



# THE PROGRESS REPORT ON THE IMPLEMENTATION OF THE 2023 NATIONAL ACTION PLAN FOR EU INTEGRATION

(JANUARY-JUNE 2023)



TRANSPARENCY  
INTERNATIONAL  
GEORGIA



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## KEY FINDINGS

Georgia's National Action Plan for EU Integration disregards critical challenges in the fields of both the Fight against Corruption and Judicial Reform. The Action Plan also fails to address the priorities and objectives provided for by the Association Agenda 2021-2027. Despite the full implementation of all activities outlined in the Action Plan, the fundamental challenges will persist without resolution.

Despite the fact that the Action Plan lacks robust measures or substantial actions, the level of its implementation is low:

- ▶ **64% of the Activities under the Fight against Corruption and Judicial Reform** components of the Action Plan have not been fully implemented.
- ▶ **The LEPL High Council of Justice lags significantly behind other responsible agencies, having failed to execute 90% of the planned activities, indicating a notable lack of progress.**

## INTRODUCTION

With the aim of fulfilling the obligations set out in the **Association Agreement**,<sup>1</sup> the EU and Georgia periodically agree on a strategic document – the **Association Agenda** – for the duration of several years. The Association Agenda determines the strategic priorities that the country has to accomplish in the short (3-4 years) and medium (7 years) terms.

In accordance with the **priorities agreed on in the Association Agenda**, the Government of Georgia elaborates the **Action Plan for EU Integration** on an annual basis.

The Action Plan is to bring together all the activities necessary for the achievement of the priorities, goals, and objectives of the Association Agreement.

In response to the priorities provided for by the **Association Agenda 2021-2027**,<sup>2</sup> a meeting of the Commission on Georgia's EU Integration approved the **2023 National Action Plan for Georgia's EU Integration**<sup>3</sup> on April 18, 2023.

The **Association Agenda 2021-2027** clearly emphasizes that “Advancing Georgia's democratic and rule of law agenda through ambitious political, judicial and anti-corruption reforms in a broad and inclusive process is essential for the EU-Georgia cooperation during the period of this Association Agenda.”<sup>4</sup>

Unfortunately, **the activities defined by the 2023 Action Plan for EU Integration do not address most of the priorities set out in the new Association Agenda** and, at the same time, **ignore critical challenges in both the fight against corruption and judicial reform components**.<sup>5</sup>

The Action Plan is solely focused on incremental adjustments. **Most of the activities** proposed by the plan **are not result-oriented, innovative, and evidence-based**, and, ultimately, they do not serve the achievement of the priorities (objectives) determined by the Association Agenda. Despite the full implementation of all activities outlined in the Action Plan, the fundamental challenges will persist without resolution.

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1 The Association Agreement between the European Union and the European Atomic Agency Community and their Members States, of the one part, and Georgia, of the other part, accessible [here](#).

2 RECOMMENDATION No 1/2022 OF THE EU-GEORGIA ASSOCIATION COUNCIL of 16 August 2022 on the EU-Georgia Association Agenda 2021-2027 [2022/1422], accessible [here](#).

3 The 2023 Action Plan for EU Integration, the Ministry of Foreign Affairs of Georgia, accessible [here](#).

4 RECOMMENDATION No 1/2022 OF THE EU-GEORGIA ASSOCIATION COUNCIL of 16 August 2022 on the EU-Georgia Association Agenda 2021-2027 [2022/1422], p. 44, accessible [here](#).

5 Assessment of Georgia's 2023 Action Plan for EU Integration – Anticorruption and Judiciary, Transparency International Georgia, July 3, 2023, accessible [here](#).

It is regrettable that the **Action Plan for EU Integration** was drafted bypassing **Ordinance No. 629 of the Government of Georgia of 2019**,<sup>6</sup> due to which it fails to meet **even the minimum standards established for an action plan**. When drafting the Action Plan, the government agencies also failed to take into account the activities proposed by the civil society.<sup>7</sup>

## METHODOLOGY

The present document is the **Progress Report on the Implementation of the 2023 National Action Plan for EU Integration**.

The goal of the progress report is to inform the stakeholders of the **activity implementation level**, defined by the government's plan **with regard to the fight against corruption and judicial reform components**. **The report covers a six-month period from January through June 2023.**

In order to develop the report, we have used information received from public institutions (the Office of the Prosecutor General,<sup>8</sup> the State Security Service,<sup>9</sup> the Supreme Court, and the High Council of Justice<sup>10</sup>) on the basis of public information requests in addition to the data available on open sources. We also sent a public information request on the progress of implementation of the activities provided for by the Action Plan to the High School of Justice, although the agency left the request unanswered. Accordingly, in the present report, the progress regarding the activities assigned to the High School of Justice has been evaluated on the basis of information published on the agency's official website.

The **Status** assigned to the activities in the framework of the monitoring reflects the level of their implementation. In particular, the status evaluates the implementation of the activity content-wise – the degree to which a planned activity was implemented in relation to the indicator determined by the Action Plan.

| Implementation of activities has been evaluated with the following criteria: |                                                                     |
|------------------------------------------------------------------------------|---------------------------------------------------------------------|
| <b>Implemented</b>                                                           | The output indicator was fulfilled by 100%                          |
| <b>Partially Implemented</b>                                                 | The output indicator was fulfilled by at least 50%                  |
| <b>Not Implemented</b>                                                       | The progress of fulfilment of the output indicator is less than 50% |

Activities for which the responsible agency has not provided updates, and where relevant information is not accessible through open sources, have been designated as *"Not Implemented"* in the report.

For instance, the High Council of Justice's letter<sup>11</sup> conveyed details solely about activities for which progress had been undertaken during the reporting period. It omitted to provide information on activities that showed no progress. Accordingly, these activities were designated as *"Not Implemented"*.

6 The Procedure of Development, Monitoring, and Assessment of Policy Documents, Ordinance of the Government of Georgia No. 629, December 20, 2019, accessible [here](#).

7 The Shadow Action Plan developed with the involvement of representatives of non-governmental organizations and academia working on the issues of corruption and judicial reform, accessible [here](#).

8 Letter sent by Transparency International Georgia to the Office of the Prosecutor General, accessible [here](#).

9 Letter sent by Transparency International Georgia to the State Security Service, accessible [here](#).

10 Letters sent by Transparency International Georgia to the Supreme Court, the High Council of Justice, and the High School of Justice, accessible [here](#).

11 Letter of the High Council of Justice No. 940/2359-03, September 11, 2023, accessible [here](#).

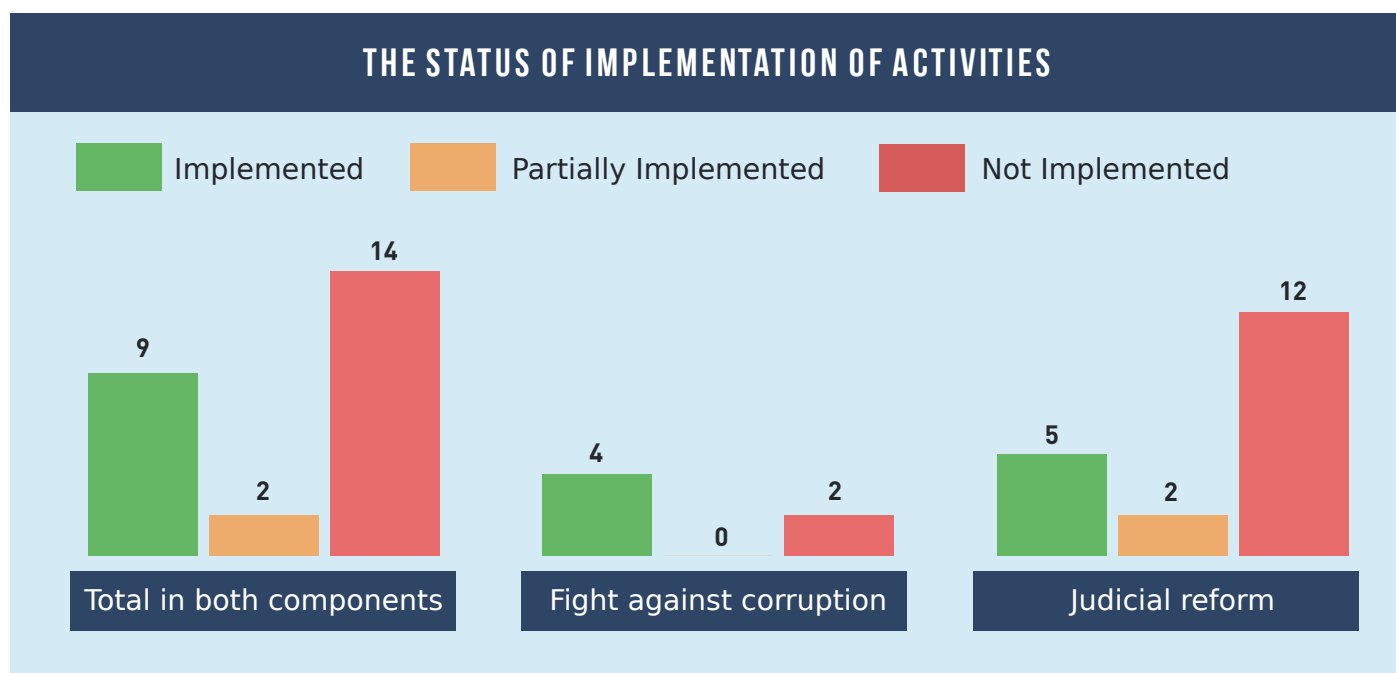
As for the activities of LEPL High School of Justice, the agency left the FOI request<sup>12</sup> unanswered, and consequently, the report provides information obtained by means of open sources. In the case of 3 of the 6 activities, information on progress turned out to be available on the agency’s official website and in a report published by the Ministry of Foreign Affairs;<sup>13</sup> accordingly, 3 activities of the School were considered as “*Implemented*”. In the cases when information on progress did not turn out to be publicly available, including in the report published by the Ministry of Foreign Affairs, the status of “*Not Implemented*” was assigned.

In addition, if an activity implied “conduct information meetings”, while the only indicator was “the number of meetings conducted”, the status of “*Implemented*” was assigned, even if only a single meeting took place.

## GENERAL PROGRESS

The monitoring report has evaluated the level of implementation of 25 activities in total, specifically:

- **In the Component of the Fight against Corruption**, the report evaluated the level of implementation of 6 activities, from which 4 were implemented and 2 were not implemented.
- **In the Component of the Judicial Reform**, the report evaluated 19 activities, from which 5 were implemented, 2 were partially implemented, and 12 were not implemented.



12 Letters sent by Transparency International Georgia to the Supreme Court, the High Council of Justice, and the High School of Justice, accessible [here](#).

13 Report on the Implementation of the 2023 National Action Plan for Georgia’s EU Integration (Six Months), the Ministry of Foreign Affairs of Georgia, 2023, p. 20, accessible [here](#).

### The status of implementation of activities according to responsible agencies:

| Responsible agency           | Total activities | Implemented | Partially Implemented | Not Implemented |
|------------------------------|------------------|-------------|-----------------------|-----------------|
| Office of Prosecutor General | 1                | 1           | -                     | -               |
| State Security Service       | 3                | 3           | -                     | -               |
| Government Administration    | 2                | -           | -                     | 2               |
| High Council of Justice      | 10               | -           | 1                     | 9               |
| Supreme Court                | 3                | 2           | 1                     | -               |
| LEPL High School of Justice  | 6                | 3           | -                     | 3               |

During the reporting period, the least progress among the responsible agencies was made by the High Council of Justice, 90% of whose activities (9 activities) were not implemented. The highest rate of progress was achieved by the State Security Service, which implemented all of the 3 envisaged activities. However, it should be noted that the activities envisaged by the plan and subsequent output indicators were excessively simple. Unfortunately, none of the 3 activities defined by the State Security Service offer a tangible reform in the fight against corruption. For example, the activities are related to the continuation of cooperation with international partners and the enhancement of employees' qualifications. In addition, the indicator determined for these activities is quite weak and fails to meet the so-called SMART criteria.<sup>14</sup> Moreover, the SSSG activities are considered to be fully implemented when at least 1 sub-activity was fulfilled.

## 1. FIGHT AGAINST CORRUPTION

In the 2023 Action Plan for EU Integration, the Component of the Fight against Corruption<sup>15</sup> was limited to only several activities, which, as noted above, **bypassed the most important priorities set out in the Association Agenda**.

The 2023 Action Plan approved by the Commission on EU Integration provides for the following activities:

- Continuation of cooperation at the international level on the issues of prevention of corruption and the fight against it;
- Professional development of employees of the Anti-Corruption Agency (Department);
- Holding information meetings at state and local self-government bodies with the aim of raising awareness;
- Retraining of prosecutors and investigators of the prosecutor's office on issues of investigation and criminal prosecution of corruption crimes;
- Approval and starting the implementation of the Strategy for the Public Administration Reform (PAR) and the corresponding action plan;

<sup>14</sup> SMART: Specific, Measurable, Achievable, Relevant, Time-bound.

<sup>15</sup> The Component of the Fight against Corruption evaluates only those activities that are/should be in line with the priorities of Sub-Section 1.2 (Anti-corruption, fight against fraud, public administrative reform and public service) of Section 1 of the Association Agenda (Democracy, Human Rights and Good Governance). Accordingly, the report does not evaluate the activities defined under the sub-section on the fight against public procurement and money laundering.

- Approval and starting the implementation of a new Nation OGP Action Plan (Open Government Partnership).

|                            |                                                                                                                                                                                                          |                                 |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>Activity:</b>           | <b>Continuation of bilateral and multilateral cooperation on the issues of prevention of corruption and fight against it with relevant agencies of partner countries and international organizations</b> | <b>Status of implementation</b> |
| <b>Indicator:</b>          | The topics and number of events held; the number of prepared and initiated agreements                                                                                                                    | <b>Implemented</b>              |
| <b>Responsible agency:</b> | <b>State Security Service of Georgia</b>                                                                                                                                                                 |                                 |

According to the information provided by the State Security Service of Georgia (SSSG),<sup>16</sup> during the reporting period, their employees took part in 8 events, including the 10th annual international conference „Women in Policing” held in Tbilisi; a meeting of the sub-task force on the fight against corruption and money laundering in the framework of the GUAM; and the first meeting of the regional, Black Sea region, the inter-agency anti-corruption task force held at the International Law Enforcement Academy (ILEA). Under this activity, the agency has also indicated two meetings between representatives of the Anti-Corruption Agency and the U.S. Embassy on the issue of the fight against corruption.

According to the agency, a memorandum of understanding on cooperation has been drafted, and negotiations are underway with one partner state.

|                            |                                                                                                                       |                                 |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>Activity:</b>           | <b>Professional development of employees of the Anti-Corruption Agency (Department) of the State Security Service</b> | <b>Status of implementation</b> |
| <b>Indicator:</b>          | The topics and number of events held; the number of retrained employees                                               | <b>Implemented</b>              |
| <b>Responsible agency:</b> | <b>State Security Service of Georgia</b>                                                                              |                                 |

According to the agency,<sup>17</sup> during the reporting period, more than 20 employees of the Anti-Corruption Agency of the State Security Service took part in 10 various events (trainings, courses, seminars):

- An event organized by the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA) and the United Nations Office on Drugs and Crime (UNODC) that was held in the City of Tbilisi – “Risks, investigations and oversight related to cryptocurrency”;
- The course “Managerial Skills of a Public Servant” organized by LEPL Defence Institution Building School;
- Training programs of the Training Center of the SSSG on the following topics: conflict of interest and corruption in the public service; the main aspects of public procurements, the risks and characteristics of their identification; secret proceedings and protection of state secrets;
- Two courses of the orientation program organized by the Training Center of the SSSG.
- Meetings held by the Special Investigation Service in the regions (the cities of Gori, Borjomi, and Rustavi) regarding the activity report of the Service, its plans for the future, and existing challenges.

<sup>16</sup> See full information provided by the State Security Service [here](#).

<sup>17</sup> Ibid.

|                            |                                                                                                                                                      |                                 |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>Activity:</b>           | Holding information meetings at state and local self-government bodies to raise awareness of corruption crimes with the aim of preventing corruption | <b>Status of implementation</b> |
| <b>Indicator:</b>          | The number of meetings held                                                                                                                          | <b>Implemented</b>              |
| <b>Responsible agency:</b> | State Security Service of Georgia                                                                                                                    |                                 |

In the framework of the joint program of the EU and the Council of Europe “Partnership for Good Governance (PGG III)”, two information meetings were held on the issues of the fight against corruption, and 77 employees of the local self-government bodies in the Kvemo Kartli and Mtskheta-Mtianeti regions received training.<sup>18</sup>

|                            |                                                                                                                                                 |                                 |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>Activity:</b>           | Retraining of prosecutors and investigators of the Prosecutor’s Office on issues of investigation and criminal prosecution of corruption crimes | <b>Status of implementation</b> |
| <b>Indicator:</b>          | At least 1 training activity held; the number of retrained persons                                                                              | <b>Implemented</b>              |
| <b>Responsible agency:</b> | Office of the Prosecutor General of Georgia                                                                                                     |                                 |

According to the information provided by the Office of the Prosecutor General of Georgia,<sup>19</sup> 5 training activities were carried out during the reporting period with the aim of retraining prosecutors and investigators of the Prosecutor’s Office on the issues of investigation and criminal prosecution of corruption crimes – 11 prosecutors and 2 investigators of the Prosecutor’s Office were retrained as part of the activities.

|                            |                                                                                                                                                     |                                 |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>Activity:</b>           | Approval and starting the implementation of the Strategy for the Public Administration Reform (PAR) for 2023-2026 and the Action Plan for 2023-2024 | <b>Status of implementation</b> |
| <b>Indicator:</b>          | Monitoring report published on the website of the Government of Georgia                                                                             | <b>Not Implemented</b>          |
| <b>Responsible agency:</b> | Administration of the Government of Georgia                                                                                                         |                                 |

The Government of Georgia approved the Strategy for the Public Administration Reform for 2023-2026 and the Action Plan for the Public Administration Reform for 2023-2024 on February 16.<sup>20</sup> However, the Secretariat of the Public Administration Reform has not prepared the monitoring report (for six months); accordingly, the output indicator is not implemented.

<sup>18</sup> Ibid.

<sup>19</sup> See full information provided by the Office of the Prosecutor General [here](#).

<sup>20</sup> Ordinance of the Government of Georgia No. 66 on Approval of the Strategy for the Public Administration Reform for 2023-2026 and the Action Plan for the Public Administration Reform for 2023-2024, February 16, 2023, accessible [here](#).

|                            |                                                                                                  |                                 |
|----------------------------|--------------------------------------------------------------------------------------------------|---------------------------------|
| <b>Activity:</b>           | Approval and starting the implementation of the Georgia's National OGP Action Plan for 2023-2024 | <b>Status of implementation</b> |
| <b>Indicator:</b>          | Monitoring report published on the website of Open Government Georgia                            | <b>Not Implemented</b>          |
| <b>Responsible agency:</b> | <b>Administration of the Government of Georgia</b>                                               |                                 |

Pursuant to the OGP Participation and Co-Creation Standards,<sup>21</sup> Georgia has acted contrary to the OGP process for two consecutive<sup>22</sup> action plan cycles, failing to deliver its National Action since 2019.

Furthermore, due to the gross violation of the basic values and principles of the OGP by the Government of Georgia, the Open Government Interagency Coordination Council/Forum member CSOs urged the OGP Steering Committee to start the Response Policy procedures.<sup>23</sup>

## 2. JUDICIAL REFORM

The activities provided for by the **2023 Action Plan for EU Integration in the field of judicial reform** aim to implement **superficial changes** and **bypass the main challenges in the judicial system**. However, the Action Plan includes such important issues as:

- Updating of the procedure of electronic distribution of cases,
- Introduction of the Electronic Program of Disciplinary Proceedings against Judges,
- Creation of social safeguards and ensuring just compensation for judges.

|                            |                                                                                                                                                                                                                                           |                                 |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>Activity:</b>           | <b>Preparation of studies on the compliance of national case law with international standards of human rights; translation of judgments of the European Court of Human Rights and preparation of publications on the latest case law.</b> | <b>Status of implementation</b> |
| <b>Indicator:</b>          | Statistical data on studies, publications and translated judgments and their availability on the website of the Supreme Court                                                                                                             | <b>Implemented</b>              |
| <b>Responsible agency:</b> | <b>Supreme Court of Georgia</b>                                                                                                                                                                                                           |                                 |

During the reporting period, the Supreme Court of Georgia prepared and published a study on the topic of "Administrative Law Mechanisms for Combating Violence against Women and Domestic Violence (Protection Orders)". The study analyses the national case law in terms of compliance with international standards.<sup>24</sup> The latest manual of the European Court of Human Rights (ECHR) on social rights was translated.<sup>25</sup> The Court also translated judgments of the ECHR delivered in 45 cases, with the aim of posting them on the Georgian-language version of the electronic database of the judgments of the Strasbourg Court (HUDOC).<sup>26</sup>

21 OGP Participation and Co-Creation Standards, approved by the OGP Steering Committee on 24 November 2021, accessible [here](#).

22 Georgia Under Review Letter, Open Government Partnership, accessible [here](#).

23 Georgia: Letter of Concern, April 13, 2023, accessible [here](#).

24 Administrative Law Mechanisms for Combating Violence against Women and Domestic Violence (Protection Orders), Research and Analysis Centre of the Supreme Court of Georgia, 2023, accessible [here](#).

25 The Guiding Principles on the Social Rights of the European Convention on Human Rights, accessible [here](#).

26 Letter of the Supreme Court of Georgia, July 31, 2023, accessible [here](#).

|                            |                                                                                                                                                                                                                                                                |                                 |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>Activity:</b>           | <b>Updating the forms and instructions for collecting statistical data in compliance with international standards (in accordance with obligations imposed by the European Commission for the Efficiency of Justice (CEPEJ) and other international bodies)</b> | <b>Status of implementation</b> |
| <b>Indicator:</b>          | A new method of collecting statistical data introduced                                                                                                                                                                                                         | <b>Partially Implemented</b>    |
| <b>Responsible agency:</b> | <b>Supreme Court of Georgia</b>                                                                                                                                                                                                                                |                                 |

In parallel with updating statistical reporting forms in 2023, in the framework of a joint project of the EU and the Council of Europe,<sup>27</sup> with the involvement of the CEPEJ experts a 2-year CEPEJ cycle of assessment was conducted, illustrating the data on Georgia's key trends, analyzing the indicators of the effectiveness of the judicial system. With the direct involvement of the court managers, the main indicators of the CEPEJ were calculated, analyzed, and discussed their importance for the evaluation of judicial activities.

In the framework of a project of the Council of Europe,<sup>28</sup> a joint report of the Ministry of Internal Affairs, the Prosecutor's Office and the Supreme Court for 2022<sup>29</sup> was published on the website of the National Statistics Office on the basis of the Memorandum of Cooperation on the Production of Statistics on Crimes Committed on the Grounds of Intolerance with Discrimination Basis and on the Publication of a Joint Report.

According to the agency, as part of the project above, work continued in the area of analysis of data in 2023, with the involvement of the judicial system. In particular, during the reporting period, 2 trainings were held for the assistants of judges of the courts of first instance and employees of the National Statistics Office. Throughout the training, emphasis was placed on adhering to European standards for justifying court decisions in civil, administrative, and criminal cases, while also addressing the significance of statistics in fulfilling international commitments.

|                            |                                                                                                                                                                                                                                                                                                                                 |                                 |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>Activity:</b>           | <b>Improvement of the knowledge and skills of judges and judicial servants of the Supreme Court, considering the specific nature of the Court's chambers, according to the latest case-law of the European Court of Human Rights and the Court of Justice of the European Union on the international human rights standards</b> | <b>Status of implementation</b> |
| <b>Indicator:</b>          | Quantitative data on training and judges and assistants that participated in them                                                                                                                                                                                                                                               | <b>Implemented</b>              |
| <b>Responsible agency:</b> | <b>Supreme Court of Georgia</b>                                                                                                                                                                                                                                                                                                 |                                 |

According to the agency, in the reporting period the following trainings/seminars were held in the areas of civil, administrative and criminal law:

- "About online sexual exploitation and violence against children" - with the involvement of employees of the Supreme Court of Georgia in the framework of a project of the Council of Europe;<sup>30</sup>

27 Component of "Enhancing the accountability and the efficiency of the judicial system and the professionalism of lawyers" in Georgia of the joint project of the EU and the Council of Europe "Implementation of judicial reforms".

28 Council of Europe project "Promoting the Effective Protection of Equality and Non-Discrimination in Georgia".

29 Joint report on the Crimes Committed on the Grounds of Intolerance with Discrimination Basis, the Ministry of Internal Affairs of Georgia, Prosecutor's Office of Georgia, and Supreme Court of Georgia, accessible [here](#).

30 Council of Europe project "Ensuring child-friendly justice in Georgia: Preventing and protecting children from sexual violence, including in the digital environment".

- “Protection of consumer rights – challenges and international experience” - with the support of the EU Twinning project and in cooperation with the Competition Agency of Georgia for the assistants to judges;
- “Relevant issues of administrative law from the perspective European law”, with the support of the German Fund for International Legal Cooperation (IRZ) and the participation of the German expert Wolfgang Sievert for judges at the Supreme Court of Georgia.

|                            |                                                                                                   |                                 |
|----------------------------|---------------------------------------------------------------------------------------------------|---------------------------------|
| <b>Activity:</b>           | Development and introduction of the Electronic Program of Disciplinary Proceedings against Judges | <b>Status of implementation</b> |
| <b>Indicator:</b>          | Orderly functioning of the Electronic Program of Disciplinary Proceedings against Judges          | <b>Not Implemented</b>          |
| <b>Responsible agency:</b> | <b>High Council of Justice of Georgia</b>                                                         |                                 |

No progress was made.

|                            |                                                                                                          |                                 |
|----------------------------|----------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>Activity:</b>           | <b>Integration of the document flow e-system with other public institutions</b>                          | <b>Status of implementation</b> |
| <b>Indicator:</b>          | Date received and used in at least 3 courts as a result of the integration of the document flow e-system | <b>Not Implemented</b>          |
| <b>Responsible agency:</b> | <b>High Council of Justice of Georgia</b>                                                                |                                 |

According to the information provided by the Council, work is still underway on writing the Electronic Program.<sup>31</sup>

|                            |                                                                                                                    |                                 |
|----------------------------|--------------------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>Activity:</b>           | <b>Approval of the Information and Technological Development Strategy and Action Plan</b>                          | <b>Status of implementation</b> |
| <b>Indicator:</b>          | Approved Strategy and Action Plan with the aim of information and technological development of the judicial system | <b>Not Implemented</b>          |
| <b>Responsible agency:</b> | <b>High Council of Justice of Georgia</b>                                                                          |                                 |

With the support of donor organizations, a task force was set up and staffed with chairpersons of courts, court managers, heads of secretariats of panels, the head of the Department of the Court Management of the High Council of Justice, and invited experts in relevant fields. The invited experts prepared the Information and Technological Development Strategy and a corresponding 3-year Action Plan. During the reporting period, the Strategy and the corresponding Action Plan were not approved.

<sup>31</sup> Letter of the High Council of Justice No. 940/2359-03, September 11, 2023, accessible [here](#).

|                            |                                                                                                                                                                                                                                                        |                                 |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>Activity:</b>           | <b>Updating the Rules of Procedure of the High Council of Justice in accordance with legislative changes adopted as part of the “Fourth Wave” of the judicial reform in connection with the procedures of operation of the High Council of Justice</b> | <b>Status of implementation</b> |
| <b>Indicator:</b>          | Decision taken by the High Council of Justice on making changes to the Rules of Procedure of the High Council of Justice                                                                                                                               | <b>Not Implemented</b>          |
| <b>Responsible agency:</b> | <b>High Council of Justice of Georgia</b>                                                                                                                                                                                                              |                                 |

No progress was made.

|                            |                                                                 |                                 |
|----------------------------|-----------------------------------------------------------------|---------------------------------|
| <b>Activity:</b>           | <b>Updating the procedure of proceedings in common courts</b>   | <b>Status of implementation</b> |
| <b>Indicator:</b>          | Updated and approved procedure of proceedings in commons courts | <b>Not Implemented</b>          |
| <b>Responsible agency:</b> | <b>High Council of Justice of Georgia</b>                       |                                 |

A task force composed of members of the High Council of Justice, court managers, and judicial servants was set up. An updated procedure was not approved during the reporting period. Work is still underway on the development of the draft procedure of the organizational work and proceedings of common courts.

|                            |                                                                                                                                                        |                                 |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>Activity:</b>           | <b>Preparation of a legislative proposal with the aim of ensuring just compensation of judges of common courts and submitting it to the Parliament</b> | <b>Status of implementation</b> |
| <b>Indicator:</b>          | A legislative proposal on ensuring just compensation of judges of common courts submitted to the Parliament                                            | <b>Not Implemented</b>          |
| <b>Responsible agency:</b> | <b>High Council of Justice of Georgia</b>                                                                                                              |                                 |

No progress was made.

|                            |                                                                                                                                                                                |                                 |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>Activity:</b>           | <b>Preparation of information on the general principles, rules and procedures of the activity of courts and its dissemination among the public</b>                             | <b>Status of implementation</b> |
| <b>Indicator:</b>          | Information on the general principles, rules and procedures of the activity of courts disseminated in the territory within the jurisdiction of at least 3 city/district courts | <b>Not Implemented</b>          |
| <b>Responsible agency:</b> | <b>High Council of Justice of Georgia</b>                                                                                                                                      |                                 |

No progress was made.

|                            |                                                                                                                |                                 |
|----------------------------|----------------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>Activity:</b>           | <b>Holding information meetings with the aim of raising public awareness of disciplinary proceedings</b>       | <b>Status of implementation</b> |
| <b>Indicator:</b>          | At least 5 information meetings were held with the aim of raising public awareness of disciplinary proceedings | <b>Not Implemented</b>          |
| <b>Responsible agency:</b> | <b>High Council of Justice of Georgia</b>                                                                      |                                 |

According to the Council, during the reporting period, the Independent Inspector only held 1 public lecture for students of the Caucasus University. The lecture dealt with the system of disciplinary liability of judges and the powers of the Independent Inspector.

|                            |                                                                                                                            |                                 |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>Activity:</b>           | <b>Development of commentary on the updated rules of judicial ethics with the involvement of the Independent Inspector</b> | <b>Status of implementation</b> |
| <b>Indicator:</b>          | Commentary on the updated rules of ethics developed with the involvement of the Independent Inspector                      | <b>Partially Implemented</b>    |
| <b>Responsible agency:</b> | <b>High Council of Justice of Georgia</b>                                                                                  |                                 |

With the aim of developing commentary on the rules of judicial ethics, the High Council of Justice set up a task force composed of judges of the courts of all three instances.<sup>32</sup> According to the Council, the task force is at the final phase of development of the commentary on the rules of judicial ethics.

|                            |                                                                                 |                                 |
|----------------------------|---------------------------------------------------------------------------------|---------------------------------|
| <b>Activity:</b>           | <b>Raising public awareness of mediation</b>                                    | <b>Status of implementation</b> |
| <b>Indicator:</b>          | At least 3 events were conducted with the aim of raising awareness of mediation | <b>Not Implemented</b>          |
| <b>Responsible agency:</b> | <b>High Council of Justice of Georgia</b>                                       |                                 |

No progress was made.

|                            |                                                                                |                                 |
|----------------------------|--------------------------------------------------------------------------------|---------------------------------|
| <b>Activity:</b>           | <b>Conducting training for judges on refugee law</b>                           | <b>Status of implementation</b> |
| <b>Indicator:</b>          | Number of trainings held (at least 1) and statistical data on retrained judges | <b>Implemented</b>              |
| <b>Responsible agency:</b> | <b>LEPL High School of Justice</b>                                             |                                 |

<sup>32</sup> Decree of the High Council of Justice of March 24, 2023, on creating the task force, accessible [here](#).

According to information on the website of the High School of Justice, training on refugee law was held for judicial servants of the Tbilisi Court of Appeals and the Tbilisi City Court.<sup>33</sup> According to a report published by the Ministry of Foreign Affairs, 16 judges were also retrained on these issues.<sup>34</sup>

|                            |                                                                                                                                  |                                 |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>Activity:</b>           | <b>Conduct training for judges on the issues related to migration, including unlawful transfer of migrants across the border</b> | <b>Status of implementation</b> |
| <b>Indicator:</b>          | Number of trainings held (at least 1) and statistical data on retrained judges                                                   | <b>Not Implemented</b>          |
| <b>Responsible agency:</b> | <b>LEPL High School of Justice</b>                                                                                               |                                 |

According to information on the website of the High School of Justice, training on the issues related to migration, including unlawful transfer of migrants across the border, was held for judicial servants of the Tbilisi Court of Appeals and the District Court of Bolnisi.<sup>35</sup> The website does not contain information on training held for judges.

|                            |                                                                                                                                                                                                                                                                     |                                 |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>Activity:</b>           | <b>Holding a training on discrimination, including discrimination and harassment at the workplace, for judges and judicial servants in connection with the latest case-law of the European Court of Human Rights and the Court of Justice of the European Union</b> | <b>Status of implementation</b> |
| <b>Indicator:</b>          | Number of training organized (at least 1), statistical data on retrained judges and/or judicial servants                                                                                                                                                            | <b>Implemented</b>              |
| <b>Responsible agency:</b> | <b>LEPL High School of Justice</b>                                                                                                                                                                                                                                  |                                 |

According to information on the website of the High School of Justice, a 2-day training was held for judicial servants of the Tbilisi Court of Appeals and the Tbilisi City Court on “Prohibition of discrimination – internal legislation and international standards”.<sup>36</sup> A total of 22 judges were retrained on the issues of discrimination.<sup>37</sup>

|                            |                                                                                                                     |                                 |
|----------------------------|---------------------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>Activity:</b>           | <b>Conduct training for judges and judicial servants about judicial ethics and disciplinary liability of judges</b> | <b>Status of implementation</b> |
| <b>Indicator:</b>          | Number of training held (at least 1) and statistical data on retrained judges and judicial servants                 | <b>Implemented</b>              |
| <b>Responsible agency:</b> | <b>LEPL High School of Justice</b>                                                                                  |                                 |

According to publicly available data, on February 11 and 12, 2023, the High School of Justice held a training entitled “In-depth course on judicial ethics”, among whose participants were judges of the Tbilisi Appeals Court, the city courts of Tbilisi, Batumi, and Poti, and the district courts of Zugdidi, Ozurgeti, Gori, Bolnisi, and Telavi.<sup>38</sup>

33 Training on refugee law, LEPL High School of Justice, accessible [here](#).

34 Report on the Implementation of the 2023 National Action Plan for Georgia’s EU Integration (Six Months), the Ministry of Foreign Affairs of Georgia, 2023, p. 20, accessible [here](#).

35 Seminar on issues related to migration, LEPL High School of Justice, accessible [here](#).

36 Prohibition of discrimination – internal legislation and international standards, May 16, 2023, accessible [here](#).

37 Report on the Implementation of the 2023 National Action Plan for Georgia’s EU Integration (Six Months), the Ministry of Foreign Affairs of Georgia, 2023, p. 20, accessible [here](#).

38 In-depth course on judicial ethics, February 13, 2023, accessible [here](#).

|                     |                                                                                                 |                          |
|---------------------|-------------------------------------------------------------------------------------------------|--------------------------|
| Activity:           | Development of a distance learning course on intellectual property for judges – “DL for Judges” | Status of implementation |
| Indicator:          | The course is developed                                                                         | Not Implemented          |
| Responsible agency: | LEPL High School of Justice                                                                     |                          |

The High School of Justice didn't provide information on the progress of implementation of this activity. However, according to the information on the school's website, in December 2022, a meeting was held between representatives of Sakpatenti (National Intellectual Property Center) and the judicial corps where they discussed the prospects of cooperation in 2023 and activities to be carried out, including the development of specialized courses on intellectual property for judges.<sup>39</sup> In spite of this, as of writing this report, it is not known whether or not concrete steps were taken to carry out this activity.

|                     |                                                                                                                                         |                          |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| Activity:           | Conduct training on intellectual property rights for representatives of relevant governmental or executive agencies, judges and lawyers | Status of implementation |
| Indicator:          | At least 5 training/seminars/working meetings organized/held                                                                            | Not Implemented          |
| Responsible agency: | LEPL High School of Justice                                                                                                             |                          |

The High School of Justice didn't provide information on the progress of the implementation of this activity. The relevant information is not available in open sources either (including the official website of the agency).

## CONCLUSION

The implementation level of the activities of the **Action Plan for EU Integration** in both components - the fight against corruption and judicial reform is low – **64% of the activities have not been implemented** in the reporting period.

Despite the fact that the **Progress Report** does not evaluate the level of achievement of the objectives and goals, we believe it necessary to highlight several problems:

When developing an action plan, it is critical to determine activities that address to problems in the relevant area. The activities determined by the **2023 Action Plan for EU Integration** should proceed from the **Association Agenda** priorities/objectives and **be ultimately related to the fulfilment of obligations taken by the Association Agreement**.

Unfortunately, the plan proposed by the government fails to address the key requirement of the **Association Agenda** regarding the implementation of ambitious reforms in the fields of the judiciary and the fight against corruption.

Following the Association Agenda priorities, one of the main goals of the Action Plan should have been the **strengthening of both the preventative and eliminative means of the fight against corruption and putting them into full operation**. In particular, the development and implementation of the anti-corruption policy with the aim of preventing, identifying and eliminating *all forms* of corruption. The Action Plan does not provide for

<sup>39</sup> Information about the working meeting between representatives of Sakpatenti (National Intellectual Property Center) and the judicial corps on the website of the High School of Justice, accessible [here](#).

reforms necessary against the problem of high-level corruption, whereas more and more international documents, including those of the European Parliament,<sup>40</sup> the European Commission<sup>41</sup> and the Venice Commission,<sup>42</sup> points out the acuteness of this problem to the government. It is alarming that the Action Plan bypasses the existence of the newly established LEPL Anti-Corruption Bureau, the strengthening of its capacity, and its involvement in the component of prevention of corruption. Together with the strengthening the component of investigation and improvement of investigations into alleged cases of corruption, especially high-level corruption, the Action Plan should have prioritized the objective of improvement of the degree of integrity in the public sector – introduction of an effective system of prevention and elimination of corruption crimes, as well as ensuring the availability and proactive use of detailed enforcement statistics on corruption crimes.

The main challenges to the **judicial system** of Georgia still remain corporatism and informal influences.<sup>43</sup> In addition, the legislative changes made during the reporting period still have not touched the power concentrated in the hands of the High Council of Justice.<sup>44</sup> The authorities have once again refused to appoint independent and impartial non-judge members to the Council.<sup>45</sup>

In spite of the fact that the Action Plan covers important issues, such as the effective implementation of the Strategy of the Judicial System for 2017-2021 and its action plans in all aspects and the adoption of an ambitious strategy for judicial reform for the period after 2021 with broad, inclusive and partisan involvement, the activities provided for by the Action Plan, including the updating of the procedure of proceedings in common courts, ensuring just compensation of judges of common courts, preparation of information on the general principles, rules and procedures of the activity of courts and its dissemination among the public, cannot be considered the best means for the fulfilment of this objective.

According to the Association Agenda, it is necessary to strengthen and substantially reform the institutional set-up and practice of the High Council of Justice and other main institutions of the judiciary branch, with the aim of effectively enhancing the transparency, integrity, and accountability of the norms and decisions adopted by them, including the decisions on appointment, evaluation, promotion, transfer from a position, and disciplinary penalties. However, the activities planned for the fulfilment of this objective – *conducting information meetings with the aim of raising public awareness of disciplinary proceedings and development of commentary on the updated rules of ethics for judges* – cannot ensure the achievement of the priorities set.

**Finally, it should be said that even if all the proposed activities are fully implemented within the timeframes of the Action Plan, the critical problems in both components, the fight against corruption and the judicial system - are still going to remain unresolved.**

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40 European Parliament resolution of 14 December 2022 on the implementation of the EU Association Agreement with Georgia, accessible [here](#).

41 Communication from the Commission to the European Parliament, the European Council and the Council, Commission Opinion on Georgia's application for membership of the European Union, accessible [here](#).

42 Georgia: Final Opinion on the Draft Law "On De-Oligarchisation", Adopted by the Venice Commission at its 135<sup>th</sup> Plenary Session, Venice, June 9-10, 2023, accessible [here](#).

43 Venice Commission, CDL-AD(2023)006, Georgia – Follow-up Opinion to four previous opinions concerning the Organic Law on Common Courts ("the March 2023 Opinion"), par. 17.

44 Follow-Up Opinion to Previous Opinions Concerning the Organic Law on Common Courts, Venice Commission, Cdl-Ad(2023)033.

45 Ibid, p. 5.

