used with the same meaning

<sup>4</sup> According to the guideline, approved by the [Ordinance N629](#) of the Government of Georgia, of December 30, 2016, a quantitative indicator describes expected outcome in a quantitative category (e.g. 100 new small businesses were established), while qualitative indicator evaluates quality of the outcome (e.g. safety on the roads improved by X, by X%)

2. Mostly implemented – a major part of an objective/activity was implemented while part of it has not been completed. On a 100-point such assessment would translate into 51-90 points.
3. Partially implemented – only a small part of an objective/activity was fulfilled while a major part remains incomplete. On a 100-point scale this would correspond to 1-50 points.
4. Unimplemented –an objective/activity was not implemented at all. This would correspond to 0 points on a 100-point scale.

Each indicator of an objective and activity has been assigned an appropriate point (score), based on which the progress of completion of each specific objective and activity are calculated.

## **Key findings**

**Analysis of international recommendations and reports, Public Defender reports and public opinion demonstrates that the PSG Strategy and Action Plan take into account all important challenges that the PSG was facing at the time of the development of these documents. However, measures/activities planned to overcome the challenges are often insufficient and unambitious. Furthermore, important reforms (separation of authorities of the Ministry of Internal Affairs and the PSG, detachment of the PSG from the Executive Branch of the government) that were initiated and implemented later are not reflected in the policy documents.**

**Lack of measures/activities related to some directions of the PSG Action Plan (as well as lack of updating the Action Plan in response to new challenges) and overloading of the Plan with less important activities are obstacles to the achievement of the goals and objectives of the Strategy and therefore is a significant flaw of the Action Plan.**

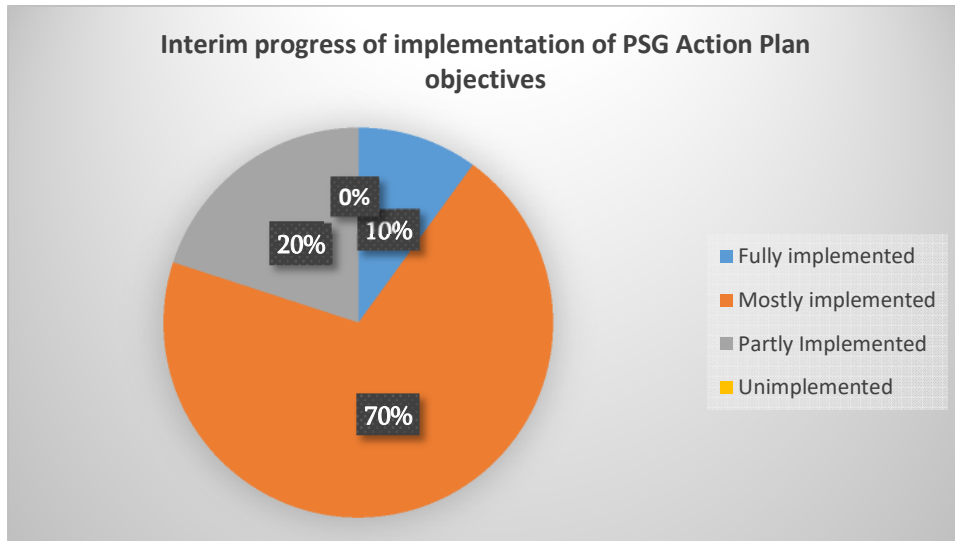
**Interchangeable misuse of terms like objective and goal, unspecific and unmeasurable objectives, addition of a column of measures for achievement of goals, under which goals, objectives and activities are mixed up are confusing and present a serious shortcoming of the PSG Action Plan.**

**Lack of indicators, baseline, mid-term and final targets in the PSG Action Plan is another shortcoming of this policy document and represents a challenge for the monitoring process.**

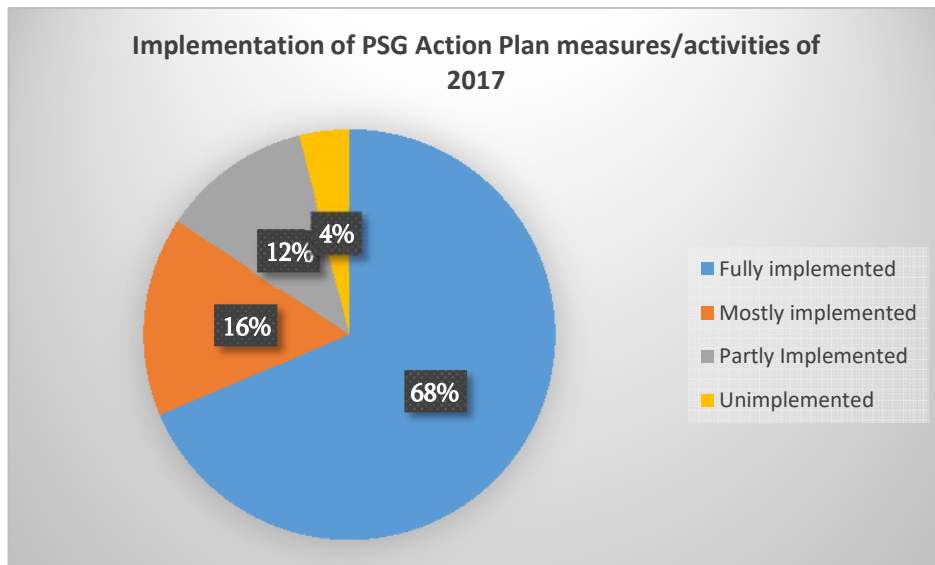
**There is a significant disparity between the various sectoral action plans and the Action Plan of the PSG, which is problematic. The PSG action plan does not include all commitments that the institution has undertaken in various formats. The disparity in deadlines for activity completion in various plans could create significant obstacles to the monitoring process, making it confusing and less effective.**

**As of 2018, interim assessment of achievement of objectives of the PSG Action Plan is satisfactory taking into consideration the fact that the PSG has time until the end of 2021 to achieve the goals and objectives set by the strategic documents. From 10 objectives set by the PSG Action Plan, one**

has been considered as fully implemented, seven – as mostly implemented and two – partly implemented.

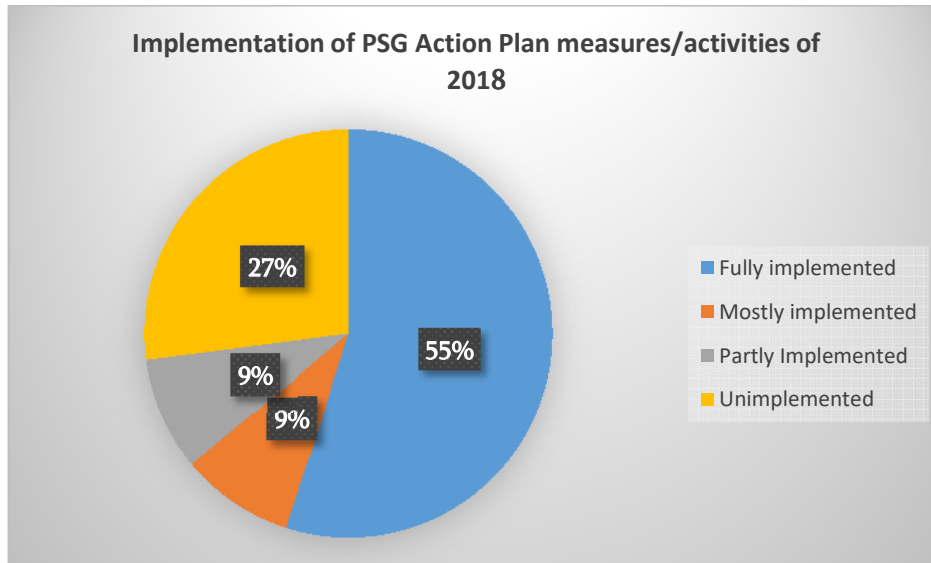


From 127 measures/activities set forth by the Action Plan for 2017, 87 have been fully implemented, 20 – mostly implemented, 15 – partly implemented and five unimplemented.



From 119 measures/activities set forth by the Action Plan for 2018, 65 have been fully implemented, 11 – mostly implemented, 11 – partly implemented and 32 unimplemented.





As it is shown on the charts above, implementation of the measures/activities of the PSG Action Plan worsened in 2018 in comparison with 2017. Fully implemented measures decreased by 13% in 2018 and unimplemented measures increased by 23%.

Challenges of particular importance have been identified with regard implementation of the objectives and activities of the PSG Action Plan:

- Reducing authority of General Prosecutor and increasing the role of collegial bodies to ensure independence of individual prosecutors is set forth in the Action Plan, however, in practice effective steps have not been taken in this direction;
- In order to ensure independence of individual prosecutors guaranteeing transparency, fairness and objectivity of their appointment and dismissal procedures is a must. Some progress has been observed in this direction, however, based on the monitoring essential challenges still exist;
- In order to ensure independence of individual prosecutors guaranteeing transparency, fairness and objectivity of disciplinary proceedings within the prosecutorial service is a must. PSG still faces essential challenges in this direction;
- In order to ensure effective prosecution, existence of regulated structured mechanism for monitoring workload of prosecutors is necessary. This has not been carried out;
- In order to ensure effective prosecution, it is also crucial that only or primary specialized prosecutors work on complex cases (cybercrime, crimes committed during legal proceedings (by a public officer), etc.). This still remains as a challenge;

- Effective prosecution of torture and inhuman treatment and of crimes committed during legal proceedings still remains as an essential challenge of the prosecutorial service.

## Recommendations

1. PSG should update its Strategy and Action Plan in response with existing challenges and ensure participation of prosecutorial services as well as of public in this process;
2. PSG should ensure introducing the PSG Strategy and Action Plan to its employees and carry out its work based on them;
3. PSG should introduce sufficient and important activities in order to implement the goals and objectives of the Action Plan;
4. PSG should improve its Action Plan by:
  - 4.1. Introducing measurable objectives and activities;
  - 4.2. Determining outcome and output indicators;
  - 4.3. Determining baseline, interim and final targets;
  - 4.4. Separating from each other objectives and goals according to the existing standards.
5. PSG should ensure compliance of its Action Plan with the sectoral action plans where the PSG has undertaken commitments;
6. PSG should improve the worsened implementation level of the 2018 activities;
7. PSG should create effective monitoring mechanism for its Action Plan;
8. To overcome the specific challenges identified in the monitoring process it is important for the PSG to ensure implementation of relevant activities and to carry out additional measures in order to achieve the objectives of the Action Plan, specifically:
  - 8.1. Increase authority of PSG collegial bodies;
  - 8.2. Ensure transparency, fairness and objectivity of appointment and dismissal procedures of prosecutors;
  - 8.3. Ensure transparency, fairness and objectivity of disciplinary proceedings within the prosecutorial service;
  - 8.4. Develop regulated structured mechanism for monitoring workload of prosecutors;

- 8.5. Ensure that only or primary specialized prosecutors work on complex cases (cybercrime, crimes committed during legal proceedings (by a public officer), etc.);
- 8.6. Ensure effective prosecution of torture and inhuman treatment and of crimes committed during legal proceedings.

## 1. General Assessment of the Strategy and Action Plan of the Prosecution Service of Georgia

The chapter on General Assessment of the Strategy and Action Plan of the Prosecution Service of Georgia reviews the relevance of these strategic documents to the challenges existing in the law enforcement system. For this purpose, based on the reports, studies and recommendations of international and local organizations, and of Public Defender, a situational analysis has been carried out, key problems that need to be resolved in order to overcome the existing challenges have been identified and relevance of the goals and objectives of the PSG Strategy and Action Plan evaluated.<sup>5</sup> This chapter also assesses the quality of achievement of objectives and activities set forth in the strategic documents. Objectives and activities are evaluated according to the established practice using S.M.A.R.T. (specific, measurable, attainable, realistic and timely) criteria.<sup>6</sup> This section of the document also reviews the relationship between the Action Plan of the PSG and other strategic documents of the country relevant to the PSG.

### 1.1. Relevance of the PSG Strategy and Action Plan to challenges existing in the law enforcement system

The PSG Strategy and Action Plan were adopted in 2017. Therefore, this section of the document reviews challenges to the law enforcement system that were present at the time of development of the strategy documents. At the same time, the Action Plan is a living document that should be updated appropriately in accordance with new challenges. The PSG Action Plan was adopted in 2017 and has not been updated in response with newly emerged challenges since then.

There have existed challenges within the PSG system over the years and they have been discussed numerous times in various formats on international and local levels. One of the main challenges is the independence of the prosecutorial service and its protection from political influence. Association Agenda for 2014-2016 named increasing independence of the PSG and its protection from inappropriate intervention as a priority,<sup>7</sup> while according to the Venice

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<sup>5</sup> The PSG Action plan uses terms Goal and Objective interchangeably and incorrectly. In the alternative monitoring report, goal and objective are used in accordance with the established practice and the Ordinance N629 of the Government of Georgia – objective being a specific instance of policy goal (and not vice versa, as in the PSG Action Plan).

<sup>6</sup> The information is available at: <https://www.projectsmart.co.uk/smart-goals.php>.

<sup>7</sup> Association [Agenda](#) between the European Union and Georgia 2017-2020, p. 3.

Commission, depoliticization of the prosecutorial service should have been one of the main objectives of the reform.<sup>8</sup> In the opinion of the Anti-corruption Network of the Organization for Economic Cooperation and Development (OECD-ACN), protection of the Chief Prosecutor from political intervention was a significant challenge and the organization was recommending continuing working on ensuring the independence and impartiality of the Prosecutor's Office.<sup>9</sup> Group of States against Corruption of the Council of Europe (GRECO) negatively evaluated the influence of various branches of the government on the appointment procedure of the Chief Prosecutor and called upon the government to continue planned reform in this direction.<sup>10</sup> Civil Society has frequently brought up the issues of independence and impartiality of the Prosecutorial Service of Georgia.<sup>11</sup> **Thus, political neutrality and independence of the Prosecutorial Service of Georgia was a significant challenge of the law enforcement system in 2016.** Eminently, 40% of the interviewed population (who were aware of the 2015 prosecutorial system reform) in 2016 believed that the PSG was not free from political influence.<sup>12</sup> Civil society has been continuously raising the issues related to the public trust and increasing transparency and accountability of the PSG.<sup>13</sup> **This clearly demonstrates that along with the reforms, one of the priority directions for the PSG should have been increasing public trust, accountability, and transparency.**

Another significant challenge during the adoption of the PSG strategy document was the enhancement of individual prosecutor competences and their independence. The Law on the Prosecutor's Office only defined general norms on appointment, promotion, and dismissal of prosecutors, code of ethics was outdated, while the legal framework regulating disciplinary conduct was vague. In 2016, GRECO and OECD-ACN gave recommendations to the Government of Georgia to ensure appointment, promotion, and dismissal of individual prosecutors through transparent processes and based on justified, clear and objective professional criteria. The recommendations also required from the Government to set clear and objective criteria for assigning and revoking cases from prosecutors and issuing of reference from supervising prosecutors to subordinate prosecutors only in justified and written form; development of code of ethics; implementation of transparent disciplinary procedures and raising of awareness about these procedures among

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<sup>8</sup> European Commission For Democracy Through Law (Venice Commission), Consultative Council Of European Prosecutors (CCPE), OSCE Office For Democratic Institutions And Human Rights (OSCE/ODIHR), [Joint Opinion](#) on the Draft Amendments to the Law on the Prosecutor's Office of Georgia (CDL-AD(2015)039), paragraph 10.

<sup>9</sup> Anti-Corruption Reforms in Georgia - Fourth Round of [Monitoring](#) of the Istanbul Anti-Corruption Action Plan, OECD Anti-Corruption Network for Eastern Europe and Central Asia, p. 69-70, Recommendation 13.

<sup>10</sup> Fourth Evaluation Report, Georgia - Corruption prevention in respect of members of parliament, judges and prosecutors, Council of Europe Group of State against Corruption (2016), paragraph 150.

<sup>11</sup> Coalition [Opinion](#) on the Prosecution Reform Concept (2015); [NGOs](#) Refer to Parliament Regarding the Approval of the Candidate for the Chief Prosecutor (2015).

<sup>12</sup> Public trust in important institutions 2016, a [study](#) commissioned by Transparency International Georgia and conducted by the Caucasus Research Resource Center

<sup>13</sup> [Proposals](#) of the Human Rights Education and Monitoring Center (EMC) on amendments to the Constitution (2017), pp. 3-4; [Reform of the Prosecutor's Office in Georgia – what is at stake?](#) (2015), Open Society Georgia Foundation, p. 4.

prosecutors.<sup>14</sup> The Venice Commission also referred to the enhancement of competences of individual prosecutors and to strengthening of their independence.<sup>15</sup> Civil society representatives have been continuously underlining these issues locally.<sup>16</sup> **Therefore, strengthening of individual prosecutors and promotion of their independence were significant challenges at the time of PSG Strategy and Action Plan development.**

Improvement of human rights protection and fight against individual crimes remained important challenges to the law enforcement system, including to the Prosecutorial Service of Georgia for a long time. Effective criminal prosecution of crimes committed by public officials, torture and mistreatment, domestic violence and violence against women and hate crimes have been significant difficulties over the years. The Public Defender wrote in the report that the work of the Prosecutorial Service of Georgia in regards to effective investigation and prosecution of torture, inhumane and degrading treatment crimes was ineffective.<sup>17</sup> UN Human Rights Council and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment also called upon the Georgian government to ensure effective criminal prosecution of crimes committed by state officials.<sup>18</sup> The EU Association Agenda listed fight against torture and inhumane treatment, organized crime, and narco-trafficking as priorities.<sup>19</sup> The Public Defender called upon the PSG to analyse thoroughly gender component of the murders of female victims and to properly react to such cases.<sup>20</sup> UN Special Rapporteur also talked about ineffective criminal prosecution of domestic violence and violence against women in 2016.<sup>21</sup> The Convention on Elimination of All Forms of Discrimination against Women expressed grave concern regarding the increase in violence against women and the decrease in criminal prosecutions of trafficking crimes.<sup>22</sup> In the Progress Report on National Strategy for Human Rights Protection, an international expert called the lack of will of the PSG to investigate hate-motivated crimes particularly

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<sup>14</sup> Anti-Corruption Reforms in Georgia - Fourth Round of Monitoring of the Istanbul Anti-Corruption Action Plan, OECD Anti-Corruption Network for Eastern Europe and Central Asia, pp. 69-70, Recommendation 13; Fourth Evaluation Report, Georgia - Corruption prevention in respect of members of parliament, judges and prosecutors, Council of Europe Group of State against Corruption (2016), paragraph 155, 166 and 171.

<sup>15</sup> Joint Opinion of the Venice Commission, the Consultative Council of European Prosecutors (CCPE) and OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), on the draft Amendments to the Law on the Prosecutor's Office of Georgia, CDL-AD(2015)039, paragraph 17 and 90.

<sup>16</sup> [Overview](#) of the Reforms in the Prosecution System of Georgia: Achievements and Existing Challenges, Institute for Development of Freedom of Information; Coalition [Opinions](#) on the PSG reform (2015)

<sup>17</sup> [Report](#) on Human Rights and Freedoms Protection in Georgia, Public Defender, 2016, p. 8

<sup>18</sup> [Report](#) of the Working Group on the Universal Periodic Review (2015) A/HRC/31/15, UN General Assembly Human Rights Council, paragraph 118.27 – 118.32; Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 1 to 11 December 2014, PT/Inf (2015), paragraph 16.

<sup>19</sup> Association [Agenda](#) between the European Union and Georgia 2017-2020, pp. 6, 12.

<sup>20</sup> Special [Report](#) of the Public Defender on Violence against Women and Domestic Violence in Georgia, (2015), p. 41.

<sup>21</sup> [Report](#) of the Special Rapporteur on violence against women, its causes and consequences on her mission to Georgia (2016) A/HRC/32/42/Add.3, UN General Assembly, p. 20.

<sup>22</sup> Concluding observations on the combined fourth and fifth periodic reports of Georgia (2014), CEDAW, paragraph: 20.

problematic.<sup>23</sup> **Therefore, enhancement of human rights protection and increase of effectiveness of fight against certain type of crimes (including, torture and inhumane treatment, domestic violence and violence against women, hate-motivated crimes, trafficking and narco-trafficking) should have been included as priorities in the strategy documents of the PSG.**

An analysis of the 2017-2021 Strategy of Prosecutorial Service of Georgia demonstrated that all the above-mentioned issues have been included as priorities in the document. Specifically, increasing independence of prosecutors, human rights protection, effective combat against crimes, enhancement of prosecutorial service quality, enhancement of professionalism and qualifications of employees and increasing public trust were just a few among the priorities of the PSG (to what extent the activities defined in the Action Plan were effective in eliminating these problems is discussed in subchapter 1.2).<sup>24</sup>

These challenges still remain, however the newly emerged ones (discussed below) have not been included in the strategy documents as they have never been updated since their adoption.

In September 2018, the Ministry of Internal Affairs (MIA) announced the commencement of the **reform on the separation of authorities of the MIA and the PSG.**<sup>25</sup> As the current legislation, along with criminal prosecution, authorizes prosecutors to provide procedural supervision of investigation (defining investigative strategy, qualification of actions, etc.), this reform has a direct impact on the PSG and cannot be implemented without its participation.<sup>26</sup> However, this important direction has not been included in the strategy documents of the PSG.

In 2017, constitutional amendments were adopted, according to which the **Prosecutorial Service of Georgia was separated from the Executive Branch of government** and was established as an independent institution.<sup>27</sup> Legislative amendments, including Organic Law on the Prosecutor's Office and subordinate acts followed. Despite the fact that the Strategy named increasing independence of the PSG as one of the priorities, neither the Strategy nor the Action Plan make any reference to this reform.

**An analysis of international reports and recommendations, opinions of the Public Defender and civil society representatives demonstrates that the PSG Strategy and Action Plan had taken into account all important challenges existing at the time of development of these documents. However, crucial reforms (separation of authorities of the MIA and the PSG, separation of the PSG from executive**

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<sup>23</sup> M. Nicolson [report](#) on the progress of 2014-2020 national strategy of human rights protection and recommendations on future approaches (2017), p. 21

<sup>24</sup> 2017-2021 Strategy of the Prosecutorial Service of Georgia

<sup>25</sup> MIA – Ministry of Internal Affairs [starts](#) a reform of investigative system (2018)

<sup>26</sup> IDFI's [Opinion](#) on the Reform Separating Prosecutorial and Investigative Powers (2019).

<sup>27</sup> The Constitutional Amendments entered force after the 2018 Presidential Elections.



branch) that were initiated and implemented thereafter were not reflected in the strategic documents.

## 1.2. Assessment of objectives and activities of the Strategy and Action Plan of the Prosecutorial Service of Georgia

The PSG Strategy and Action Plan include 10 objectives. Each objective has one or several goals, relevant mechanisms and planned activities are defined for the achievement of each goal. The Action Plan covers 2017-2021 years and one calendar year is considered for implementation of each activity. The Action Plan doesn't include an indicator column. The Plan determines structural units responsible for the implementation of each activity (along with partner agencies). Objectives, goals, and mechanisms are enumerated in the Action Plan, but not the activities. While only one activity has been enlisted for the achievement of some goals, in a lot of cases the number of activities exceeds one and in such cases enumerating them would have made the document more comprehensive and easily understandable.

According to the information provided by the PSG to the IDFI regional partner, Civil Society Institute, all units, including the Prosecutorial Service of Adjara Autonomous Republic were involved in the development of the 2017-2021 Strategy and Action Plan. All opinions were reviewed by a working group on the development of the Strategy and Action Plan, after which mechanisms for the achievement of the goals were determined in the appropriate document. Further review of the Strategy and Action Plan developed by the working group and conducting mid-term progress analysis according to regions were required. In one-on-one and group meetings with the Civil Society Institute, it became clear that after the initial presentation of the document, prosecutors haven't had any involvement with the strategy documents.

According to the policy planning guideline, confirmed by the Decree of the Government of Georgia, it is recommended to include three to five global goals with appropriate objectives, which should be based on the relevant goals.<sup>28</sup> The same document defines a goal of a policy document as a statement on a solution of an existing problem; while an objective is defined as a specification of a goal, specific outcome that must be achieved in a specific time frame.<sup>29</sup> Unlike the definition in the Government Decree, in the PSG Action Plan the term objective is used for broad statement on a solution of problems, while the term goal is used with the meaning of an objective, as a specification of a goal. Furthermore, in 9 out of 10 cases, a goal and an objective of the PSG Strategy and Action Plan are identical and there is no difference between them (see Table #1). In these 9 cases where a goal and an objective are almost identical, some of them meet the criteria for a goal and some – for an objective. For example, increasing independence of the PSG (as well as protection of human rights) are broad enough to be presented as goals. This goal should have specific objectives

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<sup>28</sup> Decree N629 of the Government of Georgia, December 30, 2016, p.13

<sup>29</sup> *ibid*, pp. 5-6.

such as: implementation of transparent and objective procedures for the appointment of the Chief Prosecutor, enhancement of prosecutor qualifications, increasing the role of the collegial bodies of the PSG in the decision-making process, etc.

Another column included in the PSG Action Plan – measures for achievement of a goals in some cases represents a goal (e.g. 6.1.6. implementation of uniform criminal justice policy), while in some – an objective (e.g. 1.1.6. implementation of transparent procedures for hiring and promotion of employees at the PSG, 1.1.3. implementation of transparent disciplinary measures at the PSG, 2.1.3. increasing effectiveness of combat against terrorism), in others – an activity (5.1.2. publication of documents on international cooperation on criminal justice cases, 5.1.6. development of a legal guidebook for legal practitioners).

Table #1:

PSG Action Plan Objective	PSG Action Plan Goal
1. Increasing independence of the PSG	1.1. Increasing independence of the PSG
2. Increasing effectiveness of combat against individual crimes	2.1. Increasing effectiveness of combat against individual crimes
3. Protection of human rights	3.1. Effective combat against violence against women and domestic violence
	3.2. Combat against torture and mistreatment
	3.3. Increasing effectiveness of combat against discriminatory and hate-motivated crimes
4. Juvenile Justice	4.1. Establishment of an effective juvenile justice system
5. International cooperation on criminal justice cases	5.1. Effective international cooperation on criminal justice cases
6. Enhancement of prosecutorial work quality and development of homogenous criminal justice policy	6.1. Enhancement of prosecutorial work quality and development of homogenous criminal justice policy
7. Increasing public trust	7.1. Increasing public trust

8. Crime prevention	8.1. Crime prevention
9. Improving work environment	9.1. Improving work environment
10. Enhancing employee professionalism and qualifications	10.1. Enhancing employee professionalism and qualifications

According to the universally acknowledged standards, objectives should satisfy S.M.A.R.T. criteria – they must be specific, measurable, attainable, realistic and time-bound.<sup>30</sup> Few of 10 statements in the objective column of the PSG policy documents more or less satisfy these criteria (2, 6, 7, and 10). Other statements are not specific enough and/or are not measurable, to be considered an objective. For example, the objective three (protection of human rights) is very general, is not specific enough and is impossible to measure. The same applies to the objective four and others.

**Mixing up the terms goal and objective in the PSG strategy, inclusion of unspecific and unmeasurable objectives, goal achievement mechanisms column under which goals, objectives, and activities are misused create confusion and mark a significant flaw of the PSG Action Plan.**

Some activities defined in the PSG Action Plan are not sufficient for the achievement of respective objectives. For example, the first objective (increasing independence of the PSG) has no activities related to increasing institutional independence and political neutrality of the PSG (except for the development of proposals on refinement of Chief Prosecutor selection rules), while only studying of international practice, development of proposals on refinement of collegial body operations (not increasing its role) and organizing a session are defined as activities for increasing the role of the PSG collegial bodies.<sup>31</sup> In regards to the implementation of a uniform criminal justice policy, updating recommendations and preparation of a report are named, however, there are no activities

<sup>30</sup> *Support for Improvement in Governance and Management*, GOV/SIGMA(2018)3, OECD Public Governance Directorate, 33. 45.

<sup>31</sup> Thus, the only activity of the Advisory Council, according to the Action Plan, for last three years was holding a session. According to the PSG, when speaking about the inadequacy of measures to increase the independence of the Prosecutor's Office, including the strengthening of the role of collegial bodies, it should be borne in mind that it is the Prosecution's Action Plan and not the National Action Plan. In addition, for example, increasing the role of collegial bodies in the prosecution needs legal amendments. PSG is not authorized to accept and comply with any obligation requiring legislative changes. The issue falls within the competence of the Government and Parliament, and the Prosecutor's Office has no right to make any legislative changes or legislative initiatives. **IDFI's position** on this issue is as follows: the Agency has undertaken the commitment by its Action Plan to strengthen its independence (the first task of the Action Plan is to increase the independence of the Prosecutor's Office, and under this objective it defines commitments such as 1.1.1. Increasing the role and importance of collegial bodies; 1.1.3. Implementation of Transparent Disciplinary Procedures; 1.1.5 Enhance the degree of independence of PSG and individual prosecutors; 1.1.6. Implementation of transparent procedures for recruitment and promotion of employees in the prosecution system. Each of these commitments entails legislative change, which the agency will not be able to fulfill without cooperation with other state institutions/branches. Since the institution set the obligations in its Action Plan, it should have had the plan for their implementation. Consequently, IDFI does not impose any new obligation for the prosecutor's office, but measures the implementation of the commitments on the basis of objective indicators.

for establishment or strengthening of coordination mechanisms between law enforcement agencies, which is one of the most crucial steps for establishment of a homogeneous criminal policy.

Notably, no measures for the implementation in practice of 2017 Constitutional Amendments have been included in the 2018 update of the PSG Action Plan. Specifically, Paragraph 3 of Article 64 of the Constitution of Georgia states that the function of the Prosecutorial Council is to ensure independence, transparency, and effectiveness of Prosecutorial Service. However, the limited authority allocated to the Council by the Organic Law on the PSG cannot ensure proper implementation of those functions.<sup>32</sup> The Action Plan doesn't consider any specific measures related to this issue.

The PSG Action Plan includes many insignificant and small activities to be implemented throughout the year, such as establishment of a working group, starting of guidebook development, commencement of work on development of electronic case management system, etc. It is unacceptable to overburden the Action Plan with such technical measures. To achieve the goals and objectives of the Action Plan in a timely manner, more significant and larger scale activities should be included in it. The PSG Action Plan considers one calendar year for implementation of each activity and it is unclear why establishment of a working group or commencement of working on development of an electronic case management system requires such a long time.

**Lack of sufficient activities for some of the directions (as well as, formal and ineffective updating of the Action Plan in response to the current challenges) and overburdening of the Action Plan with insignificant, stretched out measures are obstacles to the achievement of the Strategy goals and therefore, significant shortcomings of the Action Plan.**

According to the abovementioned Government Decree, one of the components of a policy document should be an outcome indicator – quantitative and qualitative indicators that measure the outcome. For determination of outcome indicators, baseline, mid-term<sup>33</sup> and final targets must be demonstrated.<sup>34</sup> The PSG Strategy and Action Plan don't take into account either outcome indicators, or baseline, mid-term and final targets. Without the indicators, it is practically impossible to measure goals and objectives, especially when objectives do not comply with S.M.A.R.T. criteria. The outputs used in the PSG Action Plan do not allow for measuring the progress. Additionally, the Action Plan doesn't have impact and outcome indicators, making the achievement of goals and objectives vague even in cases where 100% of activities have been implemented.

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<sup>32</sup> For additional information, please see [Prosecutorial Reform](#) – Review of System Changes at the Onset of 2019, IDFI, February 2019

<sup>33</sup> A mid-term indicator is particularly important in cases of long action plans, such as the PSG Action Plan (2017 - 2021).

<sup>34</sup> [Ordinance](#) N629 of the government of Georgia, December 30, 2016, p. 14

**Lack of indicators, baseline, mid-term and final targets in the Action Plan is a significant shortcoming of the policy document and a serious challenge to the monitoring process.**

Finally, it must be noted that the activities related to persons with disabilities are included in the fourth objective, juvenile justice. Inclusion of these two independent topics in one objective is confusing. It is recommended to separate these two directions in the Action Plan.

## **2. Comparison of the PSG Strategy and Action Plan with the relevant sectoral action plans**

It is essential for effective implementation of commitments taken by an agency under various action plans that all these activities be included in the action plan of the agency as well, especially when some sectoral action plans have weak or no monitoring mechanisms.<sup>35</sup> In this section of the alternative monitoring, sectoral action plans in which the PSG is a responsible institution are identified and the consistency of commitments of the PSG in these sectoral plans and its own plan analysed. From the identified action plans, the objectives and activities for which the PSG is responsible are compared to the PSG Action Plan and the objectives and activities that are inconsistent with each other are underlined.

For the alternative monitoring purposes of the PSG 2017-2021 Action Plan, the following sectoral action plans related to the PSG have been identified:

- Government of Georgia action plans on Human Rights Protection for 2016-2017 and 2018-2020;
- Criminal Justice System Reform Action Plan for 2017-2021;
- Action Plan on Combating Human Trafficking for 2017-2018;
- Action plans on Measures to be Implemented for Combating Violence Against Women and Domestic Violence and for the Protection of Victims for 2016-2017 and 2018-2020;
- National Anti-Corruption Action Plan for 2017-2018;
- Action Plan on Fight against Torture, Inhuman and Degrading Treatment (ill-treatment) for 2017-2018.

### **2.1. National Human Rights Action Plan for 2016-2017 and 2018-2020**

Third priority of the Human Rights Action Plan for 2016-2017 fully consists of the PSG commitments. Some important commitments of the PSG set forth in this Action Plan are also covered by the PSG Action Plan, however, the latter one does not foresee the activities given in

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<sup>35</sup> For example, Action Plan on Measures to be Implemented for Combating Violence Against Women and Domestic Violence and for the Protection of Victims and Criminal Justice System Reform Action Plans are not monitored, the institutions prepare progress reports, however no monitoring or assessment reports are prepared.

the third priority of the Human Rights Action Plan such as strengthening capacity of the PSG Training Centre.<sup>36</sup>

As for the Human Rights Action Plan for 2017-2018, priority 16 concerns children's rights, including preventive measures for juvenile crime. Despite the fact that the PSG Action Plan includes topics related to juvenile justice, it doesn't cover all activities defined in the Human Rights Action Plan.<sup>37</sup>

The PSG Action Plan doesn't include any activities related to systematization and proactive publication of information on criminal investigations of workplace injury and death cases, which is an exclusive obligation of the PSG, according to the National Human Rights Action Plan.<sup>38</sup>

Despite the fact, that the PSG Action Plan includes increasing the effectiveness of the fight against discriminatory and hate-motivated crimes,<sup>39</sup> it doesn't consider production of statistics on religiously-motivated hate crimes, which according to the National Human Rights Action Plan is an obligation of the PSG and the Ministry of Internal Affairs.<sup>40</sup>

The activities for which the PSG is exclusively responsible in the National Human Rights Action Plan, are almost identical in the PSG Action Plan. However, there are differences in timeline arrangement. For example, while according to the PSG Action Plan establishment and adoption of prosecutor and investigator evaluation criteria should be completed in 2018, the National Human Rights Action Plan considers this activity for 2019. The PSG Action Plan envisions 2019-2020 for preparation of an analysis and appropriate adjustment of the evaluation system functioning, while the same activity has been intended for 2018 in the National Human Rights Action Plan. The same discrepancy can be found in the activities in the timeline of development of definitions related to the code of ethics and disciplinary liability: according to the PSG Action Plan, this activity should have been completed in 2017, while the National Human Rights Action Plan considers implementation of this activity in 2019.

According to the National Human Rights Action Plan retraining of the PSG employees on professional ethics standards is planned for 2018, while the PSG Action Plan includes this activity for all years between 2018 and 2021.

**Consequently, there is a significant discrepancy in the arrangement of the activities in the National Human Rights Action Plan and the Action Plan of the General Prosecutor's Office. This is problematic as the Action Plan of an agency should reflect all commitments taken in various formats.**

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<sup>36</sup> Human Rights Action Plan 2016-2017, objective 3.1.5., activities 3.1.5.1., 3.1.5.2., 3.1.5.3., 3.1.5.4.

<sup>37</sup> E.g. Activity 16.1.6. of the National Human Right Action Plan: implementation/activation of interagency mechanism for identification of crime reinforcing risk factors, early intervention, referral and response programs

<sup>38</sup> National Human Rights Action Plan, Activity 9.1.7.1.

<sup>39</sup> 2017-2021 PSG Action Plan, Objective 3.3.

<sup>40</sup> National Human Rights Action Plan, Activity 18.1.3.3.



**The discrepancy in dates of the same activities can create problems in the monitoring process, making it less effective and confusing.**

## **2.2. Criminal Justice System Reform Action Plan**

The fourth chapter of the Criminal Justice System Reform Action Plan is entirely dedicated to commitments of the PSG. The activities in this chapter are almost identical to the ones in the PSG Action Plan, however, minor disparities occur. For example, the Criminal Justice System Reform Action Plan mentions a measure of engaging a witness and victim coordinator in juvenile cases.<sup>41</sup> While the PSG Action Plan contains activities on updating the coordinator guidebook, retraining of witness and victim coordinators and prosecutors for engagement of coordinators in juvenile and domestic violence cases, this engagement in the PSG Action Plan is considered only for domestic violence cases.<sup>42</sup>

Direction number 8 of the Criminal Justice System Reform Action Plan, Juvenile Justice Reform Action Plan also includes activities for the PSG, which are mirrored in Goal 4 of the PSG Action Plan. The only difference is still the engagement of a witness and victim coordinator in juvenile cases. However, notably, all activities of the Criminal Justice System Reform Action Plan where the PSG is listed as a partner or co-executor, are different from the PSG Action Plan.

**The analysis of the Criminal Justice System Reform Action Plan demonstrates that this strategy document is in accordance with the PSG Action Plan, however, it is recommended to reflect all the PSG activities of sectoral action plans in the PSG Action Plan, whether PSG is the only executor, co-executor or a partner.**

## **2.3. Action Plan for Combating Human Trafficking**

19 activities in the 2017-2018 Action Plan for Combating Human Trafficking are assigned to the PSG. The most important of them are: study of foreign practices and accordingly, preparation of legislative amendments on suspending criminal charges against victims of human trafficking,<sup>43</sup> study of feasibility of joint investigative groups on human trafficking,<sup>44</sup> joint discussion on completed cases for identification of trafficking trends,<sup>45</sup> refinement of guideline principles for law enforcement agencies on investigation, criminal prosecution of trafficking crimes and treatment of trafficking victims,<sup>46</sup> development of guideline principles on active engagement of a witness and

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<sup>41</sup> Criminal Justice System Reform Action Plan, Direction 4, Goal 3, Activity 3.1.3

<sup>42</sup> PSG Action Plan 2017-2021, Objective 3, Goal 3.1.

<sup>43</sup> 2017-2018 Action Plan for Combating Human Trafficking, Goal 1, Objective 1.1, Activity 1.1.6

<sup>44</sup> *ibid*, Activity 1.1.7.

<sup>45</sup> *ibid*, Goal 4. Objective 4.1, Activity 4.1.1.

<sup>46</sup> *ibid*, Activity 4.1.3.

victim coordinator in criminal procedures of suspected trafficking cases<sup>47</sup>, retraining of witness and victim coordinators for their effective engagement in criminal proceedings of trafficking cases<sup>48</sup>, etc. Almost none of the commitments of the PSG stated in the Action Plan for Combating Human Trafficking are included in the PSG Action Plan. The only activity present in both action plans is retraining of prosecutors and interns on trafficking issues.

**Omission of the PSG obligations of the 2017-2018 Action Plan for Combating Human Trafficking from the PSG Action Plan is a significant shortcoming of the strategy document and it is essential that these activities be properly stated in the updated PSG Action Plan.**

#### 2.4. Action plans for Activities of Combating Violence against Women and Domestic Violence, and Victim Protection for 2016-2017 and 2018-2020

In the action plans for Activities of Combating Violence against Women (VAW) and Domestic Violence, and Victim Protection for 2016-2017 and 2018-2020, there are almost identical commitments set forth for PSG. In both of the documents PSG has only several commitments. These Action Plans themselves are of smaller scale and the low volume of the PSG obligations could be due to this factor. Under the Action Plan for Activities of Combating Violence against Women and Domestic Violence, and Victim Protection for 2016-2017, PSG has nine commitments. For one commitment out of nine, PSG is a partner institution while it is a lead institution for the other eight. Measures prescribed by the Action Plan are retraining of prosecutors;<sup>49</sup> carrying out informational meetings;<sup>50</sup> insert the issues related to violence against women and domestic violence in educational programs;<sup>51</sup> continuous monitoring of criminal cases, identification of shortcomings and planning relevant measures;<sup>52</sup> creation of common methodological standards for data collection regarding violence against women and domestic violence;<sup>53</sup> renewal of common aggregated database on violence against women and domestic violence;<sup>54</sup> etc.

From measures prescribed for 2017 for PSG by the Action Plan for Activities of Combating Violence against Women and Domestic Violence, and Victim Protection for 2016-2017, only measures related to retraining the prosecutors, carrying out informational meetings and revision of recommendations are included in the PSG Action Plan.<sup>55</sup> The PSG Action Plan does not mention the activities related to continuous monitoring of VAW and domestic violence cases, creation of

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<sup>47</sup> *ibid*, Activity 4.1.4.

<sup>48</sup> *ibid*, Goal 5. Objective 5.1, Activity 5.1.2.

<sup>49</sup> Action Plan for Activities of Combating Violence against Women and Domestic Violence, and Victim Protection for 2016-2017, goal 1, objective 1.1., activity 1.1.1.

<sup>50</sup> *Ibid*, objective 1.2., activity 1.2.2.

<sup>51</sup> *Ibid*, objective 1.1., activity 1.1.3.

<sup>52</sup> *Ibid*, objective 2.3., activity 2.3.4.

<sup>53</sup> *Ibid*, objective 2.5., activity 2.5.1.

<sup>54</sup> *Ibid*, activity 2.5.2.

<sup>55</sup> PSG Action Plan for 2017-2021, goal 3.1., activities 1, 2, 4.

data base even though the Action Plan for Activities of Combating Violence against Women and Domestic Violence, and Victim Protection requires from the responsible agencies to integrate its commitments into the institutional action plans.<sup>56</sup> The situation was improved for the commitments of 2018, as the commitments of the PSG in this Action Plan (2018-2020), except for minor differences, are reflected in the PSG Action Plan.<sup>57</sup> **Complete reflection of almost all relevant commitments of the PSG of the Violence towards Women and Domestic Violence Action Plan in the agency's own Action Plan is most likely connected to one of the commitments of the PSG in Violence towards Women and Domestic Violence Action Plan to do exactly that.**<sup>58</sup>

## 2.5. National Anti-Corruption Action Plan 2017-2018

Commitments of the PSG in the 2017-2018 Anti-Corruption Plan are filed under Priority 5 and the chapter on criminalization of corruption.

Anti-Corruption Action Plan commitment of the PSG on defining criteria for appointment and promotion of prosecutors<sup>59</sup> is mirrored in the PSG Action Plan measure on implementation of transparent procedures for hiring and promotion of employees at the Prosecutor's Office.<sup>60</sup> The two plans coincide on measures regarding the implementation of the prosecutor evaluation system, however, there is a significant discrepancy in time periods for this activity. While the PSG Action Plan considers analysis and refinement of the prosecutor evaluation system<sup>61</sup> for 2019-2021, the Anti-Corruption Action Plan envisions this activity for 2017-2018.<sup>62</sup> According to the Anti-Corruption Action Plan, case assignment for prosecutors should be created and functional in 2018<sup>63</sup> while the PSG Action Plan envisions its implementation in 2019.<sup>64</sup>

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<sup>56</sup> Action Plan for Activities of Combating Violence against Women and Domestic Violence, and Victim Protection for 2016-2017, goal 1, objective 1.1., activity 1.1.4.

<sup>57</sup> Activity 1.1.4 of the 2018-2020 Action Plan for Activities of Combating Violence Against Women and Domestic Violence, and Victim Protection includes a PSG obligation on production of statistical data related to violence against women and domestic violence and on making this data accessible. The PSG Action Plan includes a measure on general processing of statistical data, however it doesn't specifically mention data on violence against women and domestic violence, as it does in case of juvenile justice.

<sup>58</sup> 2018-2020 Action Plan for Activities of Combating Violence against Women and Domestic Violence, and Victim Protection, Goal 3. Objective 3.1, Activity 3.1.2

<sup>59</sup> 2017-2018 Anti-Corruption Action Plan, Priority V. Prevention of corruption at law enforcement agencies, Outcome 5.1, Activity 5.1.1.

<sup>60</sup> 2017-2021 PSG Action Plan, Objective 1. Goal 1.1, Activity 1.1.6.

<sup>61</sup> *ibid*, Activity 1.1.2.

<sup>62</sup> 2017-2018 Anti-Corruption Action Plan, Priority V. Prevention of corruption at law enforcement agencies, Outcome 5.1, Activity 5.1.2

<sup>63</sup> *ibid*, Outcome 5.2, Activity 5.2.5

<sup>64</sup> 2017-2021 PSG Action Plan, Objective 6. Goal 6.1, Activity 6.1.3

The PSG Action Plan does not reflect any of the important commitments the PSG has in the Anti-Corruption Action Plan, which is a serious shortcoming of the strategy document. Such measures are:

- Implementation of transparent and unbiased remuneration and incentive system, its subsequent analysis, and adjustment;<sup>65</sup>
- Clear separation of functions among regional prosecutors and their deputies;<sup>66</sup>
- Providing written reasoning for decisions on retraction of cases from prosecutors and for directives on a case given by supervising prosecutors to a subordinate one;<sup>67</sup>
- Training of prosecutors on issues of foreign citizens paying/receiving bribes;<sup>68</sup>
- Implementation of a unified policy on preventive measures and plea agreements and preparation of recommendations on circumstances to be considered when using discretionary powers;<sup>69</sup>
- Production and publication of statistics on corruption crimes;<sup>70</sup>
- Revision of sanctions for receiving bribes, ensuring their proportionality and effectiveness;<sup>71</sup>
- Development of detailed instructions for criminal prosecution of abuse of power in accordance with the requirements of the UN Convention Against Corruption;<sup>72</sup>
- Ratification of the third additional protocol of the European Convention on Extradition, signing, and ratification of the fourth protocol.<sup>73</sup>

**It's important to note that the vast majority of measures included in the Anti-Corruption Action Plan that are not reflected in the PSG Action Plan are based on the recommendations of GRECO and OECD-ACN. Therefore, their omission in the strategy documents is a significant shortcoming.**

## **2.6. Action Plan on Fight against Torture, Inhuman and Degrading Treatment (ill-treatment) for 2017-2018**

The Prosecutor's Office has committed itself to 13 measures under the 2017 - 2018 Action Plan to Fight against Torture, Inhuman and Degrading Treatment or Punishment. In four of these cases,

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<sup>65</sup> *ibid*, Activity 5.1.3

<sup>66</sup> 2017-2018 Anti-Corruption Action Plan, Priority V. Prevention of corruption at law enforcement agencies, Outcome 5.1, Activity 5.1.7

<sup>67</sup> 2017-2018 Anti-Corruption Action Plan, Priority V. Prevention of corruption at law enforcement agencies, Outcome 5.2, Activity 5.2.6

<sup>68</sup> *ibid*, II Criminalization of corruption, effective detection and criminal prosecution of corruption crimes, Outcome 1. Activity 1.4

<sup>69</sup> *ibid*, Outcome 2. Activity 2.3.

<sup>70</sup> *ibid*, Outcome 2. Activity 2.4.

<sup>71</sup> Anti-Corruption Action Plan, II Criminalization of corruption, effective detection and criminal prosecution of corruption crimes, Outcome 5, Activity 5.1-5.2

<sup>72</sup> *ibid*.

<sup>73</sup> *ibid*, Outcome 6. Activity 6.1

the Prosecutor's Office is designated as a partner agency, with being a lead institution for the remaining nine. The Action Plan includes measures to develop a comprehensive legal framework for the creation of effective mechanism for investigation of allegations of torture and other ill-treatment cases in the penitentiary system, police and other closed institutions;<sup>74</sup> development and implementation of methodological and tactical instructions for effective investigation of torture and other forms of ill-treatment;<sup>75</sup> dissemination of information on the results of investigations and subsequent trials on torture / ill-treatment cases;<sup>76</sup> analysing internal legal acts on combating ill-treatment with a view to bringing them in line with international standards and, where appropriate, making appropriate changes;<sup>77</sup> further refinement of existing internal monitoring mechanisms in relation to reporting obligations of mistreatment in line with international standards and recommendations;<sup>78</sup> continuation of the practice of timely notification of place of arrest / detention and placement / transfer of the accused / convict and proper implementation of the recommendations of internal and external monitoring mechanisms in this regard;<sup>79</sup> ensuring effective investigation and prosecution of allegations of ill-treatment by private individuals;<sup>80</sup> etc.

**None of the commitments reflected in the 2017-2018 Action Plan for Fight against Torture, Inhuman or Degrading Treatment or Punishment appear in the PSG Action Plan. Failure to include relevant activities in the latter is a significant shortcoming of the agency's action plan, which needs to be eliminated when updating the action plan.**

### 3. Monitoring of 2017-2018 PSG Action Plan Goal (Objective) Implementation

For monitoring of implementation of the goals (objectives) of the Action Plan of the Prosecutorial Service of Georgia, information based on predefined indicators was requested from the General Prosecutor's Office of Georgia. The General Prosecutor's Office presented narrative information and additional documents, including agendas, guidelines, research, etc. In measuring achievement of objectives, along with information provided by the PSG, IDFI relied on the monitoring results of regional partners Civil Society Institute office in Batumi and Association Dea in Adjara and Zemo Svaneti, as well as, public interview results of CRRC Georgia and independently obtained information.<sup>81</sup>

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<sup>74</sup> Action Plan on Fight against Torture, Inhuman and Degrading Treatment (ill-treatment) for 2017-2018, activity 2.3.1.

<sup>75</sup> Ibid, activity 2.3.2.

<sup>76</sup> Ibid, activity 4.2.2.

<sup>77</sup> Ibid, activity 1.1.3.

<sup>78</sup> Ibid, activity 1.2.3.

<sup>79</sup> Ibid, activity 1.2.4.

<sup>80</sup> Ibid, activity 1.2.6.

<sup>81</sup> Reports on completion of sectoral action plans, etc.

The PSG Strategy and Action Plan include 10 objectives. For evaluation of these objectives, qualitative and quantitative indicators were defined within the monitoring process. Mid-term (2018) progress for each objective is presented below.

### 3.1. Objective 1. Increasing independence of the PSG

The first goal and objective of the PSG Action Plan are increasing independence of the PSG. For the monitoring purposes, seven indicators have been defined to evaluate the achievement of this goal/objective, quantitatively and qualitatively assessing progress of increasing the independence of the PSG.

**From the seven indicators defined for the first goal/objective of the PSG Action Plan, in 2018, three indicators confirm that the objective has been fully achieved, accounting for 40% of the entire objective. Out of remaining four indicators that account for the rest 60%, two do not demonstrate that this objective has been achieved and two demonstrate that it has been partially achieved. In 2018, the first objective has been mostly achieved and its progress is 52%.**

#### Outcome Indicators

1. The share of recommendations of the Venice Commission, issued on December 17, 2018, which have been adhered in determining the roles and functions of the collegial bodies of the Prosecutor's Office (15)
2. The share of recommendations/requirements of the fourth round of GRECO and OECD/ACN, implemented in the hiring and promotion procedures of the Prosecutor's Office system (15)
3. Compliance of the prosecutor evaluation system with the recommendation of the fourth round of OECD/ACN (15)
4. The number of prosecutors and investigators enrolled in the prosecutor evaluation system (15)
5. Share of the prosecutor performance evaluation outcomes that have been used in the decision-making process on promotion/career planning/professional development of prosecutors (15)
6. Compliance of the code of ethics and disciplinary liability norms of the Prosecutor's Office with the recommendations of the fourth round of GRECO and OECD/ACN (15)
7. The share of prosecutors and investigators that have undergone training on ethics and disciplinary liability issues (10)

**Status:** Mostly implemented

**Progress:** 52%

According to first indicator of the first objective, the role and functions of the collegial bodies must be in compliance with the December 17, 2018 recommendations of the Venice Commission,<sup>82</sup> According to these recommendations, to perform the constitutional role of the Prosecutorial Council:

- representation of civil society in the Prosecutorial Council should strengthen;

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<sup>82</sup> Opinion No. 937 / 2018 of the European Commission for Democracy Through Law of 17 December, 2018, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2018\)029-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2018)029-e).



- oversight of giving orders by a supervising prosecutor to a subordinate one and case distribution should be included in the functions of the Prosecutorial Council;
- the role of the Prosecutorial Council in the career management of prosecutors should be strengthened;
- Career Management, Ethics and Incentives Board should be subordinated to the Prosecutorial Council;
- the role of the Prosecutorial Council in ensuring transparency at the PSG should be clearly defined.

The information provided by the PSG demonstrate that proposals to implement the Venice Commission recommendations have not been prepared. The examined legislative norms<sup>83</sup> demonstrate that the recommendations of the Venice Commission have not been implemented. **Therefore, based on this indicator this component of the first objective cannot be considered as achieved.**

According to second indicator of the first objective, recommendations/obligations of the fourth round of GRECO and OECD/ACN should have been incorporated in the procedures of appointment and dismissal of employees at the PSG. According to the information provided by the PSG, Organic Law of Georgia “On Prosecutor’s Office” entered force on December 16, 2018, regulating these issues. In assessing completion of this indicator, IDFI team relied on the Compliance Report<sup>84</sup> of the fourth round of Greco and the Progress Update Report for the fourth round of the OECD/ACN.<sup>85</sup> According to these reports, regulations on appointment and promotion of prosecutors are still vague, the Prosecutor General still has a big discretionary authority and the role of the Prosecutorial Council is minimal. Greco recommendations were considered partially implemented, OECD/ACN did not reflect on the progress of implementation of its recommendations. **Therefore, based on this indicator this component of the first objective cannot be considered as achieved.**

According to third indicator of the first goal, the prosecutor evaluation system should be based on the recommendations of the fourth round of OECD/ACN. According to this recommendation, the number of completed cases or not guilty outcome of cases should not have been used as criteria in evaluating prosecutors.<sup>86</sup> The implemented prosecutor evaluation system does not take into account

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<sup>83</sup> Organic Law of Georgia “On Prosecutor’s Office” <https://matsne.gov.ge/document/view/4382740?publication=2>; Bylaws of the Prosecutorial Council <https://matsne.gov.ge/document/view/3026070?publication=1>.

<sup>84</sup> Corruption prevention in respect of members of parliament, judges and prosecutors – Compliance Report, GrecoRC4(2019)9, <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/168095529a>.

<sup>85</sup> Progress Update Report – Georgia, March, 2019, <https://www.oecd.org/corruption/acn/OECD-ACN-Georgia-Progress-Update-2019-ENG.pdf>.

<sup>86</sup> Progress Update Report – Georgia, March, 2019, Recommendation 13.3; <https://www.oecd.org/corruption/acn/OECD-ACN-Georgia-Progress-Update-2019-ENG.pdf>.

number of completed cases or not guilty outcome of cases. Prosecutors are evaluated on such criteria as quality of procedural supervision, participation in trainings and evaluations received during the trainings, participation in prevention and other activities, disciplinary measures and incentives used in regards to the prosecutor, etc. Therefore, OECD/ACN recommendation has been implemented in practice, which has also been mentioned in the progress report of the organization. **Based on the third indicator this component of the first objective can be considered as achieved.**

Fourth indicator of the first goal considers percentage of prosecutors and investigators included in the prosecutor evaluation system. According to the information provided by the PSG, 420 prosecutors were employed at the PSG by December 2018 and all of them have been evaluated. At the end of 2017, the Department of Supervision and Strategic Development of the Prosecutor's Office was reorganized to ensure qualified evaluation of prosecutors and investigators. The purpose was to establish a high degree of confidence in the qualifications of the prosecutors conducting the evaluation of the staff of the Prosecutor's Office. As a result of the reorganization, the department was staffed by prosecutors who successfully passed both the testing and interview stages.

Based on the evaluation system approved in 2018 by the General prosecutor, newly staffed Supervision and Strategic Development Department carried out assessment of legal writing and court trial skills of all prosecutors from all structural units in accordance with the criteria established by the evaluation system approved by the General Prosecutor.

A special form has been developed for the evaluation of prosecutors, which allows for all prosecutors to be assessed using a uniform methodology, with pre-established criteria and common standards. However, in order to ensure a high quality and uniform approach to the evaluation, the department provided detailed evaluation instructions to the evaluating prosecutors prior to conducting the evaluation. The legal writing assessment was carried out by 14 prosecutors, and additional five prosecutors were involved in the trial monitoring.

According to the presented information, for the purpose of evaluating the prosecutors, the Prosecutor's Office of Georgia has carried out thorough preparation both in terms of structuring and competence of the relevant personnel. Prosecutors were assessed using a unified methodology based on pre-established criteria and, most importantly, the performance of all prosecutors was assessed as per the indicator. **Therefore, according to the fourth indicator this component of the first objective should be considered as achieved.** It should also be noted that evaluating 420 prosecutors by 14 and 21 prosecutors within a year is very difficult and time-consuming, which may undermine the quality of the process. Therefore, it is desirable that the number of prosecutors who evaluate be reasonably consistent with the ones to be evaluated.

Fifth indicator refers to the consideration of the prosecutors' evaluation results in the process of career planning and incentives. According to the information provided by the Prosecutor's Office, throughout 2018 and beyond, in all cases of providing incentives to prosecutors, the Consultative

Board was provided with a report on the description of a prosecutor based on the results obtained in the evaluation process. The results of the prosecutors' evaluation were taken into consideration for providing incentives to prosecutors, such as early retirement, employee appreciation, and more.

Consideration of the prosecutors' evaluation results in the process of encouraging prosecutors is welcome. However, work in this direction needs to continue. Mandatory nature of founding prosecutors' career planning and incentives on evaluation results should be clearly regulated. **Accordingly, based on the fifth indicator, this component of the first objective is partially satisfied.**

Compliance with the GRECO and OECD / ACN Fourth Round Recommendations on Prosecution Ethics and Disciplinary Norms was identified as the sixth indicator of the first objective. According to these recommendations, the Code of Ethics of the Prosecutor's Office should have been developed and implemented, and the disciplinary liability rules should have been clearly formulated while the proportionality of the sanctions should have been ensured.<sup>87</sup> Despite changes in ethical standards, the recommendation regarding disciplinary liability norms has not been implemented and the Prosecutor's Office failed to properly implement the Prosecutor's Code of Ethics by adopting an explanatory guide, as evidenced by the reports of GRECO and OECD-ACN.<sup>88</sup> **Accordingly, on the basis of the sixth indicator, the first objective may only be considered as partially achieved.**

Seventh indicator of the first goal is the ratio of prosecutors and investigators that have taken a training course on ethics and disciplinary liability issues. According to the information provided by the PSG, trainings on professional ethics and conflict of interests were taken by employees of the PSG, including prosecutors, investigators, consultants, specialists, and witness and victim coordinators. In 2018, 12 trainings were organized on this topic, with 254 participants. In 2017, 14 trainings on this topic were organized with 307 participants. In 2016, 9 trainings were held on the topic with 214 individuals participating. The presented information demonstrates that around a half of the PSG employees take training courses on ethics and conflict of interests annually. This must be evaluated positively and **based on the seventh indicator this component of the first objective is considered as achieved.**

### 3.2. Objective 2. Increasing effectiveness of combat against individual crimes

The second goal and objective of the PSG Action Plan envision increasing effectiveness of fight against particular crimes. Increasing effectiveness of the PSG work in eight directions (goal attainment mechanisms) are prescribed by the PSG Action Plan in order to achieve the second goal

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<sup>87</sup> Corruption prevention in respect of members of parliament, judges and prosecutors – Compliance Report, GrecoRC4(2019)9, <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/168095529a>; Progress Update Report – Georgia, March, 2019, რეკომენდაცია 13.3; <https://www.oecd.org/corruption/acn/OECD-ACN-Georgia-Progress-Update-2019-ENG.pdf>.

<sup>88</sup> იქვე.

(objective). For the monitoring purposes, appropriate indicators have been determined for each of the eight goal attainment mechanisms and each of them have been assigned with specific share/weight to the overall achievement of the goal (objective).

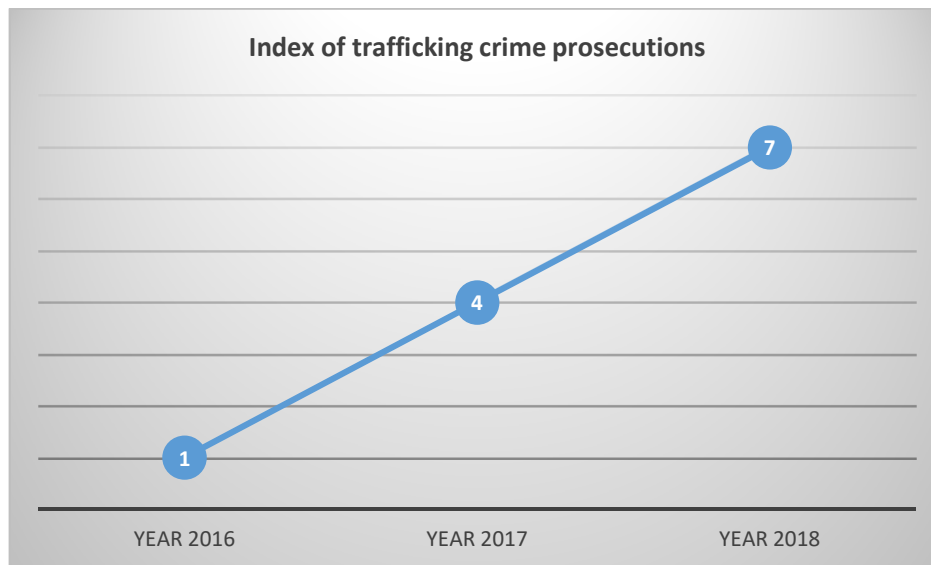
**From the eight mechanisms defined for the achievement of the second goal/objective of the PSG Action Plan, by 2018, five have been fully completed (allocated share respectively 15, 15, 15, 15 and 10) and three – partially completed (allocated shares 15, 15 and 10). As of 2018, the second objective has been mostly achieved, however, the progress of achievement is 52%.**

<p><b>Increase the effectiveness of the fight against trafficking</b></p> <p>(weight of the goal (objective) attainment mechanism - 15)</p> <p><b>Outcome Indicators</b></p> <ol style="list-style-type: none"><li>1. Implementation rate of the recommendations on improving the effectiveness of combat against trafficking (20)</li><li>2. Rate of initiating criminal prosecution on trafficking crimes (30)</li><li>3. Number of prosecutors working on trafficking cases and degree of their workload (30)</li><li>4. Number of cases managed in cooperation with another country (20)</li></ol> <p><b>Status:</b> Mostly implemented</p> <p><b>Progress:</b> 60%</p>
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Four indicators have been determined for the first direction of the second objective (increasing effectiveness of fight against trafficking). First indicator is the implementation rate of the recommendations on improving the effectiveness of combat against trafficking. According to the information provided by the PSG, a recommendation on effective investigation and criminal prosecution of trafficking crimes was adopted at the meeting of the Interagency Council on Fight against Trafficking on December 19, 2017. In January 2018, guideline principles for prosecutors on trafficking investigation and prosecution and treatment of trafficking victims was updated. On December 4-5, 2018, participants of the working group on detection of labor trafficking facts spoke about the peculiarities, results and challenges of trafficking detection, investigation and prosecution in Georgia. All participating agencies reported on labor trafficking. The Prosecutor's Office provided the participants with an analysis of the 2017-2018 criminal cases of trafficking. At the workshop, participants discussed the results of monitoring the implementation of the above mentioned recommendation, according to which, in 2017-2018, 39 trafficking cases were investigated and 100% of the completed cases (six cases total) were guilty verdicts. **Accordingly, based on the first indicator, the fulfillment of this component of the second objective/goal attainment mechanism is confirmed.**

The second indicator of the first direction of the second objective is an index of initiating criminal prosecution on trafficking crimes. According to the information provided by the PSG, criminal prosecution proceedings started against one person in 2016 (Article 143<sup>1</sup> of the Criminal Code),

against four persons in 2017 and against seven persons in 2018 (Articles 143<sup>1</sup> and 143<sup>2</sup> of the Criminal Code).



While the index of the criminal prosecution initiation is not high, its growth rate is satisfactory – over the last two years – 85%, which must be assessed positively. Notably, the number of cases of trafficking registered by the Ministry of Internal Affairs in 2017 and 2018 was the same (21-21),<sup>89</sup> so the growth in prosecution was not related to the growth in crimes committed. **Therefore, based on the second indicator, this component of the second goal/objective is completed.**

The third indicator of the first direction of the second objective is the number of prosecutors working on trafficking crimes and their workload. According to the information provided by the PSG, there are three prosecutors specialized in trafficking crimes in the Autonomous Republic of Adjara and two – in Tbilisi. The workload of prosecutors is not calculated according to case categories, as the electronic program for case management does not have this capability. Workload of individual prosecutors is studied by the Department of Prosecutorial Supervision and Strategic Development. Prosecutors' workload is assessed based on their investigative and procedural actions. The workload of a prosecutor covers all possible actions related to the prosecutor's authority (such as initiating prosecution, assigning the status of a victim, petitioning for a court, terminating an investigation and / or prosecution, concluding a plea bargain, etc.). The specifics of the structural units are taken into account in the processing of prosecutors' workload information. Accordingly, only one type of structural divisions are compared with each other (for example, the district prosecution department is only compared with another district prosecution department, regional prosecutor's service only with the regional one, etc.). Data are statistically processed at both level - the individual and the structural units. Based on the average workload of prosecutors of the same

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<sup>89</sup> Crime statistics 2018, Ministry of Internal Affairs <https://info.police.ge/uploads/5c595f186e358.pdf>.

unit, there are three categories attributed to them: a prosecutor/unit with a workload, a prosecutor/unit with average workload and a prosecutor/unit with less workload. At this stage, both methodological and technical improvements to data processing are underway, which will enable for real-time processing of the data on prosecutor's workload. Since investigative and procedural actions differ in complexity, in the future it is possible to introduce a system of evaluation in which each action will have a corresponding coefficient.

According to the information provided by the Prosecutor's Office, there is no program within the PSG that would automatically assess the Prosecutor's workload based on all necessary data. It is to be welcomed, however, that prosecutors' workload is still assessed to the extent possible in the absence of a well-functioning system. However, based on this indicator, in order to fully accomplish the objective, it is necessary to have a regulated system (e.g. order of Prosecutor General, guidance document) detailing the mandatory components and methodology of the prosecutor's workload assessment, etc., which would enable for prosecutor's workload to be assessed based on all the necessary data. **Accordingly, based on the third indicator, this component of the second objective is partially accomplished.**

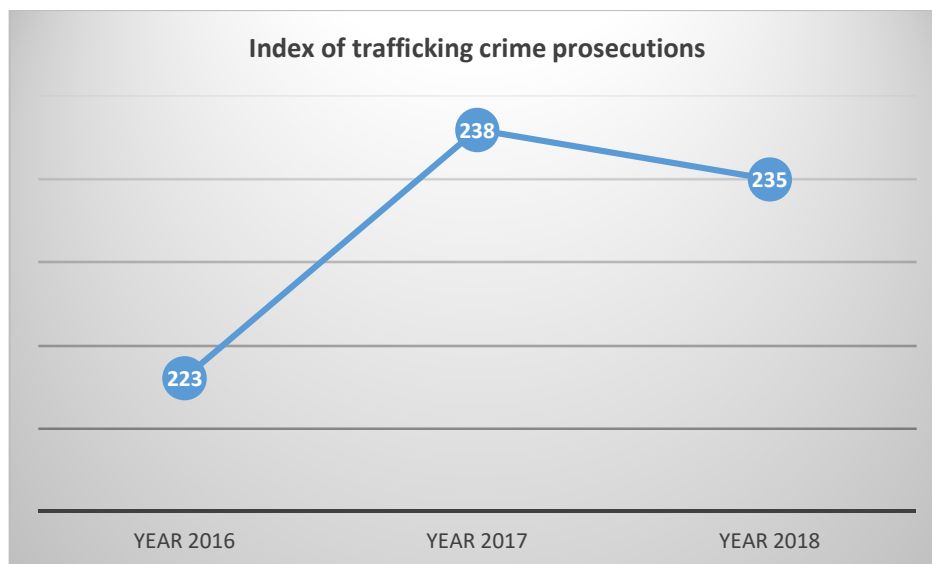
The fourth indicator of the first direction of the second objective is the number of cases solved in cooperation with other countries. According to the information provided by the PSG, in 2016-2018 no requests on cooperation on investigating criminal cases of trafficking have been sent to other countries. No information has been provided on the requests received from other countries. **Therefore, this goal/objective achievement measure, based on the fourth indicator, cannot be considered completed**

**From the four indicators of the first direction of the second goal/objective of the PSG Action Plan, as of 2018, two indicators have been fully met, with the total share of 50% of the whole direction. From the remaining two indicators (with the share of 50%), one has not been met and one – partially met. Therefore, as of 2018, the first direction of the second objective has been mostly completed and its progress is 60%.**

<p><b>Increase the effectiveness of the fight against corruption</b></p> <p>(weight of the goal (objective) attainment mechanism - 15)</p>
<p><b>Outcome Indicators</b></p> <ol style="list-style-type: none"> <li>1. Implementation rate of the recommendations on improving the effectiveness of combat against corruption (25)</li> <li>2. Rate of initiating criminal prosecution on corruption crimes (40)</li> <li>3. Number of prosecutors working on corruption crimes and their workload (35)</li> </ol>
<p><b>Status:</b> Mostly implemented</p>
<p><b>Progress:</b> 51%</p>

Implementation of the second direction (increasing effectiveness of combat against corruption crimes) of the second objective is evaluated based on three indicators. The first indicator is implementation rate of the recommendations on improving the effectiveness of combat against. According to the information provided by the PSG, to increase effectiveness of investigation of this crime, best practices of investigation of corruption crimes as well as the prepared recommendation are used during the investigation, prosecution and trial. The information does not include specific results of monitoring – as to how these recommendations are being implemented. **Therefore, based on the first indicator of the second direction of the second goal/objective, this measure cannot be considered completed.**

The second indicator of the second direction of the second objective is an index of the initiated criminal prosecutions of corruption crimes. According to the information provided by the PSG, the number of initiated criminal prosecutions for corruption crimes in 2016-2018 was stable.



The PSG considers a corruptions crime acts described in the Article 182 paragraph 2 (d), Article 332, Article 333, Articles 338-341 of the Criminal Code. The number of criminal prosecutions initiated on these crimes is much higher than on trafficking crimes (as well as the number of crimes registered by the Ministry of Internal Affairs). In 2018, 60 cases of accepting bribes were registered and criminal prosecution started on around 30% of them which needs to be considered as satisfactory taking into consideration the fact that corruption is one of the most difficult crimes to prove.<sup>90</sup>

Discrepancy in the number of registered cases and initiated criminal prosecutions is common and various rational reasons could explain such difference. 30% of prosecuted cases may be considered as an acceptable rate, however, it is important to continue work for effective prosecution.

<sup>90</sup> *Effective Means of Investigation and Prosecution of [Corruption](#), OECD, 83. 9.*



**Therefore, based on the second indicator of the second direction of the second goal/objective, this component can be considered completed.**

The third indicator of the second direction of the second objective is the number of prosecutors working on corruption crimes and their workload. According to the information provided by the PSG, prosecutors from almost all structural units of the PSG work on corruption crimes. Three prosecutors and four investigators of the Unit of Criminal Prosecutions are currently assigned to corruption crimes. This unit gets involved in particularly complex cases, e.g. cases where a high-level official is involved, etc.

As to the workload of prosecutors, it is not calculated according to the case categories, due to the limitations of the statistical module of the electronic case management system. Workload of individual prosecutors is studied by the Department of Prosecutorial Supervision and Strategic Development. Prosecutors' workload is assessed based on their investigative and procedural actions. The workload of a prosecutor covers all possible actions related to the prosecutor's authority (such as initiating prosecution, assigning the status of a victim, petitioning for a court, terminating an investigation and / or prosecution, concluding a plea bargain, etc.). The specifics of the structural units are taken into account in the processing of prosecutors' workload information. Accordingly, only one type of structural divisions are compared with each other (for example, the district prosecution department is only compared with another district prosecution department, regional prosecutor's service only with the regional one, etc.). Data are statistically processed at both level - the individual and the structural units. Based on the average workload of prosecutors of the same unit, there are three categories attributed to them: a prosecutor/unit with a workload, a prosecutor/unit with average workload and a prosecutor/unit with less workload. At this stage, both methodological and technical improvements to data processing are underway, which will enable for real-time processing of the data on prosecutor's workload. Since investigative and procedural actions differ in complexity, in the future it is possible to introduce a system of evaluation in which each action will have a corresponding coefficient.

According to the information provided by the Prosecutor's Office, there is no program within the PSG that would automatically assess the Prosecutor's workload based on all necessary data. It is to be welcomed, however, that prosecutors' workload is still assessed to the extent possible in the absence of a well-functioning system. However, based on this indicator, in order to fully accomplish the objective, it is necessary to have a regulated system (e.g. order of Prosecutor General, guidance document) detailing the mandatory components and methodology of the prosecutor's workload assessment, etc., which would enable for prosecutor's workload to be assessed based on all the necessary data. **Accordingly, based on the third indicator, this component of the second objective is partially accomplished.**

**As of 2018, out of three indicators of the second direction of the second goal/objective, one has been met (with the share of 40%). Out of remaining two indicators, one shows that this component of the**

second objective is partially incomplete and another one shows that it is not. Therefore, as of 2018, the second direction of the second objective has been mostly completed, however, its implementation progress is only 51%.

<p style="text-align: center;"><b>Increase the effectiveness of the fight against terrorism</b></p> <p style="text-align: center;">(weight of the goal (objective) attainment mechanism - 15)</p> <p><b>Outcome Indicators</b></p> <ol style="list-style-type: none"><li>1. Rate of initiation of criminal prosecutions on terrorism-related crimes (40)</li><li>2. Number of prosecutors working on terrorism and an degree of their workload (35)</li><li>4. Number of terrorism cases managed in cooperation with another country (25)</li></ol> <p><b>Status:</b> Mostly implemented</p> <p><b>Progress:</b> 76%</p>
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The third direction (increasing effectiveness of combat against terrorism) of the second objective consists of three indicators. The first one the number of initiated criminal prosecutions on terrorism charges. According to the information provided by the PSG, the index of initiated criminal prosecutions on terrorism charges throughout 2016-2018 remained low (23, 10 and 16 respectively). The number of registered cases by the Ministry of Internal Affairs related to terrorism charges is also low (2017 – 19 and 2018 – 18). Based on the numbers provided, in 2017 and 2018 the prosecution was started on 52% and 90% registered cases (respectively). **Therefore, based on this indicator, this component of the second goal/objective is completed.**

The second indicator of the third direction of the second objective relates to the number of prosecutors working on terrorism and their workload. According to the information provided by the PSG, the workload of prosecutors is not calculated according to case categories, as the electronic program for case management does not have this capability. It is to be welcomed, however, that prosecutors' workload is still assessed to the extent possible in the absence of a well-functioning system. However, based on this indicator, in order to fully accomplish the objective, it is necessary to have a regulated system (e.g. order of Prosecutor General, guidance document) detailing the mandatory components and methodology of the prosecutor's workload assessment, etc., which would enable for prosecutor's workload to be assessed based on all the necessary data. **Accordingly, based on the second indicator, this component of the second objective is partially accomplished.**

The third indicator of the third direction of the second objective is the number of terrorism cases managed in cooperation with another country. According to the information provided by the PSG, the highest number of requests for legal assistance on terrorism crimes was sent in 2018 – 23 (none were sent in 2016, and four in 2017). 11 of the 27 requests sent throughout the three years were satisfied, other cases are still ongoing, and none of the requests were rejected. **Therefore, based on the third indicator, this measure of the second goal/objective can be considered completed.**

Out of three indicators of the third direction of the second goal/objective, two indicators show that the measure has been implemented and one indicator shows that it has been partly implemented. Therefore, the third direction of the second objective is mostly completed and its implementation progress is 76%.

<p style="text-align: center;"><b>Increase the effectiveness of the fight against money laundering and terrorism financing</b> (weight of the goal (objective) attainment mechanism - 10)</p> <p><b>Outcome Indicators</b></p> <ol style="list-style-type: none"><li>1. Implementation rate of the recommendations on combating money laundering and terrorism financing, detecting property acquired through illegal means and its seizure/rate of implementation of planned activities (20)</li><li>2. Rate of initiation of criminal prosecution in cases of money laundering and terrorism financing (30)</li><li>3. Number of prosecutors working on money laundering and terrorism financing and an indicator of their workload (30)</li><li>4. Number of cases involving money laundering and terrorism financing managed in cooperation with another agency (20)</li></ol> <p><b>Status:</b> Mostly implemented</p> <p><b>Progress:</b> 79%</p>
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Implementation of the fourth direction (increasing effectiveness in combat against money laundering and terrorism financing) of the second objective is assessed based on four indicators. The first indicator relates to the recommendations on increasing effectiveness of combat against money laundering and terrorism financing, and measures planned based on these recommendations. According to the information provided by the PSG, a working group established at the PSG in 2017 prepared and presented the following recommendations to the Advisory Council:

1. Conducting a monitoring by the Department of the Prosecutorial Supervision and Strategic Development of the Prosecutor General's Office of Georgia during the first two quarters of 2018, to identify individuals responsible for investigating a predicate crime, who have not followed all appropriate measures for identifying property qualified for seizure based on the Article 52 of the Criminal Code, in accordance with the 4<sup>th</sup> of August, 2015 recommendation of the Prosecutor General.

In compliance with this recommendation, the Department of Prosecutorial Supervision and Strategic Development of the Prosecutor General's Office of Georgia implemented monitoring and prepared a subsequent report in 2018. However, the August 4<sup>th</sup> 2015 Recommendation of the Prosecutor General required revealing specific cases, which isn't confirmed by the provided information.

2. To develop the institutional position of the PSG, initiate a discussion on modernization of the legislation related to distribution of seized assets among cooperating countries.

In accordance with the recommendation, current situation was analyzed, needs for legislative amendments were identified and on August 6<sup>th</sup>, 2018 appropriate changes were made to the parts of the Law 'On International Cooperation in Criminal Justice' related to seizure of assets through international cooperation. As a result, flexible and effective international mechanisms for asset seizure were established. The legislation defines distribution mechanisms for assets qualified for seizure. **Therefore, based on the first indicator, this measure of the second goal/objective can be considered completed.**

The second indicator of the fourth direction of the second objective is an index of initiated criminal prosecutions on terrorism charges. According to the information provided by the PSG, the indicator of initiation of criminal prosecution on terrorism charges for 2016-2018 is as follows: 15 prosecutions initiated in 2016, 26 – in 2017, 5 – in 2018. The number of crimes registered for Articles 323-331<sup>1</sup> is also low, according to the Ministry of Internal Affairs statistics.<sup>91</sup> **Therefore, based on the second indicator, this measure of the second goal/objective, can be considered completed.**

The third indicator of the fourth direction of the second objective is the number of prosecutors working on money laundering and terrorism financing and their workload. According to the information provided by the PSG, the workload of prosecutors is not calculated according to the case categories, due to the limitations of the statistical module of the electronic case management system. It is to be welcomed that prosecutors' workload is still assessed to the extent possible in the absence of a well-functioning system. However, based on this indicator, in order to fully accomplish the objective, it is necessary to have a regulated system (e.g. order of Prosecutor General, guidance document) detailing the mandatory components and methodology of the prosecutor's workload assessment, etc., which would enable for prosecutor's workload to be assessed based on all the necessary data. **Accordingly, based on the third indicator, this component of the second objective is partially accomplished.**

The fourth indicator of the fourth direction of the second objective is the number of cases of money laundering and terrorism financing managed in cooperation with another agency. According to the information provided by the PSG, one case on money laundering was initiated in cooperation with other agencies in 2016, while in 2017 and 2018 the numbers were three and three. Due to the low volume of initiated criminal prosecutions on these crimes, the number of cases managed in cooperation with other agencies is acceptable. **Therefore, based on the fourth indicator, this component of the second goal/objective can be considered completed.**

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<sup>91</sup> Crime statistics 2018, Ministry of Internal Affairs, <https://info.police.ge/uploads/5c595f186e358.pdf>.

As of 2018, out of four indicators defined for the fourth direction of the second goal/objective of the Action Plan, three indicators show that this component of the second objective has been implemented and one shows that it has been partly implemented. This measure has been mostly implemented and its implementation progress is 79%.

<p style="text-align: center;"><b>Increase the effectiveness of the fight against cybercrime and improvement of electronic evidence gathering mechanisms</b></p> <p style="text-align: center;">(weight of the goal (objective) attainment mechanism - 10)</p> <p><b>Outcome Indicators</b></p> <ol style="list-style-type: none"><li>1. Rate of initiation of criminal prosecution in cases involving cybercrime (35)</li><li>2. Number of prosecutors working on cybercrime and degree of their workload (35)</li><li>3. Number of activities based on the strategy for cooperation with Internet Service Providers (ISP) (30)</li></ol> <p><b>Status:</b> Partly implemented</p> <p><b>Progress:</b> 32%</p>
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The fifth direction (increasing effectiveness of combat against cybercrime and improvement of electronic evidence gathering mechanisms) of the second objective is assessed based on three indicators. The first indicator is the rate of initiated criminal prosecutions on cybercrimes. According to the information provided by the PSG, criminal prosecution based on Articles 284-286 started in 98 cases in 2016, in 2017 – 74, and in 2018 – 101. According to the Ministry of Internal Affairs, the number of registered crimes based on these articles is much higher than the number of initiated criminal prosecutions. Specifically, 506 cases of cybercrime were registered in 2017, while in 2018 the number was 1268.<sup>92</sup> It's clear that the PSG prosecutes a very small share of the registered cybercrimes. However, it needs to be taken into consideration that combating cybercrime is a challenge worldwide. **Therefore, based on the second indicator, this component of the second goal/objective can be considered partially implemented.** At the same time, it is important that the PSG analyzes this issue, identifies the existing challenges, their causes and develops ways of overcoming them in cooperation with the Ministry of Internal Affairs.

The second indicators of the fifth direction of the second objective is the number of prosecutors working on cybercrime and their workload. According to the information provided by the PSG, prosecutors from all structural units (except for the specialized units) performing prosecutorial functions work on cybercrime. Consequently, the exact number is impossible to be supplied. The workload of prosecutors is not calculated according to case categories, as the electronic program for case management does not have this capability. Workload of individual prosecutors is studied by the Department of Prosecutorial Supervision and Strategic Development. At this stage, both methodological and technical improvements to data processing are underway, which will enable

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<sup>92</sup> Crime statistics 2018, Ministry of Internal Affairs, <https://info.police.ge/uploads/5c595f186e358.pdf>.

for real-time processing of the data on prosecutor's workload. Since investigative and procedural actions differ in complexity, in the future it is possible to introduce a system of evaluation in which each action will have a corresponding coefficient.

According to the information provided by the Prosecutor's Office, the case of cybercrime may be assigned to any prosecutor, which is confusing taking into consideration the complexity of such crimes, prosecution of which requires special knowledge and skills. Based on the educational activities carried out for prosecutors in accordance to its Action Plan, part of them have been trained on investigation and prosecution of cybercrime. First of all, untrained prosecutors won't be able to contribute to the effective fight against cybercrime. In addition to that it is not understandable why a case of cybercrime may be assigned to any prosecutor when there are trained prosecutors employed in the system.

As for the workload of prosecutors, there is no program within the PSG that would automatically assess the Prosecutor's workload based on all necessary data. It is to be welcomed, however, that prosecutors' workload is still assessed to the extent possible in the absence of a well-functioning system. However, based on this indicator, in order to fully accomplish the objective, it is necessary to have a regulated system (e.g. order of Prosecutor General, guidance document) detailing the mandatory components and methodology of the prosecutor's workload assessment, etc., which would enable for prosecutor's workload to be assessed based on all the necessary data. **Accordingly, based on the second indicator, this component of the second objective is partially accomplished.**

The third indicator of the fifth direction of the second objective is the number of measures undertaken based on the strategy of cooperation with internet service providers. According to the information provided by the PSG, it still has not developed a strategy for cooperation with internet service providers and therefore, no measures based on the document could have been implemented. **Therefore, based on the fourth indicator, this measure of the second goal/objective cannot be considered implemented.**

**From the three indicators of the fifth direction of the second goal/objective of the PSG Action Plan, one shows that this component has been partly implemented while the other two indicates that the component has not been implemented. Therefore, this goal attainment mechanism has been partly implemented and its implementation progress is 32%.**

**Increase of the effectiveness of the fight against drug-related crimes**

(weight of the goal (objective) attainment mechanism - 10)

**Outcome Indicators**

1. Rate of initiation of criminal prosecution on narcotics crimes (50)
2. Number of prosecutors working on narcotics crimes and their workload indicator (50)

**Status:** Mostly implemented

**Progress:** 65%

Implementation of the sixth direction (increasing effectiveness of combat against drug-related crimes) of the second objective is assessed based on two indicators. The first focuses on the index of initiated criminal prosecutions based on drug-related crimes. According to the information provided by the PSG, in 2016 criminal prosecution started on 4862 cases, in 2017 – 4457, and in 2018 – 3650. Unlike other crime categories, the number of initiated prosecutions is almost identical to the number of registered crimes by the Ministry of Internal Affairs.<sup>93</sup> Combating drug-related crimes, unlike other crime categories, requires a different approach and it doesn't necessarily include an increase of criminal prosecution index. This is further confirmed by the decision of the Constitutional Court, a person's choice how to relax and conduct the activity of their choice, including using marijuana, is protected by personal autonomy rights. As usage of marijuana can damage health, limitation of this right was found reasonable by the Court in such legitimate cases as protection of public safety, life, and health of others, etc.<sup>94</sup> As for years, drug consumption, including marijuana, was classified as a criminal felony, the number of initiated criminal cases on drug-related crimes should have decreased as a result of the recent legislative amendments. This seems to be the case – the number of prosecutions has declined by 20% in 2018 compared to the previous years. The number of initiated criminal prosecutions against narcotics smuggling and distribution has remained stable. **Therefore, based on the second indicator, this component of the second goal/objective can be considered completed.**

The second indicator of the sixth direction of the second objective is the number of prosecutors working on drug-related crimes and their workload. According to the information provided by the POG, prosecutors from almost all structural units, performing prosecutorial activities, except for specialized units, work on drug-related crimes. The Department of Prosecutorial Activities Supervision and Strategic Development oversees the workload of individual prosecutors. The workload of prosecutors is not calculated according to case categories, as the electronic program for case management does not have this capability. It is to be welcomed that prosecutors' workload is still assessed to the extent possible in the absence of a well-functioning system. However, based on this indicator, in order to fully accomplish the objective, it is necessary to have a regulated system (e.g. order of Prosecutor General, guidance document) detailing the mandatory components and methodology of the prosecutor's workload assessment, etc., which would enable for

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<sup>93</sup> Crime statistics 2018, Ministry of Internal Affairs <https://info.police.ge/uploads/5c595f186e358.pdf>.

<sup>94</sup> The Decision of the Constitutional Court of Georgia on the case "Citizen of Georgia Givi Shanidze v. Parliament of Georgia", <https://www.constcourt.ge/ge/news/11-30-saqartvelos-sakonstitucio-sasamartlos-gadawyvetileba-saqmeze-saqartvelos-moqalaze-givi-shanidze-saqartvelos-parlamentis-winaagmddeg.page>.



prosecutor's workload to be assessed based on all the necessary data. **Accordingly, based on the second indicator, this component of the second objective has been partly implemented.**

**As of 2018, out of the two indicators of the sixth direction of the second goal/objective, one indicator demonstrates that this component of the objective has been implemented while another one shows that it has been partly implemented. Each indicator has equal weight. Therefore, sixth direction of the second objective has been mostly implemented and its implementation progress is 65%.**

<p style="text-align: center;"><b>Improvement of the criminal prosecution mechanism for legal entities</b></p> <p style="text-align: center;">(weight of the goal (objective) attainment mechanism - 10)</p> <p><b>Outcome Indicators</b></p> <ol style="list-style-type: none"><li>1. rate of criminal prosecution initiation against legal entities (50)</li><li>2. Number of prosecutors working on prosecution of legal entities and their workload (50)</li></ol> <p><b>Status:</b> partly implemented</p> <p><b>Progress:</b> 15%</p>
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The seventh direction (improving mechanisms for criminal prosecution of legal entities) consists of two indicators. The first indicator is defined based on the index of criminal prosecutions initiated against legal entities. According to the information provided by the PSG, the statistical module of the electronic case management system does not have capacity to provide this information in an automatic manner. **Therefore, based on the second indicator, this measure of the second goal/objective cannot be considered implemented.**

The second indicator of the seventh direction of the second goal/objective is the number of prosecutors working on crimes committed by legal entities and their workload. According to the information provided by the PSG, cases with legal entities can be allocated to any prosecutor from almost all structural units performing prosecutorial duties. The workload of prosecutors is not calculated according to case categories, as the electronic program for case management does not have this capability. Workload of individual prosecutors is studied by the Department of Prosecutorial Supervision and Strategic Development. It is to be welcomed that prosecutors' workload is still assessed to the extent possible in the absence of a well-functioning system. However, based on this indicator, in order to fully accomplish the objective, it is necessary to have a regulated system (e.g. order of Prosecutor General, guidance document) detailing the mandatory components and methodology of the prosecutor's workload assessment, etc., which would enable for prosecutor's workload to be assessed based on all the necessary data. **Accordingly, based on the third indicator, this component of the second objective is partially accomplished.**

**As of 2018, out the two indicators defined for the seventh direction of the second goal/objective, one points to partially implementing the component related to prosecution of crimes committed by legal**

entities and another one shows that the component was not implemented. Therefore, this direction of the second goal/objective is partly implemented and its implementation progress is 15%.

<p style="text-align: center;"><b>Improvement of the effectiveness of investigation of crimes committed during legal proceedings</b></p> <p style="text-align: center;">(weight of the goal (objective) attainment mechanism - 15)</p> <p><b>Outcome Indicators</b></p> <ol style="list-style-type: none"><li>1. Rate of criminal prosecution initiation on crimes committed during legal proceedings (50)</li><li>2. Number of prosecutors working on prosecution of crimes committed during legal proceedings and their workload (50)</li></ol> <p><b>Status:</b> partly implemented</p> <p><b>Progress:</b> 35%</p>
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The eighth direction (increasing effectiveness of investigation of crimes committed during legal proceedings) of the second objective includes two indicators. The first concerns the number of criminal prosecutions initiated on crimes committed during legal proceedings. According to the information provided by the PSG, in 2016 the PSG started investigation into 71 cases of possible crimes committed during legal proceedings, 25 of which have been completed (forceful seizure of property, physical assault-torture). From 13 public officials revealed during the investigations, criminal prosecution was initiated in case of four, for the rest discretionary authority was used. In 2017 the PSG started investigation in 54 similar cases and completed 35 cases – 20 instances of forceful seizure of property, 15 instances of physical assault-torture. From the nine public officials revealed during the investigation, criminal proceedings were initiated in case of six. In 2018, the PSG started investigation into 38 cases, revealing 24 cases of forceful seizure of property. No criminal prosecutions were initiated. The information reveals that the number of completed cases and revealed individuals is much higher than the number of the individuals charged, raising questions, as most individuals committing this crime are public officials. The PSG stressed out that such difference in numbers is caused due to the fact that persons charged with this crime cooperate with prosecution so discretionary authority is applied. Even if so, it is still dubious why no person was prosecuted in 2018. Therefore, the PSG should analyze this issue to detect any shortcomings and define ways of overcoming them. **Based on the second indicator, this measure of the second goal/objective can only be considered partly implemented.**

The second indicator of the eighth direction of the second objective is the number of prosecutors working on crimes committed during legal proceedings and their workload. According to the information provided by the POG, six prosecutions and eight investigators are assigned to the Department of the Crimes Committed during the Legal Proceedings of the Prosecutor General's Office of Georgia. The workload of prosecutors is not calculated according to case categories, as the electronic program for case management does not have this capability. Workload of individual

prosecutors is studied by the Department of Prosecutorial Supervision and Strategic Development. It is to be welcomed that prosecutors' workload is still assessed to the extent possible in the absence of a well-functioning system. However, based on this indicator, in order to fully accomplish the objective, it is necessary to have a regulated system (e.g. order of Prosecutor General, guidance document) detailing the mandatory components and methodology of the prosecutor's workload assessment, etc., which would enable for prosecutor's workload to be assessed based on all the necessary data. **Accordingly, based on the third indicator, this component of the second objective is partly implemented.**

**As of 2018, out of the two indicators of the eighth direction of the second goal/objective of the PSG Action Plan, neither confirm to fully achieving the objective set in combating crimes committed during legal proceedings. Therefore, this measure is partly implemented and its implementation progress is 35%.**

### 3.3. Objective 3. Protection of human rights

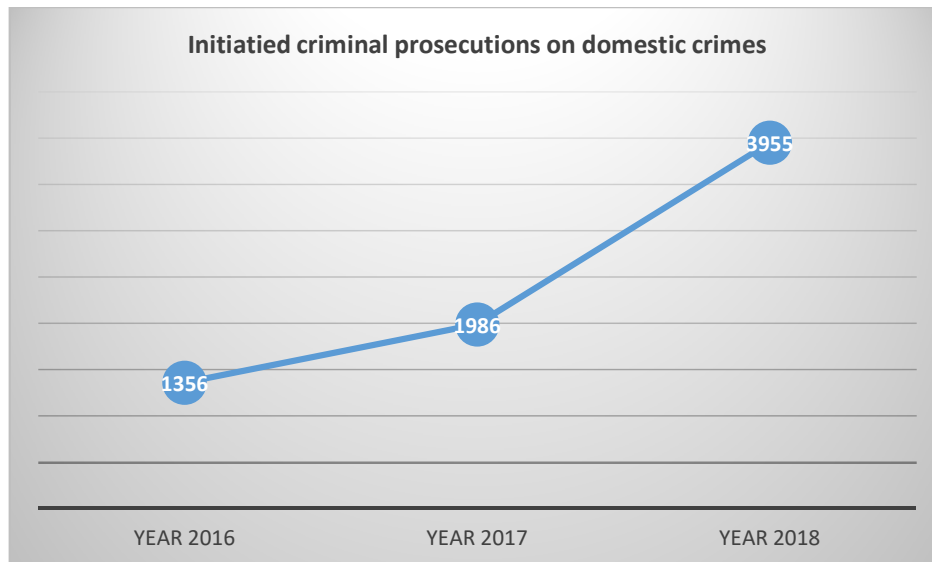
The third goal and objective of the PSG Action Plan is protection of human rights. To achieve this goal/objective, increasing effectiveness of the PSG in three directions (goal attainment mechanisms) is envisioned by the Action Plan. Each of the three directions of the third goal/objective has its own indicators and each direction has its share/weight in defining achievement of the goal/objective.

**Out of the three goal attainment mechanisms for the third goal/objective of the PSG Action Plan, one has been mostly completed (allocated weight 30) and two are partially completed (allocated weights 40 and 30). Therefore, as of 2018, the third objective has been partly implemented and its implementation progress is 39%.**

<p><b>Increasing the effectiveness of the fight against crimes committed towards women and domestic violence</b></p> <p>(weight of the goal (objective) attainment mechanism - 30)</p> <p><b>Outcome Indicators</b></p> <ol style="list-style-type: none"> <li>1. Rate of criminal prosecution initiation of cases of crimes committed towards women and domestic violence (35)</li> <li>2. Number of prosecutors specialized in crimes committed towards women and domestic violence and their workload (35)</li> <li>3. Number of activities aimed at increasing awareness about crimes committed towards women and domestic violence and number of participants (30)</li> </ol> <p><b>Status:</b> Mostly implemented</p> <p><b>Progress:</b> 65%</p>
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The first direction (increasing effectiveness of combat against violence towards women and domestic violence) of the third objective has three indicators. The first one is the number of

criminal prosecutions initiated on domestic violence. According to the information provided by the PSG, the number of initiated criminal prosecutions on crimes of violence towards women and domestic violence is much higher compared to the previous years. While in 2016 criminal proceedings were initiated in 1356 cases, in 2018 this number was 3955.



In 2017, the Ministry of Internal Affairs registered 2192 cases of domestic violence,<sup>95</sup> the same year the PSG started criminal prosecution in 1986 cases, which is a welcome development and points to the effectiveness of the PSG in this regard. **Therefore, based on the first indicator, this measure of the third goal/objective has been implemented.** Meanwhile, it is essential that the work continues on development of a unified methodology for processing statistical data and for revealing gender dimension of domestic violence crimes, as is outlined in the report of the Public Defender.<sup>96</sup>

The second indicator of the first direction of the second goal is the number of specialized prosecutors working on cases of violence towards women and domestic violence and their workload. According to the information provided by the PSG, 161 prosecutors are specialized in domestic violence. As to the workload of prosecutors, PSG explained that there is no well-structured mechanism for monitoring the workload of prosecutors based on all necessary criteria. The provided information indicates that one prosecutor has approximately 24 domestic violence cases a month. At the same time, based on the trial monitoring of VAW and domestic violence cases carried out by IDFI's partner organization association "DEA" in Saegrelo-Zemo Svaneti region,<sup>97</sup> a problem of overburdening prosecutors working on such cases was detected. From the

<sup>95</sup> A report on effectiveness of audit – mechanisms of protection and prevention of domestic violence (2019), State Audit Service, p. 9.

<sup>96</sup> A report on condition of human rights and freedoms in Georgia (2018), Public Defender of Georgia, pp. 133-134.

<sup>97</sup> Trial monitoring under the „Prime” project has been carried out since July 2018. Representatives of IDFI and its partner organizations observe court hearings of VAW, domestic violence and hate crimes. Based on the monitoring, relevant policy document and recommendations will be provided to the PSG.

report provided by the association “DEA” to IDFI, a single prosecutor has to simultaneously work on a few cases with court trials on the same day. There have been number of occasions when such prosecutor was late on other court hearing due to this problem. The trial monitors concluded that such overburdening of the prosecutors significantly affects the quality of handling a criminal case. **Therefore, based on the second indicator, this component of the third goal/objective has not been implemented.**

The third indicator of the first direction of the third objective examines measures implemented for raising awareness about violence committed towards women and domestic violence and the number of individuals impacted by such measures. According to the information provided by the PSG, 241 informational meetings on violence towards women and domestic violence were conducted in 2018 throughout Georgia (in all regions). Each meeting was attended on average by 50 participants (school students, teachers, university students, public officials, local population). The following topics were discussed:

- Definition of domestic violence;
- Forms of violence;
- Rights of a victim/status assignment;
- Obligation to report on cases of domestic violence/violence towards women;
- Protection mechanisms and services;
- Review of harassment.

Informational meetings are a traditional method of raising awareness on specific issues. However, it is recommended to use other, more innovative methods, when possible, allowing for larger scale and better results. However, as of now, **based on the third indicator, this measure of the third objective should be considered implemented.**

**As of 2018, out of three indicators of the first direction of the third goal/objective of the PSG Action Plan, two show that this goal attainment mechanism has been implemented and one shows that it has not been implemented. Therefore, the first direction of the third objective has been mostly implemented and its implementation progress is 65%.**

<p><b>Improvement of the mechanisms for detecting facts of torture and mistreatment</b></p> <p>(weight of the goal (objective) attainment mechanism - 40)</p> <p><b>Outcome Indicators</b></p> <p>1. Rate of criminal prosecution initiation on cases of torture and mistreatment (50)</p> <p>2. Number of specialized /trained prosecutors working on torture and mistreatment and their workload (50)</p> <p><b>Status:</b> partly implemented</p> <p><b>Progress:</b> 15%</p>
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The second direction (combat against torture and mistreatment) of the third objective has two indicators. The first one is the number of initiated criminal prosecutions on cases of torture and mistreatment. According to the information provided by the PSG, in 2016 criminal proceedings were initiated in 10 cases. Five of these involved mistreatment by the employees of the Department of Penitentiary and five – from employees of police. In 2017 criminal proceeding were initiated against 17 individuals – three police employees and 14 officials of the Department of Penitentiary. In 2018 criminal proceedings were initiated against 15 individuals, including 12 policemen and three officials of the Department of Penitentiary. According to the report of the Public Defender,<sup>98</sup> when studying the cases of torture and inhuman treatment, facts of incorrect qualification of the case, problems connected to the victim involvement and comprehensive, objective investigation were detected. Based on the same report, in the investigations started by the PSG on torture and inhuman treatment, number of revealed and prosecuted criminals is low as well as precise legal qualification. In 2018, the PSG started investigation on 367 facts of mistreatment or torture and 90% of them were qualified as abuse of authority. According to the same report (further confirmed by the statistics of Ministry of Internal Affairs and PSG), from the mentioned 367 cases, only 15 individuals were prosecuted. Figures provided by the PSG and Ministry of Internal Affairs is a little different: 388 registered facts and 16 prosecutions (4%). The situation was similar in 2017, when out of 272 registered facts, prosecution was carried out only in eight occasion (3%). Such a low level of prosecution is clearly unacceptable. The fact that in about 96% of registered fact, no prosecution is initiated does not indicate effective fight against such crimes and shows that the issue needs to be further studied and analyzed. Challenges revealed by the Public Defender's report also need to be taken into consideration. **Therefore, based on the first indicator, this component of the third goal/objective has not been implemented.** It is essential that the PSG analyze this issue in cooperation with the Ministry of Internal Affairs, reveal existing challenges, their causes and define ways of overcoming them.

The second indicator of the second direction of the third objective is the number of prosecutors working on torture and inhumane treatment and their workload. According to the information provided by the PSG, prosecutors from various structural units work on this crime and defining a specific number is not possible. The Department of Prosecutorial Supervision and Strategic Development oversees workload of individual prosecutors. It is to be welcomed that prosecutors' workload is still assessed to the extent possible in the absence of a well-functioning system. However, based on this indicator, in order to fully accomplish the objective, it is necessary to have a regulated system (e.g. order of Prosecutor General, guidance document) detailing the mandatory components and methodology of the prosecutor's workload assessment, etc., which would enable for prosecutor's workload to be assessed based on all the necessary data. **Accordingly, based on the second indicator, this component of the second objective is partly implemented.**

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<sup>98</sup> A report on condition of human rights and freedoms in Georgia (2018), Public Defender of Georgia, pp. 82-83.

As of 2018, from the two indicators of the second direction of the third goal/objective of the PSG Action Plan, one shows partial implementation of this component and another one – no implementation. Therefore, the second direction of the third goal is partly implemented and its implementation progress is 15%.

**Increase of effectiveness of detection and criminal prosecution of hate-motivated and discriminatory crimes**

(weight of the goal (objective) attainment mechanism - 30)

**Outcome Indicators**

1. Rate of criminal prosecution initiation of cases of hate-motivated and discriminatory crimes (50)
2. Number of specialized/trained prosecutors working on hate-motivated and discriminatory crimes (50)

**Status:** partly implemented

**Progress:** 45%

The third direction (increasing effectiveness of combat against discriminatory and hate-motivated crimes) of the third objective has two indicators. The first one concerns the rate of initiated criminal proceedings on discriminatory and hate motivated crimes. According to the information provided by the PSG, in 2016-2017 criminal prosecution was initiated against 44 - 44 persons each year, while in 2018 the number was 151. As the statistics show, the number of prosecuted people tripled in 2018. Meanwhile, the 2018 report of the Public Defender points out that most of the victims (sexual minorities) complain about harassment and homophobic treatment from law-enforcement officials. In 2018 the Public Defender studied 13 such cases.<sup>99</sup> In the same year the PSG initiated investigation on for occasions. According to the information provided by the PSG, although 14 investigations were carried out no one was charged in 2016-2017 for harassment, inadequate response, and homophobic treatment from law-enforcement officials. One case was terminated based on Article 105 (1(a)) of the Criminal Code, other investigations are still continuing.

Even though the rate of prosecutions tripled in 2018 compared to 2016, the number is still low on prosecuting public officials for hate motivated crimes. It is not welcoming that there are no outcomes for investigations that started in 2016 – no victims or convicts are identified. This proves that there are challenges in this direction. The PSG needs to carry out relevant measures to increase the number of detection as well as prosecution for hate crimes allegedly committed by public officials. **Therefore the first indicator demonstrates that this component of the third goal/objective has been partly implemented.**

The second indicator of the third direction of the third objective is the number of specialized prosecutors working on discriminatory and hate-motivated crimes and their workload. According

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<sup>99</sup> Public Defender of Georgia, Report on human rights protection in Georgia (21018), p. 139, <http://ombudsman.ge/res/docs/2019042620571319466.pdf>.



to the information provided by the PSG, the selection process of prosecutors to be specialized on hate-motivated crimes started in 2017. By 2018, 28 prosecutors were specialized. Additionally, within the PrIME project 60 prosecutors and investigators (including from regions) were retrained on hate-motivated crimes. It is essential that work in this direction continues. Due to the low volume of such cases, the number of prosecutors can be considered acceptable. However, since the workload of prosecutors is not being adequately monitored within the PSG (as it was mentioned a few times above), this component cannot be considered as complete. **Therefore, the second indicator shows that this component of the second goal/objective has been partly implemented.**

**As of 2018, out of the two indicators of the third direction of the third goal/objective of the PSG Action Plan, both indicate partial implementation of this component. Therefore, the third direction of the third objective has been partly implemented and its implementation progress is 45%.**

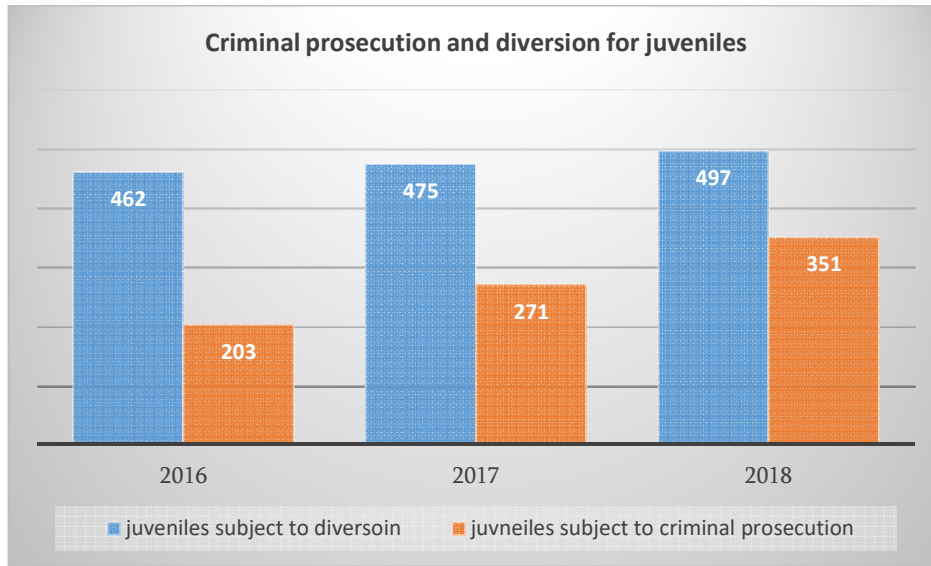
### 3.4. Objective 4. Creating an effective juvenile justice system

The fourth goal and objective of the PSG Action Plan envision establishing an effective juvenile justice system. Four indicators were defined for assessment of achievement of this goal/objective within the monitoring process. The indicators assess the implementation progress of effective juvenile justice system qualitatively and quantitatively.

**As of 2018, out of the four indicators of the fourth goal/objective of the PSG Action Plan, three indicate to full and one – partial implementation of the objective. Therefore, the fourth objective has been mostly implemented and its implementation progress is 88%.**

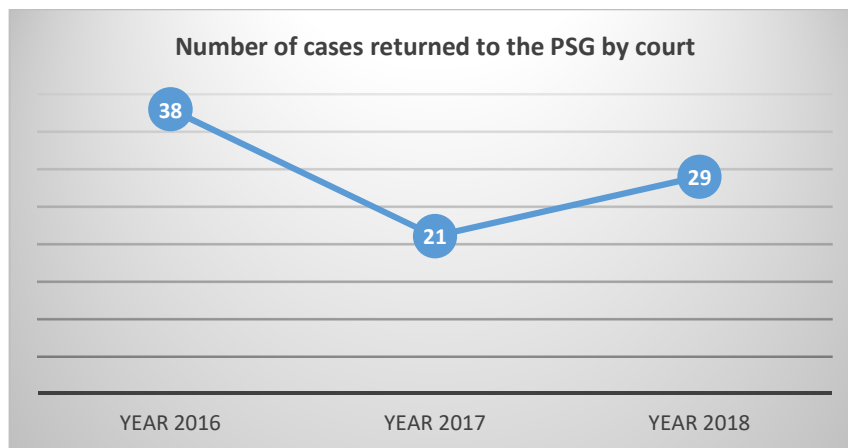
<p><b>Outcome Indicators</b></p> <ol style="list-style-type: none"> <li>1. Percentage of application of alternative measures (diversion, mediation, etc.) instead of criminal prosecution in cases of crimes committed by juveniles (25)</li> <li>2. Number of cases returned by court for diversion (20)</li> <li>3. Number of prosecutors specialized in juvenile justice and their workload (20)</li> <li>4. Indicator of cooperation with other agencies on cases of juvenile justice (10)</li> <li>5. Percentage of juveniles that re-offended in the duration of an alternative measure (diversion, mediation, etc.) (25)</li> </ol> <p><b>Status:</b> Mostly implemented</p> <p><b>Progress:</b> 88%</p>
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The first indicator of the fourth objective examines the percentage of alternative measures to criminal prosecution (diversion, mediation, etc.) applied on crimes committed by juveniles. According to the information provided by the PSG, in 2016-2018 the number of juveniles towards whom an alternative measure was applied is consistently higher compared to the number of juveniles against whom criminal prosecution was initiated.



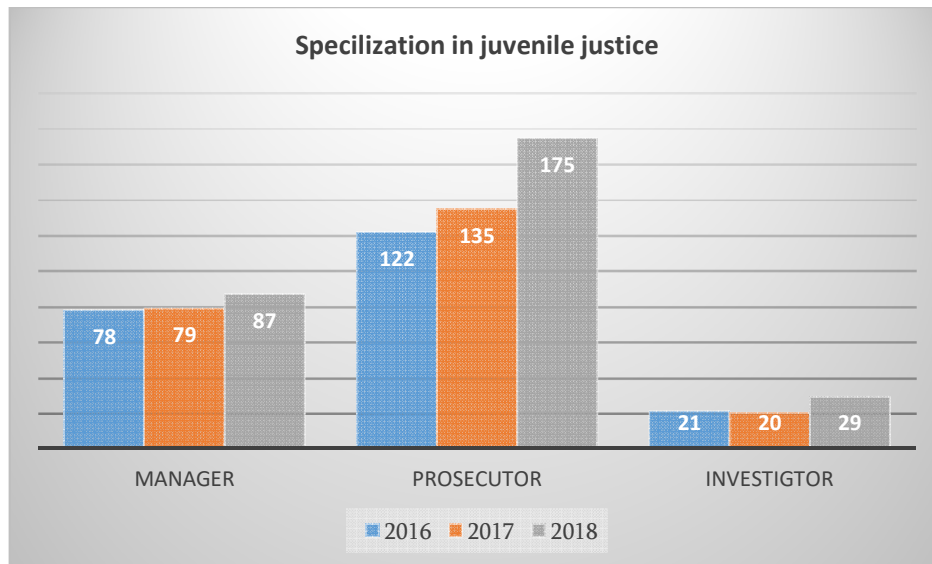
Even though the number of juveniles to whom criminal prosecutions was applied was increased in 2018, the consistent application of the alternative measures in cases of crimes committed by juveniles is a welcome development and it is essential that this practice is maintained. **At this stage, the objective should be considered as implemented in this component.**

The second indicator of the fourth objective concerns the number of cases returned to the PSG by court for diversion. According to the information provided by the PSG, the number of juvenile cases where a judge refused to apply criminal proceedings and returned the case to the PSG for diversion has declined in 2018 compared to 2016.



As the PSG data demonstrates, in 2017 the number of cases returned to the PSG by court was smaller by eight cases compared to 2018, however compared to 2016, this indicator decreased by 24%, which is a welcome development. **Therefore, this component of the fourth objective can be considered implemented.**

The third indicator of the fourth objective is the number of specialized prosecutors working on juvenile justice and their workload. According to the information provided by the PSG, in 2016 78 managers, 122 prosecutors and 21 investigators were specialized in juvenile justice, and the number has been growing steadily in the following years.



As the information provided by the PSG demonstrates, the number of prosecutors specialized in juvenile justice grew by 30% in 2018 compared to 2016, the number of specialized investigators and managers has also increased. This is a positive trend. Meanwhile, it's important that the number of specialized prosecutors, investigators, and managers continues to grow in accordance with the needs and that the specialized employees are re-trained consistently. As for the workload of the prosecutors working on juvenile justice, according to the information provided by the Prosecutor's Office, there is no program within the PSG that would automatically assess the Prosecutor's workload based on all necessary data. It is to be welcomed, however, that prosecutors' workload is still assessed to the extent possible in the absence of a well-functioning system. However, based on this indicator, in order to fully accomplish the objective, it is necessary to have a regulated system (e.g. order of Prosecutor General, guidance document) detailing the mandatory components and methodology of the prosecutor's workload assessment, etc., which would enable for prosecutor's workload to be assessed based on all the necessary data. **Accordingly, based on the third indicator, this component of the fourth objective has been partially implemented.**

The fourth indicator of the fourth objective is the percentage of juveniles who reoffended during the alternative measures (diversion, mediation, etc.). According to the information provided by the PSG, from 462 juveniles that were part of diversion or diversion-mediation, five (1%) reoffended in the duration the alternative measure in 2016; in 2017 from 475 diverted juveniles – 13 reoffended (8%); while in 2018 from 497 juveniles – 8 (2%) committed a crime in the duration of the alternative measure. As this data shows, the number of juveniles who reoffend in the duration of

alternative measures is consistently low, demonstrating effectiveness of this mechanism and its proper utilization by the PSG. **Therefore, according to the fourth indicator, the fourth objective can be considered as implemented.**

### 3.5. Objective 5. International cooperation on criminal cases

The fifth goal and objective of the PSG Action Plan concern international cooperation on criminal cases. Two indicators have been defined for the assessment of achievement of this goal/objective within the monitoring process.

**As of 2018, from the two indicators of the fifth goal/objective of the PSG Action Plan, one shows full and another shows partial implementation of the objective. Therefore, the fifth objective has been mostly and its implementation progress is 80%.**

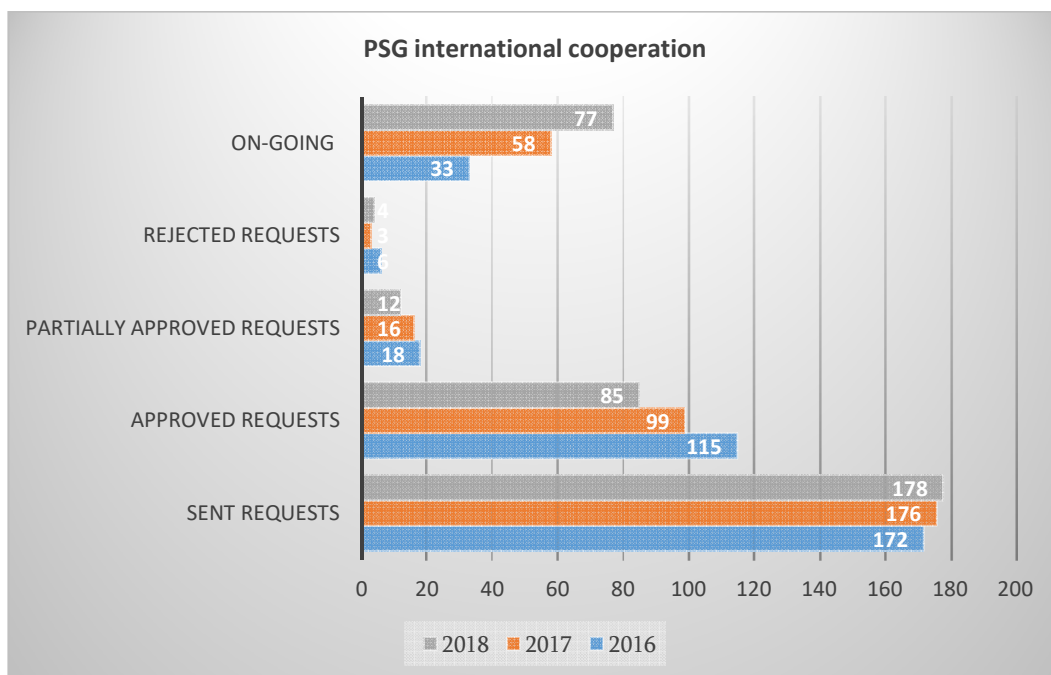
#### Outcome Indicators

1. Number of requests received from other countries and satisfied by the PSG (50)
2. Number of requests sent by the SPG and satisfied by other countries (50)

**Status:** Mostly implemented

**Progress:** 75%

The first indicator of the fifth objective is the number of requests received from other countries and satisfied by the PSG. According to the information provided by the PSG, level of international cooperation has remained stable throughout the years. The number of legal assistance requests sent to other countries has increased slightly, however the approval rate has not increased. As to the approved legal assistance requests, in 2017 the number has significantly decreased compared to 2016 – 14%.



As the chart above demonstrates, compared to 2016, in 2017-2018, the number of sent requests by the Office of Prosecutor General (POG) to other countries is almost the same, and the rejected requests for legal decreased slightly. However, the number of approved requests for legal assistance decreased by 14% in 2017 compared to 2016. In 2018 (compared to 2016), approved requests decreased by 26%, which is partially due to the fact that on some of the, the response has not been received yet. Based on the data, no significant progress can be accounted for from 2016 to 2018 in international cooperation, however, the number of rejected requests is not high. **Based on this indicator, the objective can be considered as partly implemented.**

The second indicator of the fifth objective examines the number of requests received and approved by the POG on legal assistance on criminal cases within the framework of international cooperation. According to the information provided by the POG, in 2016 the POG received 1258 requests for legal assistance from foreign countries, out of which 88.4% was approved. In 2018 the number of requests was 1457 and 86% was approved on about 2% of the requests the work continues. Number of rejected requests remained similar in 2016-2018 – 12%. As per the information provided by the POG, most common reasons for rejecting requests from foreign countries are: absence in the country of the requested person (about 85%), violation of non bis in idem principle by the requesting country (10%) and lack of facts for reasonable doubt (5%). These data indicate productive international criminal cooperation from Georgia's side. **Therefore, based on the second indicator, the fifth objective can be considered as implemented.**

### 3.6. Objective 6. Enhancement of quality of prosecutorial activities and development of homogenous criminal justice policy

The sixth goal and objective of the PSG Action Plan envision enhancement of the quality of prosecutorial work and establishment of a homogenous criminal justice policy. Five indicators with equal weights were defined for the assessment of achievement of this goal/objective within the monitoring process. The indicators assess implementation of the objective qualitatively and quantitatively.

**As of 2018, out of the five indicators of the sixth goal/objective of the PSG Action Plan four show that the objective has been fully implemented, while one indicates no implementation. Therefore, the sixth objective has been mostly implemented and its implementation progress is 80%.**

#### Outcome Indicators

1. Share of prosecutors, investigators and interns that have been retrained in legal writing (20)
2. Percentage of managers and their deputies, whose job descriptions are explicitly developed in accordance with the document on the separation of functions (20)
3. Case distribution system satisfies transparency and impartiality criteria and is in compliance of the recommendations of the fourth round of GRECO (component on dismissing a prosecutor from a case and appointing another) (20)
4. Compliance of prosecutor performance monitoring with the recommendations of the fourth round of OECD-ACN (20)
5. Percentage of prosecutors and investigators that have been retrained in investigative methodologies (20)

**Status:** Mostly implemented

**Progress:** 80%

The first indicator of the sixth objective is the share of prosecutors, investigators, and interns that have been retrained in legal writing. According to the information provided by the PSG, in 2016-2018, 20 trainings on legal writing were organized, more than 300 prosecutors and investigators were retrained. In the same period, 150 interns were trained in legal writing in four training sessions. Organization of such educational activities for prosecutors and interns is a welcome step. The number of retrained prosecutors and interns in these three years is acceptable. **Therefore, based on the first indicator, the sixth objective has been implemented.**

The second indicator of the sixth objective is the number of PSG managers and their deputies whose job descriptions are officially defined in accordance with the official document on separation of functions. According to the information provided by the PSG, the total number of PSG managers and their deputies was 130 in 2018. However, no information was provided on the number of managers and their deputies whose job descriptions are officially defined in accordance with the official document on separation of functions. **Therefore, based on the second indicator, the sixth objective cannot be considered as implemented.**

According to the third indicator of the sixth objective, the case allocation system of PSG should satisfy criteria of objectiveness and transparency and should comply with the recommendation of the fourth round of GRECO (the component on withdrawing a case from a prosecutor and its assignment to another prosecutor). According to the information provided by the PSG, in 2018, a working group established within the PSG, developed a proposal on refinement of the case allocation system. The document has been approved by the Prosecutor General's Order. The document determines criteria (such as specialization, workload, etc.) that need to be taken into consideration in case distribution. Furthermore, obligation of written justification of case withdrawal has been set. It needs to be noted that based on the GRECO fourth round compliance report, this component was considered as implemented. **Therefore, according to the third indicator, the sixth objective has been implemented.**

The fourth indicator of the sixth objective is the compliance of the prosecutor performance monitoring system with the recommendations of the fourth round of OECD-ACN. According to this recommendation, the number of completed cases or the number of not-guilty court rulings should not be used as evaluation criteria of prosecutors.<sup>100</sup> The prosecutor evaluation system, implemented at the PSG, does not consider the number of completed cases or the number of not-guilty rulings as evaluation criteria. According to the information provided by the PSG, the prosecutors are evaluated based on the following general directions: workload indicators, quality of justification of procedural documents, quality of support of state guilty charge in court, supervisor's assessment, compliance with disciplinary and ethics norms, training results and other activities.

The purpose of examining procedural document within the evaluation system is to assess justifications provided in the procedural document and its compliance with the law, for general assessment of the situation, as well as, for evaluation of a specific prosecutor. The quality of procedural documents is evaluated based on the evaluation criteria confirmed by the Chief Prosecutor, which was provided in advance to all employees from all structural units of the PSG. Compliance of the procedural documents with legislation and linguistic standards is evaluated – to what extent do the procedural documents comply with the criteria established by the evaluation system document.

The evaluation system includes criteria for assessment of the quality of support of state charge in court by a prosecutor at each stage of court proceedings. Court skills and qualifications, as well as challenges and areas for further future development for individual prosecutors are identified in the evaluation process. A special form has been developed for such evaluations, allowing for

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<sup>100</sup> Progress Update Report – Georgia, March, 2019, Recommendation 13.3;  
<https://www.oecd.org/corruption/acn/OECD-ACN-Georgia-Progress-Update-2019-ENG.pdf>.



implementation of a standardized methodology and predefined criteria in evaluation of individual prosecutors.

Recommendations on addressing the identified shortcomings in the monitoring process are forwarded to the appropriate structural units of the PSG.

As the provided information demonstrates, the prosecutor evaluation criteria are clearly defined and the assessments are conducted using a unified, transparent system. The recommendation of OECD-ACN has been implemented in practice which is demonstrated by the progress report organization. **Therefore, based on the fourth indicator, the sixth objective can be considered as implemented.**

The fifth indicator of the sixth objective is the percentage of prosecutors and investigators that have been retrained in investigative methodologies. According to the information provided by the PSG, in 2016-2018, 170 prosecutors and investigators were retrained in investigative methodologies in 23 educational sessions. This number prosecutors and investigators trained in three years is acceptable. It is important, that the retraining of prosecutors and investigators continues in this direction in the coming years. **Based on the fifth indicator, the sixth objective can be considered as implemented.**

### 3.7. Objective 7. Increasing public trust

The seventh goal and objective of the PSG Action Plan envision increasing public trust. Three indicators have been defined within the monitoring process for the evaluation of achievement of this goal/objective, assessing the implementation qualitatively and quantitatively.

**As of 2018, out of the three indicators of the seventh objective of the PSG Action Plan, two show full and one – no implementation of the objective. Therefore, the seventh objective has been mostly implemented and its implementation progress is 60%.**

#### Outcome Indicators

1. Percentage of population that trusts the Prosecutor's Office (40)
2. Prosecutor's Office employee turnover rate (30)
3. Growth/reduction of Prosecutor's Office expenditure on civil and administrative legal disputes (30)

**Status:** mostly implemented

**Progress:** 60%

The first indicator of the seventh objective is the percentage of population that trusts the PSG. According to the information provided by the PSG, it does not possess such data. It's essential that the PSG conduct such research, as the objective of increasing public trust in this institution, as defined by the Action Plan, cannot be otherwise measured. IDFI, within the PrIME project and in

cooperation with CRRC, conducted several surveys. The study showed that more than a quarter of the population (27%) believed that the PSG abuses its power frequently and only 8% believed that the PSG never abuses its power. More than a half of the population (52%) trusts the PSG and at the same time, 41% of the population believes the PSG does not conduct criminal prosecution of current high officials objectively.<sup>101</sup> While the CRRC study on public trust towards the PSG cannot serve measuring increase in public trust as the initial and final studies need to be conducted on unified methodology, it still shows that large part of the population is skeptical towards the PSG. **Therefore, based on this indicator, the seventh objective cannot be considered as implemented.**

The second indicator of the seventh objective is the index of employee turnover at the PSG. According to the information provided by the PSG, the turnover indicator in 2016 was 8.3%, while in 2018 the number was 9.8%. As the figures demonstrate, the number of employees leaving the PSG is consistently low. **Therefore, based on the second indicator, the seventh objective can be considered as implemented.**

The third indicator of the seventh objective is the index of change in financial resources (increase or decrease) spent on administrative and civil lawsuits against the PSG. According to the information provided by the PSG, 570,876.87GEL was spent in 2016 for this reason while in 2018 the number was 406,020.00 GEL. The amount spent by the PSG on administrative lawsuits was decreased by 30% in 2018 and in total, it only constitutes 1% of the total PSG annual budget. **Based on the third indicator, the seventh objective can be considered as implemented.**

### 3.8. Objective 8. Crime prevention

The eighth goal and objective of the PSG Actin Plan concern crime prevention. Two indicators have been defined within the monitoring process to assess achievement of this objective.

**As of 2018, out of the two equally weighted indicators of the eighth goal/objective of the PSG Action Plan, one shows full and another – no implementation of the objective. Therefore the eighth objective has been partly implemented and its implementation progress is 50%.**

#### Outcome Indicators

1. Completion rate of individual action plans by all regional prosecutor's offices (50)
2. Number of implemented preventive measures (50)

**Status:** Partly implemented

**Progress:** 50%

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<sup>101</sup> Georgians are split over attitudes towards the Prosecutor's Office, IDFI (2019), <https://idfi.ge/ge/georgians-are-split-over-prosecutor-office-in-georgia-visualization>.

The first indicator of the eighth objective is the index of completion of individual action plans, related to crime prevention, by all regional prosecutors' offices. According to the information provided by the PSG, in January 2018 all regional offices of the PSG developed individual action plans agreed with the working group. Each action plan included preventive measures aimed at increasing effectiveness of combat against individual crimes, as defined in the PSG Action Plan. The information presented shows that the number of preventive measures carried out is more than 10 and are in line with the action plans. Concerning the results of the implementation of the aforementioned action plans, the Prosecutor's Office indicates that the individual action plans of the regional Prosecutor's Offices are not approved by a normative and/or individual act and therefore it does not have the obligation to provide IDFI with internally used documents. Nevertheless, the Prosecutor's Office provided IDFI with a sample of one of the regional action plans.

IDFI believes that sufficient information is needed to be publicized on the implementation objectives and measures envisaged by the agency's action plan. It is unjustified that information on action plans and/or their implementation by regional prosecutor's offices is closed. Accordingly, IDFI welcomes the submission of a sample of the regional action plan by the POG (although the document is substantially flawed – it only includes three planned events). All of the three measures determined in the presented document have been implemented, however, the indicator is the implementation of all district action plans, which cannot be measured by the pattern of one action plan. **Consequently, at this stage, according to the first indicator, the eighth objective cannot be considered as implemented.**

The second indicator of the eighth objective is the number of preventive measures implemented by the PSG. According to the information provided by the PSG, regional prosecutor's offices participating in the project "Public Prosecutor's Office" (all regional prosecutor's offices, 28, participate in the project) implemented preventive measures as defined in the Action Plan. In 2016-2018, the statistics for implemented preventive measures is as follows:

- 2016 - 178 activities;
- 2017 - 556 activities;
- 2018 - 706 activities.

Activities organized in 2018 are displayed according to district and regions in the table below:

N	Prosecutor's Office	Number of activities	Region	Number of activities per region
1	Batumi	24	Adjara	66
2	Khelvachauri	31		
3	Ozurgeti	11		

4	Zugdidi	60	Samegrelo, Zemo Svaneti	181
5	Senaki	96		
6	Poti	17		
7	Mestia	8		
8	Kutaisi	29	Western Georgia (Imereti, Racha- Lechkhumi)	163
9	Zestaponi	41		
10	Samtredia	61		
11	Sachkhere	16		
12	Ambrolauri	16		
13	Mtskheta	16	Shida Kartli and Mtskheta-Mtianeti	35
14	Gori	14		
15	Khashuri	5		
16	Telavi	24	Kakheti	45
17	Gurjaani	14		
18	Sighnaghi	7		
19	Rustavi	29	Kvemo Kartli	56
20	Bolnisi	14		
21	Marneuli	13		
22	Akhaltzikhe	27	Samtskhe-Javakheti	49
23	Akhalkalaki-Ninotsminda	22		
24	Vake-Saburtalo	41	Tbilisi	111
25	Old Tbilisi	13		
26	Didube-Chugureti	32		
27	Gldani-Nadzaladevi	16		
28	Isani-Samgori	9		
		706		706

Within the project, activities were organized in four main directions: educational-intellectual, cultural, sport and social, which in turn include various types of activities.

The PSG’s active work on preventive measures and activities is a welcome development and it’s essential that the trend continues in the coming years. **As of now, based on the second indicator, the eighth objective can be considered as implemented.** It needs to be mentioned here that crime prevention requires complex approach and involvement of all relevant institutions. Therefore, it is not recommended to include such objective in one agency’s action plan – it should be better suited to the agency’s capacity.

### 3.9. Objective 9. Improving work environment

The ninth goal and objective of the PSG Action Plan envision improving the work environment at the PSG. Five indicators were defined within the monitoring process to evaluate the achievement of this objective, assessing it qualitatively and quantitatively.

**From the five, equally-weighted indicators of the ninth goal/objective of the PSG Action Plan, four have been completed, one is incomplete. Therefore, by 2018, the ninth objective is mostly completed and its implementation progress is 80%.**

<p><b>Goal (Objective) 9. Improving the work environment</b></p> <p><b>Outcome Indicators</b></p> <ol style="list-style-type: none"> <li>1. Prosecutor’s Office employee turnover indicator (20)</li> <li>2. Number of labour legal disputes lodged by current/former employees of the Prosecutor’s Office (against the Office) (20)</li> <li>3. Indicator of employee incentives (20)</li> <li>4. Number of code of ethics violation by the employees of the Prosecutor’s Office (20)</li> <li>5. Number of applications/complaints filed within the whistle-blower system and an indicator of response (20)</li> </ol> <p><b>Status:</b> mostly implemented</p> <p><b>Progress:</b> 80%</p>
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The first indicator of the ninth objective is the index of employee turnover at the PSG. According to the information provided by the PSG, the turnover indicator in 2016 was 8.3%, while in 2018 the number was 9.8%. As the data demonstrates, the number of employees leaving the PSG is consistently low. **Therefore, based on the first indicator, the ninth objective can be considered as implemented.**

The second indicator of the ninth objective is the number of labor disputes of the PSG employees/former employees (against the PSG). In 2016, one complaint was filed against the PSG in court, the case is ongoing. One complaint was filed in 2018, as well. The numbers are consistently low in the recent years, it’s essential that this trend continues in the coming years. **Based on the second indicator, the ninth objective can be considered as implemented.**

The third indicator of the ninth objective is an index of employee incentivization. According to the information provided by the PSG, incentives were applied for 152 employees in 2016. The forms of incentives included: awarding a special state rank earlier than scheduled, awarding honorary employee status, appreciation, purging of previously given disciplinary sanction. In 2018, incentives were applied towards 217 employees using the same forms (and financial rewards). The information demonstrates that the organization is concerned about employees' satisfaction and **therefore, based on the third indicator, the ninth objective can be considered as implemented.**

The fourth indicator of the ninth objective is the number of deviations from ethics norms by the PSG employees. According to the information provided by the PSG, this data is published annually on the website of the PSG.<sup>102</sup> In 2016, the General Inspectors Office of the POG conducted 64 inspections of 126 employees of the PSG. As a result of the inspections, disciplinary sanctions were given to 28 employees, recommendations were given to 62, while 12 employees, based on their personal request, have been dismissed from the PSG.

In 2018, the POG conducted 66 inspections of 112 employees. Seven employees were given disciplinary penalties based on their misconduct, four employees have resigned based on their personal requests; recommendations to address shortcomings revealed during the inspection were given to 23 employees.

The presented information demonstrates that the code of ethics has been successfully implemented, as the number of disciplinary measures used has declined compared to 2016. **Based on the fourth indicator, the ninth objective can be considered as implemented.**

The fifth indicator of the ninth objective is the number of complaints received within the whistleblower system and the response rate. According to the information provided by the PSG, in 2016 and 2018 there were no cases of whistleblower complaints/reports. In 2017 the PSG received seven such reports. Five of them were sent to the appropriate department of the Chief Prosecutor's Office, while in two cases no specific crimes could be identified. Such a low rate of whistleblower notification requires attention. The PSG must study this issue and take appropriate actions, such as raising awareness about whistleblowing and their protection mechanisms within its system. Unfortunately, there are no results of the filed five complaints, sent from one department of the PSG to another. **Therefore, based on the fifth indicator, the ninth objective cannot be considered as implemented.**

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<sup>102</sup> [http://pog.gov.ge/res/docs/angarisi19\\_07\\_2017.pdf](http://pog.gov.ge/res/docs/angarisi19_07_2017.pdf);  
<http://pog.gov.ge/res/docs/6tebervalimtavariprokurorisangarishi.pdf>;  
<http://pog.gov.ge/res/docs/2018angarishigeninspeqcia.pdf>.

### 3.10. Objective 10. Improving professionalism and qualifications of the PSG employees

The tenth goal and objective of the PSG Action Plan envision improvement of professionalism and qualifications of employees. Three indicators have been defined within the monitoring process for assessing the achievement of this goal/objective qualitatively and quantitatively.

**As of 2018, out of the three indicators defined for the tenth goal/objective of the PSG Action Plan, all show that the objective has been implemented. Therefore the tenth objective has been fully implemented and its progress is 100%.**

#### Outcome Indicators

1. Number of Prosecutor's Office employees (management and non-management) that have undergone relevant professional training (30)
2. Number of employees involved in the performance evaluation (35)
3. Rate of annual criminal prosecutions (35)

**Status:** Fully implemented

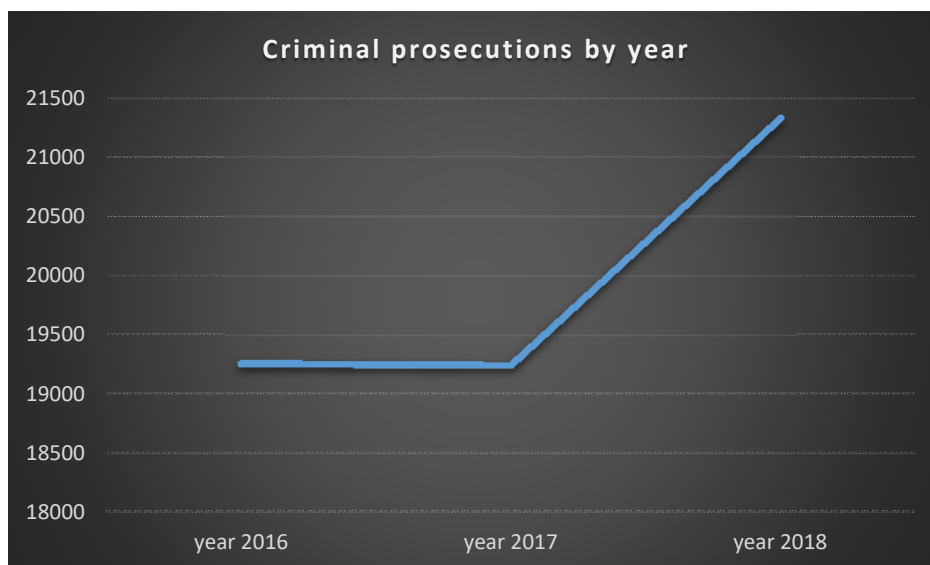
**Progress:** 100%

The first indicator of the tenth objective is the number of employees (managers and non-managers) that took professional retraining most relevant to them. According to the information provided by the PSG, 195 educational activities were organized in 2018 with more than 2630 participants. Around the same number of employees were trained in 2016 and 2017. Information about the trained employees is presented under the activities of the second, third, tenth and other objectives. The employee training system works effectively at the PSG as confirmed by the activities foreseen by the Action Plan and their completion. **Based on the first indicator, the tenth objective can be considered as implemented.**

The second indicator of the tenth objective is the number of individuals enrolled in the performance evaluation system. According to the information provided by the POG, prosecutor performance evaluation system was officially implemented at the POG by the end of 2017 and in 2018 all prosecutors have been evaluated. **Therefore, based on the second indicator, the tenth objective can be considered as implemented.**

The third indicator of the tenth objective is the number of criminal cases managed by the PSG annually. According to the information provided by the PSG, in 2016-2018, the number of criminal prosecutions was 19266, 19251 and 21327 respectively.





58412 crimes were registered in 2018, compared to that, the number of criminal prosecutions in 2018 is satisfactory (35.6%). It must also be noted, that compared to 2016, the number of criminal prosecutions has significantly increased. It's important that the number continues growing. **Based on the third indicator, the tenth objective must be considered as implemented.**

#### 4. 2017 Monitoring of the PSG Action Plan Activity Implementation

For monitoring the implementation of the PSG Action Plan activities, information was requested from the Chief Prosecutor's Office of Georgia. IDFI requested information on activities implemented in 2017, according to predefined indicators. The Chief Prosecutor's Office presented narrative information and additional documents, including agendas, guidelines, studies, etc. In measuring implementation of activities, along with information provided by the PSG, IDFI relied on the monitoring results of regional partners – Civil Society Institute office in Batumi and Association Dea in Adjara and Zemo Svaneti, as well as, survey results of CRRG Georgia and independently obtained information.<sup>103</sup>

##### 4.1. Objective 1. Increasing independence of the PSG

The first goal and objective of the PSG Action Plan is increasing independence of the PSG. Six components (goal attainment mechanisms) are defined by the Action Plan for achievement of this goal, which in turn envision implementation of 10 activities in 2017. Seven out of these 10 activities were fully implemented, three – mostly. Positive assessment should be assigned to the fact that

<sup>103</sup> reports of sectoral action plan completion, etc.

there are no incomplete or partially complete activities under the first goal (objective) of the Action Plan. **The progress of implementation of the activities under the first objective is 88%.**

**Goal attainment mechanism 1.1.1.** Increase the role and the significance of the collegial bodies

**Activity:** Creation of working group to study best international practice on the roles and functions of collegial bodies

**Output Indicators**

1. Working Group members (40)
2. Best practices studied by the Working group (25)
3. Working group's operation format (35)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, in the second half of 2017 a working group was established at the PSG. The Working Group consisted of the following officials:

- Deputy head of the Department for Prosecutorial Supervision and Strategic Development;
- Chief of Administration of the Chief Prosecutor's Office;
- Head of Division for European integration and International Relations of the Department of Legal Affairs;
- Head of the Department for Human Resources and Development,
- Head of the General Inspection and a prosecutor from General Inspection.

Based on the decision of the working group, existing standards related to the advisory bodies of European countries, their composition and other related issues, opinions of the Venice Commission, etc. were studied.

The working group meets periodically and additionally exchanges information using email communications.

The activity was assessed to be fully completed and was assigned 100% progress mark, as the implemented activities met the minimum standard of establishing a working group. The working group is composed of representatives of various thematic departments and along with electronic communication, the group meets in direct face to face sessions. Additionally, the group defined international practice to be studied – experience of European countries and opinions of Venice Commission. Noteworthy are the opinions of the Venice Commission related to various countries and defined best practices across various directions, including roles and functions of collegial bodies. **Therefore, this activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 1.1.2.** Implementation of an evaluation system

**Activity:** Development of investigator evaluation criteria

**Output Indicators**

1. Best practice analysed for the development of prosecutors' evaluation criteria (50)
2. Prosecutors' evaluation criteria are approved by the order of the General Prosecutor (50)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, at the end of 2017, by the decree of the Chief Prosecutor, evaluation criteria of investigators of the PSG and prosecutors of Chief Prosecutor's Office were approved. The evaluation criteria were developed based on the experience of other countries and recommendations of international organizations (Venice Commission, OECD) on this topic. Based on studies of the best practices, evaluation of prosecutors will be based on procedural leadership, quality of state charge in court, justification in procedural documents, work in the electronic criminal justice case management system, compliance with disciplinary and code of ethics norms, achievements in trainings and other activities. The evaluation results will be taken into account in decisions on promotion, incentivisation and disciplinary measures for prosecutors.

According to the IDFI assessment, both indicators have been met, as international practice has been studied for the development of the evaluation criteria and the document was approved by the Chief Prosecutor's decree. It's important to analyse to what extent the evaluation results will be utilized in promotion and incentivisation process, however this will be analysed in the 2018 monitoring of appropriate measures. **Therefore, this activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 1.1.3.** Implementation of transparent disciplinary procedures

**Activity N1:** Upgrade the Code of Ethics

**Output Indicators**

1. Updated Code of Ethics is approved (20)
2. Structural units/persons involved in the preparation of the Code of Ethics (20)
3. The Code of Ethics among others contains norms on independence and neutrality of prosecutors, conflicts of interest, gifts, etc. (30)
4. Transparency and clarity of the Code of Ethics's enforcement mechanism (30)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, a working group, established based on an initiative from the General Inspection of the Chief Prosecutor's Office of Georgia, developed a code

of ethics regulating behaviour of PSG employees, detailing to the maximum extent possible the list of disciplinary misconduct. The Code was approved by the decree of the Minister of Justice on May 25, 2017.

Before approval of the new code of ethics, its project was introduced to the employees of the PSG and their opinions were reflected to the fullest extent possible. The project was also presented for comments to non-governmental organizations in Georgia, Department of Justice of the US Embassy and experts of EU project for Criminal Justice Support, their opinions were also reflected in the final document to the fullest extent possible.

The new code of ethics divides disciplinary misconduct according to their severity and specifies anticipated legal consequences of specific disciplinary misconduct.

All indicators of the activity are fulfilled, as the code of ethics was developed and approved in 2017, a special working group was involved in its development, the project was presented to employees, international and local organizations before its confirmation and their opinions were reflected in the final document. The project for the code of ethics was discussed on a session of the Interagency Council on Criminal Justice System Reform, attended by representatives of legislative, executive and judicial governments, as well as, local and international organizations.<sup>104</sup> The code of ethics takes into account all significant professional principles and norms, such as protection of human rights and freedoms, prohibition of discrimination, independence and freedom from influence, abuse of power, fairness and objectiveness, conflict of interest, gifts, etc.<sup>105</sup> Chapter VI of the Code of Ethics regulates disciplinary procedures in cases of violation of these norms: defines grounds for disciplinary liability, dividing them into mild, moderate, and grave misconduct, and defines disciplinary sanctions based on the severity of the misconduct. This satisfies criteria for clarity and predictability of norms and promotes implementation of the code of ethics in practice. **Therefore, this activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 1.1.3.** Implementation of transparent disciplinary procedures

**Activity N2:** Introduce the new Code of Ethics to prosecutors

**Output Indicators**

1. The form of introducing the new Code of Ethics to prosecutors (50)
2. The number of prosecutors to whom the new Code of Ethics was introduced (50)

**Status:** Mostly implemented

**Progress:** 75%

<sup>104</sup> 23rd Session of the Interagency Council on Criminal Justice System reform, <http://www.justice.gov.ge/News/Detail?newsId=5337>.

<sup>105</sup> Order N234 of May 23, 2017 of the Minister of Justice “On adoption of Code of Ethics of the Employees of the Prosecutorial Service of Georgia”, Articles 5, 7, 8 9, 22, 23.

According to the information provided by the PSG, on June 5, 2017 the updated Code of Ethics was sent to all employees of the PSG using the electronic document exchange system of PSG. Additionally, after the adoption of the new Code of Ethics, 14 trainings on conflict of interests were organized for the employees of PSG. 307 participants, including PSG investigators, consultants, specialists, and witness and victim coordinators were retrained. Two groups of interns, 62 participants also underwent a training on this topic. Participants in the educational courses came from various structural and territorial units of the PSG.

In the opinion of IDFI, presentation of the updated Code of Ethics to employees by providing an electronic document cannot be considered an effective method, unlike the trainings, in which employees were able to learn about the updates, discuss them, ask questions and receive answers, etc. As by 2017 not all employees have undergone the training on this topic, the activity cannot be considered fully implemented. **Therefore, this activity has been mostly completed and its implementation progress is 75%.**

**Goal attainment mechanism 1.1.3.** Implementation of transparent disciplinary procedures

**Activity N3:** Creation of Working Group for elaboration of explanatory document regarding Code of Ethics and Disciplinary Liabilities of Prosecutors

**Output Indicators**

1. Composition of the Working Group (60)
2. Format of operation of the Working Group (40)

**Status:** Mostly implemented

**Progress:** 51%

According to the information provided by the PSG, the working group on definition of terms related to the Code of Ethics and disciplinary misconduct consists of employees of the General Inspection of PSG. It is recommended that employees of Department of Prosecutorial Supervision and Strategic Development, Department of Human Resources, and others are also included in the working group on Code of Ethics. These departments, among other functions, are responsible for supervising implementation of recommendations and decrees of the Chief Prosecutor, detecting infringements and preparing proposals on disciplinary measures, etc.<sup>106</sup> Additionally, it is recommended that the activities that are already part of the department's competence and responsibility, not be counted towards implemented activities of a working group. **Therefore, this activity has been mostly implemented and its implementation progress is 51%.**

**Goal attainment mechanism 1.1.3.** Implementation of transparent disciplinary procedures

<sup>106</sup> Order of the Minister of Justice "On Ratification of the Resolution of the Chief Prosecutor of Georgia, 2013, Article 6, Paragraph 9

**Activity N4:** Training of Prosecution Service employees on standards of ethics

**Output Indicators**

1. The number of Prosecution Service employees who have been trained on the standards of ethics (40)
2. Relevance of the number of the trainings with the number of the employees having undertaken the trainings (30)
3. Duration of the training on standards of ethics carried out for Prosecution Service employees, relevance of training content with the training topic (30)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG 14 trainings on professional ethics and conflict of interests were organized for the employees of the PSG. 307 participants, including PSG investigators, consultants, specialists, and witness and victim coordinators were retrained. Two groups of interns, 62 participants also underwent a training on this topic. Participants in the educational courses came from various structural and territorial units of the PSG.

Based on the provided information, main indicators of the activity have been fulfilled. On average, each training had 22 participants, which is an optimal number for high quality trainings. Additionally, according to the agendas provided by the PSG, the trainings included topics on professional ethics of employees of PSG, conflict of interests and protection of personal data. An hour and a half was allocated to a discussion of each topic. Along with the analysis of relevant legislation, the participants discussed cases and examples. While not all employees have participated in these trainings, this is not a one-time activity and more training courses are planned for 2018. **Therefore, this activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 1.1.3.** Implementation of transparent disciplinary procedures

**Activity N5:** Conducting meetings of the Consultative Council

**Output Indicators**

1. The number of conducted meetings of the Consultative Council (50)
2. topics discussed by the Consultative Council (50)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, seven sessions of the Advisory Council were conducted in 2017. The sessions discussed incentivization, promotion and disciplinary liability of prosecutors and investigators.

Conducting seven meetings a year and discussing such important issues as incentivization, promotion and disciplinary liability of prosecutors and investigators can be considered as active work by the Advisory Council. **Therefore, this activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 1.1.4.** Reform of the employee rotation system

**Activity N1:** Establishment of a working group on the employee rotation system reform

**Output Indicators**

1. Composition of the Working Group (60)
2. Operation format of the Working Group (40)

**Status:** Mostly implemented

**Progress:** 51%

According to the information provided by the PSG, the working group was composed of employees of the Department of Human Resources.

Inclusion of employees of only one department in a working group cannot ensure achievement of the goal of the working group. An assessment of such practice was provided in the evaluation of the activity 1.1.2. Therefore, this activity cannot be considered fully completed, but as it has been practically implemented, it is **mostly implemented and its implementation progress is 51%.**

**Goal attainment mechanism 1.1.5.** Increasing independence of the Prosecutor's Office and prosecutors

**Activity N1:** Establishment of a working group on refining the Chief Prosecutor election rules

**Output Indicators**

1. Composition of the Working Group (60)
2. Operation format of the Working Group (40)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, the working group has been established and is composed of the following officials: deputy head of the Department for Prosecutorial Supervision and Strategic Development; head of Division for European Integration and International Relations of the Legal Affairs Department and head of the Legal Division of the Department of Legal Affairs. The working group conducts meetings, when such a need arises, and uses electronic communication channels.

It is commendable that the working group consists of representatives of various relevant departments, the working format – need-based meetings and electronic communication are also



acceptable. **Therefore, this activity has been fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 1.1.6.** Implementation of transparent procedures for appointment and promotion of employees at the Prosecutor's Office

**Activity N1:** Establishment of a working group on the procedures of appointment and promotion criteria of employees at the Prosecutor's Office

**Output Indicators**

1. Composition of the Working Group (60)
2. Operation format of the Working Group (40)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, a working group on the development of transparent procedures for hiring and promotion of employees at the PSG has been established and consists of the following individuals: deputy head of the Department for Prosecutorial Supervision and Strategic Development, head of Division for European Integration and International Relations of the Department of Legal Affairs, head of Department of Human Resources and Development. The working group meets periodically and exchanges information through electronic mail.

It is commendable that the working group consists of representatives of various relevant departments (however, it is recommended to also include non-managerial professionals who are responsible for specific issues). The working format – need-based meetings and communication through online channels is also acceptable. **Therefore, this activity has been fully completed and its implementation progress is 100%.**

#### 4.2. Objective 2. Increasing effectiveness of combat against individual crimes

The second goal and objective of the PSG Action Plan regards increasing effectiveness of combat against individual crimes. Eight components are assigned as mechanisms for achievement of this goal, which in turn includes 36 activities for 2017. From the 36 activities, 25 were fully implemented, six – mostly, three – partly and two have not been implemented. **The progress of implementation of the activities of the second objective is 85%.**

**Goal attainment mechanism 2.1.1.** Increase the effectiveness of the fight against trafficking

**Activity N1:** Establishment of a working group to reveal cases of labour trafficking, with participation from the representatives of the law enforcement bodies, guardianship and care bodies, and labour inspection agencies

**Output Indicators**

1. Composition of the Working Group (60)

2. Operation format of the Working Group (40)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG a working group on labour trafficking has been established and it is composed of the following officials: head of the Division for Human Rights Protection of the Chief Prosecutor’s Office of Georgia and a counsellor from the same division, head of the Department of Procedural Guidance of Investigation and Supervision of the General Inspection of the Ministry of Internal Affairs, Central Criminal Police and Patrol Police and a prosecutor specialized in trafficking, head of the Eastern Regional Unit of the Division of Fight Against Trafficking and Illegal Migration of the Main Division of Fight Against Organized Crime of the Central Criminal Police Department and a detective investigator of the Eastern Regional Unit of the Division of Fight Against Trafficking and Illegal Migration of the Main Division of Fight Against Organized Crime of the Central Criminal Police Department, head of the Department of International Public Law of the Ministry of Justice and a councillor from the same department, head of the Guardianship and Social Programs Department of the Social Service Agency, head of the Division of Children and Domestic Violence of the Social Service Agency, head of the Department of Labour Conditions Inspection of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia and a labour inspector of the Labour Conditions Inspection Department.

The first meeting of this working group was conducted on October 2, 2017 at the Chief Prosecutor’s Office of Georgia, where participants of the working group agreed on the format of coordinated cooperation and future plans. The interagency communication is conducted in written form, electronic mail and frequent telephone calls.

The working group on detecting labour trafficking facts is representative, and representatives of all relevant agencies, as well as, members of leadership and non-managerial employees are present in the group. Despite the fact that the PSG Action Plan often refers to a commitment of establishing a working group and in some cases effectiveness of such working groups might be questionable, in this case the composition of the group demonstrates its effectiveness. However, as only one meeting, discussing cooperation format and future plans, was conducted in 2017, it is hard to evaluate the working group. **This activity was fully implemented and its implementation progress is 100%, as the outcome indicators have all been met.**

**Goal attainment mechanism** 2.1.1. Increase the effectiveness of the fight against trafficking

**Activity N2:** Updating the recommendations on effective investigation and prosecution of trafficking cases

**Output Indicators**

1. Persons working on the renewal of the recommendations (50)

2. Introduction of the updated recommendations to the PSG employees (50)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG: the guidelines principles on investigation, criminal prosecution and treatment of victims of human trafficking were developed in 2014. In the recent years, numerous legislative amendments have been made to the criminal code and juvenile justice code. Therefore, updating of the document became necessary: the amendments concerned legal aspects of human trafficking, articles related to trafficking, questioning of a trafficking victim, and the particular characteristics of questioning a juvenile victim of trafficking, offering public services to a trafficking victim.

The guideline principles were developed by a working group consisting of representatives of the Ministry of Justice, the Ministry of Internal Affairs and the Chief Prosecutor's Office. The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children of the UN Convention against Transitional Organized Crime, UNODC Model Law against Trafficking in Persons, the Council of Europe Convention against Human Trafficking and case law of the European Court of Human Rights were used as sources for the development of the guideline principles.

On December 19, 2017 the recommendation was adopted by the Interagency Council on Combat against Trafficking and was sent to prosecutors through their professional email address, and on January 24, 2018, after signing from the Chief Prosecutor it was sent using the electronic document exchange system of the PSG and email. After submitting this recommendation, all prosecutors mark in the electronic program that they have read the document. At the same time, managers in regional prosecution offices and departments provide to prosecutors the information about the adoption of new recommendation. If the recommendation addresses particularly important issues and areas, this recommendation is discussed within the training format. The abovementioned recommendation was also included in the training sessions.

The trafficking recommendation states that the recommendation has been developed by the Human Rights Division of the POG and the contact details of the author(s). So if the prosecutor has a question, opinion, or interest in a particular matter, s/he may contact the head of the department or the specific prosecutor who worked on the recommendation. The unit that developed the recommendation is fully responsible for the implementation of the recommendation.

All components of the activity have been implemented. The legislative amendments of 2014-2017 have been reflected in the appropriate chapters of the guideline, and representatives of all relevant agencies participated in the development process. The recommendation was provided to the employees of the PSG and discussed during trainings. Interested person may also contact specific

person/department in case of questions regarding the recommendation. **Therefore, the activity can be considered as fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism** 2.1.1. Increase the effectiveness of the fight against trafficking

**Activity N3:** Informational meetings in regions on trafficking

**Output Indicators**

1. Regions covered by the informational meetings (35)
2. The number of the meetings and the participants (35)
3. Topics discussed at the meetings (30)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG 33 informational meetings were organized on the topic of trafficking – in Adjara – seven, in Samegrelo – two, in Imereti – 10, in Shida Kartli – two, in Kakheti – one, in Kvemo Kartli – three, in Samtskhe-Javakheti – three, in Tbilisi – five.

The target groups for the campaigns were local population, including school and university students.

The meetings discussed causes of trafficking, ways of detection of trafficking and response by law enforcement, state protection mechanisms for victims and other legal issues related to trafficking.

According to the information provided by the PSG, the informational meetings were organized in almost all regions of Georgia. Mountainous regions like Svaneti, Tusheti, Khevsureti, and Racha-Lechkhumi were not covered. However, it is essential that the target regions and audiences were selected for information meetings by several criteria. In this particular case, as trafficking is most common in Tbilisi and Batumi, this criterion was prioritized. Informational meetings continue and in the end all regions are planned to be covered. Raising awareness on trafficking and providing appropriate information is important, therefore, it is recommended that the POG continues conducting informational meetings in targeted regions. **The activity has been fully completed and its implementation progress has been determined to be 100%.**

**Goal attainment mechanism** 2.1.1. Increase the effectiveness of the fight against trafficking

**Activity N4:** Retraining of the prosecutors working on labour trafficking and training of interns/conducting common educational activities with the appropriate investigative bodies

**Output Indicators**

1. The number of prosecutors working on trafficking who have been trained on trafficking (40)
2. The number of the trainings and the participants (30)
3. Duration of the trainings conducted on trafficking, relevance of content with the topic (30)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, 5 educational activities were organized on the topic of combat against trafficking, representatives of the relevant structural and territorial units participated in these activities. 43 participants (prosecutors) took part in the educational courses. Four of the activities were joint – along with prosecutors, judges and representatives of the Ministry of Justice and the Ministry of Internal Affairs participated. One educational activity was a study trip to Budapest. Additionally, trainings were organized for two groups of interns – 62 participants in total.

The format of the educational activities was mostly three-day trainings, which can be considered an optimal length. The main topic of the trainings was trafficking, with children and cybercrime in focus. The trainings consisted of foundational material (term definitions and legal context), content-related issues (sexual exploitation in tourism, indicators, investigation, latest trends) and practical exercises. One of the activities was a working meeting, with prosecutors, investigators and judges specialized in trafficking issues participating. The topic of discussion was labour, sexual, and juvenile exploitation and other modern challenges of trafficking. One two-day training was organized for prosecutors, and it concerned illegal transportation of migrants across the border. Despite the fact, that this is not directly connected to trafficking, the meeting discussed differences, connection and overlap between the two crimes. The training also discussed definitions, international legal regulations and practical exercises were utilized.

15 participants per educational activity can be considered optimal, the relevance of the educational activities to the objective, practical elements, etc. are also acceptable. Inclusion of judges and representatives of the Ministry of Internal Affairs in the educational activities for prosecutors is a great initiative and is recommended to continue. Regarding the number of prosecutors that were trained on the trafficking topics, 43 prosecutors and 62 interns are acceptable quantities, considering that this is not a one-time activity and will continue over several years. **Therefore, this activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism** 2.1.2. Increase the effectiveness of the fight against corruption

**Activity N1:** Ensure effective investigation and prosecution of crimes of corruption by retraining of the prosecutors working on corruption and training of interns/conducting common educational activities with the appropriate investigative bodies

**Output Indicators**

1. The number of prosecutors and investigators working on corruption crimes who have been trained on corruption crime investigation and prosecution (35)
2. The number of the trainings and the participants (35)
3. Duration of the trainings conducted on corruption crime investigation and prosecution, relevance of content with the topic (30)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, eight educational activities were organized on the topic of fight against corruption in 2017, including 4 study visits. Within the educational activities, 31 participants (prosecutors/system investigators) from various structural and territorial units were trained. 4 of the activities were joint, with participants from the State Security Service, the Ministry of Justice and the Investigative Service of the Ministry of Finance. Additionally, 62 interns were trained on fighting corruption.

The agendas provided by the PSG demonstrate that the educational activities were of varying nature: conferences, trainings, roundtables and concerned topics like money laundering, prevention of corruption, gathering financial evidence, the relationship between economic crimes and corruption, anti-corruption norms and standards in public and private spheres, the role of an investigator in combating economic crime and corruption, the role of civil society in promoting transparent society, etc. 31 prosecutors and 62 interns were trained within one year on anti-corruption issues, which can be considered an acceptable number, considering that this is not a one-time activity and will continue over the years. **Based on the provided information, the activity has been fully completed and its implementation progress is 100%.**

**Goal attainment mechanism** 2.1.2. Increase the effectiveness of the fight against corruption

**Activity N2:** Establishment of a working group to prepare a proposal on legislative projects supporting prosecutorial and investigative activities

**Output Indicators**

1. Composition of the Working Group (60)
2. Operation format of the Working Group (40)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG: a working group on amendments to the criminal code regarding corruption crimes (bribery, leverage trading, abusing power, etc.) was established in 2017. Head of the Department of Procedural Guidance of Investigation and Supervision of Operative-Investigative Activities in State Security Service, Special State Security Service, Intelligence Service and State Subordinate Entity of the Ministry of Internal Affairs – Border Police of Georgia, their deputies, head of the Division of Procedural Guidance of Investigation and Supervision of Operative-Investigative Activities in State Security Service, Anti-Corruption Agency and General Inspection of the Chief Prosecutor’s Office, a prosecutor of the same division, head of Main Investigative Division of the Anticorruption Agency of the State Security Service, their deputy, deputy head of the Tbilisi Central Division of the Investigative Department of the Investigative Service of the Ministry of Finance, head of the Fifth Main Division

of the Security Department of the State Security Service, deputy head of the Investigative Division of the Main Division of Operative Support of the General Inspection of the Ministry of Internal Affairs, Chief Prosecutor of Division of Criminal Prosecution of Corruption Crimes of Investigative Unit of the Chief Prosecutor of Georgia. The working format of the group is meetings, as well as, communication using electronic mail.

Representative character of the working group is commendable, as it contributes to the effectiveness of the group. The format of the working group – face-to-face meetings and electronic communication, further attest to the effectiveness of the group. **Therefore, this activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism** 2.1.2. Increase the effectiveness of the fight against corruption

**Activity N3:** Establishment of a working group to develop a plan for the fight against corruption with participation from the Prosecutor’s Office, the State Security Service, the Ministry of Internal Affairs, and the Investigative Service of the Ministry of Finance

**Output Indicators**

1. Composition of the Working Group (40)
2. Number of meetings of the Working Group (30)
3. Topics discussed by the Working Group (30)

**Status:** Mostly implemented

**Progress:** 75%

According to the information provided by the PSG, on September 22, 2017, a working group on the development of a plan for combat against corruption was established. It consists of: head of the Department of Procedural Guidance of Investigation and Supervision of Operative-Investigative Activities in State Security Service, Special State Security Service, Intelligence Service and State Subordinate Entity of the Ministry of Internal Affairs – Border Police of Georgia, their deputy, head of the division of the same department, head of Division for Criminal Prosecution of Corruption Crimes of the Chief Prosecutor’s Office, a prosecutor from the Division for Criminal Prosecution of Corruption Crimes of the Chief Prosecutor’s Office, head of Main Investigative Division of the Anticorruption Agency of the State Security Service, deputy head of the same division, deputy head of the Department of Particularly Important Cases of the Investigative Department of the Investigative Service of the Ministry of Finance, head of State Security Division of the State Security Service.

The meeting discussed study of criminal cases of corruption and identification of problematic issues for future development of a plan. As the group was established in the second half of 2017, it has held only one meeting, therefore, it’s crucial that the group continues working actively.



The activity envisions participation of a representative from the Ministry of Internal Affairs in the working group. However, according to the information provided, the group is composed of representatives from the PSG, security services and Ministry of Finance. **Therefore, the activity has been mostly implemented and its implementation progress is 75%.**

**Goal attainment mechanism** 2.1.2. Increase the effectiveness of the fight against corruption

**Activity N4:** Informational meetings with structural units (Internal Monitoring Service, General Inspection) supervising identified risk zones (public institutions)

**Output Indicators**

1. Criteria for selection of risk-zones for the informative meetings (60)
2. Topics discussed by the Working Group (40)

**Status:** Mostly implemented

**Progress:** 80%

According to the information provided by the PSG on December 1, 2017 an informational meeting was held with representatives of the supervising units of risk zones. The following officials participated in the meeting: deputy head of the Department of Procedural Guidance of Investigation and Supervision of Operative-Investigative Activities in State Security Service, Special State Security Service, Intelligence Service and State Subordinate Entity of the Ministry of Internal Affairs – Border Police of Georgia, head of the Division of Procedural Guidance of Investigation and Supervision of Operative-Investigative Activities in State Security Service, Anti-Corruption Agency and General Inspection of the Chief Prosecutor’s Office, prosecutors from the same division, head of Division for Criminal Prosecution of Corruption Crimes of the Chief Prosecutor’s Office, a senior prosecutor of the same division, deputy head of Main Investigative Division of the Central Investigative Division of the Anticorruption Agency of the State Security Service, head of the City Service for Internal Audit and Monitoring of City Hall of Tbilisi Municipality, deputy head of the City Service for Internal Audit and Monitoring of City Hall of Tbilisi Municipality, deputy head of the environmental supervision department of the state sub-agency institution of the Ministry of Environmental Protection and Agriculture, head of the Department of Internal Audio of the National Food Safety Agency of the Ministry of Environmental Protection and Agriculture, deputy head of the first structural unit of the Department of Internal Audit of the Ministry of Environmental Protection and Agriculture.

The members of the group discussed formation of corruption crimes and discovered crimes, also talked about spheres where there is a heightened risk of corruption. The meeting also discussed what measures are being taken by the supervising bodies to prevent corruption crimes and data on violations by public employees.

According to the provided information, the PSG conducted one meeting in 2017, which was attended by the representatives of several government agencies (security services, Tbilisi City Hall, Ministry of Agriculture). These structural units were selected based on an analysis of statistical data on corruption crimes and the number of corruption cases in each agency. The selection criteria of the agencies (risk-zones), connected to the number of corruption cases in these agencies and the topics discussed at the meeting are not fully aligned. Specifically, the meeting should have focused more on existing challenges in these institutions and ways of overcoming them. **Therefore, this activity has been mostly implemented, and its implementation progress is 80%.**

**Goal attainment mechanism** 2.1.2. Increase the effectiveness of the fight against corruption

**Activity N5:** A working meeting with non-governmental organizations working on anticorruption issues

**Output Indicators**

1. NGOs working on anticorruption issues invited to the meetings (60)
2. Topics discussed at the meeting (40)

**Status:** Not implemented

**Progress:** 0%

The PSG conducted a meeting with anti-corruption non-governmental organizations within the framework of local councils and Public Prosecutor project.

Within the Public Prosecutor, the PSG conducted 14 informational meetings on anti-corruption topics. At the local council meetings, conducted in 2017 and attended by representatives of various agencies, prosecutors presented information on crime statistics, including data related to corruption crimes. The members of the council were given information on criminal prosecution in cases of these crimes and about relevant penalties.

This activity cannot be considered completed, as it envisioned conducting working meetings with non-governmental organizations. PSG commitment to organize informational meetings on anti-corruption topics within the Public Prosecutor and local council frameworks is listed under the sixth measure. For this activity, anti-corruption non-governmental organizations should have been identified and a working meeting specifically with this group should have been organized. **Therefore, this activity cannot be considered completed and its implementation progress is 0%.**

**Goal attainment mechanism** 2.1.2. Increase the effectiveness of the fight against corruption

**Activity N6:** Informational meetings on anticorruption issues in public prosecutor and local council formats

**Output Indicators**

1. The number of the conducted meetings (60)
2. Topics discussed at the meeting (40)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, within the Public Prosecution Service, the PSG conducted 14 informational meetings on anticorruption topics. At the local council meetings conducted in 2017 and attended by representatives of various agencies, prosecutors presented information on crime statistics, including information on what corruption crime means, which crimes are considered to be corruption crimes, elements of the crime, increased danger sources, penalties, etc. The members of the council were given information on criminal prosecution in cases of these crimes and about relevant penalties. **Therefore, this activity has been fully completed and its implementation progress is 100%.**

**Goal attainment mechanism** 2.1.3. Increase of effectiveness in the fight against terrorism

**Activity N1:** A review and analysis of criminal cases involving terrorism

**Output Indicators**

1. Structural units involved in the preparation of the analysis (60)
2. Results of the conducted analysis (40)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, in compliance with the PSG Action Plan, Department of Counterintelligence of the State Security Service of the Chief Prosecutor's Office, Counterterrorist Centre, and State Subordinate Entity of the Ministry of Internal Affairs – Border Police, Special State Security Service and Counterintelligence Service representatives studied criminal cases related to terrorism. Recommendations were prepared based on identified trends. **Therefore, the activity has been fully complete and its implementation progress is 100%.**

**Goal attainment mechanism** 2.1.3. Increase of effectiveness in the fight against terrorism

**Activity N2:** Establishment of a working group with the counter-terrorism agencies, which will meet periodically (no less than twice a year), will prepare activities to be implemented in counter-terrorism efforts, will exchange information, will conduct an analysis of counterterrorism operative activities, and will ensure exchange of international counterterrorism experience

**Output Indicators**

1. Composition of the Working Group (40)
2. Number of meetings conducted of the Working Group (30)
3. Activities carried out by the Working Group (30)

**Status:** Mostly implemented

**Progress:** 75%

The PSG established a working group with counterintelligence services, which met in 2017 and analysed operative work related to counterterrorism and defined arrangement of preventive measures against terrorism. The following officials participated in the meeting: deputy head of the Department of Procedural Guidance of Investigation and Supervision of Operative-Investigative Activities in State Security Service, Special State Security Service, Intelligence Service and State Subordinate Entity of the Ministry of Internal Affairs – Border Police of Georgia, head of the Division of Procedural Guidance of Investigation and Supervision of Operative-Investigative Activities in Counterintelligence Department of State Security Service, Counterterrorism Centre, State Subordinate Entity of the Ministry of Internal Affairs – Border Police of Georgia, Special State Security Service and Intelligence Service, prosecutors of the same division, head of the First Division of the Main Investigative Division of the Counterintelligence Department of the State Security Service, head of the Second Division of the First Main Division of the Counterterrorist Centre of the State Security Service, deputy head of the Third Division of the Counterterrorist Centre of the State Security Service.

The PSG Action Plan envisioned at least two annual meetings of the working group, in 2017 the working group met only once. Notably, there is a discrepancy between this activity and its outcome in the PSG Action Plan. Specifically, the activity envisions organizing at least two meetings a year, while the outcome considers only one meeting. As the information provided by the PSG demonstrates, the working group is representative, its activities – analysis of counterterrorist operative activities and definition of the preventive measures for terrorism, are relevant to the activity. Notably, measures for sharing international antiterrorist campaign experience are not mentioned in the information provided by the PSG. **Therefore, the activity has been mostly completed, and its implementation progress is 75%.**

<p><b>Goal attainment mechanism</b> 2.1.3. Increase of effectiveness in the fight against terrorism</p> <p><b>Activity N3:</b> Conducting informational meetings with the general population to raise awareness on terrorism crimes</p> <p><b>Output Indicators</b></p> <ol style="list-style-type: none"> <li>1. The number of informative meetings conducted with the public on terrorism (70)</li> <li>2. Awareness raising activities carried out (30)</li> </ol> <p><b>Status:</b> Partly implemented</p> <p><b>Progress:</b> 50%</p>
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According to the information provided by the PSG, in December 2017 a meeting was organized in the Village of Kizilajo of the Marneuli District with school students, their parents and teachers. In the meeting a prosecutor provided information on methods of recruitment by terrorist organizations, criminal justice norms related to terrorism, elements of the crime, penalties, felony record, subsequent results, etc.

The prosecutors provided information on terrorism, terrorist acts, terrorist organizations and groups, as well as, information on law-enforcement agencies fighting terrorism in Georgia, terrorism risks in Georgia, actions punishable by the criminal code. The meeting also discussed law-enforcement agencies, including the main function of the PSG, specific crimes: carrying of a cold weapon, domestic violence and sexual act or other type of act of a sexual nature with minors below the age of 16.

The meeting was organized by the Marneuli Regional Prosecutor's Office and with the support of Marneuli Resource Centre – its mission is crime prevention, promotion of healthy lifestyle and increasing public trust in the PSG. The meeting was interactive, students received answers to the questions that they had, and a discussion followed the presentation.

Despite the fact, that the meeting complied with all criteria, the activity envisioned organizing informational meetings, while according to the information provided, only one meeting in one village was organized. For completion of the activity, organizing of several meetings were necessary, ideally, according to the risk zones. When such meetings are organized, selection criteria of regions/villages and target group must be provided. **Therefore, this activity has been only partially completed and its implementation progress is 50%.**

**Goal attainment mechanism** 2.1.3. Increase of effectiveness in the fight against terrorism

**Activity N4:** Retraining of the prosecutors working on terrorism crimes/common educational activities with the appropriate investigative agencies

**Output Indicators**

1. The number of the prosecutors working on terrorism who have participated in the trainings (40)
2. The number of the trainings compared to the number of the participants (30)
3. Duration of the trainings, relevance of the training content to the training topic (30)

**Status:** Fully implemented

**Progress:** 100%

According to the documents provided by the PSG, six educational activities on combat against terrorism were organized, 28 participants (25 prosecutors and 3 investigators) from various structural and territorial units of the PSG took part in these activities.

Four of the trainings were joint. Along with representatives of the PSG, employees of the State Security Service, Investigative Service of the Ministry of Finance and Ministry of Internal Affairs participated in the joint activities. Two of the educational activities were study trips.

The topics of the educational activities were investigation of terrorism financing cases and criminal prosecution, dangers of terrorism financing, methods, terrorist organizations, financing sources, including recruiting financial support using social networks, evaluation of terrorism financing risks (methods, instruments, best practices), methods of combating terrorism financing, prevention,

detection, investigation and criminal prosecution, investigative techniques, interagency cooperation, challenges of investigation of money laundering and terrorism financing cases, legislative shortcomings and implementation issues, new payment systems, international cooperation. The trainings also included question and answer section and discussion of a case.

The activity has met requirements on the number of prosecutors to be retrained about combating terrorism, number of participants in the trainings on combating terrorism, topics of educational activities, representative character of joint educational activities. **Therefore, the activity has been fully complete and its implementation progress is 100%.**

**Goal attainment mechanism** 2.1.3. Increase of effectiveness in the fight against terrorism

**Activity N5:** Preparing a report about activities conducted throughout the year in the fight against terrorism

**Output Indicators**

1. Introduction of the report to the management (50)
2. Availability of the report (50)

**Status:** Fully implemented

**Progress:** 100%

The PSG prepared the report on increasing effectiveness of the fight against terrorism and presented it to the Chief Prosecutor. Part of it was reflected in the 2017 report of the Chief Prosecutor presented to the Prosecutorial Council and published on the PSG official webpage<sup>107</sup>. **Therefore, this activity was completed and its implementation progress is 100%.**

**Goal attainment mechanism** 2.1.4. Increase of effectiveness in the fight against money laundering and terrorism financing

**Activity N1:** (1) Establishment of a working group; (2) Analysis of coordination and cooperation mechanisms between the competent authorities involved in the fight against money laundering and terrorism financing; (3) Study of international best practices in this sphere; (4) Preparation of recommendations by the working group on increasing effectiveness of mechanisms of cooperation between the competent agencies working against money laundering and terrorism financing; (5) presentation of the conducted analysis, information about international best practices and recommendations to the Advisory Council

**Output Indicators**

1. The composition of the Working Group (40)
2. Local and international practice studied by the Working Group (30)
3. Information regarding the study as well as recommendations have been presented to the Consultative Council (30)

**Status:** Fully implemented

<sup>107</sup> Report of the Chief Prosecutor (2017), [http://pog.gov.ge/res/docs/angarisi19\\_07\\_2017.pdf](http://pog.gov.ge/res/docs/angarisi19_07_2017.pdf).

**Progress:** 100%

In 2017 a working group was established at the PSG. It consists of representatives of various structural units of the Chief Prosecutor's Office of Georgia: Department of Procedural Guidance of Investigation and Supervision of Operative-Investigative Activities in State Security Service, Special State Security Service, Intelligence Service and State Subordinate Entity of the Ministry of Internal Affairs – Border Police of Georgia, Department of the Procedural Guidance of Investigation in the Ministry of Finance, Department of Legal Affairs, General Inspection of Ministry of Internal Affairs of the Chief Prosecutor's Office, Service of Procedural Guidance of Investigation at Central Criminal Police Department and Patrol Police Department, Division for Criminal Prosecution of Money Laundering Crimes of the Investigative Unit of the Chief Prosecutor's Office.

Current practices were analysed and it revealed that in some cases the supervision agencies and financial monitoring services considered as money laundering and terrorism financing facts that did not contain any signs of crime. Such trends cause unreasonable waste of human and financial resources and other problems. The working group studied experience of Australia, France and Norway. These countries were selected due to the similarity of their legal institutions and systemic design, and their universally-acclaimed achievements.

The working group prepared a recommendation on the establishment of a permanent working-analytical platform with representatives of supervising agencies – Chief Prosecutor's Office, Ministry of Internal Affairs, Counterterrorism Centre and Financial Monitoring Service. The platform will generalize the existing practices and analyse ML/TF typology widely used in Georgia, as well as, identify risk spheres for these crimes, etc.

The results of the study and recommendations were presented to the Advisory Council on December 28-30, 2017. The Council did not voice any objections. **This activity has been full completed and its implementation progress is 100%.**

**Goal attainment mechanism** 2.1.4. Increase of effectiveness in the fight against money laundering and terrorism financing

**Activity N2:** (1) Analysis of effectiveness of the measures for detection and confiscation of property obtained through criminal activities by the working group outlined in the action plan (2) study of international best practices; (3) Preparing recommendations on increasing effectiveness of the measures for detection and confiscation of property obtained through criminal activities; (4) Presentation of the conducted analysis, information about international best practices and prepared recommendation to the Consultative Council

**Output Indicators**

1. Best practice studied by the Working Group (30)
2. Recommendations developed regarding the measures to be carried out (35)
3. Information regarding the study as well as recommendations have been presented to the Consultative Council (35)

<p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p> <p><b>Activity N3:</b> 1) Analysis of domestic and international practice of parallel financial investigations of crimes with substantial illegal income by the working group outlined in the action plan; (2) Preparation of recommendations on measures to be implemented for parallel financial investigations; (3) Presentation of the conducted analysis and prepared recommendations to the Consultative Council</p> <p><b>Output Indicators</b></p> <ol style="list-style-type: none"> <li>1. Local and international practice studied by the Working Group (30)</li> <li>2. Recommendations developed regarding the measures to be carried out (35)</li> <li>3. Information regarding the study as well as recommendations have been presented to the Consultative Council (35)</li> </ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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Analysis of the current local practices by the working group, as a part of the second and the third activities, showed that there are challenges related to parallel financial investigation and detection/confiscation of property. This is further demonstrated by the small number of criminal cases that, in accordance with the August 4, 2015 guidelines, were sent to a subordinate prosecutor's office for investigation of a predicate crime by the appropriate investigative services. The working group analysed the practices in France, Romania, Hungary and Germany. The countries were selected based on the resemblance of legal institutions and system design, as well as their achievements. The working group prepared recommendations on gradual monitoring of profit-motivated crimes, discussion on development of legislative proposals, etc. The study results and recommendations were presented to the Advisory Council on December 28-30 2017. **Therefore, both activities are fully implemented and their implementation progress is 100%.**

<p><b>Goal attainment mechanism</b> 2.1.4. Increase of effectiveness in the fight against money laundering and terrorism financing</p> <p><b>Activity N4:</b> (1) Analysis of domestic and international practice on evaluation of risks of money laundering and terrorism financing by the working group outlined in the action plan; (2) Preparing recommendations on improving the risk evaluation methodology for money laundering and terrorism financing crimes; (3) Presentation of the conducted analysis and prepared recommendations to the Consultative Council</p> <p><b>Output Indicators</b></p> <ol style="list-style-type: none"> <li>1. Analysis carried out (40)</li> <li>2. Recommendations developed regarding the measures to be carried out (30)</li> <li>3. Information regarding the study as well as recommendations have been presented to the Consultative Council (30)</li> </ol> <p><b>Status:</b> Mostly implemented</p> <p><b>Progress:</b> 70%</p>
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An interagency commission was established to prepare a national report on risks of money laundering and terrorism financing and an appropriate action plan, with participation from relevant agencies. As development of a national report on risk assessment is a new procedure not only for Georgia but also internationally, experience of other countries was not used in this process. Instead, with the support of the Council of Europe, an expert, Giuseppe Lombardo participated in development on the national risk assessment report.

Within the interagency commission, the PSG prepared a detailed risk analysis and potential risks related to money laundering and terrorism. National Risk Assessment Report is on the final stage and after its completion the interagency commission will develop a joint strategy. Thus, the analysis of local practices related to money laundering and terrorism financing risk assessment has been conducted, and it was presented to the Advisory Council. After completion of the National Risk Assessment Report and an action plan, appropriate recommendations will be issued.

The PSG put significant effort in completing this activity, and all components, except for preparation of recommendations, have been completed. **Therefore, the status of this activity has been mostly complete with implementation progress of 70%.**

<p><b>Goal attainment mechanism</b> 2.1.4. Increase of effectiveness in the fight against money laundering and terrorism financing</p> <p><b>Activity N5:</b> Training of prosecutors, interns, and investigators on effective investigation and prosecution of money laundering crimes</p> <p><b>Output Indicators</b></p> <ol style="list-style-type: none"><li>1. The number of the prosecutors and investigators working on illegal income legalisation who have participated in the trainings (40)</li><li>2. The number of the trainings compared to the number of the participants (30)</li><li>3. Duration of the trainings, relevance of the training content to the training topic (30)</li></ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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For the activity, five joint trainings on effective investigation and criminal prosecution of money laundering crimes for prosecutors and investigators were organized at the PSG. 24 participants (prosecutors/investigators) from various structural and territorial units of the PSG took part in the trainings. Representatives of the Investigative Service of the Ministry of Finance, State Security Service, Financial Monitoring Service and other relevant agencies participated in the trainings. Two groups of interns, 62 participants also were trained on this topic. The trainings covered issues such as investigating cases related to money laundering and terrorism financing (investigative techniques, new methods of payment, etc.); confiscation of property acquired through criminal actions; international cooperation on criminal cases regarding money laundering / terrorism

financing; money laundering in casinos and more. Participants discussed practical examples for each topic.

The number of prosecutors and investigators trained within a year should be considered sufficient. The effectiveness of the training is assumed by the relevance of the issues covered and the optimal number of participants. **The activity has been fully completed and its implementation progress is 100%.**

**Goal attainment mechanism** 2.1.4. Increase of effectiveness in the fight against money laundering and terrorism financing

**Activity N6:** Training and retraining of prosecutors, interns, and investigators on detection, seizure and confiscation of property obtained through illegal means

**Output Indicators**

1. The number of the prosecutors and investigators working on criminal property issues who have participated in the trainings (40)
2. The number of the trainings compared to the number of the participants (30)
3. Duration of the trainings, relevance of the training content to the training topic (30)

**Status:** Fully implemented

**Progress:** 100%

Two joint educational activities on detection, seizure and confiscation of illegally acquired property were organized at the PSG. 35 participants (prosecutors and investigators) from various structural and territorial units of the PSG took part in the courses. Representatives of the Ministry of Internal Affairs, State Security Service and Investigative Service of the Ministry of Finance all participated in the joint courses. Two groups of interns, 62 participants, were also trained on this issue. The trainings covered issues such as identifying challenges in investigating money laundering / terrorism financing cases (legislative gaps; implementation problems); obtaining, processing, transmitting and transforming information on money laundering / terrorism financing into evidence; confiscation of property obtained through criminal offenses related to money laundering / terrorism financing; international cooperation on money laundering / terrorism financing and more. Participants discussed practical examples of each topic.

The number of prosecutors and investigators trained within a year should be considered sufficient. The effectiveness of the training is assumed by the relevance of the issues covered and the optimal number of participants. **The activity has been fully completed and its implementation progress is 100%.**

**Goal attainment mechanism** 2.1.5. Increase of effectiveness of the fight against cybercrime and improvement of electronic evidence gathering mechanisms

**Activity N1:** Establishment of a working group on the fight against cybercrime

**Output Indicators**

1. Composition of the Working Group (60)
2. Operational format of the Working Group (40)

**Status:** Fully implemented

**Progress:** 100%

In 2017 a working group on combating cybercrime was established at the PSG. Five employees of the Chief Prosecutor's Office are in the working group, specifically, head of Department of Procedural Guidance of Investigation of General Inspection of the Ministry of Internal Affairs, Central Criminal Police Department and Patrol Police Department, deputy and two prosecutors of the same department, head of International Relations Division of the Department of Legal Affairs, and five representatives of the Central Criminal Police Department of the Ministry of Internal Affairs, specifically: the director of the department, head of the Division Combat Against Organized Crime, head of the Division of Combat Against Cybercrime and two investigators of the division.

The operational format of the working group is face-to-face meetings, electronic and phone communications. The members of the working group discussed implementation of the activity of the Action Plan.

The activity has been fully implemented according with its indicators. However, in regards to the activity itself, it's recommended to omit such small scale measures, or to include planned activities of a working group for the calendar year. Establishment of a working group is a very minor activity for achievement of desired outcomes of the objectives for an entire calendar year. **The activity has been fully completed and its implementation progress is 100%.**

**Goal attainment mechanism** 2.1.5. Increase of effectiveness of the fight against cybercrime and improvement of electronic evidence gathering mechanisms

**Activity N2:** Preparation of a strategy of working with the internet providers

**Output Indicators**

1. The Strategy is based on the situation/problem analysis

**Status:** Mostly implemented

**Progress:** 90%

According to the information provided by the PSG, a draft of the strategy for relationship with internet service providers is ready and its goal is to simplify cooperation with Georgian and foreign internet service providers (including web service providers). Drafting of the Strategy involved the Procedural Guidance Department at the General Inspection of the Ministry of Internal Affairs, the Central Criminal Police Department and the Patrol Police Department. It was desirable for the PR

department to be involved in the development of the strategy. **This activity has been mostly completed and its progress is 90%.**

**Goal attainment mechanism** 2.1.5. Increase of effectiveness of the fight against cybercrime and improvement of electronic evidence gathering mechanisms

**Activity N3:** Preparation of a draft renewed memorandum with the internet providers

**Output Indicators**

1. Individuals involved in the preparation of the draft renewed memorandum (50)
2. Issues regulated by the memorandum (50)

**Status:** Fully implemented

**Progress:** 100%

A project for an updated memorandum with the internet service providers was prepared with the collaboration of the Chief Prosecutor's Office and the Ministry of Internal Affairs (working group members). The parties of the memorandum, including government agencies and providers have changed. The memorandum defines principles related to cooperation on cybercrime between the law enforcement agencies and internet service providers in accordance with the Criminal Procedure Code of Georgia. **The activity has been fully completed and its implementation progress is 100%.**

**Goal attainment mechanism** 2.1.5. Increase of effectiveness of the fight against cybercrime and improvement of electronic evidence gathering mechanisms

**Activity N4:** Training of prosecutors, investigators, and interns on improving mechanisms of the fight against cybercrime and gathering electronic evidence/conducting a common educational activity with the appropriate investigative bodies

**Output Indicators**

1. The number of the prosecutors and investigators working on cybercrime who have participated in the trainings (40)
2. The number of the trainings compared to the number of the participants (30)
3. Duration of the trainings, relevance of the training content to the training topic (30)

**Status:** Fully implemented

**Progress:** 100%

Five educational activities on investigation of cybercrime and electronic evidence gathering were organized at the PSG. 38 participants (prosecutors and investigators) from various structural and territorial units of the PSG took part in these activities. One of the trainings was a study visit, and four were joint trainings, with representatives from the Ministry of Internal Affairs, State Security Service, and Investigative Service of the Ministry of Finance. Two groups of interns, 62 participants were also trained on these issues. The trainings covered issues such as identifying / defining

cryptocurrencies; common expert approach; basic networking issues; legal overview; response to cybercrime incidents; understanding cyber threats, focusing on complex cybercrimes and crimes committed through the cyber space; technical overview of computer systems, mobile phones and internet; network investigation overview: detection and obtainment of digital evidence from service providers, cellular networks, and messaging applications; overview of digital media searches, including identification of digital media, evidence extraction procedures and computer forensics review; challenges and strategies for presenting and using electronic evidence in court. Participants discussed practical examples of each topic.

The number of prosecutors and investigators trained within a year should be considered sufficient. The effectiveness of the training is assumed by the relevance of the issues covered and the optimal number of participants. **The activity has been fully completed and its implementation progress is 100%.**

**Goal attainment mechanism** 2.1.5. Increase of effectiveness of the fight against cybercrime and improvement of electronic evidence gathering mechanisms

**Activity N5:** Analysis of the material and procedural legislation on cybercrime and preparation of recommendations for possible legislative amendments for an agency responsible for such initiatives.

**Output Indicators**

1. Individuals involved in the preparation of the analysis and possible legislative recommendations (50)
2. The analysis and possible legislative recommendations have been submitted to the relevant agencies (50)

**Status:** Fully implemented

**Progress:** 100%

A representative of the Investigative Division of the Chief Prosecutor's Office, in cooperation with the Ministry of Internal Affairs and State Security Service, was involved in the analysis of material and procedural legislation on cybercrime and electronic evidence gathering and preparation of recommendations on appropriate legislative amendments. Recommendations on legislative amendments have been prepared and presented to the Ministry of Justice for preparation of an appropriate legislative bill. **Therefore, this activity has been fully completed and its implementation progress is 100%.**

**Goal attainment mechanism** 2.1.6. Increase of effectiveness of the fight against narcotics crimes

**Activity N1:** Analysis of criminal cases of narcotics crimes

**Output Indicators**

1. The number of the criminal cases that have been studied for the purpose of the analysis (45)
2. Measures planned based on the conducted analysis (55)

**Status:** Fully implemented

**Progress:** 100%

In the beginning of 2017, the PSG analysed all criminal cases in which criminal prosecution was initiated in 2014-2016. As narcotics crimes are the most widely spread crime, in 2016, with an initiative from the Chief Prosecutor's Office, and in cooperation with the Ministry of Corrections, a study of the causes of narcotic substance abuse was conducted. Within the study, 1162 individuals on probation for crimes described in Article 273 of the Criminal Code, in 10 regions of Georgia were surveyed. The study was presented in March 2017. Based on the analysis the following topics were processed – most used narcotic substance, amount of retrieved narcotic substance, issued preventive measures, sentencing on narcotics crimes. **Therefore, the activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism** 2.1.6. Increase of effectiveness of the fight against narcotics crimes

**Activity N2:** Training of prosecutors, investigators, and interns on improving mechanisms of the fight against narcotics crimes/conducting a common educational activity with the appropriate investigative bodies

**Output Indicators**

1. The number of the prosecutors and investigators working on narcotics crimes who have participated in the trainings (40)
2. The number of the trainings compared to the number of the participants (30)
3. Duration of the trainings, relevance of the training content to the training topic (30)

**Status:** Fully implemented

**Progress:** 100%

Two educational activities on combat against narcotics crimes were organized for prosecutors and investigators of various structural and territorial units of the PSG. 46 individuals participated. Representatives of the Ministry of Internal Affairs and Ministry of Justice were also involved in the educational activities. Two groups of interns, 62 participants, were also trained on this topic. The trainings covered issues such as the overview of the liberal policies of liberal policy countries (e.g. the Netherlands); drug policy outcomes: development of crimes committed by drug-users; Issues related to public order; comparison with international drug policies and more. Based on the provided information, we can conclude that the number of participants in the groups was optimal and the training topic – relevant. The number of prosecutors and investigators specialized on narcotics crimes that were retrained on combating narcotic crimes is also acceptable, as the activity will continue in the coming years as well. **Therefore, this activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism** 2.1.6. Increase of effectiveness of the fight against narcotics crimes

**Activity N3:** Preparation of a report documenting the criminal justice policy to be implemented in regards to the narcotics crimes, its public presentation, and review, if necessary

**Output Indicators**

<p>1. Preparation and public discussions of the report documenting the criminal justice policy on narcotics crimes (70)</p> <p>2. Measures implemented based on the report (30)</p> <p><b>Status:</b> Mostly implemented</p> <p><b>Progress:</b> 70%</p>
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The PSG prepared a report on implemented Criminal Justice Policy on Narcotics Crimes, it was presented on March 20<sup>th</sup>, 2017 with the support of the Department of Justice of the US Embassy at the Chief Prosecutor’s Office. The study and the report were presented to the public agencies, international and non-governmental organizations. The public presentation served two purposes: informing the public on criminal justice policy implemented by the PSG in relation to persons who had committed narcotics crimes and assisting other agencies that work on narcotics crimes related issues and on the implementation of preventive measures.

The PSG fully completed the first component of the measure – prepared a report on implemented criminal justice policy on narcotics crimes and organized a public presentation. However, based on the provided information, it is not possible to conclude what outcomes were achieved as a result of the preparation and presentation of the report. **Therefore, this activity has been mostly completed and its implementation progress is 70%.**

<p><b>Goal attainment mechanism</b> 2.1.6. Increase of effectiveness of the fight against narcotics crimes</p> <p><b>Activity N4:</b> Establishment of a working group that will prepare proposals on amendments to the legislation on narcotics crimes.</p> <p><b>Output Indicators</b></p> <p>1. Composition of the Working Group (60)</p> <p>2. Format of the operation of the Working Group (40)</p> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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In 2017 a working group on refinement of criminal justice legislation on narcotics crimes was established at the PSG. The group consists of employees from the Department of the Prosecutorial Supervision and Strategy Development of the Chief Prosecutor’s Office and Department for Procedural Guidance of Investigation of General Inspection of the Ministry of Internal Affairs, Central Criminal Police Department and Patrol Police Department. The operational format of the working group is meetings and electronic communication. It must be noted that establishment of a working group is a very small scale measure to be included in the Action Plan. **This activity has been fully implemented and its implementation progress is 100%.**

<p><b>Goal attainment mechanism</b> 2.1.6. Increase of effectiveness of the fight against narcotics crimes</p> <p><b>Activity N5:</b> Organizing informational meetings (at least 10)</p>
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**Output Indicators**

1. The number of the conducted informational meetings (35)
2. Topics discussed at the conducted informational meetings (30)
3. Participants of the conducted meetings (35)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, 133 informational meetings with school students, university students and general population were organized within the Public Prosecutor program. Prosecutors discussed with the participants types of narcotic substances, their negative effects, penalties for narcotic crimes, and causes of using narcotic substances.

The target group of these meetings was school students, university students, local population, as well as, juveniles in conflict with the law. Participation of youth is particularly important for prevention of narcotics crimes, and the meetings included all relevant information. **Therefore, this activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism** 2.1.6. Increase of effectiveness of the fight against narcotics crimes

**Activity N6:** Organizing a student contest for preventive measures

**Output Indicators**

1. Target audience of the contest (50)
2. The form of spreading information regarding the contest (50)

**Status:** Partly implemented

**Progress:** 30%

In March 2017 the PSG organized a Narcotic Substance Abuse Prevention week, during which a study on the causes of drug abuse was presented to the students of legal studies (in Tbilisi and Regions) and they were provided with information on a competition, in which students could present ideas on preventive measures of drug abuse within two weeks. However, students did not express interest and did not submit any ideas.

Based on this information, to decrease the risk associated with such events it was recommended that the PSG work with the universities (administration), that in turn would inform students using their network and this proposal would have not been made only to attendees of one specific event. The PSG also could have used its website and social network channels to announce the contest. **Therefore, this activity has been only partially completed and its implementation progress is 30%.**

**Goal attainment mechanism** 2.1.7. Improvement of the criminal prosecution mechanisms of legal entities

**Activity N1:** Creation of the appropriate guideline for improvement of the criminal prosecution mechanisms of legal entities



**Output Indicators**

1. The guideline has been prepared and is in the process of publication

**Status:** Fully implemented

**Progress:** 100%

The PSG developed a guidebook on increasing effectiveness of criminal prosecution of legal entities. The guidebook was prepared and sent for printing. **This activity has been fully completed and its implementation progress is 100%.**

**Goal attainment mechanism** 2.1.7. Improvement of the criminal prosecution mechanisms of legal entities

**Activity N2:** Retraining of the prosecutors and investigators working on effective investigation and criminal prosecution of legal entities/ training of interns/ conducting common educational activities with the appropriate investigative agencies.

**Output Indicators**

1. The number of the prosecutors, investigators and interns working on criminal prosecution of legal entities, who have been trained on this topic (50)
2. The number of the conducted educational activities and the content of these activities (50)

**Status:** Partly implemented

**Progress:** 30%

Two groups of interns, 62 participants were trained on issues of crimes committed by legal entities in 2017 at the PSG. As the measure also envisioned retraining of prosecutors and investigators, it cannot be considered to be completed. **Therefore, the activity has been only partially completed and its implementation progress is 30%.**

**Goal attainment mechanism** 2.1.8. Improvement of the effectiveness of investigation of crimes committed during legal proceedings

**Activity N1:** Organizing a working meeting with other law enforcement agencies and representatives of the Ministry of Economy and Sustainable Development on timely response to human rights violations and coordination of the appropriate efforts (at least one meeting).

**Output Indicators**

1. Public institutions participating at the working group meeting on timely response to human rights violations and coordination of the appropriate efforts (40)
2. Topics discussed at the Working Group meeting (30)
3. Results of the Working Group meeting (30)

**Status:** Fully implemented

**Progress:** 100%

On September 28, 2017, a working meeting on increasing effectiveness of swift response to human rights violations and coordination, with participation from representatives of the law-enforcement agencies and Ministry of Economy and Sustainable Development was organized. One of the topics discussed was individuals affected by Ordinance N1044 of May 25, 2015 of the Government of Georgia and problematic issues in the procedure of returning property on the state balance to citizens, including property on the balance of self-governance bodies and prevention of long procedures related to such return, issues related to materials and information to be sent from the PSG to the National Agency of State Property, managing relations with problematic affected individuals and legal methods of concluding the processes. Another issue discussed was a project of a new mechanism for damage compensation – replacement with alternative property.

The participants of the working meeting agreed that they would prepare proposals on these problematic issues and would define future steps within the working group. **This activity has been fully completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism</b> 2.1.8. Improvement of the effectiveness of investigation of crimes committed during legal proceedings</p> <p><b>Activity N2:</b> A meeting with judges and attorneys for development of a uniform practice for a verdict appeal</p> <p><b>Output Indicators</b></p> <ol style="list-style-type: none"> <li>1. The number of the judges and the lawyers participating in the meeting (50)</li> <li>2. Results of the Working Group meeting 530)</li> </ol> <p><b>Status:</b> Not implemented</p> <p><b>Progress:</b> 0%</p>
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Recommendations were prepared for prosecutors on reviewing of sentencing, development of homogenous court and investigative practices and effective management of procedures. A working meeting on this topic with the prosecutors and judges specialized in these topics is planned.

As the activity envisioned organizing meetings with judges and lawyers, which wasn't conducted, **this activity has been incomplete and its implementation progress is 0%.**

### 4.3. Objective 3. Protection of human rights

The third goal and objective of the PSG Action Plan is protection of human rights. Four components are presented as mechanisms for attainment of this goal, envisioning completion of 15 activities in 2017. All 15 activities were fully completed, which is to be welcomed. **Implementation progress of the third objective activities is 100%.**

<p><b>Goal attainment mechanism</b> 3.1.1. Increasing the effectiveness of the fight against crimes committed towards women and domestic crimes</p>
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**Activity N1:** Organizing at least 10 public informational meetings on domestic violence.

**Output Indicators**

1. The audience selected for the meetings (35)
2. The number of the meetings conducted (30)
3. Topics discussed at the meetings (35)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, 90 meetings on domestic violence were held with the general population, school and university students. The meetings were held in all regions of Georgia, including: Adjara – 17 meetings, Samegrelo – 8, Imereti – 28, Shida Kartli – 5, Kakheti – 7, Kvemo Kartli – 8, Samtskhe-Javakheti – 5, Tbilisi – 12. The events were coordinated by the Administration of the Chief Prosecutor’s Office.

Organizing 90 meetings, instead of minimum 10 required by the activity, as well as, covering all regions is commendable. Positive assessment must be given to inclusion of various social segments, particularly youth (general population, school and university students). **Therefore, this activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 3.1.1.** Increasing the effectiveness of the fight against crimes committed towards women and domestic crimes

**Activity N2:** Review of the existing recommendations to increase the effectiveness of the fight against domestic violence.

**Output Indicators**

1. Updated recommendation is based on the situation analysis (50)
2. Introducing the updated recommendations to the interested parties (50)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, recommendations on combating domestic violence were updated based on the study of criminal cases in 2017. The recommendation was renewed in the gender discrimination section. The goal of renewing the recommendation on necessary investigative and procedural actions in cases of violence at home and domestic violence was to ensure full investigation of such crimes, providing effective procedural guidance and taking well founded decisions. The renewed recommendation was sent to all prosecutors using electronic mail and was included in the training module on domestic violence. In addition, the recommendation was sent to prosecutors through the electronic system. All prosecutors in the electronic program mark that they have read the recommendation. At the same time, managers in regional prosecution offices and departments provide information to prosecutors about adoption of

the recommendation. The recommendation indicates that the recommendation has been developed by the Human Rights Division, the contact details of the prosecutor in charge, and if the prosecutor has a question, opinion, or interest in a particular matter, s/he can contact the head of department or a specific prosecutor who worked on the recommendation. The unit that developed the recommendation is fully responsible for the implementation of the recommendation. **Therefore, this activity has been fully implemented and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 3.1.1.</b> Increasing the effectiveness of the fight against crimes committed towards women and domestic crimes</p> <p><b>Activity N3:</b> Organizing a conference on domestic violence</p> <p><b>Output Indicators</b></p> <ol style="list-style-type: none"> <li>1. State institutions participating in the conference (60)</li> <li>2. Topics discussed at the conference (40)</li> </ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, on October 25, 2017 a conference on domestic violence was held at the PSG with the support of the UN Women’s Organization. The conference was attended by the deputies of the Chief Prosecutor, Chairman of the Supreme Court, First Deputy of the Ministry of Justice, Deputy Minister of Internal Affairs, Chairman of the Committee of Legal Affairs, representatives from various government agencies, non-governmental and international organizations, as well as, scientific community.

An analysis of domestic violence and murders of women was presented at the conference. The participants were informed about criminal justice policy implemented against offenders, about measures implemented for effective combat against and prevention of violence.

Due to the representative nature of the conference and the topics discussed, **this activity has been fully implemented and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 3.1.1.</b> Increasing the effectiveness of the fight against crimes committed towards women and domestic crimes</p> <p><b>Activity N4:</b> Specialization of prosecutors in the topics of domestic violence.</p> <p><b>Output Indicators</b></p> <ol style="list-style-type: none"> <li>1. Activities carried out for specialization (50)</li> <li>2. Regional coverage of the specialized prosecutors (50)</li> </ol> <p><b>Status:</b> Mostly implemented</p>
<p><b>Progress:</b> 85%</p>

According to the information provided by the PSG, 25 prosecutors were trained in 2017 on the topics of domestic violence and domestic crime. The prosecutors were selected based on their workload and personal motivation.

The regional distribution of specialized prosecutors that underwent the training is:

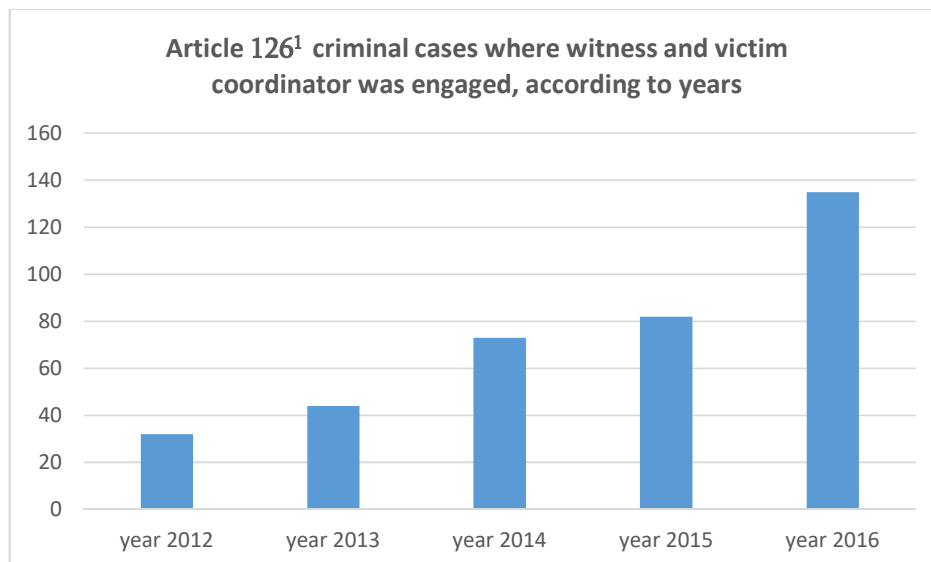
#	Territorial Unit	Number of specialized prosecutors by 2017
1	Tbilisi Prosecutor's Office	6
2	Prosecutor's Office of Autonomous Republic of Adjara	4
3	Samegrelo-Zemo Svaneti Regional Prosecutor's Office	2
4	Regional Prosecutor's Office of the Western Georgia	3
5	Shida Kartli and Mtskheta-Mtianeti Regional Prosecutor's Office	3
6	Kvemo Kartli Regional Prosecutor's Office	3
7	Kakheti Regional Prosecutor's Office	4
		25

Notably, such specialized trainings are conducted annually. In 2016 21 prosecutors underwent the specialization course. The specialization courses are also planned for 2018.

Based on information provided by the PSG, it is established that the number of specialized prosecutors in the regions is determined in coordination with the relevant structural units and managers, taking into account the existing workload and needs. Criteria include population of the region, domestic violence crime rate, prosecutors' skills, sensitivity, and others. **Therefore the activity has been fully implemented and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 3.1.1.</b> Increasing the effectiveness of the fight against crimes committed towards women and domestic crimes</p> <p><b>Activity N5:</b> Engagement of a witness and victim coordinator in domestic violence cases</p> <p><b>Output Indicators</b></p> <p>1. Growth of participation of witness and victim coordinator in domestic violence cases</p> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG: the number of cases classified in accordance with the Article 126<sup>1</sup> where a witness and victim coordinator were engaged is presented according to years on the following graph:



As of 2017, 19 coordinators are employed at the PSG, 15 of them working on domestic crimes. Number of Article 126<sup>1</sup> criminal cases where witness and victim coordinator were engaged is 710.

The information provided by the PSG fully meets all indicators. **Therefore, this activity was fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 3.1.1.** Increasing the effectiveness of the fight against crimes committed towards women and domestic crimes

**Activity N6:** Training/retraining of prosecutors and interns on issues of effective fight against crimes committed towards women and domestic violence/ common educational activities with the appropriate agencies and organizations

**Output Indicators**

1. The number of the prosecutors and investigators working on domestic violence cases who have participated in the trainings (40)
2. The number of the trainings compared to the number of the participants (30)
3. Duration of the trainings, relevance of the training content to the training topic (30)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, one training on increasing access to justice for women, domestic violence and violence against women was organized in 2017. 26 prosecutors attended the training. Additionally, a specialization course on domestic violence and violence against women was taken by 25 prosecutors. After completing the specialization course, the

prosecutors participated in a working meeting. In the meeting, the participants were provided information on available services by the organizations providing assistance to domestic violence. Representatives of the Public Defender's Office, Social Service Agency and other non-governmental organizations also participated in the meeting. Representatives of relevant structural units and all territorial units also took part in the meetings.

#	Territorial Unit	Number of participants
1	Department of Prosecutorial Supervision and Strategic Development of the General Prosecutor's Office	1
2	Tbilisi Prosecutor's Office	8
3	Shida Kartli and Mtskheta Mtianeti Regional Prosecutor's Office	2
4	Samegrelo-Zemo Svaneti Regional Prosecutor's Office	3
5	Samtskhe-Javakheti Regional Prosecutor's Office	2
6	Kakheti Regional Prosecutor's Office	3
7	Prosecutor's Office of Autonomous Republic of Adjara	2
8	Kvemo Kartli Regional Prosecutor's Office	2
9	Regional Prosecutor's Office of Western Georgia	3
		<b>26</b>

Three joint educational activities on violence against women and domestic violence was organized in 2017. Seven employees of the PSG participated. Two groups of interns, 62 individuals took a court on domestic crimes. Additionally, two joint working meetings were organized in Kutaisi and Telavi, where issues of domestic violence and practical matters were discussed with participation from judges, prosecutors and lawyers.

#	Territorial Unit	Number of participants
1	Tbilisi Prosecutor's Office	6
2	Prosecutor's Office of Autonomous Republic of Adjara	4
3	Samegrelo-Zemo Svaneti Regional Prosecutor's Office	2
4	Regional Prosecutor's Office of Western Georgia	3
5	Shida Kartli and Mtskheta Mtianeti Regional Prosecutor's Office	3
6	Kvemo Kartli Regional Prosecutor's Office	3

7	Kakheti Regional Prosecutor's Office	4
		25

According to the agendas provided by the PSG, participants discussed local and international legal regulations related to women's rights: increasing access to justice for women and women's rights; violence against women and girls; domestic violence, Istanbul Convention; European Convention of Human Rights; local legal regulations; role of the PSG in ensuring women's access to justice; trends of domestic violence crimes; shortcomings in investigation; gender as a crime motivator; sexual violence; premature and forced marriage; rights of arrested women; trafficking victim women, etc. Each training session included practical exercises.

Based on the agenda analysis, it can be concluded that the agendas were relevant thematically and content-wise to the goal of this activity. The number of participants per training is also acceptable. The number of prosecutors and investigators specialized in domestic crimes is also acceptable, as this is not a one-time event and will continue in the following years. **Therefore, this activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 3.2.1.** Improvement of the mechanisms for detecting facts of torture and mistreatment

**Activity N1:** Preparation of recommendations on torture and mistreatment

**Output Indicators**

1. The international standards studied in order to prepare recommendations (20)
2. The recommendation is based on situation analysis (30)
3. Introduction of the recommendation to the prosecutors (25)
4. Availability of the recommendation (25)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, in 2017 the Division of Human Rights Protection of the Chief Prosecutor's Office developed recommendations on proper qualification of mistreatment facts by public employees or individuals with similar status. The documents discuss issues related to separation of Articles 333, 144<sup>1</sup>, 144<sup>2</sup>, 144<sup>3</sup>, and 335, existing shortcomings and main standards established by the European Court of Human Rights. The goal of the recommendation is to provide assistance to employees of the PSG in assigning proper qualification to the facts of mistreatment and to plan an effective investigative strategy. The recommendation was studied by an expert of the Council of Europe and their proposals have been taken into account.

On March 10, 2017, after the recommendation was signed by the Chief Prosecutor, it was sent to prosecutors using electronic document sharing system of the PSG. After submitting the recommendation, all prosecutors make a note in the program that they have read the recommendation. At the same time, managers in regional prosecution offices and departments



inform prosecutors regarding the adoption of the recommendation. The recommendation indicates responsible department and the contact details of the prosecutor in charge. So if the prosecutor has a question, opinion, or interest in a particular matter, s/he may contact the head of department or a prosecutor who worked on the recommendation. The unit that developed the recommendation is fully responsible for the implementation of the recommendation.

As the information provided by the PSG indicates, the local situation and international legal standards were analysed in the preparation process of the recommendation. Additionally, the recommendation was studied by an international expert. **Therefore, this activity has been fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 3.2.1.** Improvement of the mechanisms for detecting facts of torture and mistreatment

**Activity N2:** Training and retraining of prosecutors, investigators, and interns on the issues related to torture and mistreatment.

**Output Indicators**

1. The number of the prosecutors and investigators working on torture and mistreatment cases who have participated in the trainings (40)
2. The number of the trainings compared to the number of the participants (30)
3. Duration of the trainings, relevance of the training content to the training topic (30)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the Chief Prosecutor's Office, 39 individuals (28 prosecutors and 11 investigators) from various structural and territorial units participated in two educational activities. Additionally, two groups of interns, 62 individuals were trained on this topic.

According to the agendas provided by the Chief Prosecutor's Office, the trainings cover right to life and the European convention and case law of Court of Human Rights on prohibition of torture, inhuman and derogatory treatment; decisions made against Georgia; investigation of facts of mistreatment by public employees or individuals with equal status, etc.

Activities implemented within this measure comply with outcome indicators. **Therefore, this activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 3.2.1.** Improvement of the mechanisms for detecting facts of torture and mistreatment

**Activity N3:** Systematic visits to individuals in the penitentiary system

**Output Indicators**

1. The number of the visits carried out at the penitentiary establishments (50)
2. The number of the persons visited at the penitentiary establishments (50)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, prosecutors from the Department of the Procedural Guidance of Investigation in the Ministry of Defence and the Ministry of Corrections and Probation and the Division of Procedural Guidance of Investigation in the Ministry of Corrections and Probation conducted 52 visits to the penitentiary facilities in 2017. Prosecutors met with 27 prisoners and 25 charged individuals. **This activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 3.3.1.** Increase of effectiveness of detection and criminal prosecution of hate motivated and discriminatory crimes

**Activity N1:** Monitoring of implementation of the recommendations on increasing the effectiveness of detection and criminal prosecution of hate motivated and discriminatory crimes

**Output Indicators**

1. Methodology for monitoring of implementation of the recommendations on increasing the effectiveness of detection and criminal prosecution of hate motivated and discriminatory crimes (50)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, within the monitoring of implementation of recommendation on increasing effectiveness and criminal prosecution of hate-motivated crimes, the Division of Human Rights Protection studied criminal cases involving hate-motivated crimes in 2016-2017. The cases were studied in two directions: criminological part, determining persons who reported the crime, location of crimes, circumstances, connection between a victim and a suspect, personal characteristics of victims and suspects, and effectiveness of investigation, studying how responsive were law-enforcement agencies to the crime, whether the investigative activities were adequate and effective, whether a specific ground for hate has been identified, what was the position of victims in regard to charging the suspect, whether a correct final decision was made on the case and whether discriminatory motive was properly identified. The provided information demonstrates that the practice was studied in a detailed manner and additional recommendations have been issued. **Therefore, this activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 3.3.1.** Increase of effectiveness of detection and criminal prosecution of hate motivated and discriminatory crimes

**Activity N2:** Training and retraining of middle management, prosecutors, investigators, and interns to increase the effectiveness of detection and criminal prosecution of discriminatory crimes.

**Output Indicators**

1. The number of the middle level managers, prosecutors and investigators working on discriminatory crimes who have participated in the trainings (40)

2. The number of the trainings compared to the number of the participants (30)
3. Duration of the trainings, relevance of the training content to the training topic (30)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the Chief Prosecutor's Office, 11 trainings were conducted on the European standards of prohibition of discrimination. 233 employees (prosecutors and investigators) from various territorial and structural units of the PSG underwent the trainings. Additionally, middle management (25 managers, 164 prosecutors, 28 investigators, 16 interns) from all territorial units were enrolled in the trainings. Two groups of interns, 62 individuals participated in educational courses on prohibition of discrimination.

The provided agendas indicate that the following topics were discussed: definition of hate-motivated crime, prejudice indicators and initiation of investigation, Georgian legislation, international and regional standards, obstacles to criminal prosecution, evidence of prejudice, other signs of discrimination and European standards on their prohibition.

As the provided information demonstrates, the topics of trainings were relevant to the goal of this activity, and the number of participants in each group, 22 can be considered optimal. The number of prosecutors and investigators who were trained on discriminatory crimes is also acceptable, as this was not a singular event, and it will continue over the years. **Therefore, this activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 3.3.1.** Increase of effectiveness of detection and criminal prosecution of hate motivated and discriminatory crimes

**Activity N3:** Preparation of recommendations on increasing the effectiveness of detection and prosecution of crimes committed on religious grounds.

**Output Indicators**

1. The best practices studied in order to increase the effectiveness of detection and prosecution of crimes committed on religious grounds (30)
2. The issues covered by the recommendation (initiation of the investigation, qualification of the crime, involvement of a victim, effective investigation, etc.) (40)
3. The form of introducing the recommendation to the prosecutors (30)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, the Division for Human Rights Protection developed a recommendation for prosecutors on effective prosecutorial activities in cases of religious intolerance. The recommendation analysed shortcomings in the current practice and basic standards established by the European Court of Human Rights. The recommendation was reviewed

by an expert of the Council of Europe and he presented his opinions, later reflected in the document. The recommendation concerns definition of norms of Criminal Code related to religious intolerance, cases of vandalism of religious buildings, legal qualification of verbal abuse and other relevant issues. On August 11, 2017, this recommendation was sent to prosecutors, after it was signed by the Chief Prosecutor, using an electronic document sharing system of the PSG. The recommendation is not public, and it available to prosecutors only for professional goals.

According to the provided information, local practice, as well as international standards were studied for development of the recommendation, an international expert was also involved in the process. **Therefore, the activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 3.3.1.** Increase of effectiveness of detection and criminal prosecution of hate motivated and discriminatory crimes

**Activity N4:** Selection of prosecutors specialized in hate motivated and discriminatory crimes.

**Output Indicators**

1. The selection criteria for specialisation of the prosecutors working on hate motivated and discriminatory crimes

**Status:** Fully implemented

**Progress:** 100%

As of 2017, the first group of prosecutors specialized in discriminatory and hate-motivated crimes has been selected. The selection was conducted based on qualifications of prosecutors, experience of working on hate-motivated crimes, workload and motivation. The information provided by the PSG fully complies with the indicators. **Therefore, this activity has been fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 3.3.1.** Increase of effectiveness of detection and criminal prosecution of hate motivated and discriminatory crimes

**Activity N5:** Conducting at least 4 trainings for prosecutors, investigators, and interns to increase the effectiveness of detection and prosecution of hate motivated crimes.

**Output Indicators**

1. The number of the prosecutors and investigators working on hate motivated crimes who have participated in the trainings (40)

2. The number of the trainings compared to the number of the participants (30)

3. Duration of the trainings, relevance of the training content to the training topic (30)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, a training of trainers for two groups, 24 prosecutors and investigators, was held on the topic of effective investigation of hate-motivated crimes. The participants were selected from relevant structural units and from all territorial units.

The training of trainers was preceded by a cooperation memorandum between the Parliament of Georgia and OSCE Office for Democratic Institutions and Human Rights. Within the framework of the memorandum an educational program and materials tailored to the current challenges were developed, in cooperation with ODIHR, representatives of the Ministry of Internal Affairs, Public Defender's Office and non-governmental organizations participated in preparation of materials.

Three study visits to London, Warsaw and Strasbourg were also organized on the topic of combat against hate-motivated crime. Two of them were trainings of trainers, with 10 participants (prosecutors). Two groups of 62 interns were trained on the topic of effective investigation of hate-motivated crimes.

According to the provided agendas, the trainings concerned general legal issues related to hate-motivated crimes, particular attention was given to practical part (case review and practical sessions). Main topics discussed were: everyday events connected to hate-motivated crimes (prejudice and preconceptions in local context), the concept of hate-motivated crime, its identification (prejudice indicators, motive), international and regional legal frameworks, Georgian legislation, obstacles to criminal prosecution and ways of overcoming them, not reporting hate-motivating crimes and reasons of such behaviour, the role of human rights for law-enforcement agents, investigation of hate-motivated crimes committed against LGBTI individuals – victim-oriented approaches.

Based on the provided information, the topics of trainings were relevant to the goal of the activity, and the number of participants in the training groups is acceptable. **Therefore, this activity has been fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 3.3.2.** Proactive communication and raising public awareness about hate motivated and discriminatory crimes

**Activity N1:** Publishing of information on criminal prosecution and the individuals convicted of hate motivated and discriminatory crimes on the website.

**Output Indicators**

1. Information regarding prosecution and adjudication on discriminatory and hate-motivated crimes published on the official webpage of the PSG

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, information on criminal prosecution of discriminatory and hate-motivated crimes and charged individuals was published on the website of the PSG periodically in 2017. The information is in a form of press releases.

Information on criminal prosecution of discriminatory and hate-motivated crimes and charged individuals is published on the website in the news format. **Therefore, this activity has been fully implemented and its implementation progress is 100%.**

#### 4.4. Objective 4. Creating an effective juvenile justice system

The fourth goal and objective of the PSG Action Plan is establishment of an effective juvenile justice system. 4 components are identified as measures for achievement of this goal. 6 activities are envisioned in these components. From these six activities, four have been fully implemented, one – mostly, and one – partially. Notably, there are no incomplete activities in this section. **Implementation progress of activities of the fourth goal is 85%.**

**Goal attainment mechanism 4.1.1.** Strengthening of the coordination mechanisms at the local level

**Activity N1:** Organizing a meeting to strengthen the coordination mechanisms at the local level

**Output Indicators**

1. The number of the meetings conducted at the local level (50)
2. The participants of the meeting and discussed topics (50)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, on December 19, 2017, with an initiative of the PSG, a presentation on multidisciplinary local groups of juveniles was held. Eight multidisciplinary groups were created: in Tbilisi, Kakheti, Shida Kartli, Kvemo Kartli, Samtskhe Javakheti, Imereti, Samegrelo-Zemo Svaneti and Adjara. In each group there are representatives of all agencies that have contact with juveniles at various stages. These include representatives from court, PSG, Ministry of Internal Affairs, Legal Assistance Service, Ministry of Education and Science, Ministry of Probation, Ministry of Labor, Health and Social Protection. Establishment of such groups on local levels is commendable, as it contributes to strengthening of coordination, timely identification of problems on regional level, and their timely resolution.

Meetings of the 8 groups were organized in 2017: four groups (from Tbilisi, Kakheti, Kvemo Kartli and Shida Kartli) met in Tbilisi, other four (from Imereti, Adjara, Samegrelo-Zemo Svaneti and Samtskhe Javakheti) – in Tskaltubo. The groups discussed problems, challenges and shortcomings related to juvenile justice.

All outcome indicators are met, as eight multidisciplinary local groups of young people have been created in the regions of Georgia, and all agencies in contact with juveniles are represented in the groups. Each group organized a meeting in 2017 and discussed challenges in juvenile justice. **Therefore, this activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 4.1.1.** Strengthening of the coordination mechanisms at the local level

**Activity N2:** Designating persons responsible for improving the coordination mechanisms on the local level

**Output Indicators**

1. The state institutions participating in the improvement of the local coordination mechanisms

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, responsible people have been identified at the PSG, Ministry of Internal Affairs, Bureau of Probation, Ministry of Justice, court, Agency for Care and Guardianship, Legal Assistance Service, Ministry of Education, City/Town halls, representatives of penitentiary institutions for juveniles (in regions, where such institutions exist). As all agencies responsible for juvenile justice participated in this activity, **it is fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 4.1.2.** Optimization and retraining of prosecutors working on juvenile justice

**Activity N1:** Study of the workload of the prosecutors specialized in juvenile justice

**Output Indicators**

1. A document reflecting the study of the workload of the prosecutors specialized in juvenile cases has been prepared

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, it monitors juvenile justice programs every six month and prepares monitoring reports on diversion program and prosecuted juveniles. These documents also include information on individual workload of prosecutors, which is a confidential document. The reports were prepared in July 2017, and the annual data analysis was conducted in 2018. **Based on this information, the activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 4.1.2.** Optimization and retraining of prosecutors working on juvenile justice

**Activity N2:** Raising qualifications of prosecutors in communication with persons with disabilities

**Output Indicators**

1. The number of the middle level managers, prosecutors and investigators who have participated in the trainings on effective communication with persons with disabilities (40)

2. The number of the trainings compared to the number of the participants (30)  
 3. Duration of the trainings, relevance of the training content to the training topic (30)

**Status:** Partly implemented

**Progress:** 50%

According to the information provided by the PSG, one training on communication with persons with limited abilities was organized and it was attended by 22 participants (prosecutor/investigator) from various structural and territorial units of the PSG.<sup>108</sup>

According to the provided agendas, the two-day training discussed the following topics: Articles three, five, six and 14 and Protocol 12 of the European Convention of Human Rights; case law of European Court of Human Rights related to the rights of persons with limited abilities, other international instruments for the protection of rights of persons with limited abilities, status of persons with limited abilities and national legislation, participation of persons with limited abilities in investigation, integration of persons with limited abilities in society, forms of limitation of abilities and characteristics of communication, role and experience of non-governmental organizations in the protection of the rights of persons with limited abilities, communication barriers and support factors. The training included practical exercises.

As the provided information shows, the training covered all relevant issues. However, it is important to organize such trainings annually, which is not envisioned in the Action Plan. The provided information also doesn't show involvement of middle management, which was envisioned in the Action Plan. **Therefore, this activity has been only partially implemented and its implementation progress is 50%.**

**Goal attainment mechanism 4.1.3.** Creating an environment focused on underage persons

**Activity N1:** Development of a concept for creating an environment focused on underage persons

**Output Indicators**

1. The concept note is based on the situation analysis (50)  
 2. Issues covered with the concept note (specialised personnel, isolated space, the best interests of a child, etc.) (50)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, the Prosecutor's Office actively cooperates with UNICEF on creation of environment focused on children. An international expert was present at the POG to study the current environment. The expert prepared a concept for a child-friendly environment, which provides analysis and recommendations of the environment at the PSG.

<sup>108</sup> Along with the training organized in 2017, in 2016 3 educational activities were held on communication with persons with limited abilities, 59 prosecutors and investigators participated.



Specifically, according to the concept, the special room will be isolated from the main part of the Prosecutor's Office, it will have an individual entrance and be divided into several spaces, so that the juvenile, given his/her age and psychological condition, can be accommodated easily during the interview. The room will be equipped with audio-video recording equipment that will allow not to interview the child several times and the investigator to monitor the interrogation remotely while psychologist conducts an interview with a child. Infrastructure in a child-friendly environment will also meet the needs of people with disabilities. **This activity has been fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 4.1.4.** Creating an environment focused on underage persons

**Activity N1:** Development of a document on refining data on participants of cases involving juvenile individuals

**Output Indicators**

1. The document includes specific methodology for data collection

**Status:** Mostly implemented

**Progress:** 60%

According to the information provided by the PSG, with the support of UNICEF, a working sub-group, with participation from representatives of various agencies, has developed a document project for collecting and analysis system of data related to juveniles involved in the criminal justice system. The document details indicators/data to be collected on juveniles and persons between the ages of 18 and 21, defines their significance and methodology of collection, as well as, agencies responsible for the collection of the data, including the PSG. According to this document, each agency must provide detailed data according to the goals of indicators into an integrated data system. Currently the document is at the Ministry of Justice. As the document is not yet final, it is considered a project, **therefore, the activity has been mostly implemented and its implementation progress is 60%.** It is not recommended to include activities that are a prerogative of another agency in the Action Plan.

#### 4.5. Objective 5. International cooperation on criminal cases

The fifth goal and objective of the PSG Action Plan is increasing effectiveness of international cooperation on criminal cases. This goal lists nine goal attainment mechanisms with 13 activities to be implemented in 2017. Nine of these activities have been fully completed, two – mostly and two – partly. Notably, there are no incomplete activities for the fifth goal. **The implementation progress of the activities of the fifth goal is 89%.**

**Goal attainment mechanism 5.1.1.** Enhancement of the relationships with the international networks of legal cooperation

<p><b>Activity N1:</b> Analysis of the legislation on personal data protection in Georgia and preparation of legislative recommendations to harmonize it with the EU regulations with the goal of signing an agreement with Eurojust</p> <p><b>Output Indicators</b></p> <p>1. Legislative amendments carried out in personal protection legislation based on the analysis prepared before the signature of the Eurojust contract</p> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, Department of Legal Affairs of the Chief Prosecutor’s Office conducted a study of personal data protection legislation in Georgia for furthering the goal of signing a treaty with EUROJUST.

According to the analysis, current legislation on personal data protection, specifically regulations under the PSG competence, are compliant with the EU regulations, and there is no need for legislative amendments, however, for better regulation of some issues, it was recommended that Chief Prosecutor issue individual legal-administrative acts. Thus, decrees on the following matters were issued by the Chief Prosecutor in 2017: establishment of a personal data protection group at the PSG and measures to be implemented by the group, defining a list of documents stored in the PSG system and terms of their storage, appointment of a person responsible for informational security at the PSG, appointment of a person responsible for IT system security at the PSG.

Notably, in May 2017 an expert mission of Eurojust visited Georgia to, along with other goals, observe the personal data protection system at the PSG. Based on the positive report of the visit, on October 31, 2017, Eurojust requested, in an official letter to the European Council, that a process on signing a bilateral agreement with Georgia commence. Currently, the procedures related to signing the agreement are ongoing.

The indicators of the activity have been satisfied, as the current legislation has been analysed and appropriate legal acts have been issued. **This activity has been fully implemented and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 5.1.2.</b> Issuing of documents about international cooperation policies on criminal cases</p> <p><b>Activity N1:</b> The documents about international cooperation policies on criminal justice have been prepared</p> <p><b>Output Indicators</b></p> <p>1. Prepared document is based on the situation analysis and underlines existing challenges and possible solutions (50)</p> <p>2. Interested parties participating in the preparation of the document (50)</p> <p><b>Status:</b> Partly implemented</p> <p><b>Progress:</b> 50%</p>
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According to the information provided by the PSG, work on the development of a document on policies related to international cooperation on criminal cases began in 2017. The document is planned to be finished in 2018. The primary projects on legal assistance and extradition have been prepared. A document on criminal case forwarding for further processing and transfer of convicts for completing their sentence is being prepared. The Department of Legal Affairs of the Chief Prosecutor's Office is working on the document. The document relies on an analysis of local and international experience of international cooperation on criminal cases, including reports of the Council of Europe Committee of Experts on functioning of European conventions on cooperation on criminal cases.

As the first draft of the document has been prepared in 2017, and the PSG is involved in the preparation process, **the activity can be considered partly implemented and its implementation progress is 50%.**

**Goal attainment mechanism 5.1.3.** Implementation of electronic case processing for international cooperation in criminal justice

**Activity N1:** Work has begun on creating a program for electronic case processing for international cooperation in criminal justice

**Output Indicators**

1. The best practices analysed (40)
2. The online platform ensures electronic cooperation with partner countries (60)

**Status:** Fully implemented

**Progress:** 100%

During 2017, negotiations were ongoing with representatives of EU4Justice project, financed by the EU, on the development of electronic case management system for international cooperation on criminal justice. An appropriate project was initiated with participation of Latvian experts. Additionally, negotiations were ongoing with the Ministry of Justice of the Kingdom of the Netherlands on sharing and editing of the source code of the Netherlands' electronic program for international cooperation on criminal justice. The Kingdom of the Netherlands indicated an initial agreement to the proposal. At this moment, the PSG is awaiting EU4Justice to find financial resources required for implementation of the project. After this, detailed negotiations with the Ministry of Justice of the Kingdom of the Netherlands on sharing of the code will begin or a new program will be developed.

The Department of Legal Affairs of the Chief Prosecutor's Office is working on issues related to the development of the program. The program will be used in practice by representatives of competent agencies working on international cooperation on criminal justice. **Therefore, this activity has been fully complete and its implementation progress is 100%.**

**Goal attainment mechanism 5.1.4.** Implementation of E-transmission systems for cooperation proposals

**Activity N1:** Beginning of negotiations with other states for implementation of the E-transmission system

**Output Indicators**

1. Activities carried out during negotiations in order to implement the e-transition system

**Status:** Mostly implemented

**Progress:** 70%

According to the information provided by the Prosecutor's Office, the United States has expressed its desire to receive the requests regarding legal assistance by email and Georgia has been actively using this opportunity since September 2017. During 2017, the POG received requests for legal assistance from foreign countries via email [international@pog.gov.ge](mailto:international@pog.gov.ge). In addition, the POG has been actively promoting the use of this e-mail. In addition, Georgia expects Interpol's implementation of the e-MLA electronic transmission system, which will be joined upon its entry into force. According to the measure, negotiations to introduce e-transmission had to start with at least three states. Based on the provided information negotiating started with more countries, resulting in e-mail exchange of the legal assistance requests with 15 countries.

The activity mentions the electronic transmission systems while the information is provided on using email. According to the information provided by the PSG, this is due to financial availability, while the security options are approximately the same in both cases. Accordingly, the measure is mostly completed and its implementation progress is 70%.

**Goal attainment mechanism 5.1.5.** System for detection, seizure, and confiscation of illegally obtained property through international cooperation

**Activity N1:** Analysis of the relevant legislation for detection, seizure, and confiscation of illegally obtained property through international cooperation and preparation of recommendations

**Output Indicators**

1. The best practices and legislation studied for the analysis

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, in the second half of 2017, the Division of International Cooperation of the Department of Legal Affairs of the Chief Prosecutor's Office conducted a comparative legal study of regulations on international cooperation related to illegally acquired property. Based on the results of the study, in 2018, recommendations were prepared on legislative and regulatory reform in this field.

Within the study on finding, seizure and confiscation of illegally acquired property through international cooperation the following materials were reviewed: framework decisions of the

European Union, Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, United Nations Convention against Transnational Organized Crime, United Nations Convention against Corruption, legislations of the UK, Kingdom of Netherlands, Italy and France, as well as, local national legislation and practice. Based on the study, the PSG in cooperation with the competent structural unit of the Ministry of Justice developed recommendations for legislative amendment, subsequently a legislative bill “On International Cooperation in Criminal Justice” was prepared based on these recommendations.

As the provided information demonstrates, local and international practices and standards were studied. **Therefore, this activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 5.1.6.** Creation of guidelines of legal assistance for practitioners

**Activity N1:** Preparatory work on creation of the guidelines of legal assistance for the practitioners has begun

**Output Indicators**

1. The guideline is based on the situation analysis

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, the Department of Legal Affairs of the Chief Prosecutor’s Office is working on a guidebook of legal assistance. The document mostly relies on an analysis of international and local practices related to cooperation in criminal justice. On international practice, data published by the Committee of Experts of the Council of Europe (PC-OC) on functioning of European Conventions on cooperation on criminal justice is used. The United Kingdom, the Kingdom of the Netherlands have been studied. These countries were selected due to the superior quality of their systems of international cooperation on criminal justice. **This activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 5.1.7.** Cooperation with large multinational and foreign electronic communication companies

**Activity N1:** Creation of a standard form for effective cooperation requests from large multinational and foreign electronic communication companies

**Output Indicators**

1. Compliance of the standard form with relevant international standards

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, communication forms for Facebook and Apple have been developed in 2017. These forms have been developed based on guiding rules of

Convention against Cybercrime of the Council of Europe and these companies. **This activity has been fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 5.1.7.** Cooperation with large multinational and foreign electronic communication companies

**Activity N2:** Assigning and training of persons responsible for effective cooperation with large multinational and foreign electronic communication companies

**Output Indicators**

1. The number of the persons responsible for and trained on the effective cooperation with large multinational and foreign electronic communication companies

**Status:** Mostly implemented

**Progress:** 85%

According to the information provided by the PSG, the persons responsible for effective relationships with large transnational and electronic communications companies are the head of the Department of Legal Affairs of the Chief Prosecutor's Office Irakli Chilingarashvili and head of the Division of International Relations of the same department Givi Baghdavadze. The number of companies is not limited. Standard communication forms for contacting large transactional and foreign electronic communications companies have been developed and are used by the responsible persons mentioned above. Therefore, there was no need for retraining related to usage of these forms. As the activity envisioned not only allocating responsible contact individuals, but also retraining, this activity cannot be considered fully completed. **The activity has been mostly completed and its implementation progress is 85%.**

**Goal attainment mechanism 5.1.7.** Cooperation with large multinational and foreign electronic communication companies

**Activity N3:** Development of the guidelines on effective cooperation with large multinational and foreign electronic communication companies

**Output Indicators**

1. The guideline is based on the study of the situation analysis and the best practices

**Status:** Fully implemented

**Progress:** 100%

A guide for effective cooperation with large transnational and foreign communications companies has been developed by the responsible contact persons. During its preparation, the materials on the Council of Europe's Cybercrime Convention Committee website (T-CY) was taken into consideration. The practice of collaborating with individual providers (Facebook, Microsoft, and Apple) was also analysed. All large companies have their own standards of disclosing customer data to law enforcement agencies. Setting these standards serves to protect the user's personal data.

However, these standards vary by company and are often difficult for local practitioners to understand. The Prosecution's Handbook provides local practitioners with the standards of providers to request data in an easy and understandable language. In addition, the manual covers the requirements of all major providers. The guide also includes an overview of practices collected by the contact person / Unit (POG) from Georgia, giving practitioners a clear and realistic understanding of what providers are requesting and what data they can expect to receive. The manual also offers standardized forms of data retrieval and a sample of the motions required to make the relevant ruling. **The activity was fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 5.1.7.** Cooperation with large multinational and foreign electronic communication companies

**Activity N4:** Starting negotiations with large multinational and foreign electronic communication companies

**Output Indicators**

1. The large multinational and foreign electronic communication companies with whom the negotiations have started

**Status:** Fully implemented

**Progress:** 100%

The PSG has a successful practice of receiving user information from Facebook and Apple through direct communication. The formation of this practice was preceded by verbal and written consultations with representatives of these companies. Negotiations took place and cooperation was started with Microsoft. Several providers were also consulted after that. The companies were selected based on where the most frequently requested data is obtained during criminal proceedings. **This activity has been fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 5.1.8.** Evidence gathering beyond the traditional criminal justice cooperation forms

**Activity N1:** Starting work on the guidelines of evidence gathering beyond the traditional criminal justice cooperation forms

**Output Indicators**

1. The best practices and international standards analysed for developing the guideline

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, the Department of Legal Affairs of the Chief Prosecutor's Office has started working on a project for a guidebook on gathering evidence through circumventing traditional forms of cooperation on criminal cases. The Convention against Cybercrime of the Council of Europe, national and international practices, including those of the UK and the Kingdom of the Netherlands were used in the development process. Despite the fact

that the activity has been completed, it must be noted that the measure itself is vague and measuring its outcome is difficult, as it is unclear what is meant by starting working on a guidebook, for which the Action Plan allocated one year. As the chapter on general assessment of the Action Plan noted, it is recommended not to include such measures in the Action Plan. **This activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 5.1.8.** Evidence gathering beyond the traditional criminal justice cooperation forms

**Activity N2:** Creation of a database of foreign open sources

**Output Indicators**

1. Open resources that are integrated in the data-base

**Status:** Partly implemented

**Progress:** 50%

In 2017 the Division of International Relations of the Department of Legal Affairs of the Chief Prosecutors Office started working on development of a database of open source databases. However, the project is still on the initial commencement stage. Currently, information has been collected only on several databases of open source data. The work will be intensified in 2018. Works associated with the development of a database of open source databases includes finding information on various open source databases that might include important information for investigation of crimes, its systematization, introducing it to investigators and prosecutors and their training on proper utilization of these sources. For example, one such open source database is WHOIS database of ICANN.

As the measure envisioned development of a database and according to the PSG information, the project is only on an initial stage, **the activity has been only partly implemented and its implementation progress is 50%.**

**Goal attainment mechanism 5.1.9.** New cooperation forms on criminal justice cases

**Activity N1:** Organizing trainings on the new cooperation forms on criminal justice cases

**Output Indicators**

1. The number of the relevant employees who have been trained on the new forms of cooperation on criminal cases (40)
2. The number of trainings compared to the number of training participants (30)
3. Duration of the trainings, relevance of the training content with the training topic (30)

**Status:** Fully implemented

**Progress:** 100%

On March 27-30, 2017 the Council of Europe organized a training on international cooperation on computer crime and electronic evidence gathering, 10 representatives of the PSG participated in



the training. The goal of the training was to introduce issues of legal assistance and cooperation via 24/7 points of contact of the Budapest Convention, as well as, matters of international cooperation on cybercrime and electronic evidence gathering. On September 21-22, 2017 Department of Justice of the USA organized a training on international cooperation on electronic evidence gathering, with 10 representatives of the PSG participating. The training concerned motions for development of a guideline on effective requests for legal assistance, ECPA act related to privacy of electronic communications, data storage and Microsoft decisions and types of electronic evidence, recommendations and practical examples on preparation of documents without requesting legal assistance and seizure/confiscation of crime instruments. On December 15 and 22 of 2017 the Division of International Relations of the Chief Prosecutor's Office organized trainings on the following topics: video-audio remote questioning, conducting international procedural actions without legal assistance, cooperation with international internet service providers, other problems related to international cooperation. 44 participants attended the trainings. Based on the provided information, we can conclude that the topics of trainings were relevant to the goal of the activity, the number of people who have been trained in one year is also acceptable. Therefore, this activity has been fully completed and its implementation progress is 100%.

#### 4.6. Objective 6. Enhancement of quality of prosecutorial activities and development of homogenous criminal justice policy

The sixth goal and objective of the PSG Action Plan is enhancement of quality of prosecutorial activities and development of a homogeneous criminal justice policy. Seven goal attainment mechanisms and 12 activities for 2017 are envisioned for achievement of this goal. Five of these activities have been fully completed, five – mostly, one – partly, while one recommendation has not been implemented. **The progress of implementation of the activities of the sixth goal is 75%.**

<p><b>Goal attainment mechanism 6.1.1.</b> Implementation of the guidelines on legal writing</p> <p><b>Activity N1:</b> Training and retraining of prosecutors and interns on all issues of legal writing</p> <p><b>Output Indicators</b></p> <ol style="list-style-type: none"> <li>1. The number of the prosecutors and interns who have been trained on legal writing (40)</li> <li>2. The number of trainings compared to the number of training participants (30)</li> <li>3. Duration of the trainings, relevance of the training content with the training topic (30)</li> </ol> <p><b>Status:</b> Mostly implemented</p> <p><b>Progress:</b> 75%</p>
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According to the information provided by the PSG, 11 trainings were conducted with the goal of implementation of new standards of legal writing. 197 prosecutors from various territorial and structural units of the PSG participated in the trainings. Two groups of interns, 62 participants took courses on this topic. According to the agendas of the trainings, participants covered issues related

to morphology and orthography, syntax, style and wide-spread stylistic mistakes, punctuation and common mistakes, legal documents prepared by prosecutors were also reviewed at the trainings.

According to the activity description, the PSG made a commitment to retrain all prosecutors and interns on topics of legal writing. The provided information reveals that 197 prosecutors and 62 interns were trained. According to the information provided by the PSG, 5 trainings on this topic were organized in 2016, 83 prosecutors from various territorial and structural units were trained. Even if we take the two years together, the number of trained prosecutors is short of the total number of employed prosecutors. Therefore, this activity cannot be considered fully implemented. **This activity has been mostly completed and its implementation progress is 75%.**

**Goal attainment mechanism 6.1.2.** Separation of functions

**Activity N1:** Establishment of a working group to develop a document on separation of functions

**Output Indicators**

1. The Composition of the Working Group (60)
2. The format of the operation of the Working Group (40)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, a working group on separation of managerial functions has been established and it consists of heads of divisions of Prosecutorial Supervision and Strategic Development, head of the Division of Legal Affairs and head of the Department of Human Resources Management and Development. The group conducts meetings and also communicates electronically. Based on a study of functions of managers of various structural entities and their deputies, a document describing functions for increasing effectiveness and independence of structural units was developed. As representatives of all relevant structural units were involved in the working group and the format was flexible – meetings and electronic communication, **this activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 6.1.2.** Separation of functions

**Activity N1:** Creation of a document on separation of functions and its implementation

**Output Indicators**

1. The methodology of the document (50)
2. The implementation of the document (50)

**Status:** Partly implemented

**Progress:** 50%

According to the information provided by the PSG, a working group on the development of a document on separation of functions at the PSG, based on a study of functions of managers of

various structural units and their deputies, created a document detailing functions for increasing effectiveness and independence of structural units. The Working Group was guided by the Code of Criminal Procedure, organic law on the prosecution service, the decree on approval of Regional Prosecutor's statute as well as different local practices and it was assessed how properly these functions were distributed. During the work on the document, interviews were conducted with about 15 regional prosecutors and their deputies. Their views on the allocation of functions for effective management were also heard, and the opinions of ordinary prosecutors were taken into account. The information provided does not indicate how the document was implemented. **Therefore, this activity has been partly completed and its implementation progress is 50%.**

**Goal attainment mechanism 6.1.3.** Case distribution system reform

**Activity N1:** Analysis of the workload of prosecutors for evaluation of the current situation

**Output Indicators**

1. The methodology of the document (40)
2. The individuals and structural units involved in the process (60)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, the Department of Prosecutorial Supervision and Strategic Development analyses workload of prosecutors based on three data points: 1. Number of suspended cases; 2. Number of initiated cases; 3. Number of sentencing. Each indicator is assigned a point (suspended case – 1 point, criminal prosecution – 2 points, sentencing – 3 points), which are then summed up into a total number of points. The methodology conceived analysis of workload of individual prosecutors, as well as, district and regional prosecutor's offices. The workload analysis is a service document and its results are accessible to appropriate structural units (leadership of Chief Prosecutor's Office, Department of Human Resources and Development, etc.).

The information provided by the PSG fulfils the requirements of the activity and therefore **this activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 6.1.4.** Monitoring of prosecutor performance

**Activity N1:** Monitoring of quality of procedural documents and preparing appropriate recommendations

**Output Indicators**

1. The methodology and the components of the document (35)
2. The recommendations issued based on the monitoring (35)
3. Availability of the recommendations (30)

**Status:** Fully implemented

**Progress:** 91%

According to the information provided by the PSG, Department of Prosecutorial Supervision and Strategic Development monitored quality of procedural documents in 2017. With this goal in mind, criminal cases were studied thematically, main procedural documents created by prosecutors throughout the year were analysed, evaluating resolution on charging of an individual, motion on preventive measures, resolution on dismissing a charge, resolution on suspending prosecution, resolution on suspending investigation, cassation appeal and other procedural documents.

The quality monitoring of the procedural documents was conducted according to the evaluation system criteria approved by the Chief Prosecutor and sent in advance to employees of structural units of the PSG. Compliance of the procedural documents with legislation and linguistic standards was evaluated. As to the thematic study of criminal cases and their analysis, selection was conducted in accordance with current needs (relevance of the topic, amendments to the legislation, analysis of court practices and decisions). Before the thematic analysis of the criminal cases a table was constructed, reflecting statistical data, and other data required for criminological analysis and for evaluation of effectiveness of investigation and criminal prosecution.

Within the 2017 monitoring, 611 criminal cases involving crimes against life and health, initiated between January 1<sup>st</sup> and June, were analysed. 100 cassation appeals and decisions of the Supreme Court were also studied.

Considering the trends from the case analysis and the study of procedural documents, to increase the quality of prosecutorial activities, to implement homogenous practice and enhance the quality of procedural document, following recommendations were developed in 2017:

- Recommendation on separation of Articles 353 and 353 prima articles, to improve existing shortcomings and implement homogenous practice;
- Recommendation on review of sentencing based on a prosecutor resolution on newly discovered circumstances, aiming at implementing amendments of July 12, 2016 to the Article 310 of the Criminal Code and establishment of a homogenous practice;
- Recommendation on circumstances to be considered for usage of bail as a preventive measure, aiming at establishment of a homogenous practice on motions filed by prosecutors for requests of bail as a preventive measure and transfer of bail to state budget in cases of infringement of bail rules;
- Recommendation on appealing sentencing through a cassation rule, aiming at improving the quality of justification of cassation appeals filed by prosecutors;
- Recommendation on preventive measures to be used for foreign citizens and on the prohibition of crossing the state border by Georgian citizens, non-citizen permanent residents of Georgia and foreign citizens;

- Recommendation on mandatory investigative and procedural activities for domestic violence and domestic crimes.

The information provided by the PSG clearly shows what type of procedural documents were monitored, methodology for evaluation of this case and thematic study is provided. The recommendations can be positively assessed due to the volume and variety of topics. The monitoring analysis document is publicly available on the PSG website, while monitoring results have been integrated in trainings on legal writing. All the above-mentioned factors can be positively evaluated, however, as not all prosecutors have undergone legal writing training and no separate meeting on the results of the monitoring and recommendations was organized, **this activity has been fully completed, but its implementation progress is 91%.**

<p><b>Goal attainment mechanism 6.1.4.</b> Monitoring of prosecutor performance</p> <p><b>Activity N2:</b> Quality monitoring of prosecutors' court skills and preparing recommendations</p> <p><b>Output Indicators</b></p> <ol style="list-style-type: none"> <li>1. The methodology and the components of the document (35)</li> <li>2. The recommendations issued based on the monitoring (35)</li> <li>3. Availability of the recommendations (30)</li> </ol> <p><b>Status:</b> Mostly implemented</p> <p><b>Progress:</b> 80%</p>
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In 2017 the Department of Prosecutorial Supervision and Strategic Development conducted monitoring of court sessions with the goal of evaluation of prosecutor court skills. Based on the monitoring, quality of prosecutorial support of the state charges was analysed. The monitoring included first introduction of a suspect in court, preliminary court session, plea agreement and material discussion sessions. 200 sessions were analysed in total. Trends revealed by the monitoring were analysed and were taken into account in the legal writing trainings.

Positive evaluation must be given to the fact that the state charge support monitoring was conducted on all court levels. However, it is recommended to specify how the skills were monitored, what methodology was used for evaluation, which aspects were in particular focus, etc.

As this activity in practice was conducted in conjunction with the previous one, its recommendations are the same. However, as legal writing trainings were not taken by all prosecutors and no separate meeting on the results of the monitoring and subsequent recommendations was held, **this activity has been mostly implemented and its implementation progress is 80%.**

<p><b>Goal attainment mechanism 6.1.5.</b> Implementation of a cost-effective management system</p> <p><b>Activity N1:</b> Development of priorities based on cost-effect analysis of prosecutor expenses</p>
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**Output Indicators**

1. Priorities set by the PSG is based on the cost-effect analysis

**Status:** Not implemented

**Progress:** 0%

According to the information provided by the PSG, the PSG conducts evaluation of implemented criminal justice policy and prepares a report every six months. Reports were prepared in July 2017 and December 2017, based on which priority directions were defined. Managers of all structural units of the PSG were informed about these priority directions. This is a service document. As this information is not related to the analysis of cost-effectiveness envisioned under this activity, **this activity has been incomplete and its implementation progress is 0%.**

**Goal attainment mechanism 6.1.5.** Implementation of a cost-effective management system

**Activity N2:** Establishment of a working group on implementation of cost-effective management system

**Output Indicators**

1. Composition of the Working Group (60)
2. Form of operation of the Working Group (40)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, a working group on cost-effective management system was established and is composed of: deputy head of the Department of Prosecutorial Supervision and Strategic Development, head of Administration of the Chief Prosecutor's Office, head of the Department of Human Resources and Development, adviser from the Division of Budget Planning and State Procurement of the Department of Economy. The operations of the working group are conducted in meetings and through electronic communication.

Participation of main interested parties from structural units of the PSG must be positively evaluated. **This activity has been fully completed and its implementation progress is 100%.** However, it must be noted that envisioning establishment of a working group over one calendar year is a shortcoming of the Action Plan, and doesn't contribute to timely achievement of goals and objectives of the Plan.

**Goal attainment mechanism 6.1.6.** Implementation of a homogeneous criminal justice policy

**Activity N1:** Establishment of a working group on improvement of homogeneity of the criminal justice policy

**Output Indicators**

1. Composition of the Working Group (60)
2. Form of operation of the Working Group (40)

**Status:** Mostly implemented  
**Progress:** 60%

According to the information provided by the PSG, a working group on the establishment of a homogenous criminal policy was created with heads of divisions responsible for prosecutorial supervision and head of Analytical Division. The working group conducts meetings and communicated electronically.

It must be noted that while the working group has been established and it is operational through meetings and electronic communication, it consists of only employees from one department. The Department of Prosecutorial Supervision and Strategic Development includes not only divisions responsible for prosecutorial supervision but also analytical divisions. The goal of establishment of a working group is to take joint decisions from across various agencies or department, considering everyone's interests and improving coordination. **Therefore, the activity has been mostly completed and its implementation progress is 60%.**

**Goal attainment mechanism 6.1.6.** Implementation of a homogeneous criminal justice policy  
**Activity N2:** The recommendations on improvement of homogeneity of the criminal justice policy have been renewed  
**Output Indicators**  
1. The number of the recommendations renewed  
**Status:** Fully implemented  
**Progress:** 100%

According to the information provided by the PSG, recommendations on combat against domestic crimes, discriminatory and hate-motivated crimes and combat against trafficking have been renewed in 2017. Additionally, new recommendations were developed based on the monitoring of court skills of prosecutors and procedural supervision (goal achievement mechanism 6.1.4, activity N1 and N2). **Therefore, this activity was fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 6.1.6.** Implementation of a homogeneous criminal justice policy  
**Activity N3:** New recommendations on improvement of homogeneity of the criminal justice policy have been developed and implemented  
**Output Indicators**  
1. The number of the recommendations issued (50)  
2. The activities carried out in order to implement the recommendations (50)  
**Status:** Mostly implemented  
**Progress:** 75%

According to the information provided by the PSG, the following recommendations were developed in 2017:

- ✓ Recommendation on separation of Articles 353 and 353 prima articles, to improve existing shortcomings and implement homogenous practice;
- ✓ Recommendation on review of sentencing based on a prosecutor resolution on newly discovered circumstances, aiming at implementing amendments of July 12, 2016 to the Article 310 of the Criminal Code and establishment of a homogenous practice;
- ✓ Recommendation on circumstances to be considered for usage of bail as a preventive measure, aiming at establishment of a homogenous practice on motions filed by prosecutors for requests of bail as a preventive measure and transfer of bail to state budget in cases of infringement of bail rules;
- ✓ Recommendation on appealing sentencing through a cassation rule, aiming at improving the quality of justification of cassation appeals filed by prosecutors;
- ✓ Recommendation on preventive measures to be used for foreign citizens and on the prohibition of crossing the state border by Georgian citizens, non-citizen permanent residents of Georgia and foreign citizens;
- ✓ Recommendation on mandatory investigative and procedural activities for domestic violence and domestic crimes.

According to the provided information, the recommendations were sent to all prosecutors using electronic mail and included in the training program.

The number of recommendations for a uniform criminal policy is acceptable, but it should be noted that it is desirable that different goal attainment mechanism do not have the same activities in the Action Plan (goal attainment mechanism 6.1.4; measures N1 and N2). As for the recommendation prosecutors emailed. Mail recommendation form, while new recommendations are being introduced, their electronic submission cannot be considered as an effective means of recommendation. It is advisable to provide meetings in which recommendations will be introduced and prosecutors' questions answered. In this regard, it is welcomed to introduce new recommendations to prosecutors within the framework of the trainings, however, no information is available on the number of trainings held and the number of trained prosecutors. **Therefore, this activity has been mostly completed and its implementation progress is 75%.**

**Goal attainment mechanism 6.1.7.** Implementation of the guidelines on investigative methodology

**Activity N1:** The guidelines on investigative methodology have been developed

**Output Indicators**



1. The individuals involved in the preparation of the guidelines (50)  
 2. Form of introducing the guidelines to prosecutors (50)

**Status:** Mostly implemented

**Progress:** 70%

According to the information provided by the PSG, representatives of the Prosecutor's Office (both ordinary prosecutors and managers) and MIA (acting investigators) were involved in the development of the textbook of investigation methodology. The manual is available to all prosecutors and investigators of the PSG and has been mailed through the electronic system.

Like other measures, the document was electronically delivered to prosecutors, but unlike other measures, this one talks not about the updating of the existing document but the creation of a new one introducing a new investigation methodology. Achieving this without introducing its content through workshops is dubious. **Therefore, the activity was mostly completed and its implementation progress is 70%**

#### 4.7. Objective 7. Increasing public trust

The seventh goal and objective of the Action Plan concern increasing public trust in PSG. Five goal attainment mechanisms with 13 activities were designated to achieve the goal. Eight of the 13 activities have been fully completed, three - partly, while two are incomplete. **The implementation progress of the seventh goal activities is 69%.**

**Goal attainment mechanism 7.1.1.** Development of a homogeneous media communication policy

**Activity N1:** Development and adoption of a document on communication of employees of the Prosecutor's Office with media

**Output Indicators**

1. The best practices analysed for preparation of the document

**Status:** Partly implemented

**Progress:** 30%

The PSG has provided the following information: the Department of Prosecutorial Supervision and Strategic Development studied practices of various countries, based on which later a document of media communication was developed. The document has not been approved yet.

The information provided by the PSG provides a general response to the indicator requesting details on how the document was developed. While, the document has been developed "based on experience of various countries", information on the countries experience of which was reflected in the document must have been provided. Additionally, it is recommended to demonstrate how

the experience of other countries was taken into account in the document. **The activity has been partially completed and its implementation progress is 30%.**

**Goal attainment mechanism 7.1.1.** Development of a homogeneous media communication policy

**Activity N2:** Presentation of the document on communication of employees of the Prosecutor's Office with media to journalists, prosecutors, and non-governmental organizations

**Output Indicators**

1. The form of introducing the document to journalists, prosecutors and NGOs (40)
2. The representatives of media and NGOs to whom the document was introduced (60)

**Status:** Partly implemented

**Progress:** 20%

According to the information provided by the PSG, the communications document was introduced to employees of the PSG and journalists. This general information cannot allow for consideration of this activity as completed. The form of presentation of the document to journalists isn't specified. The document hasn't been introduced to media and non-governmental organizations. **Therefore, this activity has been partially completed and its implementation progress is 20%.**

**Goal attainment mechanism 7.1.1.** Development of a homogeneous media communication policy

**Activity N3:** Establishment of a working group on development of criteria for media interest fulfilment

**Output Indicators**

1. The composition of the Working Group (60)
2. The form of operation of the Working Group (40)

**Status:** Partly implemented

**Progress:** 50%

According to the information provided by the PSG, to establish criteria for media interest satisfaction, a working group, consisting of media and Department of Public Relations, was established. The working group conducts its business in meetings and through electronic communication.

The provided information is general and doesn't allow for assessment of group's composition and its work. Notably, the working group consists of members of only one department. The goal of establishment of a working group is to bring representatives of various departments or agencies together, to consider everyone's interest and improve coordination. **This activity has been only partially completed and its implementation progress is 50%.**

**Goal attainment mechanism 7.1.2.** Updating the website of the Prosecutor's Office

**Activity N1:** Establishment of a working group on the modernization of the website of the Prosecutor's Office

**Output Indicators**

1. The composition of the Working Group (60)
2. The form of operation of the Working Group (40)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, a working group consisting of representatives from the Department of Public Relations and Media Communications, Department of Legal Affairs, Department of Prosecutorial Supervision and Strategic Development, Division of Programmatic Support, Security and Technical Support was established. The working group conducts meetings and communicates electronically.

Inclusion of relevant departments in the working group must be positively assessed. The format of operations of the working group – meetings and electronic communication, is also acceptable. **Therefore, this activity has been fully implemented and its implementation progress is 100%.** However, inclusion of such technical and small scale activities in the Action Plan is a shortcoming.

**Goal attainment mechanism 7.1.2.** Updating the website of the Prosecutor's Office

**Activity N2:** Development of Prosecutor's Office website modernization concept note

**Output Indicators**

1. The concept note is based on the situation analysis

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, conducted situational analysis showed that the existing website was not tailored to the user. The information on it was not systematized, the search engine did not work properly, so the modernization of the website was on the agenda. The concept of updating the website has been elaborated and in the nearest future, the updated website of the Prosecutor's Office of Georgia (with new interface and format) will start functioning. **This activity has been fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 7.1.3.** Modernization of the Coordinator Service

**Activity N1:** Study of the international practice on the Coordinator Service

**Output Indicators**

1. Studied best practices (40)
2. The issued covered by the elaborated document (60)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, several foreign countries (Sweden, USA, and Kosovo) were selected to study their successful experience with victim services and compensation systems. The following issues have been studied: for which crimes should a victim receive compensation, which costs incurred by victims should be refunded, at which stage of a criminal case proceedings compensation should be issued, how a coordinator should be involved in the compensation process, etc. **This activity has been fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 7.1.3. Modernization of the Coordinator Service**

**Activity N2:** Updating the guidelines on coordinator activities with the goal of their engagement in cases relating to juvenile delinquents and domestic violence

**Output Indicators**

1. The document is based on the studied best practices (40)
2. The availability of the document (60)

**Status:** Fully implemented

**Progress:** 91%

According to the information provided by the PSG, in accordance with the amendments to the Criminal Procedure Code of May 2018, the Analytics Division of the Department of Prosecutorial Supervision and Strategic Development created a new guidebook on victim and witness coordinators. This guide is a service document and it was sent to all PSG employees. **This activity has been fully completed and its implementation progress is 91%** (considering that the introduction of the guide in a meeting would have been more effective than sending it as an electronic document).

**Goal attainment mechanism 7.1.3. Modernization of the Coordinator Service**

**Activity N3:** Retraining of coordinators with the goal of their engagement in cases relating to juvenile delinquents and domestic violence

**Output Indicators**

1. The number of the retrained coordinators (40)
2. The number of the trainings compared to the number of the training participants (30)
3. Duration of the trainings, compliance of the content with the training topic (30)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, a training with participation from PSG managers and coordinators was organized with the goal of strengthening victim and witness coordinator service. 26 individuals, including 12 coordinators were retrained. The trainings discussed domestic violence, trafficking and child exploitation. Additionally, a specialization course

on juvenile justice was organized for coordinators – 17 coordinators participated. Two study visits were organized with 12 representatives of the PSG, including 5 coordinators. The training covered issues like victim rights, basic communication skills, and cooperation and advocacy forms. **This activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 7.1.3.** Modernization of the Coordinator Service

**Activity N4:** Creating video clips and printing flyers to increase the public awareness on activities of coordinators

**Output Indicators**

1. The forms of spreading the videos and flyers, coverage areas

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, 3 video clips and informational flyers were prepared for raising public awareness on work of coordinators. The video clips were distributed on Public Broadcaster and Imedi TV. The flyers were distributed at all events during the Victim Week of the PSG. 48 events were organized within the Victim Week in 2007 in seven cities: Tbilisi, Gori, Rustavi, Telavi, Kutaisi, Zugdidi and Batumi. The events encompassed informational meetings with high school students, university students and local population, tree-planting, art contests, marathon on Lisi Lake, and distribution of flyers and hanging of banners at the Houses of Justice. Around 4 thousand flyers were distributed throughout the week. The events were covered by Imedi, TV Pirveli and other regional broadcasters (Adjara, 25, Rioni, Odishi, Tanamgzavri, Dia and Kvemo Kartli). Information about the activities was published on the PSG website and Public Prosecutor Facebook page. **Therefore, this activity has been fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 7.1.4.** Modernization of the Coordinator Service

**Activity N1:** Development of a citizen communication document

**Output Indicators**

1. The document on communication with citizens is adopted

**Status:** Not implemented

**Progress:** 0%

The PSG provided the following information, for effective communication between citizens and a prosecutor an electronic program of meetings and a presentation document of the program were prepared. The goal of the program was systematization of requests, organization of meetings, informing supervising individuals about the meetings, saving resources of citizens and prosecutors.

This activity cannot be considered completed based on the provided information as the activity envisioned development of a document that would serve as a guideline for communication with citizens. **Therefore this activity has been incomplete and its implementation progress is 0%.**

**Goal attainment mechanism 7.1.4.** Modernization of the Coordinator Service

**Activity N2:** Presentation of a citizen communication document to the employees of the Prosecutor's Office

**Output Indicators**

1. The form of introducing the document to the employees of the PSG

**Status:** Not implemented

**Progress:** 0%

According to the information provided by the PSG, the citizen communication document was presented to the managers of the PSG and later to all employees of the PSG. As was noted in the previous assessment, the document prepared by the PSG is not a guideline for communication with citizens but a technical-logistical document. As long as the previous activity was incomplete, this activity cannot be considered fulfilled either. **Therefore, this activity has not been implemented and its implementation progress is 0%.**

**Goal attainment mechanism 7.1.4.** Modernization of the Coordinator Service

**Activity N3:** Development of an electronic program for communication with citizens

**Output Indicators**

1. The structural units of the PSG where the program was implemented

**Status:** Fully implemented

**Progress:** 91%

According to the information provided by the PSG, an electronic program for meetings with citizens and a presentation document of this program were developed. The goal of the program was systematization of requests, organization of meetings, informing of supervising ranks about the meetings, saving resources of citizens and prosecutors. The citizen communication program was implemented in regional prosecutor's offices and it is being monitored for further refinement. **Therefore, this activity can be considered fully implemented and its implementation progress is 91%** (taking into account that the program needs further refinement).

**Goal attainment mechanism 7.1.5.** Proactive publication of statistical information

**Activity N1:** Elaboration of the document with the purpose to improve the statistical data

**Output Indicators**

1. The individuals involved in the preparation of the document (50)
2. Issues covered by the elaborated document (50)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, for improvement of electronic case management system and the statistical module, Department of supervision of the prosecutorial activities developed a document setting out the statistical data, which should be collected by the new electronic program. Different types of statistical information will be collected at the regional level, including sorted by criminal offenses, age, sex or gender. For this purpose the document envisages data collection in the following directions: initiation of investigation; initiation of criminal prosecution; non-initiation and termination of criminal prosecution; termination of investigation; preventive measures; sentences; resumption of terminated prosecution; resumption of terminated investigation; detention and release from detention; diversion; termination of prosecution at pre-trial hearing; victim; damage; investigative / procedural actions, including urgent investigative / procedural actions; seizure pursuant to court rulings; expertise; denial of accusation and more. The POG processes some of the above-mentioned data for the purpose of conducting internal investigations and analyses and is not responsible for publishing them. **According to the information presented, the measure is fully implemented and its implementation progress is 100%.**

#### 4.8. Objective 8. Crime prevention

The eighth goal and objective of the PSG Action Plan is crime prevention. Four components are envisioned as goal achievement mechanism, with 12 activities considered for 2017. Seven of these activities have been fully implemented, one –mostly, four – partly. **The implementation progress of the activities under the eight goal is 78%.**

**Goal attainment mechanism 8.1.1.** Establishment of local councils

**Activity N1:** Establishment of local councils

**Output Indicators**

1. The number of Councils established (30)
2. The authority of the local Councils (35)
3. Composition of the local Councils (35)

**Status:** Fully implemented

**Progress:** 100%

The PSG provided the following information: In 2017, local councils have been established in all territorial units. 14 sessions of local councils were held in the same year: in Kutaisi (two sessions), Mtskheta, Samtredia, Tbilisi (six sessions according to the districts), Telavi, Rustavi, Gori and Zugdidi.

Direction and goal, functions and authority of local councils are detailed in mission statements, which are ready for approval.

The councils consist of representatives of the PSG, Ministry of Internal Affairs, local self-governance agencies, educational resource centres, Agency of Probation, Public Defender and non-governmental organizations. **Based on the provided information, this activity has been fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 8.1.1.** Establishment of local councils

**Activity N2:** The local councils have started functioning in at least 4 towns (regions)

**Output Indicators**

1. Cities (regions) where the local Councils are established

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, local councils have been created in 8 territorial units. 14 sessions of local councils were held in the same year: in Kutaisi (2 sessions), Mtskheta, Samtredia, Tbilisi (6 sessions according to districts), Telavi, Rustavi, Gori and Zugdidi. The Department of Prosecutorial Supervision and Strategic Development coordinates the work of local councils. **Based on the provided information, the activity has been fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 8.1.1.** Establishment of local councils

**Activity N3:** Conducting at least two meetings by the local councils

**Output Indicators**

1. The number of the meetings conducted by each Council (50)

2. Openness of the Council meetings (50)

**Status:** Mostly implemented

**Progress:** 90%

In 2017, at least two public sessions were held in each region. The council members were informed about the meetings using electronic mail. The information provided does not indicate precisely how the public was informed about the publicity of the meetings and therefore whether publicity was ensured. Consequently, the measure cannot be considered as fully implemented. **The activity has been mostly implemented and its implementation progress is 90%.**

**Goal attainment mechanism 8.1.1.** Establishment of local councils

**Activity N4:** Preparation of an annual report on the activities of the local councils and its presentation to the Advisory Council



**Output Indicators**

1. The report highlights existing challenges, shortcomings and the causes (50)
2. The recommendations on overcoming the existing challenges are given in the document (50)

**Status:** Partly implemented**Progress:** 40%

According to the provided information, the Department of Prosecutorial Supervision and Strategic Development prepared a report and it was presented to the Consultative Council on December 28, 2017. The report provides information regarding the meetings held by councils, attendees, and matters discussed at the meetings. The gaps in the activities of the councils are also identified and ways of resolving them are determined. The information provided does not indicate what type of deficiencies have been identified and what recommendations have been issued. **Accordingly, this activity has been partly implemented and its implementation progress is 40%.**

**Goal attainment mechanism 8.1.2.** Establishment of a working group of criminologists**Activity N1:** Establishment of a working group of criminologists**Output Indicators**

1. The composition of the Working Group (60)
2. Form of operation of the Working Group (40)

**Status:** Fully implemented**Progress:** 91%

In 2017, a criminological working group/advisory council was established at the Chief Prosecutor's Office of Georgia, by an order of the Chief Prosecutor. The group consists of individuals with theoretical and practical experience in criminology. The head of the working group is the Chief Prosecutor. The members of the group are individuals with theoretical and practical experience in criminology, as well as academic experience in Georgian and European Universities: Giorgi Tordia, Amiran Mosulashvili, Temur Tskitishvili, Giorgi Ghlonti, Alexandre Ghlonti, Moris Shalikashvili, and Ushangi Bakhtadze. The main goal of the group is to review analysis, studies, concepts prepared by the PSG and propose recommendations. The members participate in planning crime preventive measures. The working group conducts meetings. Based on this information of the indicators can be considered fulfilled, however, it is important to detail how members of such group/council are selected (e.g. contents, who evaluates the candidates, etc.). **Therefore, this activity has been fully completed, but its implementation progress is 91%.**

**Goal attainment mechanism 8.1.2.** Establishment of a working group of criminologists**Activity N2:** Discussion of analysis or a report prepared by the Prosecutor's Office at the working group of criminologists

**Output Indicators**

1. Reports and analysis prepared by the Working Group (40)
2. The decisions adopted by the Working Group (60)

**Status:** Partly implemented

**Progress:** 40%

In 2017, the criminological working group reviewed the following documents prepared at the PSG: [the analysis of domestic crimes threatening Life and health](#); the analysis of murders Committed against women; [the analysis of criminal justice policy implemented for juveniles; juvenile victims](#); [criminological analysis of diversion cases](#).

A review of documents which is an activity, needs to be accompanied by an outcome. In order to consider it fully completed, it must have been noted what decisions the working group made on these documents. **Therefore, this activity has been only partly implemented and its implementation progress is 40%.**

**Goal attainment mechanism 8.1.3.** Development of a program of preventive activities and evaluation of their effectiveness

**Activity N1:** Establishment of a working group on development of preventive activities

**Output Indicators**

1. The composition of the Working Group (60)
2. Form of operation of the Working Group (40)

**Status:** Fully implemented

**Progress:** 91%

A working group on the development of standards for preventive measures was established at the PSG. It consists of representatives of Administration of the Chief Prosecutor’s Office and the Department of Prosecutorial Supervision and Strategic Development. The working group organized meetings and communicated electronically. It is recommended to provide more information about this activity, e.g. how often does the working group meet. **The activity has been fully completed and its implementation progress is 91%.**

**Goal attainment mechanism 8.1.3.** Development of a program of preventive activities and evaluation of their effectiveness

**Activity N2:** Development of a document on evaluation of effectiveness of the preventive activities

**Output Indicators**

1. The criteria for evaluation (50)
2. The individuals involved in the preparation of the evaluation document (50)

**Status:** Partly implemented

**Progress:** 50%

According to the information provided by the PSG, a document of evaluation of effectiveness of preventive measures is currently being developed, it will be completed after Crime Prevention Strategy and Action Plan are approved. Additionally, with the support of international organizations work is ongoing on the effectiveness evaluation mechanism. In December 2017 the working group summarised outcomes of preventive measures carried out by the PSG; criteria for assessment of preventive measures As the work on the document is on an initial stage (and this fact is not verified) and there is no information on persons participating or its content, **this activity has been partly implemented and its implementation progress is 50%.**

**Goal attainment mechanism 8.1.4.** Increasing the scale of public prosecutor

**Activity N1:** Engagement of all regional Prosecutor's Offices in the activities of Public Prosecutor

**Output Indicators**

1. The number of the regional prosecution offices involved in the public prosecution project

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, all regional prosecutor's offices are engaged in the Public Prosecutor project. Specifically, 28 regional prosecutor's offices, at least two prosecutors from each office, a manager and lower-ranking prosecutor. Each region develops an action plan of activities, in coordination with the Administration of the Chief Prosecutor's Office.

In the regions where the project is active educational-intellectual, cultural and sports events are organized for crime prevention. Additionally, social activities, like charity, employment, tree-planting, cleaning, etc. are organized. **This activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 8.1.4.** Increasing the scale of public prosecutor

**Activity N2:** Establishment of a working group on projects to be implemented by the Public Prosecutor Office

**Output Indicators**

1. The composition of the Working Group (60)

2. Form of operation of the Working Group (40)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, a working group on activities to be organized within the Public Prosecutor project has been established and several sessions have been organized in 2017. The working group composition was as follows:

1. Head of Administration of the Chief Prosecutor's Office of Georgia;
2. Head of the Investigation Procedure Department at the General Inspection of the Ministry of Internal Affairs of Georgia, the Central Criminal Police Department and the Patrol Police Department;
3. Advisor to the Department of Public Relations and Mass Media;
5. Advisor to the Organizational Support Division of the Administration of the Chief Prosecutor's Office of Georgia - Project Coordinator;
6. Advisor to the Analytical Division of the Oversight and Strategic Development Department of the Prosecutor's Office of Georgia;
7. Samtredia Regional Prosecutor;
8. Zugdidi Regional Prosecutor;
9. Telavi Deputy Regional Prosecutor.

The working group met periodically and exchanged opinions via email. The working group held three meetings. The information on the composition of the working group, its format, how often it met may be considered as satisfactory. **Therefore, this activity has been fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 8.1.4.** Increasing the scale of public prosecutor

**Activity N3:** Elaboration of a concept for the Public Prosecutor Office project

**Output Indicators**

1. Individuals involved in the elaboration of the concept note

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, a concept for the Public Prosecutor Project has been created and its content is as follows:

- Purpose of the project;
- Project objectives;
- Project area;
- Project target group;
- Project directions;
- Coordination and monitoring;
- Anticipated risks and consequences.

Prior to drafting the final version of the concept, the working group agreed the document with the Deputy Chief Prosecutor of Georgia, whose comments were reflected in it. As the content of the concept corresponds to the components required for such type of document, **this activity was considered as fully implemented and its implementation progress as - 100%.**

**Goal attainment mechanism 8.1.4.** Increasing the scale of public prosecutor

**Activity N4:** Preparation and publication of an annual report on activities undertaken by the Public Prosecutor Office

**Output Indicators**

1. The report highlights existing challenges, shortcomings and the causes; recommendations on overcoming the existing challenges are given in the document (60)
2. Introduction to the public and availability of the report (40)

**Status:** Partly implemented

**Progress:** 30%

According to the PSG information on the activity, the activities undertaken within the Public Prosecutor Project are detailed in the 2017 report of the Chief Prosecutor. The information on the activities of the Public Prosecutor project are in fact available in the 2017 [report](#) of the Chief Prosecutor, however, the Action Plan envisions not only descriptive information on the activities, but their analysis, meaning their evaluation, analysis of challenges and outcomes, etc. The 2017 report only includes short information on types of activities, their number and participants, however there is no analysis. **Therefore, this activity has been only partially completed and its implementation progress is 30%.**

#### 4.9. Objective 9. Improving work environment

The ninth goal and objective of the PSG Action Plan envision improving work environment at the PSG. Three components are named as a mechanism for attainment of this goal and three activities are set for 2017. From the three activities, two are mostly completed and one – partly. **The progress of implementation of the activities under the ninth goal is 73%.**

**Goal attainment mechanism 9.1.1.** Standardization of work conditions

**Activity N1:** Establishment of a working group on standardization of work conditions

**Output Indicators**

1. The composition of the Working Group (60)
2. Form of operation of the Working Group (40)

**Status:** Mostly implemented

**Progress:** 90%

According to the information provided by the PSG, the working group on standardization of work conditions consists of the representatives of the Administration of the Chief Prosecutor's Office and the Department of Economics. The working group holds meetings and communicates electronically. As there are no representatives of the Department of Human Resources included in

the working group that needs to deal with standardisation on the working conditions, this activity cannot be considered as fully implemented. **Therefore, this activity has been mostly implemented and its implementation progress is 90%.**

**Goal attainment mechanism 9.1.2.** Improvement of the electronic program for criminal case processing

**Activity N1:** Establishment of a working group on improvement of the electronic program for criminal case processing

**Output Indicators**

1. The composition of the Working Group (60)
2. Form of operation of the Working Group (40)

**Status:** Mostly implemented

**Progress:** 90%

The working group on refinement of the PSG electronic case management system consists of representatives of the Department of Prosecutorial Supervision and Strategic Development. The group organizes periodic meetings. Involvement of technical assistance service representatives in the working group is planned after the challenges are identified. Information on meetings conducted by the working group is necessary to evaluate progress of this activity. **Therefore, this activity has been mostly completed and its implementation progress is 90%.**

**Goal attainment mechanism 9.1.3.** Improvement of the internal network

**Activity N1:** Establishment of a working group on improvement of the internal network

**Output Indicators**

1. The composition of the Working Group (35)
2. Form of operation of the Working Group (30)
3. The objective for refinement of the internal network is approved (35)

**Status:** Partly implemented

**Progress:** 40%

The working group on refinement of internal network of the PSG consists of the head of the Department of Prosecutorial Supervision and Strategic Development, deputy head and five prosecutors of the same department, head of the Division of Programmatic Support, Security and Technical Support, and two aides of the same division. The working group holds meetings. Currently, the group is working on developing a mission statement. As the information on the frequency of the meetings is not presented, and the goal of the activity has been not completed, **this activity has been partly implemented and its implementation progress is 40%.**

#### 4.10. Objective 10. Improving professionalism and qualifications of the PSG employees

The tenth goal and objective of the PSG Action Plan concern enhancement of qualifications and professionalism of the PSG employees. Seven components are defined as a mechanism of attainment of this goal, consisting of seven activities for 2017. Six of these seven activities were fully completed, one – mostly. Notably, there are no incomplete or partially complete activities under Goal 10. The implementation progress of these activities is 96%.

**Goal attainment mechanism 10.1.1.** Training and retraining of employees

**Activity N1:** Conducting analysis of current training needs

**Output Indicators**

1. Methodology for conducting needs analysis (50)
2. The number of prosecutors participating in the needs analysis (50)

**Status:** Fully implemented

**Progress:** 100%

Professional Development and Career Management Centre of the Department of Human Resources and Development of the Chief Prosecutor's Office at the end of every year plans educational priorities for the next year. The Centre uses the goals underlined in the Strategy of the PSG and conducts analysis of training needs for defining the educational priorities. Managers of all structural and territorial units are sent a questionnaire using electronic mail. The managers conduct analysis of needs locally, define priorities and send the questionnaire back to the centre. The received information is then processed and thematic directions are defined.

The questionnaire includes proposed list of topics, as well as a section for justification of a request. Additionally, next to each training request a manager includes number of people that they believe will need to take the training. Based on this information, commitments taken under various action plans and challenges of the institution, the Centre defines priority directions for the coming year.

The provided information fulfils all indicators of the activity. **Therefore, this activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 10.1.2.** Development and implementation of new educational programs

**Activity N1:** Development and implementation of new educational modules: protection of women's rights and gender equality; topics of hate-motivated crimes and professional ethics standards

**Output Indicators**

1. New educational modules implemented (35)
2. The content of the new educational modules (35)
3. The form of implementation of the new educational modules (30)

**Status:** Fully implemented  
**Progress:** 100%

A training on combat against hate-motivated crimes was implemented for middle-management, prosecutors, investigators and interns of the PSG. A training on professional ethics, conflict of interests and protection of personal data was implemented for all employees of the PSG. A training on women’s rights and gender equality was implemented for middle-management, prosecutors, investigators and interns.

The agendas demonstrate that several trainings have been organized on women’s rights protection, gender equality and hate-motivated crimes, as well as, on professional ethics, conflict of interests and protection of personal data. The topics of the agendas are relevant to this activity. **Therefore, this activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 10.1.3.** Implementation of a program for development of current managers and future leaders

**Activity N1:** An educational course on management methods for managers

**Output Indicators**

1. The number of managers involved in the course (40)
2. The number of the trainings compared to the number of participants (30)
3. Adequacy of the training content (30)

**Status:** Fully implemented  
**Progress:** 100%

For the managers of the PSG a targeted educational program with materials on organizational management has been prepared. In accordance with the educational program, two trainings were held in 2017, 43 high and middle management employees of various structural and territorial units were retrained. The educational program and materials were prepared in cooperation with an organization “Consultation and Training Centre”, invited by the EU. Additionally a study trip on leadership and management to Hungary was organized for middle-management, with 10 participants. The training discussed various aspects of leadership and management: difference between leadership and management, types of leadership, types of individual leadership, mistakes and challenges of leaders, good and bad practices of supervision, results of ineffective leadership and management, etc. 50 managers retrained in one year is an acceptable number, considering that the activity will continue over the coming years. **Therefore, this activity has been fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 10.1.4.** Implementation and activation of the mentor program

**Activity N1:** Implementation of the mentor program



**Output Indicators**

1. The measures carried out to implement the program (30)
2. The number of mentors in the system (40)
3. The form of the implementation of the system (30)

**Status:** Fully implemented

**Progress:** 100%

For professional development of new hires at the PSG and their adaptation to the system, a mentor program was developed in 2017. The goal of the program is for interns to learn more about organizational culture, acquire knowledge required for their professional activities, develop skills and overcome challenges with the help of more experienced employees. The project is implemented with the support of the Department of Justice of the USA.

Before implementation of the program the Professional Development and Career Management Centre conducted a research based on which the possible risks were analyzed and taken into consideration.

Mentors have four main functions:

- Social support, a mentor helps a new hire and an intern learn more about the organizational culture, form relationships with colleagues and adapt to the work environment.
- Academic support, a mentor helps a new hire and an intern in deepening their theoretical knowledge and developing professional skills, gives them recommendations and shared experience, etc.
- Social-emotional support, a mentor helps a new hire and an intern overcome professional obstacles and deal with the stress.
- Career advancement support, a mentor helps a new hire and an intern by giving them tasks of various difficulty and nature to advance their career.

46 mentors were selected in 2017 from all structural unites; guiding document for mentors was developed, which will assist the mentors in carrying out their duties. Program minimum was developed for interns. Besides, in 2017, training module for mentors was created, which will be conducted in 2018 for selected candidates.

The information fully describes the mentor system and measures carried out for its implementation. **Therefore, this activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 10.1.5.** Implementation of new electronic products

**Activity N1:** Preparation of a technical tasks project

**Output Indicators**

1. The content of the technical tasks project

**Status:** Fully implemented

**Progress:** 100%

For this activity, in cooperation with the EU project and participation from invited foreign experts, a project of technical tasks for an electronic program was prepared, detailing the goals of the program, requirements, functionalities and characteristics.

The goal of the electronic program for training needs assessment is to evaluate the needs of trainings in a more detailed manner and to include all employees, ranking prosecutors and management in the process. The program will allow each employee to participate in a survey process from their work computer, despite the geographic location of their territorial unit. As every employee will be able to name the trainings that they think is important for their professional advancement, so will managers define the skills and trainings that they believe is required for the development of their team. More detailed analysis of challenges to individual employees and their needs and desires for professional advancement in specific direction, will allow for a more detailed planning of an educational action plan. Additionally, employees of the Professional Development and Career Centre will be able to analyse and filter data based on various factors, allowing for improved efficiency of the process, its scale and saving human and time resources. **Therefore, this activity has been fully complete and its implementation progress is 100%.**

**Goal attainment mechanism 10.1.6.** Conducting educational activities for students

**Activity N1:** Conducting at least 3 meetings with students

**Output Indicators**

1. The number of the meetings conducted (50)
2. The number of the students/universities participating in the meetings (50)

**Status:** Fully implemented

**Progress:** 100%

The Chief Prosecutor's Office, based on the requests from various organizations, hosted 33 meetings with university and school students in 2017. 852 university and school students participated in the meetings. 19 meetings with students were organized within the Public Prosecutor project and Victim Week organized within the project. Additionally, representatives of the PSG held meetings at universities in Tbilisi and regions to raise awareness about internship contests.

Students from various universities participated in these meetings and educational activities, including: Ivane Javakhishvili Tbilisi State University, Technical University of Georgia, Ilia State University, Caucasus International University, Euroregional Education University, University of Georgia, Grigol Robakidze University, National University of Georgia, Georgian Institute of Public Affairs, University of Eastern Europe, Georgian-American University, Gori State University,

Batumi Shota Rustaveli State University, Kutaisi University and Samtskhe-Javakheti State University.

The information fulfils the outcome indicators. Organizing 19 meetings, when a requirement was minimum of three, is commendable. **Therefore, this activity has been fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 10.1.7.** Reform of the ranking system

**Activity N1:** Establishment of a working group on the reform of the prosecutor ranking system

**Output Indicators**

1. The composition of the Working Group (60)
2. Form of operation of the Working Group (40)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, a working group on reforming prosecutor ranking system consists of representatives of the Department of Prosecutorial Supervision and Strategic Development, Department of Legal Affairs, and Department of Human Resources and Development. The working group holds meetings. **This activity has been fully completed and its implementation progress is 100%.** However, it must be noted once again, that such small scale activities, as an establishment of a working group should not be included in the Action Plan.

## 5. 2018 Monitoring of the PSG Action Plan Activity Implementation

For monitoring of implementation of the activities of the Action Plan of the Prosecution Service of Georgia (PSG), information, based on predefined indicators, was requested from the POG. The Prosecutor's Office presented narrative information and additional documents, including agendas, guidelines, research, etc. In measuring achievement of objectives, along with information provided by the PSG, IDFI relied on the monitoring results of regional partners Civil Society Institute office in Batumi and Association Dea in Adjara and Zemo Svaneti, as well as, survey results of CRRC Georgia and independently obtained information.<sup>109</sup>

### 5.1. Objective 1. Increasing independence of the PSG

The first goal and objective of the PSG Action Plan envision increasing independence of the Prosecutor's Office. Six components were defined as measures of attainment of this goal, which in turn include nine activities for 2018. From the nine activities, three were fully completed, one –

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<sup>109</sup> Implementation of sectoral action plans, etc.

mostly, five – partly. There are no activities that have not been completed under the first goal/objective. **The implementation progress of the first goal activities is 62%.**

**Goal attainment mechanism: 1.1.1.** Increase the role and the significance of the collegial bodies

**Activity N1:** Study of international practice on the role and functions of collegial bodies by the working group, and development of proposals on refinement of the Advisory Council

**Output Indicators:**

1. Proposals of the working group are in compliance with the recommendations of the Venice Commission (50)
2. Representatives of the departments/divisions of the Prosecutor's Office that have been introduced to the document (50)

**Status:** Partly completed

**Progress:** 20%

According to the information provided by the PSG, in the first half of 2018, a working group established at the Chief Prosecutor's Office, studied collegial bodies of Prosecutor's Offices from other countries, taking into account the opinions expressed by the Venice Commission on this matter, selecting individual countries provided in the Venice Commission reports.<sup>110</sup>

The study concerned such issues as international standards on collegial bodies of PSGs, advantages of such bodies, their mandate, composition, selection procedures, etc.

In the first half of 2018, the study was presented to the Chief Prosecutor, their deputies, representatives of the General Inspection of the Chief Prosecutor's Office, Department of Legal Affairs, Department of Prosecutorial Activities Supervision and Strategic Development, Department of Human Resources and Development, and Department of Procedural Supervision of Investigations at the Ministry of Finance, all of which were working on development of recommendations on the project of the Organic Law of Georgia on Prosecutor's Office.

Part of the best practice outlined in the study, endorsed by the POG, was submitted as a recommendation to the working group on the Organic Law on the Prosecution service. It is noteworthy that the new regulations in the Organic Law on the Prosecution service concerning the Prosecutorial Council and Career Management, Ethics and Incentives Council are the results of exactly these recommendations.

Studying the recommendations of the Venice Commission and other standards when preparing the study is welcome. The list of services/departments that were introduced to the prepared document, is acceptable. However, the recommendations of the Venice commission analysed by the working

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<sup>110</sup> Selected [reports](#) and opinions of the Venice Commission on Prosecutors, 2017; [Report](#) of the Venice Commission on Independence of the Court System, Part II – Prosecutor's Office, 2011.

group, refer to the need to assign to the collegial bodies of the PSG important functions and roles regarding the issues such as the independence of the PSG, disciplinary liability of prosecutors and considers it a mistake such organs only to have the functions of a recommendation or auxiliary institute of the General Prosecutor.<sup>111</sup> These views of the Venice Commission are not reflected in the recommendations submitted by the PSG to the working group. According to the second indicator, the document prepared in accordance with the recommendations of the Venice commission had to be submitted to the relevant services and departments. However, as the abovementioned document cannot be considered as a document prepared in accordance with the recommendations of the Venice Commission, its submission to the various services and departments does not indicate that the indicator is satisfied. **Therefore, this activity is partly completed and its implementation progress is 20%.**

**Goal attainment mechanism:** 1.1.2. Implementation of an evaluation system

**Activity N1:** Development of investigator evaluation criteria

**Output Indicators:**

1. The criteria for evaluation of investigators are in compliance with the recommendations of the fourth round of OECD/ACN and the standards established by the Venice Commission

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, an investigator evaluation system was implemented, outlining directions and criteria of evaluation for investigators. Specifically, investigators will be evaluated based on the following criteria:

- Investigator performance evaluation;
- Workload;
- Supervisor assessment;
- Assessment of procedural supervisor prosecutor;
- Participation in trainings and evaluations received during the trainings;
- Participation in preventive measures and other activities;
- Disciplinary sanctions and incentives used.

Evaluation of investigators in some directions is identical to that of prosecutors – participation in trainings and evaluations received during the trainings, participation in preventive measures and other activities, disciplinary sanctions and incentives used. As to other criteria, the evaluation system document described methodology and criteria for each direction, including procedural

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<sup>111</sup> Compilation of Venice Commission Opinions and Reports Concerning Prosecutors, 2017, pp. 55 – 56.

documents and case categories to be evaluated. Additionally, a methodology for calculating investigator workload was defined, allowing for assessing the exact number and type of documents issued by an investigation within a reporting period. Each document, according to its significance and complexity is given appropriate points. Evaluation directions for a supervisor and procedural supervisor prosecutor have also been defined (general and professional skills) and evaluation for each direction has also been described.

Based on the provided information, it is clear that the evaluation criteria of the investigator evaluation system are clearly defined. Specifically, in some directions, investigators are evaluated based on the same criteria as prosecutors, while in others, detailed components are described for evaluation of investigators. Additionally, the criteria do not include the number of cases. **Therefore, this activity is fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism:** 1.1.3 Implementation of transparent disciplinary procedures

**Activity N1:** Preparation of an annual performance report of the General Inspection

**Output Indicators:**

1. The annual performance report of the General Inspection focuses on challenges and ways of addressing them, relevant data has been processed and analysed (50)
2. Departments and number of employees that have been introduced to the report findings (50)

**Status:** Partly implemented

**Progress:** 35%

Regarding this activity, the PSG noted that the 2016, 2017 and 2018 reports of the Inspector General of the Prosecutor General's Office of Georgia (which include information on disciplinary misconduct) have been published and are publicly accessible on the website of the PSG.<sup>112</sup> According to the 2018 annual report on the activities of the General Inspection of the Prosecutor's Office of Georgia, 66 official inspections of 112 employees of the PSG were conducted regarding disciplinary misconduct during 2018. In addition, investigation was initiated in 18 criminal cases. The report indicates that the relevant data has been processed and analysed. However, existing challenges and the ways of their solution are not addressed in the report. Also, the PSG didn't provide information about the departments and the staff to whom the finding of the report were introduced. **Therefore, this activity is partly implemented and its implementation progress is 35%.**

**Goal attainment mechanism:** 1.1.3 Implementation of transparent disciplinary procedures

**Activity N2:** Development of definitions related to the code of ethics and disciplinary misconduct

**Output Indicators:**

<sup>112</sup> <http://old.pog.gov.ge/res/docs/2018angarishigeninspeqcia.pdf>

1. Activities implemented to introduce employees of the Prosecutor's Office to the definitions of the code of ethics and disciplinary misconduct (50)

2. Percentage of the employees of the Prosecutor's Office that have been introduced to the commentary of the code of ethics and disciplinary misconduct (50)

**Status:** Mostly implemented

**Progress:** 80%

According to the information provided by the PSG, the May 25<sup>th</sup> 2017 Order N234 of the Minister of Justice of Georgia adopted Code of Ethics of the Employees of the Prosecutorial Services of Georgia, that have entered force immediately.

In 2018, the Inspector General of the Prosecutor General's Office of Georgia prepared comments on the Code of Ethics, detailing specific types of misconduct and provided specific cases (examples) under each article of the Code, making it easier for employees to comprehend the contents and goals of each article. Notably, the Organic Law on the Prosecution service also describes what constitutes a disciplinary misconduct, their gravity and subsequent legal consequences. All this makes disciplinary procedures more transparent. These issues were introduced to 552 employees of the PSG in trainings in 2017-2018. As of December 28, 2018, the total number of employees of the PSG was 848. The training was conducted to the prosecutors and investigators. As for the rest of the staff (specialists, technical workers and etc.), they were not trained, however, the document was introduced to all of them electronically.

The information provided by the POG does not correspond to the information required by the indicator. The issues of the Code of Ethics were presented to 552 employees of the POG that represents 65% of the PSG employees. It is a welcome step that the document was introduced to the other employees electronically, however, a detailed discussion of ethical norms is necessary for their implementation in practice. **Therefore, this activity is mostly implemented and its implementation progress is 80%.**

**Goal attainment mechanism:** 1.1.3 Implementation of transparent disciplinary procedures

**Activity N3:** Training and retraining of employees of the Prosecutor's Office on the code of ethics issues

**Output Indicators:**

1. Percentage of the employees of the Prosecutor's Office that have undergone the training on professional ethical standards (40)

2. Number of trainings on professional ethics and number of participants (30)

3. Duration of trainings conducted on the professional ethics topic, relevance of the agenda to the topic of the training (30)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, employees of the PSG, including prosecutors, investigators, consultants, specialists, witness, and victim coordinators were trained on the issues of professional ethics and conflict of interest. In 2018 12 trainings with 254 participants were organized.

Based on the information provided by the PSG, the main indicators of the activity are met. There were on average 21 participants in each training group, which is an optimal number for a high quality training. Additionally, according to the agendas provided by the PSG, the training included code of ethics, protection of personal data and usage of disciplinary sanctions. Hour and a half were allocated to discussion of each of these topics. Along with analysing relevant legislation, cases and examples were discussed. While not all employees of the PSG have participated in these trainings, it is not a singular event, it was organized in 2017 and similar educational courses are planned for 2019-2020. **Therefore, this activity is fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism:** 1.1.3 Implementation of transparent disciplinary procedures

**Activity N4:** Organizing working meetings of the Advisory Council

**Output Indicators:**

1. Number of conducted Consultative Council meetings (50)
2. Topics/issues discussed by the Council and respective decisions (50)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, in 2018 five sessions of the Advisory Council were organized in 2018 on topics important for development of the PSG, incentivization of employees, promotion and disciplinary measure. 140 cases of PSG employees were discussed. The Chief Prosecutor was given recommendations to use disciplinary measures towards 18 employees, to incentivize 77 employees and to promote 10.

Based on the provided information, the Council discussed relevant issues and the all recommendations of the Council were taken into account by the Chief Prosecutor. The number of the Council meetings is also acceptable. **Therefore, this activity is fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism:** 1.1.4. Reform of the employee rotation system

**Activity N1:** Preparation of a project for a reform of the employee rotation system

**Output Indicators:**

1. The draft reform of the employee rotation system of the Prosecutor's Office is in compliance with the recommendations and standards of GRECO, OECD-ACN, and the Venice Commission



**Status:** Partly implemented

**Progress:** 50%

According to the information provided by the PSG, on December 16<sup>th</sup> 2018 the Organic Law on the Prosecution service entered force, regulating, among others, the employee rotation rules.<sup>113</sup> According to the law, the rules of employee rotation are issued by the Prosecutor General. According to the Article 38 of the law, a prosecutor or investigator can be reassigned to a different position based on their request or consent. Additionally, in some cases, the article allows for demotion of a prosecutor or an investigator without their consent.

The Venice Commission focuses on regulation of forceful reassignment of employees to different position in its opinion. According to the Venice Commission standards, related to the forceful reassignment of an employee, the law must include procedural guarantees and criteria regarding an appeal of such decisions.<sup>114</sup> On appeals, the Venice Commission noted the law of Montenegro that prescribes a possibility of appeal of a decision on reassignment in emergency cases to the Prosecutorial Council<sup>115</sup>.

The Organic Law on the Prosecution service defines the basis for rotation in more details. While Article 41 (on rules of appeal) does not describe a possibility of appeal on decisions of rotation, other articles address this topic. Specifically, Article 60 considers an appeal of evaluation results, Article 76 addresses an appeal of the order of the Prosecutorial Council/Prosecutor General on disciplinary measures. According to the Organic Law on the Prosecution service, a prosecutor or investigator can be demoted without their consent, if it is impossible to transfer them to the position of the same rank, or if the circumstance described in Article 39 of the Law are present (reorganization, redundancies and an offer of transfer to the similar vacant position in another structural unit of the PSG), however the law does not describe a possibility of appeal in cases of reassignment. **Therefore, this activity is partly implemented and its implementation progress is 50%.**

**Goal attainment mechanism: 1.1.5.** Increasing independence of the Prosecutor's Office and prosecutors

<sup>113</sup> The Organic Law of Georgia on Prosecution Service, Article 15(2).

<sup>114</sup> Venice Commission, Interim Opinion on the Draft Law on the State Prosecution Office of Montenegro, CDL-AD(2014)042, 15 December 2014, paragraph 80,

[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2014\)042-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2014)042-e);

Venice Commission, Final Opinion on the Revised Draft Law on the Public Prosecution Office of Montenegro, CDL-AD(2015)003, 23 March 2015, paragraph 46,

[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2015\)003-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2015)003-e);

Venice Commission, Opinion on the Draft Law on Judges and Prosecutors of Turkey, CDL-AD(2011)004, 29 March 2011, paragraph 48, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2011\)004-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2011)004-e);

<sup>115</sup> Venice Commission, Opinion on the Draft Amendments to the Law on the State Prosecutor of Montenegro, CDL-AD(2008)005, 18 March 2008, paragraph 48, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2008\)005-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2008)005-e);

**Activity N1:** Preparation of proposals on refinement of Chief Prosecutor selection rules

**Output Indicators:**

1. The selection rules of the Chief Prosecutor are in compliance with the recommendations and standards of the fourth round of GRECO, OECD-ACN, and the Venice Commission

**Status:** Partly implemented

**Progress:** 50%

According to the information provided by the PSG, the selection rules of Prosecutor General are defined by the Organic Law on the Prosecution service, Article 16 describes the criteria. Both GRECO and OECD-ACN in their fourth round of recommendations and the Venice Commission in its opinion on the Law on Prosecutor's Office, underlined the issue of decreasing the influence of parliamentary majority and government on selection of a Prosecutor General.<sup>116117118</sup>

As a result of the amendments, the Minister of Justice is no longer involved in the process of selection the candidates for the position of General Prosecutor and their submission for approval. The authority to elect the Prosecutor General is now distributed between the Prosecutorial Council and the Parliament. However, from the candidates nominated by the prosecutorial council, prosecutor General is elected by the majority of the full composition of the Parliament of Georgia.<sup>119</sup> This does not guarantee depolitization of a candidate selection. Additionally, criteria have not changed and the Organic Law doesn't provide a full list of required qualifications for a candidate. **Therefore, this activity is partly implemented and its implementation progress is 50%.**

**Goal attainment mechanism 1.1.6.** Implementation of transparent procedures for hiring and promotion of employees at the Prosecutor's Office

**Activity N1:** Preparation of a document describing the criteria and procedures of employee selection and promotion

**Output Indicators:**

1. The document describing the criteria and procedure for employee selection and promotion is in compliance with the recommendations and standards of the fourth round of GRECO, OECD-ACN, and the Venice Commission

**Status:** Partly implemented

**Progress:** 25%

<sup>116</sup> Corruption prevention in respect of members of parliament, judges and prosecutors – Compliance [Report](#), GrecoRC4, pp. 42-43

<sup>117</sup> [Report](#) of the Fourth Round of Monitoring of Anti-corruption Reforms by the OECD Anti-Corruption Network, (2016), pp 69-71

<sup>118</sup> Joint [Opinion](#) of the European Commission for Democracy Through Law, Consultative Council of European Prosecutors and OSCE Office for Democratic Institutions and Human Rights On The Draft Amendments To The Law On The Prosecutor's Office Of Georgia, pp. 4, 7-9.

<sup>119</sup> The Organic [Law](#) of Georgia on Prosecution Service, (2018), Article 16(3).  
[Rules](#) of Procedure of the Parliament of Georgia, Article 204 (4).

According to the information provided by the PSG, selection, and promotion criteria for employees of the PSG are defined in the Organic Law on the Prosecution service.<sup>120</sup> Article 34 of the law described rules and criteria of employment, Article 36 regulates promotion of prosecutors and investigators.

Despite the amendments, the norms regulating assignment and promotion are still vague and a Prosecutor General has a great discretionary authority. Additionally, the Organic Law does not consider it necessary to provide justification for assignment or promotion, which was underlined in the report of the fourth round of GRECO and progress report of the fourth round of anticorruption reforms of the OECD-ACN.<sup>121</sup><sup>122</sup> Notably, promotion criteria for prosecutors and investigators are not detailed in the Organic Law. Additionally, OECD-ACN issued a recommendation on allocation of leading functions in assignment, promotion, disciplinary evaluation and dismissal of prosecutors to the Prosecutorial Council. Furthermore, the recommendation proposed a body alternative to the Prosecutorial Council that would be self-governing and independent from the Prosecutor General.<sup>123</sup> While according to the Organic Law on the Prosecution service, the issues of disciplinary misconduct, incentivization and promotion are discussed and appropriate recommendations are issued by an advisory body of the Prosecutor General in accordance with the rules defined by the Prosecutor General –the Council on Career Management, Ethics and Incentivization is also headed by Prosecutor General.<sup>124</sup> As the promotion criteria has not changed, and criteria for assignment is flawed, **this activity is partly implemented and its implementation progress is 25%.**

## 5.2. Objective 2. Increasing effectiveness of combat against individual crimes

The second goal and objective of the PSG Action Plan concern increasing effectiveness of combat against individual crimes. Eight components have been defined as measures of attainment of this goal, which in turn consist of 34 activities planned for 2018. From the 34 activities, 18 have been fully completed, three – mostly, five – partly, eight activities are incomplete. **The implementation progress of the second goal activities is 65%.**

**Goal attainment mechanism 2.1.1.** Increasing the effectiveness of the fight against individual crimes

**Activity NI:** Conducting at least two meetings of the working group

**Output Indicators:**

<sup>120</sup> The Organic [Law](#) of Georgia on Prosecution Service, (2018).

<sup>121</sup> Corruption prevention in respect of members of parliament, judges and prosecutors – Compliance [Report](#), GrecoRC4, pp. 43-44

<sup>122</sup> [Report](#) of the Fourth Round of Monitoring of Anti-corruption Reforms by the OECD Anti-Corruption Network, (2016), pp 70-71

<sup>123</sup> *ibid*

<sup>124</sup> The Organic [Law](#) of Georgia on Prosecution Service, Article 21

1. Number of meetings of the working group on detecting labour trafficking (30)
2. Topics discussed on the meetings of the working group on detecting labour trafficking (35)
3. Decisions made/documents prepared on the meetings of the working group on detecting labour trafficking (35)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, a working group on labor trafficking was established in 2017, with representatives of Prosecutor General's Office, Ministry of Internal Affairs, Ministry of Justice, guardianship and care institution, Labor Inspector's Office and State Fund. On October 2 2017 the first working meeting was held where appropriate measures for detecting labor exploitation cases were planned.

In 2018 three working meetings were held, on October 3 and December 4-5. On December 4-5 the meeting of the working group on detection of labor trafficking, as well as, working meeting victim and witness coordinators was held in Borjomi with the support of the Department of Justice of the US Embassy to Georgia. According to the protocols of the working meetings, on the first meeting the matter of implementation of activities envisioned in the 2017-2021 Action Plan of the PSG Strategy was discussed. Additionally, opinions on effective methods of combatting labor trafficking were expressed, subsequently decisions on implementation of the following activities were made:

- Definition of entities to be inspected by the Department of Labor Inspection in accordance with the needs and challenges of detecting labor trafficking;
- Strong coordination and enhancement of cooperation among the member institutions of the working group;
- Development of a guidebook for increasing labor trafficking detection indicator, according to the specific nature of individual institutional members of the working group;
- Planning and organizing trainings in 2019 for employees of individual structural units according to their needs;
- Organizing another working group meeting in November-December 2018.

On the second working group meeting, all participating institutions presented a report on labor trafficking. The Division of the Human Rights Protection of Prosecutor General's Office presented analysis of criminal cases on labor trafficking in 2017-2018. After the meeting, an action plan of the labor trafficking working group for 2019 was defined, describing activities of each member institutions, responsible agencies, and deadlines.

Based on the information provided by the PSG, the main indicators of the measure have been satisfied, **therefore, this activity is implemented and its implementation progress is 100%.**

**Goal attainment mechanism 2.1.1.** Increasing the effectiveness of the fight against individual crimes

<p><b>Activity N2:</b> Monitoring of recommendation implementation</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"> <li>1. The monitoring of the recommendation implementation is based on a predefined methodology/instructions (30)</li> <li>2. The monitoring document outlines existing challenges and shortcomings (35)</li> <li>3. The monitoring document defines future steps/practical recommendations (35)</li> </ol> <p><b>Status:</b> Partly implemented</p> <p><b>Progress:</b> 30%</p>
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Regarding this activity, the PSG stated that in 2018 it conducted a monitoring of the recommendation on qualification of mistreatment committed by public officials or individuals with similar status, a report was subsequently published on the website of the PSG.<sup>125</sup> According to the information on the website, as a result of monitoring, prosecutors actively use the guidelines. Herewith, compared to the previous years, the legal qualification and prosecution rate of ill-treatment is significantly increased. Upon receiving information about ill-treatment, the relevant investigative unit of the PSG immediately initiates investigation on the criminal case. All possible investigative activities, examination of witnesses, identification, seizure and search and etc. are carried out in a short period of time. However, the report published on the website only include data visualized on diagrams and does not refer to the monitoring methodology, as well as existing challenges, gaps and future steps/practical recommendations. Accordingly, **this activity is partly implemented and its implementation progress is 30%.**

<p><b>Goal attainment mechanism 2.1.1.</b> Increasing the effectiveness of the fight against individual crimes</p> <p><b>Activity N3:</b> Informational meetings in regions on trafficking issues</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"> <li>1. Number of the informational meetings on trafficking conducted in regions (15)</li> <li>2. Number of participants in the informational meetings on trafficking conducted in regions (20)</li> <li>3. Regional coverage of the informational meetings on trafficking – regions populated by ethnic minorities (20)</li> <li>4. Topics discussed at the informational meetings on trafficking conducted in regions (25)</li> <li>5. Mediums of communication about the information related to the meetings on trafficking (20)</li> </ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, 78 informational meetings on trafficking were organized in 2018, including 5 in Adjara, 12 in Samegrelo-Zemo Svaneti, 16 in Western Georgia

<sup>125</sup> [http://old.pog.gov.ge/geo/news?info\\_id=1939](http://old.pog.gov.ge/geo/news?info_id=1939)

(Imereti, Racha-Lechkhumi), 3 in Shida Kartli and Mstkhetia-Mtianeti, 5 in Kakheti, 12 in Kvemo Kartli, and 13 in Tbilisi. Each meeting was attended by 50 participants (school students, teachers, university students, local population).

The following topics were discussed at the meetings:

- Review of national and international normative acts on trafficking;
- Definition of Articles 143<sup>1</sup>, 143<sup>2</sup>, 143<sup>3</sup> of the Criminal Code;
- Rights of victims;
- Main evidence of trafficking;
- General indicators for detection of possible trafficking victims;
- Protection mechanisms.

According to the information provided by the PSG, informational meetings were organized in almost all regions of Georgia and around 3900 individuals participated in them. However, the meetings did not cover Tusheti and Khevsureti regions. Notably, informational meetings on trafficking are also envisioned in 2019-2021. Considering this, the state agencies should enhance their work with mountainous regions, especially when the matter concerns raising awareness of the population on trafficking and providing appropriate information to them. In the future, it would also be significant to determine high risk regions and to conduct such informational meetings in a targeted manner in these regions. Regarding the mediums of communication of this information to the population, the PSG noted that school administration is informed about meeting with school students. In case of several schools, students are informed through resource center. In case of local population, the PSG communicates with local self-government bodies. **Therefore, this activity is fully implemented and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 2.1.1.</b> Increasing the effectiveness of the fight against individual crimes</p> <p><b>Activity N4:</b> Training of prosecutors and interns working on trafficking/conducting common educational activities with relevant investigative agencies</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Percentage of prosecutors that have been trained on the issues of trafficking (40)</li><li>2. Ratio of trainings to the number of prosecutors and interns that have participated in training on trafficking (30)</li><li>3. Duration of trainings on trafficking, relevance of issues to the topic of trafficking (30)</li></ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, three prosecutors are specialized in trafficking in Adjara region, and two in Tbilisi. In 2018, 14 educational activities were organized on the topic

of trafficking, 79 prosecutors were retrained. One training session was organized for interns, 22 individuals participated.

The trainings generally covered the following topics: policy of Georgia on fighting trafficking, legislation and institutional mechanisms, international legislation, protection and assistance of trafficking victims, modern trends of trafficking, indicators of labor and sex trafficking, review of crimes related to trafficking. The training also included practical exercises. Two trainings concerned transportation of migrants over border. While the topic doesn't concern trafficking direction, the training discussed differences, relationship and overlap between these two crimes. Notably, representatives of the PSG were retrained as part of educational visits abroad. For example, study visit to Budapest aimed at increasing effectiveness of combat against human trafficking, conducting a full investigation in such crimes and enhancement of international cooperation. The educational activities covered the following topics: victim identification, preparation of a victim for witness interview – goals and problems; techniques of interviews; suspect apprehension; questioning of a suspect, structure and methodology; post-apprehension phase – evidence confirmation; international cooperation.

The information provided by the PSG demonstrates that the implemented activities are relevant to the goal and its practical elements are acceptable. In total, 79 individuals, including 22 interns were retrained. As the activities will continue in 2019-2021, the number of retrained individuals can be considered optimal. **Therefore, this activity is implemented and its implementation progress is 100%.**

**Goal attainment mechanism 2.1. 2.** Increase the effectiveness of the fight against corruption

**Activity N1:** For effective investigation and criminal prosecution of corruption crimes, retraining of prosecutors and investigators working on this issue; training of interns; conducting common educational activities with relevant investigative agencies

**Output Indicators:**

1. Percentage of prosecutors and investigators working on corruption that have been retrained on the issues of effective investigation and criminal prosecution of corruption crimes (40)
2. Ratio of trainings to the number of prosecutors, investigators, and interns that have been trained on effective investigation and criminal prosecution of corruption crimes (30)
3. Duration of trainings on effective investigation and criminal prosecution of corruption crimes, relevance of the topics (30)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, prosecutors from almost all structural units of the PSG work on corruption crimes. In 2018 eight educational activities were held on fight against corruption, 96 individuals (prosecutors/investigators), including 45 intern prosecutors were retrained.

The agendas provided by the PSG demonstrate that the educational activities were diverse in form – trainings, educational courses, and covered such topics as: money laundering, fighter against internal corruption, prevention of corruption, witness interview techniques, investigative activities conducted in the process of combatting corruption, investigative statistics and methodology, types of corruption, anticorruption norms and standards in private and public spheres, etc. The implemented activities are relevant to the goal, its practical elements, topics, etc. are also acceptable. The number of retrained prosecutors – 96, including 45 interns, can be considered an acceptable number, as this activity will continue in coming years as well. **Therefore, this activity is implemented and its implementation progress is 100%.**

**Goal attainment mechanism 2.1.2.** Increase the effectiveness of the fight against corruption

**Activity N2:** Development of proposals on legislative amendments supporting prosecutorial and investigative activities and their presentation to a body responsible for a legislative initiative

**Output Indicators:**

1. The proposals on legislative amendments supporting prosecutorial and investigative activities include concrete recommendations on separation of prosecutorial and investigative authorities

**Status:** Not implemented  
**Progress:** 0%

According to the information provided by the PSG, a document on proposals for legislative amendments supporting prosecutorial and investigative activities has not been prepared by the Department of Procedural Guidance and Supervision of Operative-investigative Activities of State Security Service, State Special Protection Service, Intelligence Service, and the agency of Ministry of Internal Affairs – Border Police. **Therefore, this activity is incomplete and its implementation progress is 0%.**

**Goal attainment mechanism 2.1.2.** Increase the effectiveness of the fight against corruption

**Activity N3:** At least two meetings of a working group with participation from representatives of State Security Service, Ministry of Internal Affairs, Investigative Service of the Ministry of Finances

**Output Indicators:**

1. Number of meetings of the working group with participation from representatives of State Security Service, Ministry of Internal Affairs, and Investigative Service of the Ministry of Finances (50)
2. Issues discussed at the working group meetings (50)

**Status:** Partly implemented  
**Progress:** 50%



According to the information provided by the PSG, working group consisting of representatives of the PSG, State Security Service, Ministry of Internal Affairs, and investigative services of the Ministry of Finance held four meetings on corruption. As to the topics discussed, the PSG noted that this information is classified and confidential. As not even general information (which may not be confidential information) on discussed topics was provided, **this activity is partly implemented and its implementation progress is 50%.**

<p><b>Goal attainment mechanism 2.1.2.</b> Increase the effectiveness of the fight against corruption</p> <p><b>Activity N4:</b> Informational meetings with representatives of supervision bodies (internal monitoring service, general inspection) overseeing identified risk zones (public services)</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Methodology/instructions/criteria for identifying risk zones (30)</li><li>2. Number of the informational meetings with representatives of supervision bodies (internal monitoring service, general inspection) overseeing identified risk zones (public services) (20)</li><li>3. Number of participants of the meetings, their positions (25)</li><li>4. Issues discussed at the meeting (25)</li></ol> <p><b>Status:</b> Partly implemented</p> <p><b>Progress:</b> 40%</p>
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According to the information provided by the PSG, corruption risk zones have been identified based on the statistics and analysis of committed crimes. In 2018 a meeting with representatives of supervising bodies of identified risk zones and relevant activities, specifically, with representative of the City Hall of Tbilisi and the relevant services of the Ministry of Environment and Agriculture was held. The PSG did not provide information on contents of the meeting, stating that this information was confidential. Additionally, the PSG did not provided information on number of participants or their positions. It is recommended that the number of meetings increase. However, this activity will continue in the coming years as well. **Therefore, this activity is partly implemented and its implementation progress is 40%.**

<p><b>Goal attainment mechanism 2.1.2.</b> Increase the effectiveness of the fight against corruption</p> <p><b>Activity N5:</b> Organizing a working meeting with anti-corruption non-governmental organizations</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Methodology/instructions/criteria for selection of non-governmental organizations working on anticorruption issues (30)</li><li>2. Number of non-governmental organizations working on anticorruption issues invited to the meeting (25)</li><li>3. Number of meetings with non-governmental organizations working on anticorruption issues (20)</li></ol>
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4. Issues discussed at the meeting (25)

**Status:** Not implemented

**Progress:** 0%

According to the information provided by the PSG, no meetings with non-governmental organizations working on anti-corruption issues was conducted in 2018. The PSG also did not provide any information on the methodology/instructions/criteria for selection of non-governmental organizations working on anti-corruption issues. **Therefore, this activity is not completed and its implementation progress is 0%.**

**Goal attainment mechanism 2.1.2.** Increase the effectiveness of the fight against corruption

**Activity N6:** Informational meetings on anti-corruption issues in public prosecutor and local council formats

**Output Indicators:**

1. Number of informational meetings on anti-corruption issues held in public prosecutor and local council formats (30)
2. Issues discussed at the meetings (35)
3. Decisions made at the meetings (35)

**Status:** Partly implemented

**Progress:** 50%

According to the information provided by the PSG, no meetings on anti-corruption issues were held within the local council's format. Within the Public Prosecutor format, 56 informational meetings were conducted in 2018. Each meeting was attended by 50 participants, on average (local population, public officials). The meetings discussed the following topics:

- General overview of crimes committed by officials, definition of articles;
- Sanctions defined by the law;
- Factors causing such crimes;
- Crime prevention mechanism;
- Real estate fraud, production of fraudulent documents.

Based on the provided information, it can be concluded that the issues discussed at these meetings are relevant to the goal. The number of meetings and participants is also acceptable. As no meetings on anti-corruption were conducted within the local council formats and the PSG did not provided information on decisions made at the meetings organized within the Public Prosecutor format, **the activity is partially completed and its implementation progress is 50%.**

**Goal attainment mechanism 2.1.3.** Increase the effectiveness of the fight against terrorism

**Activity N1:** Study and analysis of the existing criminal cases involving terrorism charges

**Output Indicators:**

1. Methodology/instructions for analysis of the existing criminal cases involving a terrorism charge (50)
2. Recommendations and proposed actions based on the analysis of the existing criminal cases involving terrorism charges (50)

**Status:** Not implemented

**Progress:** 0%

According to the information provided by the PSG, an analysis on criminal cases involving terrorism has not been conducted. **Therefore, this activity is incomplete and its implementation progress is 0%.**

**Goal attainment mechanism 2.1.3.** Increase the effectiveness of the fight against terrorism

**Activity N2:** At least two meetings of a working group of counter-terrorism agencies

**Output Indicators:**

1. Number of meetings of the working group of counter-terrorism agencies (50)
2. Issues discussed at the meetings of the working group of counter-terrorism agencies (50)

**Status:** Partly implemented

**Progress:** 25%

According to the information provided by the PSG, one meeting on terrorism crimes was organized by the working group consisting of representatives of the PSG and the investigative services of the State Security Service. The topics discussed are confidential. As the activity envisioned at least two meetings, and only one was organized, and even general information (which may not be confidential information) was not provided on the discussed topics, **this activity is partially completed and its implementation progress is 25%.**

**Goal attainment mechanism 2.1.3.** Increase the effectiveness of the fight against terrorism

**Activity N3:** Organizing informational meetings with the public to raise awareness about terrorism

**Output Indicators:**

1. Geographic coverage/distribution of the informational meetings and target groups (30)
2. Number of the meetings held (20)
3. Number of attendees of the meetings (20)
4. Issues discussed at the meetings (30)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, one meeting on raising awareness of terrorism crimes and its prevention was organized in Kvemo Kartli, relevant target groups were invited from almost all regions of Georgia. Additionally, informational meetings were organized by Senaki, Ozurgeti, Khelvachauri and Rustavi regional prosecutor's offices (4 meetings in total), which were attended by 50 individuals on average (local population, school students, teachers). The meetings discussed the following topics: general overview of terrorism, definition of terrorism and terrorist act, dangers of terrorism in Georgia and law-enforcement agencies fighting terrorism in Georgia.

The presented information demonstrates, that the meetings meet the defined criteria. The topics and the number of participants (50 per meetings) are also acceptable. Additionally, the target group included local population, students, which is a welcome step, as it's important to raise awareness of terrorism among general population, and it's essential that such knowledge be provided at an early age. **Therefore, this activity is completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 2.1.3.</b> Increase the effectiveness of the fight against terrorism</p> <p><b>Activity N4:</b> Retraining of prosecutors working on terrorism issues/conducting common educational activities with relevant investigative agencies</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Percentage of the prosecutors working on combat against terrorism that have been retrained on the topic (40)</li><li>2. Ratio of participating prosecutors of the trainings on combat against terrorism to number of the trainings (30)</li><li>3. Duration of trainings on terrorism, relevance of the training material to the topic (30)</li></ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, three prosecutors manage terrorism cases. In 2018, one training and two study visits were organized on the topic of combat against terrorism, 11 individuals (prosecutors and investigators) were retrained. The informational activities discussed violent extremist organizations, evidence received from other countries and conflict zones, combat against bioterrorism, specific cases, and methods of investigation of bioterrorism, money laundering, methods of combat against proliferation of weapons of mass destructions and instruments of detection of financing of such activities. The activities also included practical examples and case law.

Based on this information, it can be concluded that the topics of educational activities correspond to the goal. Additionally, according to the PSG, 3 prosecutors oversee terrorism cases and 11 prosecutors were retrained on combat against terrorism, satisfying the activity indicator. Notably, the retraining of prosecutors will continue in the coming years. **Therefore, this activity is fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 2.1.3.** Increase the effectiveness of the fight against terrorism

**Activity N5:** Preparing an annual report on activities implemented in combat against terrorism

**Output Indicators:**

1. The report on activities implemented in combat against terrorism focuses on challenges and outlines ways of overcoming them, relevant data has been processed and analysed

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, information about the measures implemented in combat against terrorism is included in the PSG report on its activities.<sup>126</sup> The information on this subject is included in the section on priority directions of the PSG, specifically in the chapter on terrorism. The chapter discusses issues of supporters of so-called Islamic State in a specific region of Georgia, their travel to Syria through Turkey and fighting with terrorists of Islamic State, negative impact of Islamic State and traveling of Georgian citizens to Syria for terrorism purposes, as well as possible usage of Georgia as a transit country to Syria by foreign citizens. The PSG legally evaluated individuals engaged in the above-mentioned activities and initiated criminal prosecution against them. Specific steps were taken to decrease the number of supporters of migration and terrorist organizations. Additionally, in 2017-2018 criminal prosecution was initiated and guilty sentencing was secured for three people on the charges of being members of Islamic State. In 2018, criminal prosecution was initiated against eight individuals on terrorism charges, seven of them have received guilty verdict at the time of publication of the report, while case of one person is still in court.

The provided information demonstrates, that the report on measures implemented in combat against terrorism is a part of the broader annual report of the PSG which is publicly available. The report analyses current challenges and the relevant statistical data. **Therefore, this activity is fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 2.1.4.** Increase the effectiveness of the fight against money laundering and terrorism financing

**Activity N1:** (1) Definition of activities to increase the effectiveness of coordination and cooperation among the competent agencies engaged by the Advisory Council in combat against money laundering and terrorism financing, based on information and recommendations presented by the working group (2) implementation of these activities

**Output Indicators:**

1. Activities to be implemented and implemented to increase the effectiveness of coordination and cooperation mechanism among the competent agencies engaged in combat against money laundering and terrorism financing

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<sup>126</sup> 2018 [Report](#) on Work Conducted by the PSG [30/07/2019]

**Status:** Fully implemented  
**Progress:** 100%

According to the information provided by the PSG, a recommendation on establishment of standing working-analytical platform on increasing effectiveness of cooperation and coordination among competent bodies engaged in combat against money laundering and terrorism financing has been developed. According to the recommendation, the platform with generalized the acquired practices using case scenario principles at least twice a year and will analyse ML/TF typologies in Georgia. The platform will also identify high risk spheres for these crimes.

The recommendation envisions periodic extended format meetings of individuals conduction direct monitoring within the working group, where practitioners working on ML/TF will discuss in an interactive manner characteristics of money laundering and terrorism financing, identified as trends by Georgian investigative and court practices. This will enable persons responsible for monitoring to properly identify possible crimes. The working group, if needed, will play an important role in modernization of ML/TF legislation and will develop legislative proposals, if needed, which will subsequently be initiated by relevant agencies.

In compliance with the recommendation, a standing working-analytical platform with members of competent structural units of the PSG, Ministry of internal Affairs, investigative services of the Ministry of Finance, State Security Service and Monitoring Service of the Ministry of Finance was established. Several meetings of the platform were organized.

The provided information demonstrates measures implemented for compliance with the recommendation. Specifically, the central measure was the establishment of a working-analytical platform and no less than two annual meetings of the platform, discussing relevant topics. **Therefore, this activity can be considered fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 2.1.4.** Increase the effectiveness of the fight against money laundering and terrorism financing

**Activity N2:** (1) The Advisory Council definition of activities aimed at increasing the effectiveness of detection and seizure of illegally acquired property, based on information and recommendations presented by the working group; (2) implementation of these activities

**Output Indicators:**

1. Activities to be implemented and implemented to increase the effectiveness of detection and seizure of illegally acquired property

**Status:** Fully implemented  
**Progress:** 100%

According to the information provided by the PSG, a recommendation on establishment of standing working-analytical platform on increasing effectiveness of detection and seizure of

illegally acquired property has been developed. According to the recommendation, the platform with generalized the acquired practices using case scenario principles at least twice a year and will analyse ML/TF typologies in Georgia. The platform will also identify high risk spheres for these crimes.

In compliance with the recommendation, a standing working-analytical platform with members of competent structural units of the PSG, Ministry of internal Affairs, investigative services of the Ministry of Finance, State Security Service and Monitoring Service of the Ministry of Finance was established. Several meetings of the platform were organized.

The provided information demonstrates measures implemented for compliance with the recommendation. Specifically, the central measure was the establishment of a working-analytical platform and no less than two annual meetings of the platform, discussing relevant topics.

**Therefore, this activity is fully completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 2.1.4.</b> Increase the effectiveness of the fight against money laundering and terrorism financing</p> <p><b>Activity N3:</b> (1) The Advisory Council definition of parallel financial investigation activities to be implemented in combat against crimes involving significant financial gains, based on information and recommendations presented by the working group (2) implementation of these activities</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Composition of the working group (25)</li><li>2. Number of working group meetings (20)</li><li>3. Activities to be implemented for parallel financial investigations (25)</li><li>4. Activities implemented for parallel financial investigations (30)</li></ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, representatives from the following bodies are members of the working group on combating money laundering and terrorism financing: the Division of Criminal Prosecution of Money Laundering of the Investigative Unit of the Prosecutor General's Office, Department of procedural supervision and oversight of operative-investigative activities of the State Security Service, Special State Protection Service, Intelligence Service and the subordinate agency of the Ministry of Internal Affairs – Border Police; Department of Procedural Guidance of the Investigations at the Ministry of Finance; the Department of Procedural Guidance of investigations at General Inspector's Office, Central Criminal Police Department and Patrol Police of the Ministry of Internal Affairs; the Division of Eurointegration and Relations with

International Organizations of the Department of Legal Affairs. Three meetings of the working group were held in 2018.

In 2017 recommendations were adopted by a working group established at the PSG to increase effectiveness of parallel financial investigations. The recommendations envisioned monitoring by the Department of the Prosecutorial **Activities** Supervision and Strategic Development of the Prosecutor General's Office during the first two quarters of 2018 and detecting cases when a person authorized to investigate did not comply with the August 4<sup>th</sup> 2015 recommendation of the Prosecutor General and did not take all appropriate measures to detect property subject to seizure in accordance with the Article 52 of the Criminal Code. The Department of Prosecutorial **Activities** Supervision and Strategic Development conducted monitoring and prepared an appropriate analysis.

The information provides data on activities implemented and to be implemented, the number of the meetings of the working group is also acceptable. **Therefore, this activity is fully completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 2.1.4.</b> Increase the effectiveness of the fight against money laundering and terrorism financing</p> <p><b>Activity N4:</b> (1) The Advisory Council definition of risk assessment methodology for money laundering and terrorism financing crimes, based on information and recommendations of the working group; (2) money laundering and terrorism financing risk assessment by the working group based on this methodology; (3) proposing recommendations on resource distribution for effective reduction of risks of these crimes; (4) presentation of information on risk assessment results and recommendations on reduction of these risks to the Advisory Council; (5) definition of activities to be implemented for risk reduction by the Advisory Council; (6) implementation of the activities</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Composition of the working group on money laundering and terrorism financing (25)</li><li>2. Number of the working group meetings (20)</li><li>3. Challenges detected as a result of risk assessment of money laundering and terrorism financing crimes and measures to overcome them (25)</li><li>5. Measures implemented for risk reduction of money laundering and terrorism financing crimes (30)</li></ol> <p><b>Status:</b> Mostly implemented</p> <p><b>Progress:</b> 70%</p>
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As mentioned above, representatives from the following bodies are members of the working group on combating money laundering and terrorism financing: the Division of Criminal Prosecution of Money Laundering of the Investigative Unit of the Prosecutor General's Office, Department of procedural supervision and oversight of operative-investigative activities of the State Security Service, Special State Protection Service, Intelligence Service and the subordinate agency of the



Ministry of Internal Affairs – Border Police; Department of Procedural Guidance of the Investigations at the Ministry of Finance; the Department of Procedural Guidance of investigations at General Inspector’s Office, Central Criminal Police Department and Patrol Police of the Ministry of Internal Affairs; the Division of Eurointegration and Relations with International Organizations of the Department of Legal Affairs.

The PSG did not provide information on the number of meetings. Information on identified challenges based on the risk evaluation has also not been presented. In regards to the activities to be implemented, analysis of domestic and international practices of money laundering risk assessment and refinement of the appropriate methodology have been mentioned. At this stage, domestic practices of risk assessment of money laundering and terrorism financing have been analysed, the analysis has been presented to the Advisory Council. In regards to this activity, an interagency commission with the goal of creating a national report and action plan on assessment of risks of money laundering and terrorism financing has been established, a detailed analysis of these risks has been created and future threats have been identified. Work continues on creation of national report and action plan on risk assessment. **Therefore, this activity is mostly completed and its implementation progress is 70%.**

<p><b>Goal attainment mechanism 2.1.4.</b> Increase the effectiveness of the fight against money laundering and terrorism financing</p> <p><b>Activity N5:</b> Training of prosecutors, interns, and investigators, on effective investigation and criminal prosecution of money laundering and terrorism financing crimes</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Percentage of prosecutors and investigators trained on the issues of effective investigation and criminal prosecution of money laundering and terrorism financing crimes and number of the interns that have undergone the training (40)</li><li>2. Ratio of number of participants of the training on effective investigation and criminal prosecution of money laundering and terrorism financing crimes to number of trainings (30)</li><li>3. Duration of the trainings on effective investigation and criminal prosecution of money laundering and terrorism financing crimes and relevance of the training topics to the issue (30)</li></ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, five educational activities on effective investigation and criminal prosecution of money laundering cases have been organized in 2018. 40 individuals (prosecutors and investigators) participated. The format of the most of these educational activities were two-day trainings, which in an acceptable duration. The trainings concerned such topics as cryptocurrencies, money laundering, problems associated with money laundering and terrorism financing, investigation of such cases, criminal prosecution and evidence gathering; seizure, confiscation and return of property acquired through corruption, money laundering or

other economic crimes; international practice and legal regulations. The training methods included practical exercises and case discussion.

The provided information demonstrates that the trainings were relevant to the goal of this activity. 40 prosecutors and investigators were retrained within 5 trainings. Therefore, eight participants attended each training, on average. As the trainings will continue in future, the number of retrained employees in 2018 is acceptable. **Therefore, this activity is completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 2.1.4.</b> Increase the effectiveness of the fight against money laundering and terrorism financing</p> <p><b>Activity 6:</b> Training/retraining of prosecutors, investigators, and interns on detection of illegally acquired property, its seizure, and confiscation</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Percentage indicator of prosecutors and investigators working on detection of illegally acquired property, its seizure, and confiscation that have completed the training on detection of illegally acquired property, its seizure, and confiscation (40)</li><li>2. Ratio of number of trainings on detection of illegally acquired property, its seizure, and confiscation to the number of participants in these trainings (30)</li><li>3. Duration of the trainings on detection of illegally acquired property, its seizure, and confiscation; relevance of the training topics to the issue (30)</li></ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 91%</p>
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According to the information provided by the PSG, one educational activity on detection, seizure, and confiscation of illegally acquired property was organized in 2018. 15 individuals (prosecutors and investigators) have been trained. The two-day training concerned seizure, confiscation and return of property acquired through corruption, money laundering and other economic crimes. Criminal proceeding related to seizure of property in foreign countries, properties qualified was seizure, confiscation, freezing and seizure without establishment of guilt, asset freezing as a step of seizure, international legal frameworks were discussed within the trainings. Practical exercises and experience of other counties were also reviewed. According to the training agendas, hour and half was allocated to discussion of each topic, which is an optimal duration. However, one training per year cannot be considered acceptable. Additionally, similar educational activities are planned for the coming years, **therefore, this activity can be considered completed, however its implementation progress is 91%.**

<p><b>Goal attainment mechanism 2.1.5.</b> Increase of effectiveness of the fight against cybercrime and improvement of electronic evidence gathering mechanisms</p> <p><b>Activity N1:</b> Organizing at least two working meetings</p>
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**Output Indicators:**

1. Number of meetings of the working group on cybercrime (50)
2. Issues discussed at the meetings of the working group (50)

**Status:** Mostly implemented

**Progress:** 75%

According to the information provided by the PSG, in 2018 the working group on cybercrime held one meeting. The meeting discussed difficulties of investigating a cybercrime, issues of gathering evidence and ways of overcoming these challenges. The topics discussed are relevant to the goal, however, the Action Plan envisioned two meetings in 2018, **therefore this activity is mostly completed and its implementation progress is 75%.**

**Goal attainment mechanism 2.1.5.** Increase of effectiveness of the fight against cybercrime and improvement of electronic evidence gathering mechanisms

**Activity N2:** Adoption of the strategy of cooperation with internet service providers

**Output Indicators:**

1. The strategy of cooperation with ISPs is based on situational/problem analysis (35)
2. The strategy of cooperation with ISPs has been approved through a decree of the Prosecutor General (35)
3. Activities for presenting the strategy of cooperation with ISPs to interested parties (30)

**Status:** Not implemented

**Progress:** 0%

According to the information provided by the PSG, a strategy of cooperation with the Internet Service Providers has not been developed. **Therefore, this activity is incomplete and its implementation progress is 0%.**

**Goal attainment mechanism 2.1.5.** Increase of effectiveness of the fight against cybercrime and improvement of electronic evidence gathering mechanisms

**Activity N3:** Signing an updated memorandum with internet service providers

**Output Indicators:**

1. Measures implemented to introduce the updated memorandum with the internet service providers to the relevant services of the Prosecutor's Office (60)
2. Updated sections of the memorandum with the internet service providers (40)

**Status:** Not implemented

**Progress:** 0%

According to the information provided by the PSG, the work continues on this activity and the updated memorandum includes specific responsibilities of parties. Besides the above-mentioned, the PSG did not provided information on presentation of the updated memorandum to the relevant structural units of the PSG and no specific information on responsibilities has been provided. Thus, this activity cannot be evaluation. **It is incomplete and its implementation progress is 0%.**

<p><b>Goal attainment mechanism 2.1.5.</b> Increase of effectiveness of the fight against cybercrime and improvement of electronic evidence gathering mechanisms</p> <p><b>Activity N4:</b> Training of prosecutors, investigators, and interns on mechanisms of improving the effectiveness of combat against cybercrime and electronic evidence gathering/ conducting common educational activities with participation from the relevant investigative agencies</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Percentage of prosecutors and investigators working on mechanisms of improving the effectiveness of combat against cybercrime and electronic evidence gathering that have completed the training on mechanisms of improving the effectiveness of combat against cybercrime and electronic evidence gathering (40)</li><li>2. Ratio of number of trainings on mechanisms of improving effectiveness of combat against cybercrime and electronic evidence gathering to number of participating prosecutors, investigators, and interns in these trainings (30)</li><li>3. Duration of trainings on mechanisms of improving the effectiveness of combat against cybercrime and electronic evidence gathering; relevance of the training topics to the issue (30)</li></ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, seven trainings were organized in 2018 on increasing effectiveness of combat against cybercrime and improving mechanisms of electronic evidence gathering. 35 individuals (prosecutors and investigators) participated. The general topics of the trainings were investigation of cybercrimes, electronic evidence, and court cooperation on cybercrimes. General categories of cybercrime and general overview of criminal prosecution of cybercrime, as well as, instruments of court expertise, grounds for investigation of money laundering through virtual currencies and digital technologies, cyber centric investigation, utilization of cell phone/computer forensics in court, strategies of usage of digital evidence in court according to the form and type of evidence, international legal database of cybercrime, cybercrime and virtual currency threat assessment. International best practices, practical exercises and case review were also included in the trainings.

The provided training agendas demonstrate that the educational activities covered diverse topics which were relevant to the goal. Discussed topics are relevant to modern challenges as well. An hour and a half were allocated to discussion of each topic, which can be considered optimal. The number of retrained prosecutors and investigators can also be considered optimal, as the activity will continue in the coming years as well. However, it is recommended that more PSG employees

be retrained on relevant topics each year. **This activity is completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 2.1.5.</b> Increase of effectiveness of the fight against cybercrime and improvement of electronic evidence gathering mechanisms</p> <p><b>Activity N5:</b> Analysis of material and procedural legislation on cybercrime and electronic evidence gathering and proposal of possible legislative recommendations to the body responsible for development of appropriate legislative proposals</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. The proposed legislative recommendations are based on analysis of material and procedural law on cybercrime and electronic evidence gathering (50)</li><li>2. Number of interested agencies that have been introduced to the recommendations (50)</li></ol> <p><b>Status:</b> Not implemented</p> <p><b>Progress:</b> 0%</p>
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According to the information provided by the PSG, the analysis of material and procedural legislation on cybercrime and electronic evidence gathering is completed and concerns Articles 255 and 285 of the Criminal Code and Article 136, 255 and 285 of the Procedural Criminal Code, which has certain flaws and create challenges in practice. According to the PSG, interested parties have been informed on this.

Despite creating the analysis, the PSG did not provide information on the basis of the analysis and of the developed recommendations or about the agencies that were presented these recommendations. Therefore, this activity cannot be evaluated. **It is considered incomplete and its implementation progress is 0%.**

<p><b>Goal attainment mechanism 2.1.6.</b> Increase of the effectiveness of the fight against narcotics crimes</p> <p><b>Activity N1:</b> An analysis of the criminal cases involving narcotics crimes</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. The analysis document on criminal cases involving narcotics crimes is based on relevant processed data (30)</li><li>2. The analysis document on criminal cases involving narcotics crimes underlines the existing challenges and provides practical recommendations (35)</li><li>3. The analysis document on criminal cases involving narcotics crimes has been introduced to the leadership and future steps are planned (35)</li></ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG analysis of criminal cases related to drug crimes has been prepared and presented to the management. The analysis concerns problems of implementation of the Constitutional Court decisions of October 24<sup>th</sup> 2015, July 13 2017, July 14 2017 and November 30 2017, and the ways of addressing these problems. Included are the issues of legal and practical issues of criminal investigation of drug crimes and ways of overcoming them. According to the PSG, preparation of legislative amendments to be presented to an authority responsible for their initiation is planned. **Therefore, this activity is completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 2.1.6.</b> Increase of the effectiveness of the fight against narcotics crimes</p> <p><b>Activity N2:</b> Training/retraining of prosecutors, investigators, and interns on issues related to combat against narcotics crimes/conducting common educational activities with the relevant agencies</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"> <li>1. Percentage of prosecutors and investigators working on combat against narcotics crimes that have completed the training (40)</li> <li>2. Ratio of number of trainings on combat against narcotics crimes to number of participating prosecutors, investigators, and interns in these trainings (30)</li> <li>3. Duration of trainings on combat against narcotics crimes; relevance of the training topics to the issue (30)</li> </ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, prosecutors from almost all structural units responsible for prosecutorial activities, except for specialized units, work on drug-related crimes. 11 trainings were organized on combat against drug-related crimes in 2018, with 62 individuals participating (prosecutors and investigators). The educational activities concerned controlled distribution of narcotic substances, new psychotropic substances, narcotic crime prevention, and parallel financial investigations related to drug-related crimes, etc. The educational activities were mostly two-day trainings and study visits. The meetings discussed such topics as parallel financial investigations related to drug-related crimes in other countries, network of prosecutors against drug addiction, its functioning and experience, specifics of syndicate operations, regulations projects of Black Sea Pease Network, characteristics, production, control and monitoring of new psychotropic substances and their distribution over the internet, existing challenges in investigating drug-related crimes. Within the informational activities, experience of the EU, narcotics and combat against narcotics policies of other countries were discussed. The training format also consisted of discussing practical examples and simulated scenarios, making the topics even more comprehensive for the audience.

The provided agendas demonstrate that the trainings covered wide-range of issues that were relevant to the activity. The discussed topics were also relevant to modern challenges and

participation of attendees was ensured. Each topic was allocated, on average, an hour and a half, which can be considered optimal. The number of retrained individuals can also be considered optimal. The retraining of PSG employees will continue in the coming years. **Therefore, this activity is completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 2.1.6.</b> Increase of the effectiveness of the fight against narcotics crimes</p> <p><b>Activity N3:</b> Preparing a report reflecting implemented criminal justice policy on narcotics crimes</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Structural units involved in the preparation of the report reflecting implemented criminal justice policy on narcotics crimes (35)</li><li>2. The report reflecting implemented criminal justice policy on narcotics crimes is based on situational analysis (30)</li><li>3. The report reflecting implemented criminal justice policy on narcotics crimes has been introduced to the management and future steps are planned (35)</li></ol> <p><b>Status:</b> Mostly implemented</p> <p><b>Progress:</b> 65%</p>
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According to the information provided by the PSG, a document of analysis of criminal justice policy implemented in regards to the **drug-related** crimes has been prepared with the participation of relevant departments of the Prosecutor General's Office. However, the Department of Prosecutorial Activities Supervision and Strategic Development, as well as, Department of Procedural Guidance of investigations at Inspector General's Office, Department of Central Criminal Police and Patrol Police of the Ministry of Internal Affairs of Georgia are defined as responsible units for this activity. Information about their participation has not been provided. The analysis also describes current situation as related to narcotics in Georgia, main challenges in drug policies, ways of overcoming them, as well as, cooperation with other relevant state agencies. The PSG did not provide information on presentation of this report to the management. While in regards to the future steps, the PSG said it planned working meetings with structural units of the PSG and educational activities with the Training Centre. **Therefore, this activity is mostly completed and its implementation progress is 65%.**

<p><b>Goal attainment mechanism 2.1.6.</b> Increase of the effectiveness of the fight against narcotics crimes</p> <p><b>Activity N4:</b> Organizing informational meetings (at least 10)</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Number of organized informational meetings (20)</li><li>2. Regional coverage of informational meetings (30)</li><li>3. Number of participants in the informational meetings (25)</li><li>4. Issues discussed at the informational meetings (25)</li></ol> <p><b>Status:</b> Fully implemented</p>
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**Progress:** 100%

According to the information provided by the PSG, 166 informational meetings on **drug-related** crimes were organized in 2018. The meetings covered the whole Georgia and each meeting was attended by 50 participants on average (school students, teachers, university students, local population). The topics discussed at the meetings included: general review of **drug-related** crimes, types of narcotic substances, the negative effects of drug usage, punishment for usage of narcotics, reasons for drug usage and studies on negative effects of drug usage.

Provided information demonstrates that the trainings covered diverse topics relevant to the goal. Participation of various social groups was ensured. The number of attendees as well as the geographic coverage of the informational meetings is acceptable. The awareness campaigns will continue in the coming years. **Therefore, this activity is fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 2.1.6.** Increase of the effectiveness of the fight against narcotics crimes

**Activity N5:** Implementing contest-winning preventive measures

**Output Indicators:**

1. Number of participants in the winning activity of student contest on preventive measures

**Status:** Not implemented

**Progress:** 0%

The PSG noted that the fourth measure of 2.1.6 objective included information on informational meetings. The PSG did not provide information on winners of the student contest on preventive measures and the number of participants. **Therefore, this activity is incomplete and its implementation progress is 0%.**

**Goal attainment mechanism 2.1.7.** Improvement of the criminal prosecution mechanisms for legal entities

**Activity N1:** 2016 results of monitoring of the implemented measures for improvement of criminal prosecution mechanisms of legal entities

**Output Indicators:**

1. 2016 results of monitoring of implemented measures for improvement of criminal prosecution mechanisms of legal entities is based on a predefined methodology/instructions and indicators (30)

2. The report on 2016 results of monitoring of implemented measures for improvement of criminal prosecution mechanisms for legal entities underlines the existing challenges and shortcomings (35)

3. The report on 2016 results of monitoring of implemented measures for improvement of criminal prosecution mechanisms for legal entities outlines future steps and practical recommendations (35)

**Status:** Not implemented



**Progress:** 0%

According to the information provided by the PSG, a report on results of monitoring of measures implemented for enhancement of criminal prosecution mechanism of legal entities hasn't been prepared in 2016. **Therefore, this activity is incomplete and its implementation progress is 0%.**

**Goal attainment mechanism 2.1.7.** Improvement of the criminal prosecution mechanisms for legal entities

**Activity N2:** Retraining of prosecutors and investigators on effective investigation and criminal prosecution of legal entities/ training of interns/ conducting common educational activities with the relevant investigative agencies

**Output Indicators:**

1. Percentage of prosecutors and investigators working on effective investigation and criminal prosecution of legal entities that have completed the training (40)
2. Ratio of number of trainings on effective investigation and criminal prosecution of legal entities to number of participating prosecutors, investigators, and interns in these trainings (30)
3. Duration of the trainings on effective investigation and criminal prosecution of legal entities; relevance of the training topics to the issue (30)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, prosecutors from all structural units performing prosecutorial duties work on criminal prosecution of legal entities. Two educational activities on crimes committed by legal entities were organized in 2018 with 33 participants (prosecutors and investigators). The educational activities were two-day trainings concerning general topics of liability of legal entities. The trainings discussed criteria for criminal liability, investigation of corporate criminal activities, corporate risk management, practice of sanction and punishment definition, plea procedures, legacy liability of legal entities, etc.

The provided agendas demonstrate, that an hour and a half were allocated to discussion of each topic, which can be considered optimal. The number of 16 attendees on average per session is also acceptable. The topics are diverse and relevant to the goal of the activity. Despite the above-mentioned, the number of retrained employees should increase annually, as similar activities are planned for the coming years. **Therefore, this activity is completed and its implementation progress is 100%.**

**Goal attainment mechanism 2.1.8.** Improvement of the effectiveness of investigation of crimes committed during legal proceedings

**Activity N1:** Organizing a working meeting (at least one) on increasing coordination and immediate response to human rights violations, with participation from other law enforcement agencies and representatives of the Ministry of Economy and Sustainable Development

**Output Indicators:**

<p>1. Number of working meetings on immediate response and increasing coordination on human rights violations (50)</p> <p>2. Issues discussed at the meetings (50)</p> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, the working group established by the initiative of the Chief Prosecutor’s Office consists of representatives of PSG, Ministry of Finance, Ministry of Economy and Sustainable Development, Ministry of Internal Affairs, Ministry of Defence and Levan Samkharauli National Forensics Bureau. The working group held 6 meetings in 2018. The first meeting discussed the systemic approaches required for acceleration of reviews of cases filed by the citizens requesting restoration of justice, including alternative mechanisms to return of seized property. Other meetings discussed legal ways of restoration of rights of victims and possible amendments to the May 25<sup>th</sup> 2016 Government of Georgia Ordinance N 1044.

The provided information demonstrates that the number of working group meetings corresponds to the minimal quota defined by the Action Plan. The discussed topics are relevant to existing challenges and the goals of this activity. **Therefore, this activity is completed and its implementation progress is 100%.**

### 5.3. Objective 3. Protection of Human Rights

The third goal and objective of the PSG Action Plan concern human rights protection. Four components have been defined as goal achievement measures, which in turn envision 14 activities in 2018. From the 14 activities, 12 have been fully completed and two are incomplete. **The implementation progress of third goal activities is 86%.**

<p><b>Goal attainment mechanism 3.1.1.</b> Increasing the effectiveness of the fight against crimes committed towards women and domestic violence</p> <p><b>Activity NI:</b> Organizing at least 10 informational meetings on domestic violence, including 3 with ethnic minorities</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"> <li>1. Methodology/criteria of the audience selection (25)</li> <li>2. Number of conducted meetings (25)</li> <li>3. Number of participants of the meetings (50)</li> <li>4. Issues discussed at the meetings (30)</li> </ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, in 2018 241 informational meetings on violence towards women and domestic violence were organized in all regions of Georgia, with 50

participants (school students, teachers, university students, public officials, local population) on average per meeting. The target audience for the meetings was selected on the basis of statistics on crime and crime characteristics. 28 meetings were held with the representatives of ethnic minorities. The meetings discussed: definition of domestic violence, forms of violence, rights of a victim and assignment of a status, obligation on notification of domestic violence and violence towards women, protection mechanisms and services, review of harassment.

The provided information demonstrates that the topics discussed at the meetings were diverse and consistent with the goals of this activity. Different social groups were engaged in meetings. The number of attendees is acceptable, as is the number of meetings and geographic coverage. The public awareness meetings will continue in the future as well. Criteria for determining target groups of such meetings as well as. The number of meetings organized with ethnic minorities are acceptable. **Therefore, this activity is fully completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 3.1.1.</b> Increasing the effectiveness of the fight against crimes committed towards women and domestic violence</p> <p><b>Activity N2:</b> Organizing a conference on domestic violence</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Interested parties participating in the conference (50)</li><li>2. The conference discussed challenges related to domestic violence and future steps (50)</li></ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, on November 27 2018 a conference on results of combat against domestic violence and challenges was organized at the Chief Prosecutor's Office, with the support of the UN Women's Organization. The conference was attended by representatives of state, non-governmental and international organizations. Representatives of the Ministry of Internal Affairs, Court, Special Penitentiary Service, National Probation Agency, Legal Assistance Service and Public Defender's Office were also invited to the conference. The attendees were presented a report on trends, achievements, and challenges of combating domestic violence, as well as, on trends of gender discrimination in criminal cases of violence towards women and domestic violence. The attendees were given information on the indicators of criminal prosecution in cases of domestic violence and domestic crimes, requested preventive measures and used measures, and sentencing in the first nine months of 2018. The information on positive trends, such as definition of a juvenile present during a domestic crime as a victim, determining facts of psychological violence and criminal prosecution in such cases, increase in the number of prosecution of cases with several crimes, increasing determination of gender

discrimination and quality of prosecutorial performance, which were the results of prosecutor specialization implemented in 2018.

The following challenges were also presented: workload of specialized prosecutors and overburdened court, changing of a victim testimony or refusal to give testimony, lack of services for victims, absence of rehabilitation programs for offenders. The significance of enhancement of the primary preventive mechanisms was also underlined, attendees also discussed implementation of a criminal justice policy that would decrease domestic violence.

The provided information demonstrates that the conference was quite representative and relevant topics were discussed. The PSG did not provide information on the future steps on issues discussed at the conference. However, as this activity will continue in the coming years as well, **it can be considered completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 3.1.1.</b> Increasing the effectiveness of the fight against crimes committed towards women and domestic violence</p> <p><b>Activity N3:</b> Monitoring of prosecutors working on domestic violence (increase in initiation of criminal prosecution on such cases)</p> <p><b>Output Indicators:</b></p> <p>1. The share of prosecutors specialized in domestic violence crimes that have undergone monitoring/evaluation</p> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, 161 prosecutors are specialized in domestic violence crimes. Additionally, all prosecutors of the PSG (420) have been evaluated in 2018.

According to the PSG, the Department of Prosecutorial Activities Supervision and Strategic Development, within the authority defined by its bylaws, monitors cases of domestic violence where investigation had been initiated. The monitoring focused on whether the cases were investigated in a timely manner, whether final decisions were taken in a timely manner, and whether the recommendations on procedural guidance of criminal investigations involving article 11<sup>1</sup> and Article 126<sup>1</sup> were implemented. Additionally, monitoring of court process focused on justification of requested preventive measures and effectiveness of support of state charge during the substantive considerations. **This activity is fully completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 3.1.1.</b> Increasing the effectiveness of the fight against crimes committed towards women and domestic violence</p> <p><b>Activity N4:</b> Engagement of a witness and victim coordinator in domestic violence cases</p> <p><b>Output Indicators:</b></p>
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1. Number of domestic violence in which a witness victim coordinator is engaged

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, the number of cases involving 126<sup>1</sup> and 11<sup>1</sup> where witness and victim coordinators have been engaged was 1525 in 2018. This is 815 cases more than 2017. Such statistical growth is a welcome trend. **Therefore, this activity is fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 3.1.1.** Increasing the effectiveness of the fight against crimes committed towards women and domestic violence

**Activity N5:** Training/retraining of prosecutors and interns on effective combat against crimes committed towards women and domestic violence/ conducting common educational activities with relevant agencies and organizations

**Output Indicators:**

1. Percentage of prosecutors and investigators working on effective combat against crimes committed towards women and domestic violence that have completed the training (40)
2. Ratio of number of trainings on effective combat against crimes committed towards women and domestic violence to number of participating prosecutors and investigators in these trainings (30)
3. Duration of the trainings on effective combat against crimes committed towards women and domestic violence; relevance of the training topics to the issue (30)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, the number of prosecutors specialized in domestic crimes is 161. In 2018 three specialization courses on domestic violence and domestic crimes were organized at the PSG and 83 individuals (prosecutors and investigators) participated. 11 educational activities were held on violence towards women, gender discrimination and domestic violence, 118 individuals (prosecutors and investigators) participated. The sessions discussed such topics as: hate speech, violence based on gender, hate-motivated crimes, access to justice to the female victims of violence, legal base, including standards of Istanbul Convention, protection mechanisms, sexual harassment, specifics of working with victims of violence, violence towards children, integration of LGBT women's issues in the protection and assistance mechanisms for victims of domestic violence and violence towards women, etc.

The provided agendas demonstrate that the informational activities concerned diverse topics, relevant to the goal of this activity. Each topic was discussed for an hour and a half, which can be considered optimal duration. The number of attendees of each training is also acceptable. **Therefore, this activity is fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 3.1.1.** Increasing the effectiveness of the fight against crimes committed towards women and domestic violence

**Activity N6:** Development of legislative proposals in accordance to the international standards with active cooperation from Human Rights Council, Ministry of Justice, and other relevant bodies

**Output Indicators:**

1. List of members of the Human Rights Council and other agencies that were involved in the development of the legislative proposals (30)
2. Other interested parties engaged in the legislative proposal development (30)
3. The international standards based on which the legislative proposals have been prepared – compliance with these standards (40)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, on July 3<sup>rd</sup> 2018 the Committee on Human Rights Protection and Civil Integration of the Parliament of Georgia held a meeting with representatives of government bodies, non-governmental organizations and the Public Defender's Office on evaluation and identification of challenges of legislative basis regulating violence towards women and domestic violence. Representatives of government bodies, including the PSG, presented a report on issues of violence towards women and domestic violence. After the meeting, the Committee on Human Rights Protection and Civil Integration of the Parliament of Georgia developed a legislative bill package on violence towards women and domestic violence. The bill envisioned amendments to the Procedural Criminal Code, Criminal Code, to the Law on "Prevention of violence towards women and/or domestic violence, protection of victims of violence and assistance", Code of Imprisonment, law on "Psychiatric Assistance" and Civil Code. The PSG was actively engaged in discussions on amendments. The PSG was also actively engaged in development of legislative proposals prepared by the Ministry of Internal Affairs. The amendments concerned the general parts of the Criminal Code, as well as, the articles related to domestic crimes.<sup>127</sup>

According to the information provided by the PSG, its role in the committee hearing was to report on committee meeting, submit written comments on the legislative amendments, and consider the legislative package. In addition to the PSG, Sophio Jafaridze – chairperson of the interagency commission on Gender Equality, Violence Against Women and Domestic Violence, a representative of the Ministry of Education and Science of Georgia, delivered a report on the topic "Violence against Women and Domestic Violence in Georgia: Identifying Problems". Reports were also made by the representatives of the Ministry of Internal Affairs (Natia Mezvrishvili – Deputy

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<sup>127</sup> [Law](#) on amendments to the Criminal Code of Georgia

Minister of Internal Affairs), the Ministry of Corrections, the Ministry of Labor, Health and Social Affairs, Public Defender's Office. The meeting was also attended by NGO representatives (for example, union "Sapari").

In the process of draft bill discussion were involved: the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs, Interagency Commission on Gender Equality, Violence against Women and Domestic Violence, Legal Aid Service, Ministry of Justice, the Supreme Court of Georgia, Ministry of Education, Science, Culture and Sports and other state agencies as well as NGOs.

The PSG's views on the ways of problem solutions regarding the violence against women and domestic violence included opinions on the need of relevant legislative amendments. The legislative amendments aimed the use of administrative and criminal mechanisms in combating violence against women and domestic violence regarding identification, protection and assistance of the victims to become more flexible and effective. The legislative amendments are based on CoE Convention on preventing and combating violence against women and domestic violence and aims to bring the Georgian legislative framework as closely as possible to the standards established by the Convention.

The amendments to the legislation must be evaluated as a positive development. The provided information states that various governmental bodies, relevant parties responsible for human rights protection, including Interagency Commission on Gender Equality, Violence against Women and Domestic Violence participated in the meeting. The prepared legislative amendments are based on CoE standards. **Therefore, this activity is fully completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 3.2.1</b> Improvement of the mechanisms for detecting facts of torture and mistreatment</p> <p><b>Activity N1:</b> Monitoring of compliance with the recommendations on torture and mistreatment</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Monitoring of compliance with the recommendations on torture and mistreatment is based on predefined methodology and indicators (30)</li><li>2. The document of monitoring of compliance with the recommendations on torture and mistreatment presents existing challenges and shortcomings (35)</li><li>3. The document of monitoring of compliance with the recommendations on torture and mistreatment defines future steps/recommendations (35)</li></ol> <p><b>Status:</b> Not implemented</p> <p><b>Progress:</b> 0%</p>
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According to the information provided by the PSG, monitoring of implementation of the recommendation on proper qualification of mistreatment facts by public officials or individuals

with similar status was conducted. The PSG provided the report published on the website.<sup>128</sup> The report published on the website only include data visualized on diagrams and does not refer to the monitoring methodology and indicators, as well as existing challenges, gaps and future steps/practical recommendations. **Therefore, this activity is considered incomplete and its implementation progress is 0%.**

<p><b>Goal attainment mechanism 3.2.1</b> Improvement of the mechanisms for detecting facts of torture and mistreatment</p> <p><b>Activity N2:</b> Training/retraining of prosecutors, investigators, and interns on issues related to combat against torture and mistreatment</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Percentage of prosecutors and investigators working on issues related to combat against torture and mistreatment that have completed the training (40)</li><li>2. Ratio of number of trainings on issues related to combat against torture and mistreatment to number of participating prosecutors, investigators, and interns in these trainings (30)</li><li>3. Duration of trainings on issues related to combat against torture and mistreatment; relevance of the training topics to the issue (30)</li></ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, two educational activities on combat against torture and mistreatment were organized in 2018, with 45 participants (prosecutors and investigators). The trainings covered such topics as the national legislation and investigative mechanisms, as well as, European Human Rights Convention, specifically, issues related to Article 3 of the Convention, case law related to this article, admissibility of evidence gathered on mistreatment crimes, investigative measures ensuring effectiveness of investigation of mistreatment. The training also included interactive practical exercises, ensuring attendee participation.

The provided agendas demonstrate that each topic was discussed for an hour and a half on average, which is an optimal duration. The trainings discussed relevant topics. The activity will also continue in the coming years, and it is recommended that informational meetings become systematic. **This activity is fully completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 3.2.1</b> Improvement of the mechanisms for detecting facts of torture and mistreatment</p> <p><b>Activity N3:</b> Regular visits to individuals in the penitentiary system</p> <p><b>Output Indicators:</b></p>
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<sup>128</sup> [http://old.pog.gov.ge/geo/news?info\\_id=1939](http://old.pog.gov.ge/geo/news?info_id=1939) [01/08/2019]



1. An indicator of growth in number of visits to the penitentiary system in 2018, compared to previous years (50)
  2. Activities planned/implemented based on the results of the visits (50)
- Status:** Fully implemented
- Progress:** 100%

According to the information provided by the PSG, in 2018 152 visits to penitentiary institutions were organized, increasing the number for 2017 by 90 and the number for 2016 by 89. According to the PSG, prosecutors from the Division of Human Rights Protection of the Department of Procedural Guidance and Supervision of Operative-Investigative Activities at the Ministry of Defence, Ministry of Justice and Special Penitentiary Service visit various institutions of the Department of Penitentiary on regular basis. **Therefore, this activity is completed and its implementation progress is 100%.**

- Goal attainment mechanism 3.3.1.** Increase of effectiveness of detection and criminal prosecution of hate-motivated and discriminatory crimes
- Activity N1:** Training and retraining of prosecutors, investigators, and interns to increase the effectiveness of detection and criminal prosecution of hate-motivated and discriminatory crimes
- Output Indicators:**
1. Percentage of prosecutors and investigators working on hate-motivated and discriminatory crimes that have completed the training (40)
  2. Ratio of number of trainings on hate-motivated and discriminatory crimes to number of participating prosecutors, investigators, and interns in these trainings (30)
  3. Duration of the trainings on hate-motivated and discriminatory crimes; relevance of the training topics to the issue (30)
- Status:** Fully implemented
- Progress:** 100%

According to the information provided by the PSG, six trainings on detection and criminal prosecution of discriminatory crimes were organized in 2018, with 128 individuals participating (prosecutors and investigators). The trainings covered gender discrimination, protection mechanisms, sexual harassment, gender-based violence, homo/bi/transphobic violence, religious freedom, discrimination based on sex and gender, legal basis of protection from discrimination, discrimination of disabled persons, discrimination based on ethnic and religious belonging, etc. The trainings included practical exercises and case law. Each topic was discussed for about an hour and a half, which is an optimal duration. The number of trainings, as well as, the number of attendees is also acceptable, as the activity will continue in the coming years. **Therefore, this activity is fully completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 3.3.1.</b> Increase of effectiveness of detection and criminal prosecution of hate-motivated and discriminatory crimes</p> <p><b>Activity N2:</b> Preparing a report to increase the effectiveness of detection and criminal prosecution of hate-motivated and discriminatory crimes</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"> <li>1. The report to increase the effectiveness of detection and criminal prosecution of hate-motivated and discriminatory crimes underlines the existing challenges and shortcomings (35)</li> <li>2. The report to increase the effectiveness of detection and criminal prosecution of hate-motivated and discriminatory crimes includes recommendations on addressing current challenges (30)</li> <li>3. Activities planned based on the report to increase the effectiveness of detection and criminal prosecution of hate-motivated and discriminatory crimes (35)</li> </ol> <p><b>Status:</b> Not implemented</p> <p><b>Progress:</b> 0%</p>
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According to the information provided by the PSG, the 2016-2018 analysis of hate-motivated crimes was published on the PSG website.<sup>129</sup> Analysis of hate-motivated crimes published on the website only include data visualized on diagrams and does not refer to the existing challenges, gaps and recommendations as well as activities planned/implemented based on the report. **Therefore, this activity is incomplete and its implementation progress is 0%.**

<p><b>Goal attainment mechanism 3.3.1.</b> Increase of effectiveness of detection and criminal prosecution of hate-motivated and discriminatory crimes</p> <p><b>Activity N3:</b> Conducting at least 4 trainings for prosecutors, investigators, and interns to increase the effectiveness of detection and criminal prosecution of hate-motivated and discriminatory crimes</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"> <li>1. Percentage of prosecutors and investigators working on hate-motivated and discriminatory crimes that have completed the training (40)</li> <li>2. Ratio of number of trainings on hate-motivated and discriminatory crimes to number of participating prosecutors, investigators, and interns in these trainings (30)</li> <li>3. Duration of the trainings on hate-motivated and discriminatory crimes; relevance of the training topics to the issue (30)</li> </ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, four trainings on detection and criminal prosecution of hate-motivated crimes were organized in 2018, 65 individuals (prosecutors and

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<sup>129</sup> [http://old.pog.gov.ge/geo/news?info\\_id=1962](http://old.pog.gov.ge/geo/news?info_id=1962)

investigators) were retrained. Additionally, a training on hate-motivated crimes and hate speech was organized for prosecutors and journalists, with 13 representatives of the PSG participating. The two-day training covered such issues as: hate-motivated crimes, indicators of bias and investigation of hate-motivated crimes, Georgian legislation, international standards and practice of the European Court of Human Rights, obstacles to criminal prosecution of hate-motivated crimes, gender-based violence, hate speech, etc. The discussed topics are relevant to the goal of this activity. The allocated time (approximately one hour) for each topic is also acceptable. The number of attendees is acceptable as the activity will also continue in the coming years. **Therefore, this activity is fully completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 3.3.1.</b> Increase of effectiveness of detection and criminal prosecution of hate-motivated and discriminatory crimes</p> <p><b>Activity N4:</b> Supervision of prosecutors specialized in hate-motivated and discriminatory crimes</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"> <li>1. Share of prosecutors specialized in hate-motivated and discriminatory crimes that have undergone monitoring/evaluation</li> </ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, in 2018 28 prosecutors specialized in this category of cases. All prosecutors have been assessed within the 2018 monitoring analysis of criminal cases. Along with oversight of performance of prosecutors and effectiveness of procedural guidance, all criminal cases involving hate-motive have been inspected. **Therefore, this activity is fully completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 3.3.2.</b> Proactive communication and raising public awareness about hate-motivated and discriminatory crimes</p> <p><b>Activity N1:</b> Publication of information on criminal prosecution of cases of hate-motivated and discriminatory crimes and information on sentencing on the website</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"> <li>1. Information on criminal prosecution of cases of hate-motivated and discriminatory crimes and information on sentencing published on the website (60)</li> <li>2. Prominence and discoverability of the information on criminal prosecution of cases of hate-motivated and discriminatory crimes and information on sentencing published on the website (40)</li> </ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, information regarding criminal prosecution of discriminatory and hate-motivated crimes, as well as, sentencing of charged individuals is published on the PSG website. The PSG provided electronic addresses for each of them:

- Gender discrimination motive – attempted murder;<sup>130</sup>
- Gender discrimination motive;<sup>131</sup>
- Gender identity;<sup>132</sup>
- Murder of Vitaly Saparov based on ethnic intolerance;<sup>133</sup>
- Gender discrimination motive – torture;<sup>134</sup>
- Religious persecution;<sup>135</sup>
- Sexual orientation;<sup>136</sup>

The presented information makes it clear that the information regarding criminal prosecution of discriminatory and hate-motivated crimes, as well as, sentencing of charged individuals was actively being published on the website of the PSG. The information was being posted in the news column and it would be visible for the interested persons. **Therefore, this activity is considered fully completed and its implementation progress is 100%.**

#### 5.4. Objective 4. Creating an effective juvenile justice system

The fourth goal and objective of the PSG Action Plan concern establishment of an effective juvenile justice system. Four measures are defined as attainment mechanism for this objective, which in turn envision six activities for 2018. From the six, four are fully completed, one – mostly, and one is incomplete. **The implementation progress of the fourth goal activities is 78%.**

<p><b>Goal attainment mechanism 4.1.1.</b> Strengthening of the coordination mechanisms on local level</p> <p><b>Activity N1:</b> Organizing a meeting with persons responsible on the local level and review of their reports, planning of appropriate activities based on the reports</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Percentage of persons responsible on the local level that participated in the meeting (30)</li><li>2. Issues discussed at the meetings (35)</li></ol>
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<sup>130</sup> [http://pog.gov.ge/geo/news?info\\_id=1753](http://pog.gov.ge/geo/news?info_id=1753) [01/08/2019]

<sup>131</sup> [http://pog.gov.ge/geo/news?info\\_id=1775](http://pog.gov.ge/geo/news?info_id=1775) [01/08/2019]

<sup>132</sup> [http://pog.gov.ge/geo/news?info\\_id=1929](http://pog.gov.ge/geo/news?info_id=1929); [01/08/2019]

[http://pog.gov.ge/geo/news?info\\_id=1934](http://pog.gov.ge/geo/news?info_id=1934); [01/08/2019]

[http://pog.gov.ge/geo/news?info\\_id=1936](http://pog.gov.ge/geo/news?info_id=1936); [01/08/2019]

[http://pog.gov.ge/geo/news?info\\_id=1506](http://pog.gov.ge/geo/news?info_id=1506); [01/08/2019]

<sup>133</sup> [http://pog.gov.ge/geo/news?info\\_id=1857](http://pog.gov.ge/geo/news?info_id=1857) [01/08/2019]

<sup>134</sup> [http://pog.gov.ge/geo/news?info\\_id=1873](http://pog.gov.ge/geo/news?info_id=1873) [01/08/2019]

<sup>135</sup> [http://pog.gov.ge/geo/news?info\\_id=1924](http://pog.gov.ge/geo/news?info_id=1924); [http://pog.gov.ge/geo/news?info\\_id=1938](http://pog.gov.ge/geo/news?info_id=1938) [01/08/2019]

<sup>136</sup> [http://pog.gov.ge/geo/news?info\\_id=1940](http://pog.gov.ge/geo/news?info_id=1940) [01/08/2019]

3. Decisions made/planned steps at the meetings (35)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, with the aim of establishing an effective juvenile justice system, with the initiative of the PSG, a local coordination mechanism for juveniles has been established, one prosecutor, according to the region, is a representative of the PSG in these local mechanisms (eight prosecutors in total). The prosecutors participate in meetings on the local level. The meetings usually discuss legal shortcomings and practical problems. During the sessions of 2018, the following topics were discussed: a need of psychologist at educational facilities; overload of officials involved (prosecutors, investigators); lack of child-oriented environment; lack of a referral system of juveniles below the age of 14 in conflict with the law; scarcity of social workers of National Probation Agency, psychologists, translators, and social workers engaged as procedural representatives. According to the information provided by the PSG, the issues were presented to a multidisciplinary group on the central level, which will discuss each problem, develop proposals and present them to the relevant bodies in order to address these issues. Local coordination mechanisms will in turn be informed.

After multidisciplinary meetings the reports of locally responsible officials were discussed. The problems that are diversified and need to be addressed by various agencies have been redirected to the relevant entities. As for the problems relating to the legal procedures and are of an inter-agency nature (such as: the issue interviewing/examining juveniles, the issue of involving legal and procedural representatives in justice process, different understanding of legislative norms), recommendations were developed to solve them. **Therefore, this activity is fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 4.1.1.** Strengthening of the coordination mechanisms on local level

**Activity N2:** Organizing at least two meetings on the local level by the responsible person and preparation of a report

**Output Indicators:**

1. Percentage of persons responsible on the local level that have organized at least two meetings annually (30)
2. Issues discussed (30)
3. A report on meetings underlines existing challenges and ways of overcoming them (40)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, prosecutors (eight in total) participate in the meetings of the local coordination mechanism for juveniles. The meetings usually discuss legal shortcomings and practical problems. During the sessions of 2018, the following topics were

discussed: a need of psychologist at educational facilities; overload of officials involved (prosecutors, investigators); lack of child-oriented environment; lack of a referral system of juveniles below the age of 14 in conflict with the law; scarcity of social workers of National Probation Agency, psychologists, translators, and social workers engaged as procedural representatives. According to the information provided by the PSG, the issues were presented to a multidisciplinary group on the central level, which will discuss each problem, develop proposals and present them to the relevant bodies in order to address these issues. Local coordination mechanisms will in turn be informed.

Each prosecutor assigned as a representative according to region held one meeting in 2018. Long term coordination with various agencies was required for setting specific goal and solving multidisciplinary issues raised at the meeting. Considering this, the next meeting of the local coordination mechanism was scheduled in the beginning of 2019 when the last year's report would also be presented to the parties.

To identify issues raised at the sessions and discuss them at the Interagency Coordination Council meeting, issues raised at local juvenile coordination mechanism sessions are gathered and analysed by the Analytical Division of the Department of Prosecutorial Activities Supervision and Strategic Development. General information about the meetings of the local coordination mechanisms for juveniles is reflected in the reports of the General Prosecutor. Also, information about the local coordination mechanisms for juveniles is provided to the public at the annual juvenile justice conference organized by the PSG. Information about the conference is published on the PSG website.

To solve the practical problems identifies on the sessions of the local coordination mechanisms for juveniles, analytical division of the PSG develops interdepartmental recommendations. It is noteworthy that the lack of a child-friendly environment is one of the major problems identified during meetings. The PSG is actively working on this issue and in two structural units a child-friendly environment is already created (Rustavi and Khelvachauri regional prosecutor's offices).

The discussion topics demonstrate that issues relevant to the goal of this activity were covered. It is noted that one meeting instead of two was held by each prosecutors assigned as representatives according to regions. The PSG also provided information on reports that reflect main challenges and the ways of their solution. **Therefore, this activity is fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 4.1. 2.** Optimization and retraining of juvenile prosecutors

**Activity N1:** Study of workload of prosecutors specialized in the juvenile justice

**Output Indicators:**

1. Departments and individuals involved in the preparation of the document on workload of prosecutors specialized in the juvenile justice (50)

2. Planned/implemented activities based on the document on workload of prosecutors specialized in the juvenile justice (50)

**Status:** Not implemented

**Progress:** 0%

According to the PSG, a document on the workload of prosecutors specialized in juvenile justice has not been prepared. **Therefore, this activity is incomplete and its implementation progress is 0%.**

**Goal attainment mechanism 4.1. 2.** Optimization and retraining of juvenile prosecutors

**Activity N2:** Enhancement of qualifications of middle management in communication with persons with disabilities

**Output Indicators:**

1. Percentage of middle-level management representatives that have been trained in communication with persons with disabilities (40)
2. Ratio of number of trainings on communication with persons with disabilities to number of participating middle management representatives in these trainings (30)
3. Duration of the trainings on communication with persons with disabilities; relevance of the training topics to the issue (30)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, four educational activities on effective communication with persons with disabilities were organized in 2018. 62 individuals (prosecutors, investigators, and middle-management) were retrained. Along with reviewing the legislative framework, the trainings discussed typology of disabilities, communication, and ethics, changing attitude, adopted environment in compliance with universal design standards, interpretation of human abilities based on visual signs, analysis of discriminatory behaviour, inclusive policies, and practice. The trainings also discussed case law of the European Court of Human Rights.

The provided information demonstrates that the trainings discussed diverse topics that were relevant to the goal of this activity. The content covered all significant issues related to persons with disabilities. The number of trainings and attendees is also acceptable, as the activities will continue in the future. **Therefore, this activity is fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 4.1.3.** Creating an environment focused on underage persons

**Activity N1:** Creation of an environment focused on juveniles

**Output Indicators:**

1. Components of the environment focused on juveniles (completely isolated from adult space, specialized personnel, environment focused on best interests of a child) (50)

2. Number of structural units at the Prosecutor's Office, where the environment focused on juveniles has been provided (50)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, environment focused on juveniles was created at the regional Rustavi Prosecutor's Office. The special room at the Rustavi Prosecutor's Office is isolated from the rest of the office, has a separate entrance, and is divided into several sections to allow for comfortable interviewing process according to the age and psychological conditions of a juvenile. The room is equipped with the appropriate audio-video technology, which records the interview, ensuring there is no need for more interviews and allowing an investigator to observe the interview of a psychologist with a child remotely. The environment is adopted to the needs of persons with disabilities as well. The PSG also developed special instructions detailing minimal standards of procedures in the child-focused environment. The information demonstrates compliance with the indicators of the activity, however, just child-focused at just one structural unit is not an optimal number. The process needs to continue and child-focused environment should be available at all structural units. As the activity will continue in the coming years, **this activity can be considered completed and its implementation progress is 100%.**

**Goal attainment mechanism 4.1.4.** Refining statistical data

**Activity N1:** Implementation of appropriate changes in the electronic system of criminal case management

**Output Indicators:**

1. Parties/interested individuals involved in the development of amendments for refinement of statistical information on juvenile participants of process (30)
2. The amendments for refinement of statistical information on juvenile participants of the process are based on situational analysis (35)
3. The amendments in the electronic system of criminal case management ensure refinement of statistical information on juvenile participants of the process (35)

**Status:** Mostly implemented

**Progress:** 70%

According to the information provided by the PSG, it, along with other agencies (Ministry of Justice of Georgia, Ministry of Internal Affairs of Georgia, Public Defender's Office, Ministry of Education and etc.), was involved in the working group on creation of a unified juvenile database. The working group was established with the initiative and support of the United Nation Children's Fund (UNICEF). Before starting the working process, UNICEF had studied what kind of statistical data and in what form was being collected by each agency on juvenile. Then, in order to form a unified juvenile database indicators regarding the particular information to be supplied by the



persons involved in juvenile justice were elaborated. Following the completion of the work on indicators, the working group prepared draft amendments to the Government's Ordinance and Juvenile Justice Code that aims to establish proper legal basis for data collection, exchange and analysis. Herewith, on the basis of the indicators created for a unified juvenile database, the POG has made changes to the new electronic program of criminal proceedings. The program is being tested and will be launched in the near future. The new electronic program will make it possible to provide comprehensive statistics with regard to the juvenile status and offence on a regional, gender or age basis. Making appropriate changes by the POG is a welcome step, however, since the program has not been launched yet, **this activity is mostly completed and its implementation progress is 70%.**

### 5.5. Objective 5. International cooperation on criminal cases

The fifth goal and objective of the PSG Action Plan concern increasing effectiveness of international cooperation on criminal cases. Nine components are defined as the goal achievement measure, which in turn envision 12 activities in 2018. From the 12, six activities have been fully completed, one – mostly, while five are incomplete. There is no partially completed activity in this section. **The implementation progress of the fifth goal activities is 55%.**

<p><b>Goal attainment mechanism 5.1.1.</b> Enhancement of the relationships with the international networks of legal cooperation</p> <p><b>Activity N1:</b> Signing a treaty with eurojust</p> <p><b>Output Indicators:</b></p> <p>1. The contract signed with eurojust defines specific activities of cooperation</p> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, agreement on cooperation between Georgia and Eurojust was signed on March 29, 2019. The agreement encompasses appointment of a prosecutor by Georgia to Eurojust. Criteria and procedures on this are described in Article 6 of the agreement. For promotion of legal cooperation, the agreement also envisions appointment of a magistrate prosecutor from Eurojust on cases where Eurojust provides legal assistance. This is regulated by Article 7 of the agreement. The agreement also envisions participation of a member prosecutor, their assistant, representatives of relevant bodies of Georgia and a contact person for Eurojust in strategic and action-oriented meetings. Additionally, according to the Article 20, at least once a year the parties will exchange opinions on issues related to data protection and security. For this purpose, Data Protection Officer of Eurojust and the body responsible for data protection in Georgia will report to each other, at least once a year, on implementation of the provisions related to data protection. If necessary, the agreement also envisions presentation of issues

identified in the consultation process to the relevant supervisory mechanisms and common supervisory body of Eurojust. Notably, the agreement encompasses monitoring and supervision of implementation of the agreement. **Therefore, this activity is fully completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 5.1.2.</b> Issuing of documents about international cooperation policies on criminal cases</p> <p><b>Activity N1:</b> Preparation of a document on international criminal justice cooperation policies</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. The document on international criminal justice cooperation policies is based on situational analysis and underlines current challenges and ways of overcoming them (60)</li><li>2. Interested parties involved in the preparation of the document on international criminal justice cooperation policies (40)</li></ol> <p><b>Status:</b> Mostly implemented</p> <p><b>Progress:</b> 60%</p>
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According to the information provided by the PSG, the document on international cooperation on criminal justice includes such topics as: policy on requesting extradition, policy of usage of discretionary authority on extradition, cooperation on definition of policy on double punishment, policy on motions of requests of legal assistance and prioritization of extradition cases, processing of cases of international cooperation. In particular, the policy paper, based on the situation analysis, provides solutions to challenges such as:

- Risk of lack of consistency in performing relevant procedures ( extradition, legal assistance);
- Risk of abuse of power in case of high discretion;
- Accelerate international cooperation on important cases through the introduction of a prioritization policy;
- Risks of inconsistent demand for restraint measures – the risk of lack of equal treatment.

According to the PSG, the head of Legal Support Department, the head of International Relations Division of the same department and three prosecutors participated in the preparation of the document. Despite the above-mentioned, information interested parties involved in the preparation of the document is not provided. **Therefore, this activity is mostly completed and its implementation progress is 60%.**

<p><b>Goal attainment mechanism 5.1.3.</b> Implementation of electronic case processing for international cooperation in criminal justice</p> <p><b>Activity N1:</b> Development of an electronic case management system for international cooperation on criminal cases</p> <p><b>Output Indicators:</b></p>
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<p>1. Best practices have been studied for the development of an electronic case management system for international cooperation on criminal cases (40)</p> <p>2. The electronic case management system for international cooperation on criminal cases enables cooperation with partner countries through electronic means (60)</p> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, the electronic case management system for international cooperation on criminal cases ensures effective management of documents – on extradition, legal assistance, sending/receiving criminal cases, cooperation with internet service providers of foreign counties and on international cooperation on illegal property – including automatization of documents according to cases, simple process of attachment of new documents to the existing cases (using a barcode), easy visibility of a case and search function according to cooperation, case type and other criteria. The program also allows for automatic generation of standard letters/documents based on input information, as well as, automatization of compliance with principles defined by regulations and/or policies, including prioritization policy, protection of personal data, informational security, etc. Additionally, the program allows for automatic processing and analysis of data.

The provided information demonstrates possibility of cooperation using electronic means. **Therefore, this activity is fully completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 5.1.4.</b> Implementation of E-transmission systems for cooperation proposals</p> <p><b>Activity N1:</b> Preparation of programmatic support of electronic transmission systems (E-transmission) for cooperation proposals</p> <p><b>Output Indicators:</b></p> <p>1. Best practices of developed countries have been studied for programmatic support of electronic transmission systems (E-transmission) for cooperation proposals</p> <p><b>Status:</b> Not implemented</p> <p><b>Progress:</b> 0%</p>
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According to the PSG, due to changes in circumstances, the volume of the activity is being reviewed. In the near future, Interpol will activate an electronic transmission system for motions on legal assistance – e-MLA (secure web transmission), a lot of countries will automatically or based on their willingness join the system. Therefore, negotiations with other countries on this topic is temporarily suspended to save resources. However, at this moment, motions on legal assistance are already transmitted electronically through secure email system to and from two countries. With 10 other countries, the documents are exchanged through e-mail and based on their requests, also

hard copies are provided. The information does not meet the criteria established by the indicators of this activity. **Therefore, this activity is incomplete and its implementation progress is 0%.**

<p><b>Goal attainment mechanism 5.1.4.</b> Implementation of E-transmission systems for cooperation proposals</p> <p><b>Activity N2:</b> Signing memorandum with other countries on the implementation of E-transmission system</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Number of strategic partners with whom negotiations on memorandum about the implementation of E-transmission system has begun (60)</li><li>2. Number of strategic partners with whom a memorandum on the implementation of E-transmission system has been signed (40)</li></ol> <p><b>Status:</b> Not implemented</p> <p><b>Progress:</b> 0%</p>
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According to the PSG, due to changes in circumstances, the volume of the activity is being reviewed. In the near future, Interpol will activate an electronic transmission system for motions on legal assistance – e-MLA (secure web transmission), a lot of countries will automatically or based on their willingness join the system. Therefore, negotiations with other countries on this topic is temporarily suspended to save resources. However, at this moment, motions on legal assistance are already transmitted electronically through secure email system to and from two countries. With 10 other countries, the documents are exchanged through e-mail and based on their requests, also hard copies are provided. However, the PSG did not provided information on signing of memorandum on implementation of E-transmission system with other countries. The information does not meet the criteria established by the indicators of this activity. **Therefore, this activity is incomplete and its implementation progress is 0%.**

<p><b>Goal attainment mechanism 5.1. 5.</b> System for detection, seizure, and confiscation of illegally obtained property through international cooperation</p> <p><b>Activity N1:</b> Analysis of legislation on detection, seizure, and confiscation of illegally acquired property through international cooperation and preparation of recommendations</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Legislative acts analysed as part of the study of legislation on detection, seizure, and confiscation of illegally acquired property through international cooperation (60)</li><li>2. The analysis refer to existing challenges and recommendations on overcoming them (40)</li></ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, based on the analysis of the relevant legislation, a project of legislative amendments concerning international cooperation was prepared and

Chapter VI<sup>1</sup>, concerning international cooperation on property seizure, was added to the law. The chapter further solidifies issues of property eligible for seizure, categories of international cooperation on seizure of property, forms of motions, issue of providing information, etc. The presented information doesn't contain data on seizure of illegally acquired property. **This activity is fully completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 5.1.5.</b> System for detection, seizure, and confiscation of illegally obtained property through international cooperation</p> <p><b>Activity N2:</b> Preparation of a document on policies related to detection, seizure, and confiscation of illegally acquired property through international cooperation</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. The document on policies related to detection, seizure, and confiscation of illegally acquired property through international cooperation is based on situational analysis, it presents the existing challenges and ways of overcoming them (35)</li><li>2. Interested parties participating in preparation of the document on policies related to detection, seizure, and confiscation of illegally acquired property through international cooperation (30)</li><li>3. Planned/implemented activities based on the document on policies related to detection, seizure, and confiscation of illegally acquired property through international cooperation (35)</li></ol> <p><b>Status:</b> Not implemented</p> <p><b>Progress:</b> 0%</p>
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According to the information provided by the PSG, the document is being prepared and is currently on the research stage. Thus, its evaluation could not happen in 2018. **This activity is incomplete and its implementation progress is 0%.**

<p><b>Goal attainment mechanism 5.1.6.</b> Creation of guidelines of legal assistance for practitioners</p> <p><b>Activity N1:</b> Development of a legal assistance guidebook for practitioners</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. The legal assistance guidebook for practitioners is based on situational analysis (50)</li><li>2. Issues covered in the legal assistance guidebook for practitioners (50)</li></ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, based on situational analysis, a guidebook for practitioners was developed, making relevant provisions of international law, legal and policy document regulations and their implementation in practice related to extradition, legal assistance, transmission of criminal cases and persons wanted by Interpol easily accessible. The guidebook also

includes templates of appropriate legal documents. **Therefore, this activity is completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 5.1.7.</b> Creation of guidelines of legal assistance for practitioners</p> <p><b>Activity N1:</b> Development of a guide book on effective cooperation with large transnational and foreign electronic communications companies</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. The guide book on effective cooperation with large transnational and foreign electronic communications companies is based on analysis of the current situation/problem (50)</li><li>2. Percentage of those relevant employees that have been introduced to the guide book on effective cooperation with large transnational and foreign electronic communications companies (50)</li></ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, the first draft of a guidebook for effective cooperation with large transnational and foreign electronic communications companies was prepared in 2017 and it is currently being updated. These companies have different approaches and policies on cooperation with law-enforcement agencies. The language as well as legal cultural difference are obstacles that often create serious problems to local practitioners. The guide simply explains policies of each company on cooperation with law-enforcement agencies. It also provides recommendations on effective receipt of electronic evidence from these companies, the recommendations were developed by the Prosecutor General's Office based on analysis of issues raised during cooperation with each company.

According to the PSG, manuals and guidelines are generally introduced through official e-mail. The guidebook for effective cooperation with large transnational and foreign electronic communications companies was also sent to all prosecutors and investigators by e-mail. In addition, trainings were held in 2017 – 2018 where the concerned issues were discussed in details. In December 2017 nearly 50 prosecutors were trained in this direction. As for the trainings held in 2018 the information wasn't provided. Nonetheless, as the guidebook was electronically introduced to all prosecutors and investigators, **this activity is fully completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 5.1.7.</b> Creation of guidelines of legal assistance for practitioners</p> <p><b>Activity N2:</b> Signing a memorandum between companies and the Prosecutor's Office, if needed</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. A need for a memorandum between the companies and the Prosecutor's Office has been studied</li></ol> <p><b>Status:</b> Fully implemented</p>
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**Progress:** 100%

According to the PSG, implementation of this activity became unnecessary. Consultations on memorandum were ongoing with one of these companies (Facebook), however a fruitful cooperation was established and a memorandum became unnecessary. All three needs that the memorandum planned to address were fulfilled otherwise. The situation is similar with other companies. Based on textual definition of this activity, **it can be considered fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 5.1.8.** Creation of guidelines of legal assistance for practitioners

**Activity N1:** Development of a guidebook on gathering evidence in criminal cases beyond the traditional forms of cooperation

**Output Indicators:**

1. Percentage of those relevant employees that have been introduced to the guidebook on gathering evidence on criminal cases beyond traditional forms of cooperation

**Status:** Not implemented

**Progress:** 0%

According to the information provided by the POG, the main part of the guidebook is ready and it is being edited, after which it will be published in intranet and will be sent to electronic mails of employees. Notwithstanding, the activity cannot be evaluated in 2018. **Therefore, the activity is incomplete and its implementation progress is 0%.**

**Goal attainment mechanism 5.1.8.** Evidence gathering beyond the traditional criminal justice cooperation forms

**Activity N2:** Development of a database of foreign open source resources

**Output Indicators:**

1. Information/data analyzed for development of a database of foreign open source resources (35)

2. Percentage of those relevant employees that have been introduced to the database of foreign open source resources (35)

3. Percentage of those relevant employees that have access to the database of foreign open source resources (30)

**Status:** Not implemented

**Progress:** 0%

According to the information provided by the PSG, the database is being populated and processed. Currently the following databases are being constructed: 1) legislation of foreign countries; 2) Business and property registers of foreign countries (based on the EU Asset Recovery Platform). However, the activity cannot be evaluated in 2018. **Therefore, the activity is incomplete and its implementation progress is 0%.**

## 5.6. Objective 6. Enhancement of quality of prosecutorial activities and development of homogenous criminal justice policy

The sixth goal and objective of the PSG Action Plan concern enhancement of prosecutorial performance quality and implementation of homogenous criminal justice policy. Seven components are defined as the goal achievement measure, which in turn envision 11 activities for 2018. From the 11, five were fully completed, two – mostly, while four are incomplete. **The implementation progress of the sixth goal activities is 61%.**

<p><b>Goal attainment mechanism 6.1.1.</b> Implementation of a textbook on legal writing</p> <p><b>Activity N1:</b> Training of all interns in legal writing and organizing targeted trainings for prosecutors in accordance with their needs</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Percentage of interns that have completed the training on legal writing (40)</li><li>2. Ratio of number of trainings for prosecutors on legal training to the number of participants in these trainings (30)</li><li>3. Duration of the trainings on legal writing; relevance of the training issues to the topic (30)</li></ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, two trainings on legal writing were organized in 2018, with 22 individuals participating. Additionally, two trainings on orthography were organized for employees of the Department of the Prosecutorial Activities Supervision and Strategic Development of the Prosecutor General's Office. 23 prosecutors participated in these trainings. The provided agendas demonstrate that the trainings covered wide variety of topics and all relevant issues, including morphology and orthography, style, punctuation, general standards of legal writing, resolutions on sending of a criminal case to a subordinate and on suspension of prosecution, on search and seizure, on checking legality of urgent search and seizure, on frisking, filing motions, etc. were discussed.

According to the agendas, an hour and a half were allocated to each topic, which is an optimal duration. The number of trainings and retrained prosecutors is also acceptable, as the activity was envisioned organization of trainings according to needs and the activity will continue in the coming years. However, the PSG had an obligation to retrain all interns, however, according to the information provided by the PSG, they didn't have a new group of interns in 2018. As for the old one, they were trained in legal writing during 2017 preparatory course. **Therefore, this activity is fully completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 6.1.2.</b> Separation of functions</p> <p><b>Activity N1:</b> Preparation of an analysis of results of separation of functions document monitoring</p>
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<p><b>Output Indicators:</b></p> <ol style="list-style-type: none"> <li>1. The analysis of the results of separation of functions document is based on predefined methodology and indicators (35)</li> <li>2. The analysis of results of separation of functions document outlines existing challenges and shortcomings (35)</li> <li>3. The analysis of results of separation of functions document defines future steps/practical recommendations (30)</li> </ol> <p><b>Status:</b> Not implemented</p> <p><b>Progress:</b> 0%</p>
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According to the information provided by the PSG, a document on separation of functions of regional prosecutors and their deputies has been developed. The document details functions of managers of structural units and their deputies. On December 17<sup>th</sup> 2018 the Organic Law on the Prosecution service, adopted on November 30<sup>th</sup> 2018, entered force. In accordance with the law, charters of all structural units of the Prosecutor General’s Office need to be updated, after which changes will be made to the document describing functional differences between regional prosecutors and their deputies and subsequently, the document will be implemented in practice.

The provided information doesn’t describe analysis of monitoring of functional separation, its methodology, or indicators. The information on shortcomings, flaws, future steps and recommendations is also lacking. Therefore, the provided information doesn’t meet any of the criteria of this activity. **Therefore, this activity is incomplete and its implementation progress is 0%.**

<p><b>Goal attainment mechanism 6.1.3.</b> Case distribution system reform</p> <p><b>Activity N1:</b> Development of a concept for a new case distribution system</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"> <li>1. The existing situation and best practices have been studied for development of a concept of the new case distribution system (40)</li> <li>2. The concept for the new case distribution system outlines the existing challenges, shortcomings, and ways of overcoming them (60)</li> </ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, a working group established at the PSG in 2018 developed proposals on refinement of case distribution system. The document was developed based on workload of prosecutors and analysis of current situation. The group developed criteria (e.g. prosecutor specialization, workload, etc.) that should be taken into account during case distribution. The proposals have already been approved by the order of the Prosecutor General. The document, on the one hand, sets out general principles of case allocation and, on the other hand, regulates the cases where it is possible to seize a case and transfer it to another prosecutor.

The need of justification for such decision is also enshrined in the document. It is noteworthy that the above component was considered completed by GRECO in its fourth evaluation round. **This activity is fully completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 6.1.4.</b> Monitoring of prosecutor performance</p> <p><b>Activity N1:</b> Monitoring of procedural document quality and development of recommendations based on the monitoring</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Quality assessment of procedural documents relies upon a predefined methodology and indicators (50)</li><li>2. The monitoring document presents specific recommendations (50)</li></ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, in 2018 the Department of Prosecutorial Activities Supervision and Strategic Development of the Prosecutor General's Office based on the evaluation system assessed performance of prosecutors at the Tbilisi Prosecutor's Office, Adjara Autonomous Republic Prosecutor's Office, and of regional and district prosecutors. Performance for 2018 was evaluated in the second half of 2018. The evaluation was conducted according to the following main directions: workload indicators, quality of justification of procedural documents, quality of support of a state charge at court, supervisor evaluation, compliance with disciplinary and ethics norms, accomplishments at trainings, etc. In total performance of 196 prosecutors was evaluated in 2018.

The quality of procedural documents were assessed based on the criteria established by the evaluation system of the Chief Prosecutor's Office, which were provided to the employees of the structural units of the PSG in advance. Compliance of the procedural documents with legislation and writing standards was evaluated – to what extent does a document comply with the criteria established by the evaluation system.

Resolutions on charging of an individual with a crime, motions on preventive measure, resolutions on non-initiation of a prosecution, resolutions on suspension of prosecution, resolutions on suspension of investigation were evaluated. Five procedural documents per prosecutor issued within a year were assessed.

Based on the monitoring results and with the aim of addressing identified flaws, a recommendation was issued to the relevant structural units of the PSG. The recommendation reflected on the existing shortcomings related to legal writing in procedural documents. Specifically, flaws related to communication of disposition of an article, statement of a charge, qualification, compliance with the standard of listing evidence, justification of a decision, required information of the document,

structural and stylistic nature of the document were detailed. Additionally, correct approaches and style were underlined.

The provided information clearly demonstrates which procedural documents were monitored and the methodology of evaluation of these documents and of analysis of criminal cases. **The activity is fully completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 6.1.4.</b> Monitoring of prosecutor performance</p> <p><b>Activity N2:</b> Monitoring of prosecutor court skills and development of appropriate recommendations</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Monitoring of prosecutor court skills is based on a predefined methodology (30)</li><li>2. Percentage of prosecutors, who have undergone court skills monitoring (35)</li><li>3. The document of monitoring of prosecutor court skills presents practical recommendations (35)</li></ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, in 2018 the Department of Prosecutorial Activities Supervision and Strategic Development monitored, based on criteria established by the evaluation system, court skills of prosecutors of all structural units at regional and appeals courts. In the second half of 2018, 124 prosecutors of Tbilisi Prosecutor's Office, Adjara Autonomous Republic Prosecutor's Office, regional and district prosecutor's offices were evaluated.

The criteria established by the evaluation system consider quality of prosecutorial support of state charge at every stage of court discussions. The evaluation looks at skills and qualifications of individual prosecutors, identifying shortcomings to be addressed. The evaluation form also established a special form, allowing for standardized evaluation of all prosecutors using the same methodology based on predefined criteria and a common standard.

The court skills monitoring covered first introduction of a suspect in court, preliminary session, sessions on plea agreements and material discussion. The monitoring identified existing flaws. A unified recommendation on general issues, as well as, shortcomings of specific structural units was issued and sent to relevant structural units of the PSG. **Therefore, this activity is completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 6.1.5.</b> Implementation of a cost-effective management system</p> <p><b>Activity N1:</b> Defining priority directions based on cost-effect analysis of Prosecutor's Office activities</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Financing priorities of the Prosecutor's Office is based on the cost-effect analysis</li></ol>
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**Status:** Not implemented  
**Progress:** 0%

The PSG did not provide information on this activity and it cannot be evaluated. **Therefore, this activity is incomplete and its implementation progress is 0%.**

**Goal attainment mechanism 6.1.5.** Implementation of a cost-effective management system  
**Activity N2:** Implementation of a cost-effective management system  
**Output Indicators:**  
1. Resources saved as a result of cost-effective management system implementation  
**Status:** Not implemented  
**Progress:** 0%

The PSG did not provide information on this activity and it cannot be evaluated. **Therefore, this activity is incomplete and its implementation progress is 0%.**

**Goal attainment mechanism 6.1.5.** Implementation of a cost-effective management system  
**Activity N3:** Retraining of relevant staff members for a cost-effective management system  
**Output Indicators:**  
1. Need assessment analysis for the implementation of the cost-effective management system (20)  
2. Percentage of need assessment analysis utilization in the trainings (30)  
3. Percentage of finance/administrative employees that have undergone training on cost-effectiveness (20)  
4. Number of trainings on cost-effectiveness conducted for finance/administrative team employees (30)  
**Status:** Not implemented  
**Progress:** 0%

The PSG did not provide information on this activity and it cannot be evaluated. **Therefore, this activity is incomplete and its implementation progress is 0%.**

**Goal attainment mechanism 6.1. 6.** Implementation of a homogeneous criminal justice policy  
**Activity N1:** Monitoring of recommendation implementation and preparing of a report  
**Output Indicators:**  
1. Monitoring of implementation of a homogeneous criminal justice policy is based on a predefined methodology and indicators (30)  
2. The document of monitoring of implementation of a homogeneous criminal justice policy outlines the existing challenges and shortcomings (35)

3. The document of monitoring of implementation of a homogeneous criminal justice policy defines future steps/practical recommendations (35)

**Status:** Mostly implemented

**Progress:** 80%

According to the information provided by the PSG, the development of a monitoring methodology for improvement of implementation of homogenous criminal justice policy is not envisioned the Action Plan. Monitoring of implementation of the recommendation on procedural guidance of investigations involving articles 111 and 1261 of the Criminal Code was conducted in 2018 with the goal of studying the decisions on criminal cases and court decisions. During the specialization training courses, prosecutors and investigators were provided with practical recommendations on addressing the challenges and shortcomings identified in the monitoring process. Particular attention was given to conducting investigation on these cases without any delay, proactive gathering of evidence, issues to qualification, standard of evidence, timely issuing of final decision, as well as, effective support of state charge in court.

For implementation of homogenous and correct approaches, important court decisions on domestic violence cases – sentencing and decisions on preventive measures – were analysed and an appropriate document was prepared. Information on best practices and trends were given to prosecutors for their implementation in practice.

Additionally, existing court practices on preventive measures and sentencing for various crime defined in the Criminal Code were analysed. The existing recommendation was updated in accordance with the results of this analysis, bringing the recommendation in accordance with legislative amendments made to the Criminal Code after 2016, adding new articles, as well as, based on court practices and criminal justice policies, making specific changes to the types of preventive measures, circumstances to be considered and terms to be used in plea agreements.

An annual report was prepared based on monitoring of criminal cases involving a juvenile suspect, allowing for inspection of implementation of the recommendations. The report also reflects existing challenges and issues that require development of additional recommendations. The recommendations concern special characteristics of investigative and procedural activities and justification of decisions in cases involving juvenile suspects.

According to the information provided by the PSG, methodological document of a homogeneous criminal justice policy is not prepared yet but evaluation of criminal justice policy is carried out by a certain methodology. In particular, since June 27, 2016, the recommendations “on the terms of use of restraint measures and entering into a plea bargain” exist in the PSG. These recommendations aimed, on the one hand, to form a homogeneous criminal justice policy regarding restraint measures and plea bargaining and, on the other hand, to avoid delay in decision making. The employees of the Department of Prosecutorial Activities Supervision and Strategic Development,

based on the information received daily from the structural units, identify deviations from recommendation and periodically prepare a report on deviation cases. Every structural unit daily sends information on restraint measures requested/used and plea bargains to the analytical division through pre-defined Excel spreadsheets. The zonal prosecutors also process such information on a daily basis, determine whether or not it complies with the recommendation and identify the reasons for deviation. This information is processed on a regional basis as well as on the basis of articles, requests/use of different types of restraint measures and various needs. Monitoring the implementation of the recommendation with this methodology enabled the gaps and the needs for changes in criminal policy to be identified in the implementation process of the recommendation.

As for the monitoring methodology developed for the recommendation on domestic violence cases, the recommendation covers important issues such as explanation of family members, initiation of investigation, the scope of procedural guidance, use of administrative and criminal mechanisms, crime qualification, forms of violence, outlining qualifying circumstances, cumulative crimes (multiple offences and systematic violence), issues of identifying the motive of gender discrimination, cumulative domestic violence with other related crimes, the standard and rule of obtaining evidences, standard of prosecution, victimization and etc. In order to introduce uniform approaches, in 2018, important court decisions – sentences and court rulings on applying restrain measure – were analysed and the document about best practices was prepared. The document was provided to prosecutors for use in practice.

The provided information clearly demonstrates which parts of the recommendation was monitored and that subsequent report includes information on challenges and shortcomings. Additionally, practical recommendations based on the analysis of implementation of recommendations were given to prosecutors and investigators during the specialization courses. , the monitoring of a homogenous criminal justice policy is based on a certain pre-designed methodology, however, there is no unified methodology/criteria for monitoring. **Therefore, this activity is mostly completed and its implementation progress is 80%.**

<p><b>Goal attainment mechanism 6.1. 6.</b> Implementation of a homogeneous criminal justice policy</p> <p><b>Activity N2:</b> Updating recommendations based on recommendation implementation monitoring results</p> <p><b>Output Indicators:</b></p> <p>1. Percentage of recommendation of the monitoring document that has been updated</p> <p><b>Status:</b> Mostly implemented</p> <p><b>Progress:</b> 90%</p>
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According to the PSG, in 2018 five recommendations were updated. In particular, the recommendation (project) on diversion of juveniles was prepared, aiming at enabling prosecutors

to, without any delay and with the best interest of a juvenile in mind, make a decision on usage of restorative justice measures towards the juvenile in the shortest time possible.

For the effective utilization of prosecutorial discretionary power and for implementation of a homogenous criminal justice policy, a recommendation (project) on diversion of juveniles was prepared in 2018. It aims at enabling a prosecutor to use their discretionary power in the cases involving a juvenile suspect in the shortest time possible.

A recommendation (project) was developed for the effective utilization of Article seven of the Criminal Code in practice, allowing prosecutors, in cases with homogenous circumstances, depending on the nature of the action and personality of the suspect, to prevent initiation of a criminal prosecution in cases outlined in Article seven of the Criminal Code.

The recommendation on investigation of criminal cases of fraud has been existed since 2011 and it needed to be updated. Accordingly, at the end of 2018, to update the recommendation, the department Department of Prosecutorial Activities Supervision and Strategic Development studied preliminary, ongoing and completed fraud cases and analysed court decisions. The analysis was prepared and an interdepartmental discussion of the issue is planned. Thereafter, the recommendation will be elaborated (the draft recommendation is already prepared) and delivered to the structural unites of the PSG. The main purpose of the abovementioned is to ensure effective investigation, exact and timely decision making and implement homogenous approaches.

Since June 27, 2016, the recommendations “on the terms of use of restraint measures and entering into a plea bargain” exist in the PSG. These recommendations aimed, on the one hand, to form a homogeneous criminal justice policy regarding restraint measures and plea bargaining and, on the other hand, to avoid delay in decision making. In 2018, the Department of Prosecutorial Activities Supervision and Strategic Development studied both, prosecutorial and judicial practice regarding the use of restraint measures as well as the results of case hearings. Also, the articles of the Criminal Code were revised and the need for amendments to the recommendation arising from legislative updates was identified. In addition, the Department summarized the opinions expressed on the annual meeting of the PSG managers’ regarding the amendments and supplements to the recommendation. Based on these opinions and analysis, the updated draft recommendation was elaborated in 2018.

The above-mentioned steps can be evaluated positively, however, it is important all such recommendations to be constantly updated when needed. **Therefore, this activity is considered mostly completed and its implementation progress is 90%.**

<p><b>Goal attainment mechanism 6.1.7.</b> Implementation of the guidelines on investigative methodology</p> <p><b>Activity N1:</b> Training/retraining of prosecutors and investigators in accordance with investigative methodologies/conducting common educational activities</p>
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<p><b>Output Indicators:</b></p> <ol style="list-style-type: none"> <li>1. Percentage of prosecutors and investigators that have undergone the training in investigative methodology (40)</li> <li>2. Ratio of training in investigative methodology conducted for prosecutors and investigators to the number of participants (30)</li> <li>3. Duration of the trainings in investigative methodology, relevance of the training topics (30)</li> </ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, seven educational activities on investigative methodology were organized in 2018, 60 individuals (prosecutors and investigators) were retrained. The trainings concerned investigation of cybercrimes and gathering of electronic evidence, investigative activities to be implemented in combat against corruption, including, investigative statistics and methods, investigation of bioterrorism, financial investigations, antiterrorism investigations, and other topics. The educational activities concerned such topics as: extremist organizations, evidence received from other countries and conflict zones, specific methods of investigation of bioterrorism and cases, instruments of court forensics in cases of cybercrime, basis for investigation of money laundering using virtual currencies and digital technologies, money laundering, corruption delicts, whistle-blower protection and other topics.

The provided agendas demonstrated that the educational activities covered diverse topics relevant to the goal of this activity. An hour and a half were allocated to the discussion of each topic, which is an optimal duration. As the activity will continue in the coming years, the number of trainings and the number of participants are also acceptable. However, it is recommended to continue trainings of the PSG employees regularly and more prosecutors/investigators be retrained every year. **This activity is considered complete and its implementation progress is 100%.**

**5.7. Objective 7. Increasing public trust**

The seventh goal and objective of the PSG Action Plan envision increasing public trust. Five components are defined as goal achievement measures, which in turn consist of seven activities for 2018. From the seven, two have been fully completed, two – mostly, one – partly, while two activities are incomplete. **The implementation progress of the seventh goal activities is 50%.**

<p><b>Goal attainment mechanism 7.1.1.</b> Development of a homogeneous media communication policy</p> <p><b>Activity N1:</b> Retraining of employees of the Prosecutor’s Office in media communication</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"> <li>1. Percentage of speaker prosecutors and structural unit managers that have undergone the training in media communication (40)</li> </ol>
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<p>2. Ratio of number of trainings in media communication to number of speaker prosecutors and structural unit managers that have undergone these trainings (30)</p> <p>3. Duration of the trainings, relevance of the training topics (30)</p> <p><b>Status:</b> Mostly implemented</p> <p><b>Progress:</b> 80%</p>
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According to the information provided by the PSG, two educational activities with the goal of development of a homogenous media communications policy were held in 2018. 34 individuals (prosecutors, investigators, managers) participated.

The activities included one two-day training on hate-motivated crimes and hate speech, and one on freedom of speech and obstructing journalistic work. For the latter, participants were selected from relevant structural units and territorial bodies. 21 rank-and-file prosecutors and investigators participated. 13 prosecutors (managers and rank-and-file prosecutors), along with journalists participated in the training on hate-motivated crimes and hate speech. Participants were selected from relevant structural units and territorial bodies.

According to the agendas, the trainings covered the following topics: limits of freedom of speech, role of media, obligations of state and journalists, hate speech, hate-motivated crimes and special nature of covering them in media, importance of usage of neutral and sensitive language, etc. These topics are relevant to the goal of this activity. The time allocated to each topic (an hour and a half, on average) is also acceptable. Participation of prosecutors from regional prosecutor’s offices of Adjara Autonomous region, Samskhe Javakheti, Kvemo Kartli, Samegrelo-Zemo Svaneti and Mtskheta Mtianiti, along with prosecutors from Chief Prosecutor’s Office is a positive step. As the activity will also be implemented in 2019, the number of trainings is also acceptable. However, according to the Action Plan, the PSG had to retrain managers of all structural units, which isn’t the case. It is also unclear whether speaker prosecutors were retrained. **Therefore, this activity is mostly completed and its implementation progress is 80%.**

<p><b>Goal attainment mechanism 7.1.1.</b> Development of a homogeneous media communication policy</p> <p><b>Activity N2:</b> Development of media interest satisfaction criteria</p> <p><b>Output Indicators:</b></p> <p>1. Media interest satisfaction criteria is based on situational analysis</p> <p><b>Status:</b> Not implemented</p> <p><b>Progress:</b> 0%</p>
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According to the PSG, this document was not developed. **Therefore, this activity is incomplete and its implementation progress is 0%.**

<p><b>Goal attainment mechanism 7.1. 2.</b> Updating the website of the Prosecutor’s Office</p>
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**Activity NI:** Adding new services to the Prosecutor's Office website

**Output Indicators:**

1. New services added to the Prosecutor's Office website are based on a need analysis (50)
2. Accessibility of the new services on the Prosecutor's Office website (50)

**Status:** Not implemented

**Progress:** 0%

According to the PSG, the Department of Public and Media Relations decided to create a new, modern website in accordance with the needs of the public, allowing for more simplified communication between the public and the PSG. While the website envisions several new services, according to the PSG, it hasn't been launched yet. Therefore, the activity cannot be evaluated. **It is incomplete and its implementation progress is 0%.**

**Goal attainment mechanism 7.1.3.** Modernization of the Coordinator Service

**Activity NI:** Training of prosecutors to increase the effectiveness of cooperation with coordinators

**Output Indicators:**

1. Percentage of prosecutors from the relevant structural units that have undergone trainings for increasing effectiveness of cooperation with coordinators (40)
2. Ratio of number of trainings to the number of prosecutors that participated in them (30)
3. Duration of the trainings, relevance of training topics (30)

**Status:** Partly implemented

**Progress:** 10%

According to the information provided by the PSG, one training on cooperation with witness and victim coordinators was organized for managers in 2018. Representatives from all structural units of the PSG participated in the training. 17 high ranking managers were retrained, who in turn provided the information to the managers and employees of their structural units. The training aimed at providing information about the new legislative amendments to the service of witness and victim coordinator and at increasing effectiveness of cooperation between prosecutors and witness and victim coordinators. The training discussed legislative amendments related to the service of witness and victim coordinator and the guidebook of witness and victim coordinators. Other problematic issues were also discussed in Q&A format.

While, according to the PSG, high ranking managers were trained who in turn passed the information to managers and employees of their territorial units, as the activity is envisioned for this year alone and will not be implemented in the coming years, its scale is not acceptable. Additionally, provided agendas demonstrate that this activity was not a training, but a working

meeting, only two hours were allocated to the discussion of topics, which cannot be considered optimal.

The activity envisioned retraining of prosecutors, which as the provided information demonstrated did not occur. It was recommended to organize a training with practical examples, experience of other countries, problematic aspects, etc., making the training productive. **However, the activity is considered partially completed and its implementation progress is 10%.**

<p><b>Goal attainment mechanism 7.1.3.</b> Modernization of the Coordinator Service</p> <p><b>Activity N2:</b> Public meetings of coordinators to raise awareness about their role</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Number of regions where public meetings with coordinators were organized (20)</li><li>2. Number of public awareness meetings in each region (15)</li><li>3. Number of participants in public awareness meetings (20)</li><li>4. Issues discussed at the public awareness meetings (25)</li><li>5. Mediums for providing information about the meetings to the public (20)</li></ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, informational meetings on witness and victim coordinators were held in all regions of Georgian in 2018. There were 27 meetings in total and each was attended by 50 participants on average (school students, teachers, university students, public officials, local population). Flyers with information on the service were also distributed at the meetings.

The meetings discussed history of the coordinator service, functions and obligations of coordinators, rights and obligations of a witness and a victim, statistical information on legal and emotional condition of victims and provided services.

The provided information demonstrates that meetings covered almost all regions and various social groups. The average number of attendees, 50, is also acceptable. The relevant information was distributed using presentations and flyers. It is essential, that informational meetings continue to be organized in all regions of Georgia, which is so envisioned by the Action Plan. **Therefore, this activity is fully completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 7.1.4.</b> Development of a citizen communication document and an electronic program</p> <p><b>Activity N1:</b> Preparing a report on evaluation of public communication</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. The public communication evaluation report is based on a predefined methodology and indicators (30)</li><li>2. The report outlines the existing challenges, shortcomings, and their causes (35)</li></ol>
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3. The evaluation report defines future steps/practical recommendations (35)

**Status:** Mostly implemented

**Progress:** 60%

According to the information provided by the PSG, a report on communication with citizens and evaluation of the communication was prepared in 2018. According to the report, 309 meetings with citizens were held in 2018, the topics included delay in investigation, plea bargains, initiation and suspensions of investigations, damage compensation, initiations of a criminal prosecution, etc.

The evaluation of meetings in 2018 demonstrated that in these meetings citizens were mostly given the position of the PSG on the topic of their interest, however, a priority was defined to substantially address the issues and try to solve the problems raised by citizens at these meetings.

The report identified some shortcomings, specifically, citizens often complained about dragged out investigations, about insufficient reasons provided for initiation or non-initiation of an investigation. To increase the effectiveness of these meetings, development of practical recommendations has been planned, along with implementation of an effective appeal and application review system with participation of international donor organizations, including EU4Justice project.

The provided information demonstrates that the evaluation report focuses on identification of the existing challenges, shortcomings and the ways of overcoming them, along with defining future steps. It is recommended to specify which indicators and methodology was used in preparation of this report, what caused the shortcoming – the PSG did not provide information on these issues. **Therefore, this activity is mostly completed and its implementation progress is 60%.**

**Goal attainment mechanism 7.1.4.** Development of a citizen communication document and an electronic program

**Activity N2:** Implementation of appropriate changes in the electronic system of criminal case management

**Output Indicators:**

1. Compliance of the changes to the electronic system of criminal case management with the findings of the document on statistical data refinement

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, to improve electronic management of criminal cases, a new, modern program was developed, that is faster, more flexible and adaptable. The program developed in accordance with modern standards allows for implementation of any changes or programmatic updates, excluding any need for development of a new program. The program can collect and calculate much more statistical information. The program also forces a user to fill out required fields, decreasing the chances of losing statistical information.

According to the document prepared to improve statistical data, the old program did not have a field depicting statistical data of unidentified defendants and clerics, thus, it was impossible to collect and analyse such data. It also was not possible to fully calculate a sex indicator that is a mandatory field in the new program eliminating the risk of losing this data. The old program did not calculate the index of requesting and satisfying the request for restraint measures while the new one is capable to process data even at the level of articles. Statistical data (tabs) reflecting citizenship and date of birth of a person (for exp.: accused, witness) was optional, so it was impossible to fully calculate these indicators. As for the new program, these fields are mandatory that almost eliminates the risk of losing data. Similarly, accounting for person's education and place of registration was improved (tabs regarding this information was added to the program). According to the document prepared to improve statistical data, the old program was unable to establish a connection between an accused and a victim that is eliminated after changes. Unlike the old program, the new one allows hate-motivated crimes to be calculated separately (article 53<sup>1</sup> of the Criminal Code of Georgia).

These steps should be evaluated positively. According to the information provided by the PSG, the changes made are in compliance with the findings of the document prepared to improve statistical data. **Therefore, this activity is fully completed and its implementation progress is 100%.**

### 5.8. Objective 8. Crime prevention

The eighth goal and objective of the PSG Action Plan concern crime prevention. Four components are defined as goal achievement measures, which in turn envision 11 activities for 2018. From the 11, four activities are fully completed, one – mostly, while six are incomplete. **The implementation progress of the eighth goal activities is 43%.**

<p><b>Goal attainment mechanism 8.1.1.</b> Establishment of local councils</p> <p><b>Activity N1:</b> Preparation of an annual report on activities of local councils</p> <p><b>Output Indicators:</b></p> <p>1. The annual report on activities of local councils outlines the existing challenges, shortcomings, and their causes</p> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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The PSG, within the monitoring of the Action Plan, provided the report on the activities of the local councils which includes information about the local councils, their aims and activities. The report also identifies the issues discussed during council meetings. Three main key challenges are highlighted in the report: 1) offences committed by juveniles; 2) domestic violence and violence against women; 3) increased traffic accidents.

According to the report, only lectures and seminars as well as information meetings are as inadequate and ineffective for crime prevention as a one-time charity event and accordingly, real ways to solve the problem is needed to be found in every region. The analysis of the events held according to the report reveals that they mainly involve “honoured school students” who do not represent a risk-group. The problem regarding homeless youth, who often do not have shelter and may have to fight for existence that most likely will lead them to commit a crime. It’s emphasized in the report that the issue of their employment shall be discussed on the meeting of local councils and various agencies shall make their contribution to crime prevention.

According to the report, in order the council to continue to work effectively and the goals to be reflected in the results, the activities of the council is necessary to be intensified in different directions. In particular, the number of sessions need to be increased, crimes specific for regions need to be identified and effective measures need to be taken for their prevention. Particular attention shall be paid to juveniles with antisocial behaviour and their involvement in various sports or educational activities shall be promoted. The document highlights that along with legislative changes, it is important to raise public awareness of crimes such as domestic violence, traffic accidents and gender-based crimes.

The recommendations of the Public Defender’s Office shall be taken into account when planning crime prevention activities. Research and analysis conducted by NGOs on problematic issued identified at the meetings of the local councils shall also be taken into consideration.

The presented information demonstrates that the annual report on the activities of the local councils focuses on existing challenges, gaps and their causes and identifies the ways of their solution. **Therefore, this activity is fully completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 8.1.1.</b> Establishment of local councils</p> <p><b>Activity N2:</b> Local councils have started functioning in at least 10 towns (regions)</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"> <li>1. Number of towns (regions) where local councils are operational (30)</li> <li>2. Composition of local councils – according to ethnic, gender, and other characteristics (35)</li> <li>3. Decisions made/activities implemented by the local councils (35)</li> </ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, sessions of local councils were held in 16 cities (Batumi, Zugdidi, Ozurgeti, Akhaltsikhe, Rustavi, Marneuli, Bolnisi, Khelvachauri, Telavi, Akhalkalaki, Gurjaani, Gori, Kutaisi, Mtskheta, Samtredia and Signaghi) in 2018. The meetings discussed problems of the region and planned future activities for crime prevention. Based on the

issues discussed at the local council meetings, necessity of active implementation of preventive measures was underlined in all regions. As the meetings demonstrated, recommendations of the Public Defender’s Office, as well as, reports of non-governmental organizations on issues raised at the meetings, have to be taking into account when planning crime prevention activities.

The representative of the POG, MIA, Probation Bureau, NGOs and Local self-government participate in the work of the “Local Council”. Any individual may participate in the work of the “Local Council”.

Council decisions regarding the necessity of activating preventive measures, envisaging the recommendations of the Public Defender’s Office when panning crime prevention activities and taking into account research and analysis conducted by NGOs are a welcome step. The number of cities where local councils operate is acceptable. Several relevant agencies and local self-governments are involved in the work of the councils and are open to the public. **Therefore, this activity is fully completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 8.1.1.</b> Establishment of local councils</p> <p><b>Activity N3:</b> Conducting at least two sessions in each local council</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Number of sessions held by each local council (50)</li><li>2. Issues discussed at the sessions (50)</li></ol> <p><b>Status:</b> Mostly implemented</p> <p><b>Progress:</b> 75%</p>
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According to the information provided by the PSG, 16 meetings of local councils were held in various cities, one by each local council. In each region the meeting started with a presentation by the local council, with definition of its functions and goals. The meetings mostly discussed three problematic issues – two of them, juvenile delinquency and domestic violence were common to all regions, while the third issue was specific crime particularly acute in each region (e.g. for Batumi seasonal thieving at beach, for Ozurgeti – car accidents, for Telavi – illegal deforestation, etc.).

The topics discussed at the meetings were relevant to the goal of this activity. But as only one meeting per local council was organized, **this activity is mostly completed and its implementation progress is 75%.<sup>137</sup>**

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<sup>137</sup> According to the Prosecutor's Office, the local councils were not convened for the second time, as the problematic issues identified during the first meetings were still present and the Council did not consider it advisable to discuss the same issues again. According to IDFI, the challenges identified during the first meetings did not prevent the meetings from being held again to identify new challenges and to assess the achievement of the objectived set at the previous meetings.

<p><b>Goal attainment mechanism 8.1. 1.</b> Establishment of a working group of criminologists</p> <p><b>Activity N4:</b> Preparation of an annual report on work of local councils and its presentation to the Advisory Council</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"> <li>1. The annual report on activities of local councils outlines the existing challenges, shortcomings, and their causes (35)</li> <li>2. The annual report on activities of local councils defines recommendations for overcoming the challenges (30)</li> <li>3. Decisions made by the Advisory Council based on the report on activities of the local councils (35)</li> </ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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Within the monitoring of the Action Plan, the Prosecutor's Office has produced a report on the activities of local councils, which provides information on local councils, their goals and activities. The report also identifies issues that were discussed at local council meetings. The report highlights three key challenges identified during the work of the councils: 1) juvenile delinquency; 2) domestic violence and violence against women 3) increased traffic accidents.

According to the report, there are real ways to find to solve the problem of crime prevention in all regions, with only lectures and information meetings as well as one-off charity events being insufficient and ineffective. Based on the report the analysis of the measures taken shows that they mainly involve disciplined, succesful students who are not within crime risk groups. There is also the problem of homeless youth who often do not have a shelter and may have to fight for their survival, which is very likely to lead them to commit a crime. It is emphasized that in terms of their employment, emphasis should be placed on local council meetings and various agencies making their own contribution to crime prevention.

According to the report, in order for the Council to continue to work effectively and to achieve its goals, actions of various agencies need to become more active. In particular, increase the number of sessions, identify specific crimes related to the regions and take effective measures to prevent them. Special attention should be paid to juveniles with antisocial behavior and their involvement in various sports or educational activities. The document emphasizes that alongside legislative changes, it is important to raise awareness regarding crimes in the population, such as domestic violence, traffic accidents and gender-based offenses.

According to the report, when planning crime prevention measures, the recommendations of the Public Defender's Office should be taken into account, as well as research and analysis carried out by NGOs on issues identified at local council meetings.

From the information presented it is visible that the annual report highlights the work of local councils, focuses on the challenges, shortcomings and their causes, as well as the steps to be taken



to address them. **Therefore, this activity is fully implemented and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 8.1. 2.</b> Establishment of a working group of criminologists</p> <p><b>Activity N1:</b> Organizing at least two meetings of the criminologist working group</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Number of criminologist working group meetings (30)</li><li>2. Issues discussed at the criminologist working group meetings (35)</li><li>3. Results of the criminologist working group meetings (35)</li></ol> <p><b>Status:</b> Not implemented</p> <p><b>Progress:</b> 0%</p>
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According to the information provided by the PSG, no meetings of working group of criminologists were organized in 2018. **Therefore, this activity is incomplete and its implementation progress is 0%.**

<p><b>Goal attainment mechanism 8.1. 2.</b> Establishment of a working group of criminologists</p> <p><b>Activity N2:</b> Discussion of a report or analysis documents at the meetings of the criminologist working group</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Number of reports/analysis documents prepared at the Prosecutor's Office that have been updated by the working group of criminologists</li><li>2. Decisions made/planned steps based on discussion of reports/analysis documents by the working group of criminologists</li></ol> <p><b>Status:</b> Not implemented</p> <p><b>Progress:</b> 0%</p>
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According to the information provided by the PSG on reports and analysis, criminologists attended all conferences/working meetings (on domestic violence, crime prevention) organized by the PSG. However, according to the Action Plan, the working group of criminologists should have prepared at least three reports or analysis. The provided information cannot be considered acceptable for the purposes of this activity. **Therefore, this activity is incomplete and its implementation progress is 0%.**

<p><b>Goal attainment mechanism 8.1. 2.</b> Establishment of a working group of criminologists</p> <p><b>Activity N3:</b> Organizing a study with the working group of criminologists</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. The joint study of the working group of criminologists and the Prosecutor's Office is based upon a predefined methodology; problematic issues and the goal of the study are identified (30)</li></ol>
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2. The joint study of the working group of criminologists and the Prosecutor's Office is accessible to interested parties (35)

3. Steps taken based on the joint study of the working group of criminologists and the Prosecutor's Office (35)

**Status:** Not implemented

**Progress:** 0%

The PSG did not provide information on this activity. **Therefore, this activity is incomplete and its implementation progress is 0%.**

**Goal attainment mechanism 8.1.3.** Development of a program of preventive activities and evaluation of their effectiveness

**Activity N1:** Monitoring of compliance of the implemented preventive measures with the standards

**Output Indicators:**

1. Monitoring of compliance of the implemented preventive measures with the standards is based on a defined methodology (30)
2. The document of monitoring of compliance of the implemented preventive measures with the standards underlines the existing challenges and shortcomings (35)
3. The document of monitoring of compliance of the implemented preventive measures with the standards defines future steps/practical recommendations (35)

**Status:** Not implemented

**Progress:** 0%

According to the PSG, the document on monitoring methodology has not been developed. **Therefore, this activity is incomplete and its implementation progress is 0%.**

**Goal attainment mechanism 8.1.4.** Increasing the scale of the public prosecutor's office

**Activity N1:** All regional prosecutor's offices have implemented preventive measures within the public prosecutor framework

**Output Indicators:**

1. Percentage of regional prosecutor's offices that have implemented preventive measures (30)
2. Number of preventive measures implemented by each regional prosecutor's office within the public prosecutor framework (35)
3. Types and scale of preventive measures implemented by each regional prosecutor's office within the public prosecutor framework (35)

**Status:** Fully implemented

**Progress:** 95%

According to the information provided by the PSG, all regional prosecutor's offices (in total 28) are enrolled in the Public Prosecutor's Office project, which encompassed 706 activities in 2018. Each regional office organized 25 activities, on average. The activities were organized in four directions:

- 1) Educational-intellectual – encompassing informational meetings with various focus groups (students, university students, public officials, diversions, etc.), educational activities (imitated court, essay contest, creative evenings, etc.), visits to state institutions (Prosecutor's Office, Court, Police, etc.);
- 2) Cultural – encompassing visits to theatre, cinema, museum, nature outings, contest of video clips, etc.
- 3) Sport
- 4) Social events

According to the provided information, preventive measures were implemented by all regional prosecutor's offices, covered all regions, giving the activity a large scale. While no information of attendance for each event was provided, the PSG stated that from 56 anticorruption meetings organized within the Public Prosecutor's Office project, each was attended on average by 50 participants, which is an optimal number. The average number of activities implemented by each regional office, as well as types and topics of the activities are acceptable. However, according to the Action Plan, the PSG had to ensure at least 10 preventive measures for each regional office, implemented within the project. According the PSG information, eight activities were organized in Mestia, in Khashuri – five, in Signaghi – seven, in Isani-Samgori – nine. Therefore, the second indicator is not fully met. As the activity will continue in the coming years as well, **it can be considered fully implemented, and its implementation progress is 95%.**

**Goal attainment mechanism 8.1.4. Increasing the scale of the public prosecutor's office**

**Activity N2:** Development of individual action plans in all regional prosecutor's offices

Output Indicators:

1. Completion rate of individual action plans by all regional prosecutor's offices

**Status:** Not implemented

**Progress:** 0%

According to the information provided by the PSG, 2018 report was prepared in the PPT format, however, it has not been published on the website in 2018. The PSG also did not provide information on the regional prosecutors' offices where action plans are prepared. **Therefore, this activity is incomplete and its implementation progress is 0%.**

**Goal attainment mechanism 8.1.4. Increasing the scale of the public prosecutor's office**

**Activity N3:** Preparation and publication of an annual report on activities conducted within the public prosecutor framework

<p><b>Output Indicators:</b></p> <ol style="list-style-type: none"> <li>1. An annual report on activities conducted within the public prosecutor framework outlines existing challenges and shortcomings, takes into account recommendations to address them (60)</li> <li>2. Presentation and public access to the annual report on activities conducted within the public prosecutor framework (40)</li> </ol> <p><b>Status:</b> Not implemented</p> <p><b>Progress:</b> 0%</p>
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Regarding this activity, the PSG provided information on individual action plans of all regional prosecutor’s offices. However, this does not correspond to the activities defined in this measure. Specifically, there is no information on an annual report of implemented measures, challenges, and shortcomings reflected in such a report, or recommendations on overcoming the identified problems. There is no information on publication and public availability of the analysis. **Therefore, this activity is incomplete and its implementation progress is 0%.**

### 5.9.Objective 9. Improving work environment

The ninth goal and objective of the PSG Action Plan envision improvement of work environment at the PSG. Three components are defined as the goal achievement measure, which in turn encompass six activities for 2018. From the six, four have been completed, while other two are incomplete. There are no mostly or partially completed activities for this goal. **The implementation progress of the ninth goal activities is 67%.**

<p><b>Goal attainment mechanism 9.1.1</b> Standardization of work conditions</p> <p><b>Activity N1:</b> Development of a document on standardization of work conditions</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"> <li>1. Compliance of the document on standardization of work conditions with the standards/requirements of International Labour Organization and the Association Agreement</li> </ol> <p><b>Status:</b> Not implemented</p> <p><b>Progress:</b> 0%</p>
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According to the information provided by the PSG, in the reporting period, with the goal of improving work conditions and compliance with labor standards, in accordance with particular nature and individual needs of structural units of the PSG, taking into account the needs of persons with disabilities, new administrative buildings of Kvemo Karti District and Rustavi Regional Prosecutor’s Offices were completed, and administrative buildings of Khelvachauri and Mtskheta Regional Prosecutor’s Offices were renovated and equipped with appropriate inventory.

The provided information does not correspond to this activity. Based on this information, it is not possible to evaluate compliance of the document on standardization of work environment with the general requirements of the EU Association Agreement and International Labor Organization, as the information on the document was not provided by the PSG. **Therefore, this activity is incomplete and its implementation progress is 0%.**

<p><b>Goal attainment mechanism 9.1.2.</b> Improvement of the electronic program for criminal case processing</p> <p><b>Activity N1:</b> Implementation of changes for refinement of the electronic system of case management</p> <p><b>Output Indicators:</b></p> <p>1. Changes for refinement of the electronic system of case management are based on an analysis of existing practices</p> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, the existing electronic system for criminal case management does not correspond to modern programmatic demands. Updating the system is difficult, and it is operationally slow. It is not possible to gather statistical information according to the parameters that are interesting to the PSG or a user, which leads to gathering and processing of some information manually. Due to these issues, development of a new program became necessary.

The new electronic case management system is written in a modern programming language, is much faster and flexible. Updating and upgrading of the system is simple. The program simplifies creation of various legal documents. The prosecutorial/investigative documents generated by the program are in compliance with the Criminal Code, additionally the program notifies the user about technical mistakes. This simplifies work process for a user while decreasing possibility of legal mistakes.

When using the new electronic case management system, users no longer have to calculate statistical data outside of the program. The program can gather and calculate all necessary statistical data. The volume of the information stored by the program has also been expanded. As the statistical information are marked as required fields, the final statistical information is very accurate.

The provided information demonstrates that the new program was based on analysis of current practices and resolves the shortcomings of the existing system. **Therefore, this activity is fully completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 9.1.2.</b> Improvement of the electronic program for criminal case processing</p> <p><b>Activity N2:</b> Development of a goal document for refinement of the electronic system of case management</p> <p><b>Output Indicators:</b></p>
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1. Activities implemented based on the goal document for refinement of the electronic system of case management

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, the goal document was prepared for the development of the new electronic case management system. It was written by business analysts of LEPL “Smart Logic” in coordination with the working group created in the PSG. The goal document is the part of the program which, among other issues, regulates: the definitions of specific terms of the electronic program; standards of electronic creation and production of procedural and investigative documents provided by the Criminal Procedure Code; simplified search system within the powers of the officials of relevant authorities; statistical module based on multi-component mandatory fields and et al.

The functional advantages of the new program created on the basis of the goal document are:

- Making changes (deriving from the changes in procedural norms or established practices) to the goal document of the program has been simplified. Mandatory requirements for procedural norms have been programmed into the minutes of procedural as well as investigative actions. This minimizes the likelihood of mistakes made by prosecutor or investigator;
- The new system is equipped with a more flexible and powerful search function that enables in the existing system (produced themselves or by other agencies) not only persons but also cases to be found by title, case number, qualification and probable date of initiation of investigation. Through the additional filter, it is possible to find out what is the status of the case and at what stage of hearing is the case. Search can be conducted by referring persons such as prosecutor, investigator, judge, lawyer, translator and etc.; any procedural or investigative action registered throughout the system can be found where and in which case is used; also, individuals and legal entities can be found based on minimal identification data. In addition to individuals, items such as vehicles (by mark, model, plate number), cell phones (by model, imei code), drugs (by name), firearms (by type), corpse, jewelry, document, technology, animal, immovable property and et. al. can be found in other criminal cases;
- In the new system case materials are automatically sorted chronologically. This simplifies both the process of getting acquainted with case materials as well as searching for specific document. The filter function has been added to the actions carried out on cases that makes it easier to find the document in a big-scale case;
- Each criminal case has a new reference - history of qualifications. In the current system, it is easy to find out which article has been the basis of initiating the investigation, how has the action been qualified, which article has been the basis of the charge submitted

and how the case has continued at court as well as which qualification is completed or active. All the above-mentioned aims to save the resources of the prosecutor and the investigator, who has gotten acquainted with the materials of the case in order to view the qualification history;

- A new function of calculation has been added to the subjects and objects registered in the case as well as to the actions carried out. This means that each of the above-mentioned data is represented numerically. Specifically, if the prosecutor is interested in the number of investigative actions or witnesses interrogated, it is no longer necessary to read the case materials and manually calculate them but the numerical data is presented at the front page of the case;
- The new system has the function to indicate the user of technical errors and mandatory fields; each document, subject, object, item or file registered in the case is automatically transferred to the appropriate minute and list, that reduces the likelihood of a mechanical mistake and the chance for the evidence to be considered inadmissible;
- In order to make it easier for the user to work in the new system, video tutorials and working instruction has been added to the program. Through them prosecutors and investigators will be able to access detailed information on the subject of his/her interest both in writing and in visual terms;
- It is much easier to produce statistics since all the contextual or quantitative data needed to produce statistics, prepare analyzes, provide public information and etc. are embedded in the new system;
- The vision to find out the initiated investigations, prosecutions, statistics or the workload of prosecutors is set out for a more effective work of managers.

According to the information provided, based on the goal document prepared, many important innovations have been introduced in order to refine the new electronic case management system. The innovations will improve the criminal justice process by saving human and time resources. **Therefore, this activity is fully complete and its implementation progress is 100%.**

**Goal attainment mechanism 9.1.2.** Improvement of the electronic program for criminal case processing

**Activity N3:** Providing information about the updated version of the electronic system of case management to prosecutors and investigators

**Output Indicators:**

1. Form of providing information about the updated version of the electronic system of case management to prosecutors and investigators (30)
2. Volume of information (included topics) regarding the updated version of the electronic system of case management provided to prosecutors and investigators (35)
3. Percentage of prosecutors and investigators that have been introduced to the updated version of the electronic system of case management (35)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, all prosecutors and investigators were introduced to the new electronic case management system in 2018. They were provided with information on how to use the program and learned how to generate important legal documents programmatically in practice. Specifically, one day training was organized, where prosecutors and investigators were given a test username and password, they used the electronic system to register a criminal case and take all necessary actions. **This activity is fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 9.1.2.** Improvement of the electronic program for criminal case processing

**Activity N4:** Retraining of prosecutors and investigators about changes in the system

**Output Indicators:**

1. Percentage of prosecutors and investigators that have undergone training on changes in the system (40)
2. Ratio of number of trainings on changes in the system to the number of prosecutors and investigators that have undergone these trainings (30)
3. Duration of the trainings, relevance of the training topics (30)

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, 28 trainings were organized in 2018 on the topic of the new electronic case management, 547 individuals (prosecutors, investigators, and interns) were retrained. Additionally, training of trainers was organized for representation at other law enforcement agencies. The provided agendas demonstrate that the trainings covered wide variety of issues. Specifically, along with provided general information on the new program, the participants were taught about the functions of the new program, registration of a case in the program, registration of pre-investigation activities, registration of a lawyer, composition of a letter, protocoling an interview with a juvenile victim, protocols of personal search/arrest/recognition of a person, etc. The topics are relevant to the goal of this activity. The numbers of trainings, participants and time allocated (7 hours in total) are acceptable. It is recommended to periodically train new employees the same way, which is not envisioned in the Action Plan. **This activity is completed and its implementation progress is 100%.**

**Goal attainment mechanism 9.1.3.** Improvement of the internal network

**Activity N1:** Formation of an internal forum for discussion of legal matters

**Output Indicators:**

1. Composition of the internal forum on legal matters (35)



<p>2. Number of meetings of the internal forum on legal matters (30)</p> <p>3. Issues discussed by the internal forum on legal matters (35)</p> <p><b>Status:</b> Not implemented</p> <p><b>Progress:</b> 0%</p>
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According to the PSG, an internal forum for discussion of legal matter has not been established. **Therefore, this activity is incomplete and its implementation progress is 0%.**

**5.10. Objective 10. Improving professionalism and qualifications of the PSG employees**

The tenth goal and objective of the PSG Action Plan encompass increasing employee professionalism and qualifications. Seven components are defined as goal attainment measure, which in turn envision nine activities for 2018. From the nine, seven were fully completed and two are incomplete. **The implementation progress for the tenth goal activities is 78%.**

<p><b>Goal attainment mechanism 10.1.1.</b> Training and retraining of employees</p> <p><b>Activity N1:</b> Conducting analysis of existing needs/training needs</p> <p><b>Output Indicators:</b></p> <p>1. Percentage of number of employees that participated in the study</p> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, in 2018 a study of professional development needs of the PSG employees was conducted based on the electronic program for training needs analysis. All employees, rank-and-file, as well as managers, were enrolled in the study. Each participant enrolled in the survey using their local work computer and the electronic program. Each participant was able to name the trainings they wished to take in accordance with their professional activities; the managers also provided their view of what type of trainings their teams needed. According the PSG, 378 employees participated in the survey and 86 managers filled out the special manager survey, which is a quite high engagement rate.

The survey results were analyzed in detail, providing information on professional challenges of each employee, their needs and wishes for professional development for specific components, enabling for better planning of educational action plan. Additionally, the Center for Professional Development and Career Management can filter and analyze data based on various variables, increasing the process effectiveness, scale and saving human and time resources.

The provided information demonstrates that 464 employees participated in the survey on professional development needs using the electronic program. The engagement rate can be

considered quite high. The criteria based on which the survey was conducted is also acceptable. **Therefore, this activity is completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 10.1.1.</b> Training and retraining of employees</p> <p><b>Activity N2:</b> Organizing appropriate targeted educational activities based on the revealed needs and new challenges</p> <p>Output Indicators:</p> <ol style="list-style-type: none"><li>1. Percentage of the conducted educational activities that are based on the need assessment</li></ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, 195 educational activities with the goal of retraining PSG employees were organized in 2018. Based on the identified needs, priority directions of an action plan were developed. Along with identified issues, the activities also consider strategic goals of the PSG, commitments taken under various action plans and recommendations of local and international organizations. Considering these factors, the activities of 2018 addressed the identified needs: in case of the rank-and-file employees there was 91% overlap, in case of managers – 82%. The indicators of the activity are met, and the activity will continue in the coming years. **Therefore, this activity is fully completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 10.1. 2.</b> Development and implementation of new educational programs</p> <p><b>Activity N1:</b> Development and implementation of a new educational module on combat against crimes committed by legal entities</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. A new educational module on combat against crimes committed by legal entities covers local legislation and international standards (50)</li><li>2. Number of employees trained based on the new educational module on combat against crimes committed by legal entities (50)</li></ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, within the framework of cooperation between the PSG and the Council of Europe, a special guidebook for prosecutors and investigators on liability of legal persons was developed. The first chapter of the guidebook was developed by the CoE expert while the second chapter was developed by the PSG in support of the PGG project. The first chapter provides an overview of the key tools available with regard to the liability of legal persons, different approaches to criminal liability at international level and best practices regarding administrative liability of legal persons. The second chapter provides overview of the elements of liability and discusses in details the investigative and procedural aspects under Georgian legislation.

Two educational activities were planned with the goal of provided more information on the guidebook and its proper implementation in practice. 33 individuals attended. The educational course covered investigation mechanisms for legal persons, including criteria for criminal prosecution, types of penalties, and investigation of criminal activity, corporate risk management, sanctions, and other topics.

Notably, development of an educational module on crimes committed by legal entities was envisioned for 2018, however, trainings for the purpose of its implementation are also planned for upcoming years. Due to the multiple character of the activity, the number of trained individuals can be considered acceptable. **This activity is considered fully completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 10.1.3.</b> Implementation of a program for the development of current managers and future leaders</p> <p><b>Activity NI:</b> Training of managers in management methodologies</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Percentage of managers that have undergone the training in management methodologies (40)</li><li>2. Ratio of the trainings in management methodologies with number of participants (30)</li><li>3. Duration of the trainings, relevance of the topics (30)</li></ol> <p><b>Status:</b> Fully implemented</p> <p><b>Progress:</b> 100%</p>
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According to the information provided by the PSG, a training on organizational management was organized for four groups of middle and high-ranking managers, with 79 managers participating. The educational program and materials were adopted to the special nature and needs of the PSG. The provided agendas demonstrate that the following topics were discussed: structural and behavioral aspects of an organization, management, team work, organizational culture and management style, stress management, emotional intellect, and others. An hour and a half were allocated to discussion of each topic. According to the PSG, the total number of managers and their deputies at the PSG was 130 in 2018. As the activity will continue in 2019 as well, the number of retrained managers can be considered acceptable. **Therefore, this activity is fully completed and its implementation progress is 100%.**

<p><b>Goal attainment mechanism 10.1.4.</b> Implementation and activation of the mentor program</p> <p><b>Activity NI:</b> Analysis of results and system improvement</p> <p><b>Output Indicators:</b></p> <ol style="list-style-type: none"><li>1. Changes made to the mentor system based on the result analysis</li></ol> <p><b>Status:</b> Fully implemented</p>
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**Progress:** 100%

According to the information provided by the PSG, 2018 was the first year when specially selected and trained mentors engaged in adaptation and professional development process of interns. Two trainings, with the goal of effective activation and enhancement of the mentor program and training of selected mentors, were organized. The trainings aimed at giving the mentors required knowledge and practical skills. The project was evaluated every three months. Mentors, managers, and interns were surveyed using an electronic form, the results were analyzed and implemented in the working process.

Based on the results of the analysis, steps were taken for further development of the mentor program in the following main directions: increasing the number of mentors, improving communication process between managers, mentors, and interns, updating mentor guidebooks and further retraining of mentors. **Therefore, this activity is fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 10.1. 5.** Implementation of new electronic products

**Activity N1:** Development of an electronic program for training need assessment

**Output Indicators:**

1. Capabilities and technical characteristics of the electronic program for training need assessment

**Status:** Fully implemented

**Progress:** 100%

According to the information provided by the PSG, the analysis of training needs is based on an electronic survey, which consists of individual and manager questionnaires. The individual questionnaires are filled out by rank-and-file employees, as well as managers. In individual form, each employee selects trainings from the list and answers questions based on their professional development needs. The survey is divided into two sections: 1) training categories, where trainings are sorted according to their topic; trainings are selected in each category; 2) questions, both open and closed (with options).

The manager questionnaire is filled out by middle (first evaluator) and high-ranking (second evaluator) managers. Managers select trainings and answer questions based on professional needs of their employees, and the direction in which the managers thinks further development is needed.

The provided information demonstrates that the characteristics of the electronic program allow for determination and evaluation of needs of employees. **Therefore, this activity is fully completed and its implementation progress is 100%.**

**Goal attainment mechanism 10.1.6.** Conducting educational activities for students

**Activity N1:** Organizing at least 5 meetings with students

**Output Indicators:**

1. Number of student meetings conducted (30)
2. Number of participating students (30)
3. Topics discussed at the meetings (40)

**Status:** Fully implemented

**Progress:** 100%

The PSG, based on the requests of various higher education institutions and student organizations, hosted 13 groups of school and university students in 2018. 400 school and university students participated in the activities. The provided information demonstrates that a wide variety of topics were discussed. The topics included a short overview of the structure of the PSG and development stages of the organization, information on jury system, crimes committed by juveniles, age of criminal liability, general standards of juvenile justice, mediation-diversion, etc. **This activity can be considered fully implemented and its implementation progress is 100%.**

**Goal attainment mechanism 10.1.7. Reform of the ranking system**

**Activity N1:** Preparation of a document on prosecutor ranking system reform

**Output Indicators:**

1. The draft prosecutor ranking system reform is based on situational analysis (30)
2. The draft prosecutor ranking system reform reviews best practices (international experience and standards) (35)
3. Interested parties involved in the preparation of the project of prosecutor ranking system reform (35)

**Status:** Not implemented

**Progress:** 0%

According to the PSG, the reform of the ranking system hasn't been implemented yet. **Therefore, this activity is incomplete and its implementation progress is 0%.**

**Goal attainment mechanism 10.1.7. Reform of the ranking system**

**Activity N2:** Presentation of the concept of prosecutor ranking system reform to the employees of the Prosecutor's Office

**Output Indicators:**

1. Percentage of the employees of the Prosecutor's Office that have been introduced to the concept of prosecutor ranking system reform (60)
2. Form of the presentation of the document (40)

**Status:** Not implemented

**Progress:** 0%

According to the PSG, the reform of the ranking system hasn't been implemented yet. **Therefore, this activity is incomplete and its implementation progress is 0%.**