



## Georgian Court Watch

### Judicial Effectiveness Index

#### Main Findings

5 October, 2023

**The Georgian Court Watch developed a tool to measure Judicial Effectiveness Index, through which the Judicial system of Georgia was evaluated based on 5 indicators and 45 sub-indicators. Accordingly, Judicial Effectiveness Index for the year of 2023 rates at 30,70%.**

#### Informational quality of the court's website

- The research showed that none of the Courts have information about its jurisdiction published on their websites. Kutaisi Court of Appeals is an exception, having information published on their website in full.
- None of Courts' websites contains information on ways of appealing and enforcing court decisions. Additionally, information brochure on rules of appealing and ways of enforcing court decisions available on the website of Tbilisi Court of Appeals dates back to 2008 and is not adherent to the current editions of legal acts.
- Court forms adopted by the High Council of Justice is available in the form of links on some of the Court websites, however, there are cases when information is incomplete, or the link does not open. Also, in some cases, court forms are published in a non-relevant section of the website.
- The Georgian Court Watch studied to what extent do the Courts publish information about incoming, completed and pending cases by to the case categories. As it turns out, only general information is published – by legal fields. In seldom cases, the Court websites contain statistical information on incoming, completed and pending cases by to the categories. In addition, there are cases when the Courts have not published statistics for the last three years at all, or information published on the website is incomplete.

- Information on the minimum and maximum time spent on case proceedings is not published on the websites of the Courts at all.
- The main problem in terms of publication of information on state duty rates and their calculation is that the link redirecting a customer to the website calculating a state duty rate is quite outdated, as it was created in 2010 and is not adherent to the current legislation.
- Subject to evaluation in this sub-indicator was publication of information on remission, reduction, postponement of court fees, and their distribution between the parties on the Court website. Rustavi City Court is an exception, having published the Law on State Duty on their website.

#### **Court building accessibility and service quality**

- In most cases, distance to public transport stop is less than 100m, therefore, the court is mostly accessible for the citizens in regards with its location. However, in mountainous regions, in Mestia and Khulo Municipalities, distance between the public transport stop and the Court exceeds 500m.
- The main problem in terms of availability and quality of the interpreter service is that the Courts do not check the quality of translation, as well as do not have statistics on the number of postponed hearings due to the absence of an interpreter.
- Visits to the Courts revealed that information about the proceedings was not displayed in 32 courts building.
- In some cases, internal communication tool and contact information of the assistant/secretary to a judge is only available through the assistance from clerical office.
- None of the Courts has information on free legal aid displayed in the building. In some cases, the information boards display outdated website - service.court.ge, created in 2013, as a web portal for legal aid, when in reality the assessment forms with the name "Dialogue for changes" are posted on the website.
- In most cases, the Common Court of Georgia do not provide free uninterrupted wi-fi to the visitors. Tbilisi Court of Appeals is an exception though, where the visitors and the parties can access uninterrupted wi-fi connection. Internet connection in Tbilisi City Court, Kazbegi Magistrate Court and the Supreme Court of Georgia is only ensured for the computers intended for the parties. Tsageri Regional Court has a separate room for the process parties equipped with the computer devices and internet.

#### o Sanitary and hygienic conditions in Courts

Sanitary and hygienic conditions in the Courts were evaluated through the visits of Georgian Court Watch representatives to the courthouses and questionnaires containing 10 topics. Following problems were identified:

- 19 Courts either do not have drinking water dispensers or have them not enough of them in insufficient quantities. There are cases when the dispensers are out of order. Water dispenser on the second floor of Khobi Magistrate Court is only available for courthouse employees.
- 56 Courts do not have a specially designated and equipped room for the medical first aid.
- There are cases when court toilets are unhygienic for use. Gardabani Magistrate Court is one of the examples, where the toilet is unhygienic, is not equipped with a functioning sink and has no soap or tissues. Khobi Magistrate Court toilet cabins do not ensure privacy. In particular, the door is not closing and is unhygienic. Sagarejo Magistrate Court toilet is unhygienic to use, some of the toilets have old dirty water tanks placed in the cabins for water supply; toilet sink does not have a soap or tissues. Kutaisi City Court does not have proper ventilation system. Overall, toilets in 9 Courts are unhygienic for use.

#### **The effectiveness of case flow management**

- According to the European Commission for the Efficiency of Justice (CEPEJ) standards, In Georgia, it is necessary for the Court to be staffed with at least 737 judges, based on recent data, there are 335 active judges in Georgia (including Supreme Court). Therefore, the number of judges does not meet mentioned standard.
- Information on whether the Courts have statistical data on adherence to the deadlines of legal proceedings is not available, thus the number of proceedings reviewed by the Court within the time limit established by law is unclear. Rustavi City Court is an exception as they process relevant information.

In addition, the research revealed that:

- Courts do not keep any kind of statistics on adherence to the time limits for submission of justified decisions.
- The High Council of Justice does not have any document elaborated, that would regulate the case flow in the Court.
- Court Chairpersons do not study and submit information on case flow management to the High Council of Justice despite the requirement to submit such information at least once a year. Rustavi and Signaghi City Courts are the exceptional cases.

- The High Council of Justice does not review information on the case flow management provided by the Courts.
- The High Council of Justice does not study the percentage rate of the workload of the judges, accordingly, the ratio between the percentage workload rates of the judges is unknown.

### **Insurance of the efficient performance of the court human resources**

- The High School of Justice has not developed a program aiming at the training of judges in order to adapt them from the beginning of judicial authority.
- The Courts do not have a document ensuring procession of personal data of court employees.
- The Courts do not carry out periodic employee satisfaction surveys.
- The judges annually attend trainings to improve professional knowledge planned by the High School of Justice in accordance with the survey of judges, however, the High School of Justice does not process information on the training provided to individual judges.
- According to information provided to Georgian Court Watch by the High School of Justice, it has studied professional development needs of judges only in 2021 during last three years.
- The High Council of Justice does not publish information on the usage of the rule of promotion of judges in practice.
- 59 judges do not work with specialization they have passed an judicial exam at.
- Judges do not have access to definitions manual of ethics rules and judicial ethics council does not exist.
- The trend of the session secretaries combining their duties with the functions of the assistant to a judge has been revealed.
- According to information provided by the Courts, in almost all Courthouses (except for Tetrtskharo and Akhalkalaki Courts), the Courts evaluate employees annually and the evaluation rule and criteria are available for them in advance.
- The Georgian Court Watch advocated for the equal pay of the Court employees in various ways. With this aim, the organization addressed a recommendation letter to the High Council of Justice in the beginning of 2023. As a result, in a few months, salaries of Court session secretaries, assistants to judges and Court managers in all City (Regional) Courts were equalized.
- It is unknown whether the Courts study professional development needs of their employees or not, as well as data on whether the Court keeps records on participants of the training and seminars organized for its employees. such information is not publicly available. However, it is

noteworthy that all Court employees periodically attend trainings organized by the High School of Justice.

- None of the Courts, as well as the High Council of Justice, High School of Justice and Common Court departments have a special mechanism for prevention and regulation of sexual harassment. It should be noted that Rustavi City Court and Sighnaghi and Telavi Regional Court bylaws include references to the prohibition of sex discrimination and sexual harassment.

### **Transparency of the judiciary**

- Apart from the Supreme Court of Georgia, the Court decisions are not available on the relevant websites since 2020.
- Request-based issuance of Court decisions is problematic in terms of transparency, as mostly the Courts do not make decisions public, however in some cases, case decisions issuance is ensured by Rustavi City Court, Gori and Telavi Regional Courts. Upon request, the Supreme Court of Georgia issue the Court decision within legally established time limits.
- The High Council of Justice has not had a public communication strategy and action plan elaborated since 2021.
- Speaker judges are appointed only in Tbilisi City and Appeals Courts. However, they do not inform public about the Court decisions even at least once a year.
- Within the framework of the research, most of the courts answered only part of the requests. The request for public information from the Georgian Court Watch was met in almost all cases by Rustavi City Court and Mtskheta, Gori, Telavi, Tsageri and Sighnaghi Courts.
- It should be positively evaluated that relevant statistics information for last three years are available for almost all Courts on a Legislative Herald website. However, there are cases when this data is not regularly published, or no such information is published.
- None of the Court staff lists include a person who would solely ensure availability of public information. Availability of contact information of a person responsible for public information is problematic as well (often a phone number indicated does not belong to a person responsible for public information provision).
- Publication of the reports and informing society on the Court activities is also a problem. The latest report published by the Supreme Council plenum dates back to 2018, in case of the High Council of Justice, it is 2019, department of Common Courts – 2020 and the High Council of Justice Independent inspector report – 2021.

Based on the Judicial Effectiveness Index, Rustavi City Court is distinguished by the highest effectiveness index rating at 41,10 %.

