

The background features a complex, abstract design of overlapping, curved lines in various colors including teal, orange, yellow, and green. Some of these lines are filled with a fine, parallel hatching pattern. The lines intersect and overlap to create a sense of depth and movement. Two semi-transparent rectangular boxes are overlaid on the design: a light green one on the left containing the main title, and an orange one on the right containing the subtitle.

**HUMAN RIGHTS AND  
JUSTICE IN GEORGIA:  
PUBLIC PERCEPTIONS  
AND AWARENESS**

**FINAL STUDY  
REPORT**





The European Union  
for Georgia

Human Rights for All



*Empowered lives.  
Resilient nations.*

# HUMAN RIGHTS AND JUSTICE IN GEORGIA:

## PUBLIC PERCEPTIONS AND AWARENESS

# FINAL STUDY REPORT

Commissioned by the European Union (EU)  
and the United Nations Development Programme (UNDP)  
and conducted by ACT



**act**

February 2017

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# Introduction

The study was commissioned by the European Union (EU) and United Nations Development Programme (UNDP) under the Joint Projects “Human Rights for All” and “Enhancing Access to Justice and Development of a Child-friendly Justice System in Georgia”.

The study was carried out by the Georgian polling company ACT from September 2016 to February

2017. ACT worked on the survey methodology together with the client, developed survey instruments, conducted fieldwork and prepared this report.

This report consists of the following sections: Summary of the Survey, Key Findings, Survey Method and Survey Results.

## Summary of the Survey

Awareness on human rights contributes to the prevention of human rights violations and abuses by providing people with knowledge, skills and understanding, and developing their attitudes and behaviours to empower them to contribute to the building and promotion of a universal culture of human rights.

Therefore, the policies and programmes on human rights in the country should aim at promoting human rights awareness among right holders and duty bearers. Without the solid awareness on human rights among general public, it is impossible to ensure respect for human rights and observance of indivisibility of human rights. Recognizing the importance of evidence-based and informed policy planning programming, it was decided to conduct a country-wide survey “Human Rights and Access to Justice in Georgia: Public Perceptions and Awareness”. The survey is an efficient tool to find out how people understand or feel about their situations or environments.

The objectives of the survey were to assess the level of awareness and knowledge of human rights among respondents; to identify attitudes to and awareness of major institutions responsible for the protection of human rights, including the administration of justice and to determine the level of awareness and attitudes on personal data collection, maintenance, and publication and alternative dispute resolution mechanisms (mediation, arbitration).

The qualitative and quantitative survey was conducted in Georgia from September 2016 through February 2017. Part of the results set out in the report are also compared with the results of the survey of the same name conducted in 2012 for UNDP by Institute of Social Researches to show changes and trends in the perception of the human rights in Georgia. Due to different methodologies used, not all findings could be compared to 2012, 2000 interviews were conducted across Georgia and distributed pro rata to the population, while in 2016, the number

of interviews was 5000 and the quantities were adjusted in four regions to obtain a minimum number of respondents (300) in each region. It should be highlighted that the survey is not an actual assessment of human rights situation in Georgia (for which other institutions are mandated) but that the survey focuses alone on perceptions. However, perceptions serve as an indicator for such assessment, sometimes capturing violations experienced by the respondents, but mainly as an assessment of the effectiveness and enjoyment of a culture of respect for human rights in a country.

The survey results constitute baselines and measurable information on human rights and access to justice awareness and are offered to be used for different purposes and by different stakeholders: by government institutions to determine where current programs work and where they fall short, identify gaps between human-rights related goals and its actual policies;

by civil society organizations – to focus their work on issues that are most challenging for the society, including awareness on remedies available in case of human rights violations; by international organizations to shape their future programmes and projects in the field of human rights and access to justice; and by researchers in the field of human rights for informed and evidence based scientific research.

Thus, the survey results will be presented to all the aforementioned stakeholders as major users of the information obtained through survey.

The EU-UN joint initiatives on human rights and access to justice will use the survey results as the baseline for its further activities, focusing on, inter alia, increasing awareness on human rights among duty-bearers and rights holders, personal data protection, legal aid service and alternative dispute resolution mechanisms with the view to promote the human rights culture in Georgia.

# Chapter 1.

## Key Findings

## Information and Situation on Human Rights

- 64% of respondents say that human rights in Georgia are fully or more or less protected. Only 48% had the same opinion on the situation five years ago and 32% had this opinion 10 years ago.
- 50% think that information on human rights and protection mechanisms is not equally accessible for all, including for socially vulnerable persons, persons with disabilities, etc.
- The source of information on human rights and protection mechanisms is **TV (88%)**;
- Representatives of non-governmental organizations also believe that there are **trends of improvement** in the human rights situation;
- In the unequivocal opinion of those surveyed (27%), **labour rights are the most frequently violated rights** in Georgia. Tbilisi stands out for the most radical position on the issue (36%);
- The population is quite well-disposed to the Patrol Police, declaring higher confidence (67%) in this structure than in other institutions;
- 10% of respondents have heard of the National Human Rights Strategy for 2014-2020, while 9% say that they also know about the National Human Rights Action Plan.

The survey revealed that the society more focuses on social rights with labour rights to be the major concern for the society together with right to life and equality.

It is noteworthy that the results of survey are more or less the same in Tbilisi, other urban areas and rural areas. The major deviation was observed in relation to rights of women as it was named as an issue by 45% of population in Kakheti while the nation-wide only 26% of population is concerned with women's rights.

57% and 59% of population consider that rights of national and ethnic and religious minorities are violated. However, it was also revealed that national/ethnic and religious minorities tend to mention violation of their rights less than ethnic Georgians.

## Office of the Personal Data Protection Inspector

- Half of those surveyed fear that personal data in the nation is vulnerable to unauthorized or illegal collection, maintenance and publication (47-48%).
- Illegal collection, maintenance and publication of personal data publication by is mostly seen as a threat by law-enforcement (24%); finance sector (banking) (17%); Internet ( Facebook, online shopping, etc.) (12%) and telecommunications (10%).
- Two-thirds (65%) of the Georgian population desires that the State not permit any illegal collection, maintenance, or publication of personal data, **even for security considerations**.
- 18% of those surveyed have heard of the Office of the Personal Data Protection Inspector (PDPI).
- The main source of information about the Office of the Personal Data Protection Inspector is TV (84%).
- More than half of them (54%) positively evaluate efforts of the Office of the Personal Data Protection Inspector.

Even though personal data protection (PDP) was identified as part of human rights only recently, the awareness on PDP is quite high. It is noteworthy that the majority links personal data violations to state law-enforcement and ignores threats to personal data in private sector.

## Legal Aid Services

- Half of the respondents (52%) have heard that it is possible to access free legal aid;
- TV is the main source of information about Legal Aid Service (84%);
- Legal Aid Service (LAS) established by the State received positive scores, with average of 4.2 score on a 6-point scale by a variety of indicators;
- 2/3 respondents show a willingness to apply to this service when necessary and **expresses trust in the agency (65%)**.

Awareness on LAS has not changed since 2012 even though LAS permanently conducts information meetings, its mandate was extended and number of beneficiaries increased.

## Public Defender's Office

- 68% of those surveyed have heard of Public Defender's Office of Georgia;
- TV is the main source of information about Public Defender's Office (90%);
- 3/4 respondents who have heard of Public Defender's Office express trust in this institution (75%) and are willing to apply to it when necessary (73%).
- Among those who are aware of the Public Defender's Office (PDO), **40% are sure that the office does a lot to protect human rights**, though 33% think Public Defender's Office often fails to protect human rights.

PDO proved to be one of the most reliable institutions; awareness on PDO remains quite high, and this is throughout the last five years. However, 33% of population consider that PDO fails to protect human rights.

## Alternative Dispute Resolution (Mediation and Arbitration)

- The level of **awareness of mediation is low** – only 14% of the Georgian population have heard of it;
- 84% of them received information about mediation from the TV;
- Even after having been informed of the essence of mediation, 34% could not express any attitude toward it, while 57% have acquired a certain trust in it;
- As the survey showed, the interviewees considered that one of the disadvantages of mediation could be possible waste of time as parties might still need to go to court as not all mediation lead to an agreement (21%).
- 29% of those surveyed are aware of arbitration – more in Tbilisi (44%) than in other cities (27%) or in villages (20%);
- TV is the main source of information about arbitration (87%);
- After having been briefed on the specifics of arbitration, 38% of those surveyed were still unable to express any clear position on it, while 39% said that arbitration elicited their trust to some extent;
- The risk most often cited by respondents was the impossibility to appeal arbitral awards (18%).

Arbitration seems to be better known in the society than mediation, however, the levels of awareness are still low. The study revealed that population developed positive perceptions to mediation and arbitration after the interviewer explained their concept.

## Courts, Office of the Prosecutor

- Asked directly whether the overall **situation in the judiciary has improved**, **38%** of respondents answer positively, while only 10% think that the overall situation has deteriorated.
- 18 % of those surveyed fully trust in the courts, while 45% stated that they "more trust than do not trust courts".
- 9% of respondents in 2016 believe that decisions are made depending on the instructions that judges received from the government. The same parameter in 2012 accounted for 27%.
- 30% of those surveyed consider that there is always a **pressure on the court from the prosecuting authority**, and 39% of the respondents do not exclude that. Overall, only 8% of respondents believe that the situation in the Prosecutor's Office has worsened over the last five years. 35% and 37%, respectively, think that the situation has either improved or remained the same.
- The results of scoring the system of the Prosecutor's Office against different indicators (fairness, competence, investigation monitoring, etc.) are moderate, falling between 3.6 and 3.7 on a 6-point scale. Overall, those surveyed in different target groups clearly see the **positive institutional reforms**.

While the cases of violation of human rights by courts, as stated by respondents, decreased by 18%, the overall perception on courts has not improved; individuals hardly believe in impartiality of judicial decisions. It is noteworthy that population is supportive to jury trial. While the positive perceptions toward prosecution improved over the last five years, still it is named as one of those organizations that violates human rights most.

# Chapter 2.

## Survey Methodology

## 2.1 Objectives of the Survey

The goal of this survey was to study the awareness, knowledge and attitudes of the Georgian population in respect to human rights and access to justice.

The objectives of the survey were to:

- Assess the level of awareness and knowledge of human rights among respondents;
- Perceive and assess the human rights situation;
- Identify attitudes to major institutions responsible for the protection of human rights and administration of justice (the judiciary, the Office of the Prosecutor, the Ministry of Internal Affairs, Public Defender's Office);
- Determine the level of awareness and attitudes in regard to the perception of personal data collection, maintenance and publication;
- Identify the level of awareness and attitudes in regard to the Office of the Personal Data Protection Inspector and the free legal aid service established by the state;
- Raise awareness about alternative conflict resolution mechanisms and identify expectations for them (mediation, arbitration).

## 2.2 Survey Design

This survey employed both qualitative and quantitative survey methods.

A qualitative survey was conducted by using the focus group and in-depth interview methods. A quantitative survey used the face-to-face interview method.

In all, the survey held:

- 14 focus groups from the population;
- 29 in-depth interviews with four target groups: public sector, private business, NGOs and LGBT community representatives;<sup>1</sup>
- 5,000 face-to-face interviews with the adult population (18+) of the nation.

The graph below summarises the survey design, taking all components into account:

Graph 1. Review of Survey Components.

Survey on Awareness and Perceptions in the Field of the Protection of Human Rights and Access to Justice in Georgia			
	Quantitative Survey	Qualitative Survey	
Technique	Face-to-face interview	Focus group	In-depth interview
Target Group	Population (18+)	Population (18+), including those with experience in dealing with various law enforcement structures	Representatives of public agencies, private businesses, NGOs and the LGBT community
Sample Size	5,002 interviews	14 focus groups	29 in-depth interviews
Sampling Method	Two-stage cluster sampling	Target sampling	Target sampling
Survey Area	Georgia	Tbilisi, Kutaisi, Batumi, Zugdidi, Telavi, Gori, Akhaltsikhe	Tbilisi, Kutaisi, Gori
Duration of Interview	40-60 minutes	120-140 minutes	40-80 minutes

1. At the beginning, the client requested the involvement of LGBT community representatives in group discussions but in order for them to be able to express their views freely and make sure that the environment was as stress-free for them as possible, it was decided in agreement with the client to conduct in-depth interviews with LGBT persons.

## 2.3 Selection of Respondents

### Quantitative Survey

The survey employed two-stage cluster sampling by preliminary stratification. Stratification was done by region and by settlement type (city and village settlements). Eleven sub-strata were sampled by regional stratification type:

- Tbilisi
- Imereti
- Adjara
- Guria
- Samegrelo-Zemo Svaneti
- Kakheti
- Shida kartli
- Mtskheta-Mtianeti
- Racha-Lechkhumi and Lower Svaneti
- Kvemo Kartli
- Samtskhe-Javakheti

Two sub-strata were sampled by settlement type:

- City
- Village

The primary sampling unit within the stratum was a cluster (community). They were sampled pro rata to the number of households. The secondary sampling unit within a cluster was a household.

Ten households were interviewed in each primary sampling unit and one respondent was selected from each household. Households were sampled using the random wandering method by a preliminarily defined route and stepsize.

The final sampling unit was a family member over 18 years of age who was selected by the last birthday principle.

The sample size was 5,000 interviews. At the outset, they were distributed pro rata to the adult population of Georgia. In regions with a low population, the number of interviews was artificially increased to 300 so as to allow for the analysis of data in a regional profile.

Graph 2. Distribution of Interviews by Region.

Number of Interviews by Region	
Region	N
Tbilisi	1,270
Imereti	620
Kvemo Kartli	470
Samegrelo-Upper Svaneti	390
Adjara	380
Kakheti	370
Samtskhe-Javakheti	300
Guria	300
Mtskheta-Mtianeti	300
Racha-Lechkhumi and Lower Svaneti	300
Shida kartli	300
<b>Total</b>	<b>5,000<sup>2</sup></b>

To generalise the survey data, the weighting was based on the results of the general census of the population of Georgia in 2014.

The total sampling error across the country is 1.5% with a 95% reliability of the survey.

### Qualitative Survey

Fourteen focus groups were conducted as a part of the qualitative survey. Four discussions were held in Tbilisi, one focus group was held in Gori and in Zugdidi and 2 meetings arranged in each following locations - Batumi, Kutaisi, Telavi and Akhaltsikhe.

The composition of the focus groups was as follows:

- Each focus group involved 12 respondents;
- Group participants were sampled by demographic data, including gender, income and education;
- No group involved lawyers or those who have worked for the court, the Office of the Prosecutor, the police, the Army or the executive authority so as to rule out too much awareness of respondents on the topic and their influence on the other members of the group;

2. Instead of the 5,000 planned interviews, 5,002 interviews were conducted during the fieldwork. In Tbilisi, 1,271 interviews were conducted instead of 1,270 and 471 interviews - in Kvemo Kartli instead of 470. Accordingly, the charts show the N as 5,002 instead of 5,000.

- Each group involved 2-4 respondents with experience in dealing with the court or the Office of the Prosecutor;
- Where two focus groups were held, respondents were divided into two age categories – the 18-35 and 36-55 age groups;
- Where one focus group was held, it involved respondents aged 25-45;
- In Tbilisi, 2 group discussions were held with respondents falling within the 18-35 and 2 group discussions for the age group of 36-55.
- Representatives of public agencies (ministries, local self-government bodies);
- Representatives of private businesses dealing with personal data, arbitration and who may have also dealt with lawenforcement/ judicial authorities (banks, insurance, medical, construction, cellular communication companies);
- NGOs working in the field of human rights;
- LGBT community representatives.

Respondents for the in-depth interviews were selected through consultations with the client. Proceeding from the goals of the survey, the following target groups were selected:

The graph below shows the distribution of the participants of the qualitative survey by target segments.

**Graph 3.** Target Groups Participating in the Qualitative Survey.

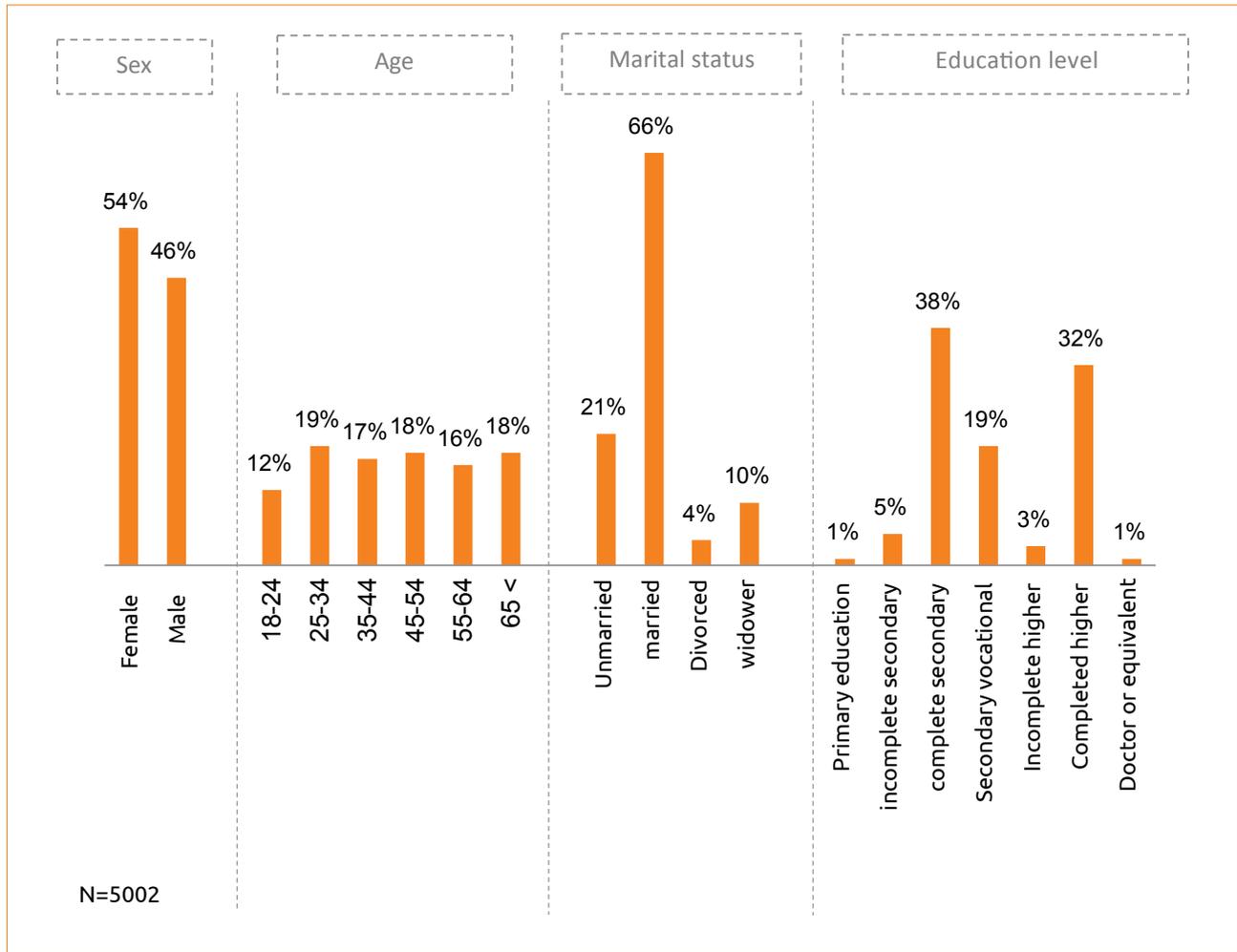
Target Groups			
Public Agencies	Private Companies	NGOs	LGBT Community Representatives
Kutaisi Local Self-government Body (2)	Banking sector (2)	Human Rights Education and Monitoring Centre (1)	LGBT community representatives aged 18-30 (5)
Telavi Local Self-government Body (2)	Insurance sector (2)	Partnership for Human Rights (1)	
Gori Local Self-government Body (2)	Medical sector (2)	Transparency International - Georgia (1)	
Ministry of Labour, Health and Social Affairs of Georgia (1)	Cellular communication sector(2)	Institute for Development of Freedom of Information (1)	
Office of the Chief Prosecutor of Georgia (1)	Construction sector (1)	Georgian Young Lawyers' Association (2)	
High Council of Justice of Georgia (1)			
9 interviews	8 interviews	6 interviews	5 interviews

## 2.4 Demography of Respondents

Women were 54% and men were 46% of the respondents surveyed. They are equally represented in different age groups. Two-thirds

of the respondents are married (66%) and 21% are single. The rest are widows and those divorced/separated. One out of three respondents have higher education (32%) and those with secondary education make up 38% of the respondents. 19% of the respondents said that they received vocational education.

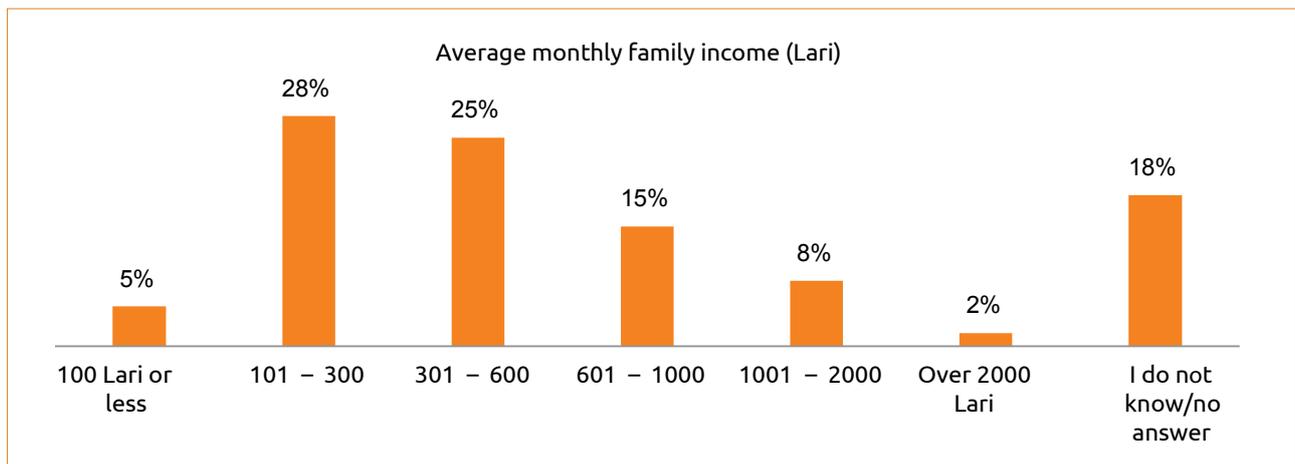
**Graph 4.** Respondents' Socio-Demographic Characteristics (1).



The highest number of those surveyed state that they are unemployed (36%). 27% are employed, including 12% in the private/business sector, 9% in the public sector and 6% is self-employed. Pensioners account for 16% of those surveyed. More than half of those surveyed (53%) say that their monthly family income ranges from GEL

100 to 600. The income of 15% of the families surveyed ranges from GEL 601 to 1,000 and only 8% earns a monthly family income between GEL 1,001 to 2,000. The number of families earning a monthly income of either less than GEL 100 or more than GEL 2,000 is low and does not exceed 7%.

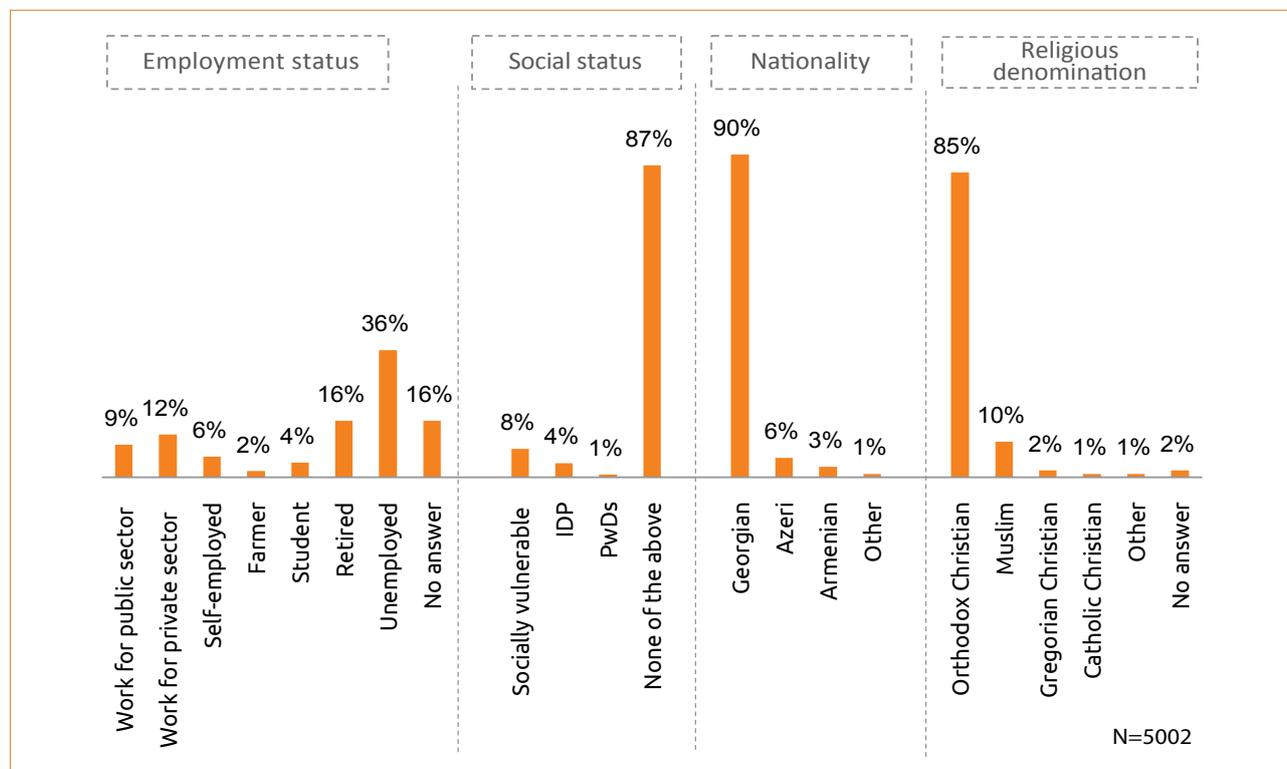
**Graph 5.** Average Monthly Income of Families Surveyed.



8% of respondents say that they come from families having a socially vulnerable status. 4% are internally displaced individuals and 1% are people with disabilities.

90% of those surveyed are Georgians. Ethnic Azeris (9%) and ethnic Armenians (3%) make up the largest number of ethnic minorities. 85% of respondents are Orthodox Christians. Muslims make up the second largest group (10%).

**Graph 6.** Respondents' Socio-Demographic Characteristics (2).



## 2.5 Field Work and Data Reporting

Focus groups with the population were conducted in October 2016. Based on the information gathered from the discussions, a questionnaire was prepared for a qualitative survey and guidelines were formulated for in-depth interviews.

The fieldwork under the qualitative survey was carried out in November and December 2016 and the in-depth interviews with different target groups were carried out in December 2016 and January 2017.

Qualitative survey data were processed in the Statistical Package for the Social Sciences (SPSS 20.0). Transcripts of the in-depth interviews with different target groups were also prepared and used to interpret the information collected independently as well as within the qualitative survey.

The survey data were analysed by the aggregate and also by the different (City/Village, Age, Gender) categories defined by the client.

At the request of the client, the information gleaned from the survey was compared, as much as possible, with the information collected from a similar survey conducted in 2012 by the Institute of Social Studies for UNDP<sup>3</sup>. On one hand, this comparison was made difficult by the differences between questions and, on the other hand, the two different designs of the surveys. In 2012, 2,000 interviews were conducted across Georgia and distributed pro rata to the population. In 2016, 5,000 interviews were conducted with the quantities adjusted in four regions to obtain a minimum number of respondents (300) in each region. At the same time, the report of the survey conducted for UNDP in 2012, not the survey database, was used for comparison. Consequently, the data of the above two surveys are compared on the level of trends but without indicating the statistical reliability of the difference between them.

3. Further the survey is referred as 2012 survey.

# Chapter 3.

## Results of the Survey

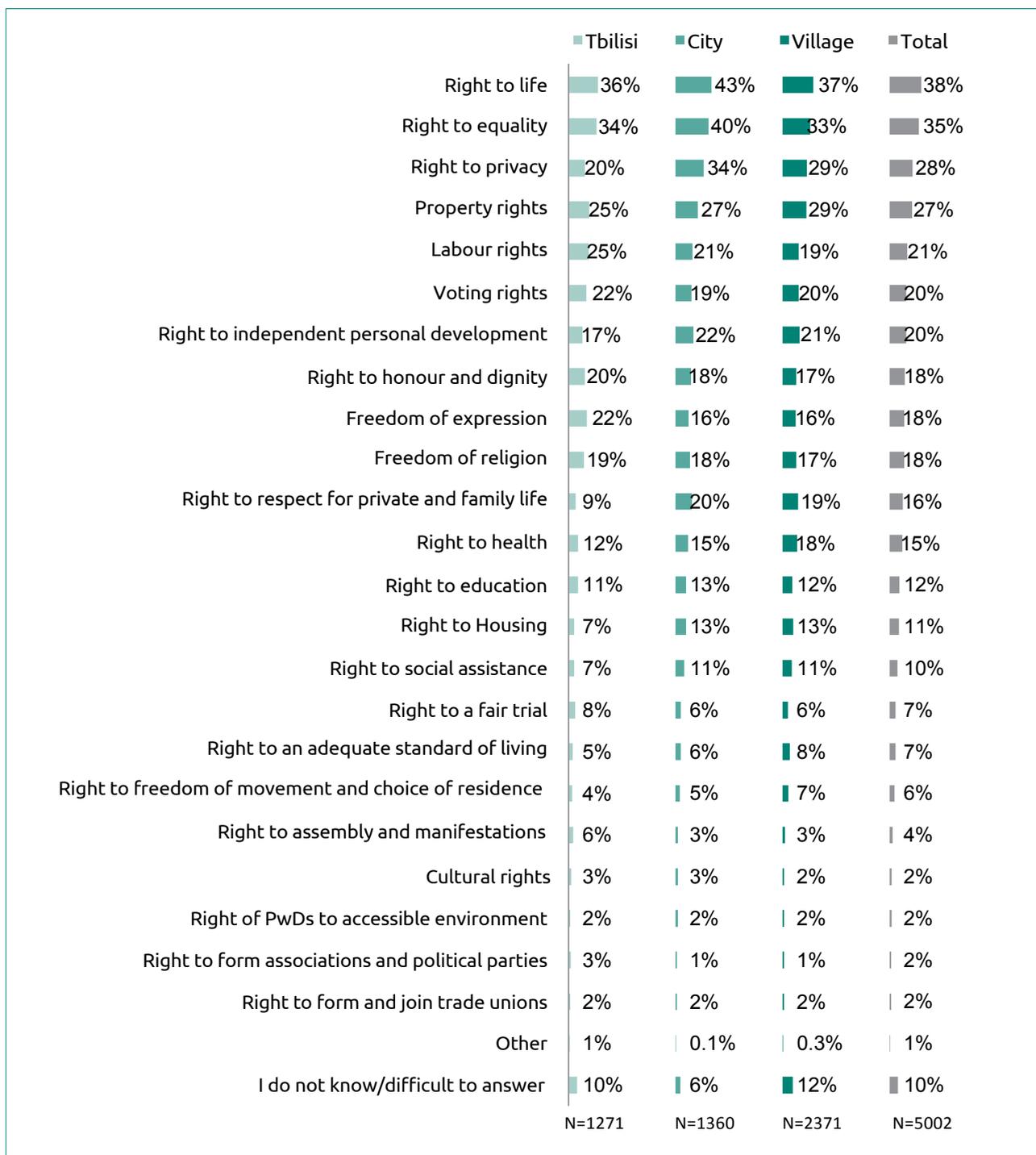
### 3.1 Information on Human Rights

The absolute majority of respondents have heard of particular human rights. Only one out of ten respondents (10%) said that he/she finds it difficult to speak about particular human rights while the rest named at least one such right.

The survey shows that when speaking about human rights, the right to life (38%) and the

right to equality (35%) are the first to go through the respondents' minds and, in this respect, the picture is similar nationwide – in Tbilisi as well as in other cities and villages. Respondents also often mentioned privacy (28%) and property (27%) rights while one out of five respondents have also heard of labour (21%), voting (20%) and free development (20%) rights. Compared to other groups, the indicator of naming various rights in the age groups surveyed is lowest among respondents greater than 65 years old.

Graph 1. Which human rights are you aware of?

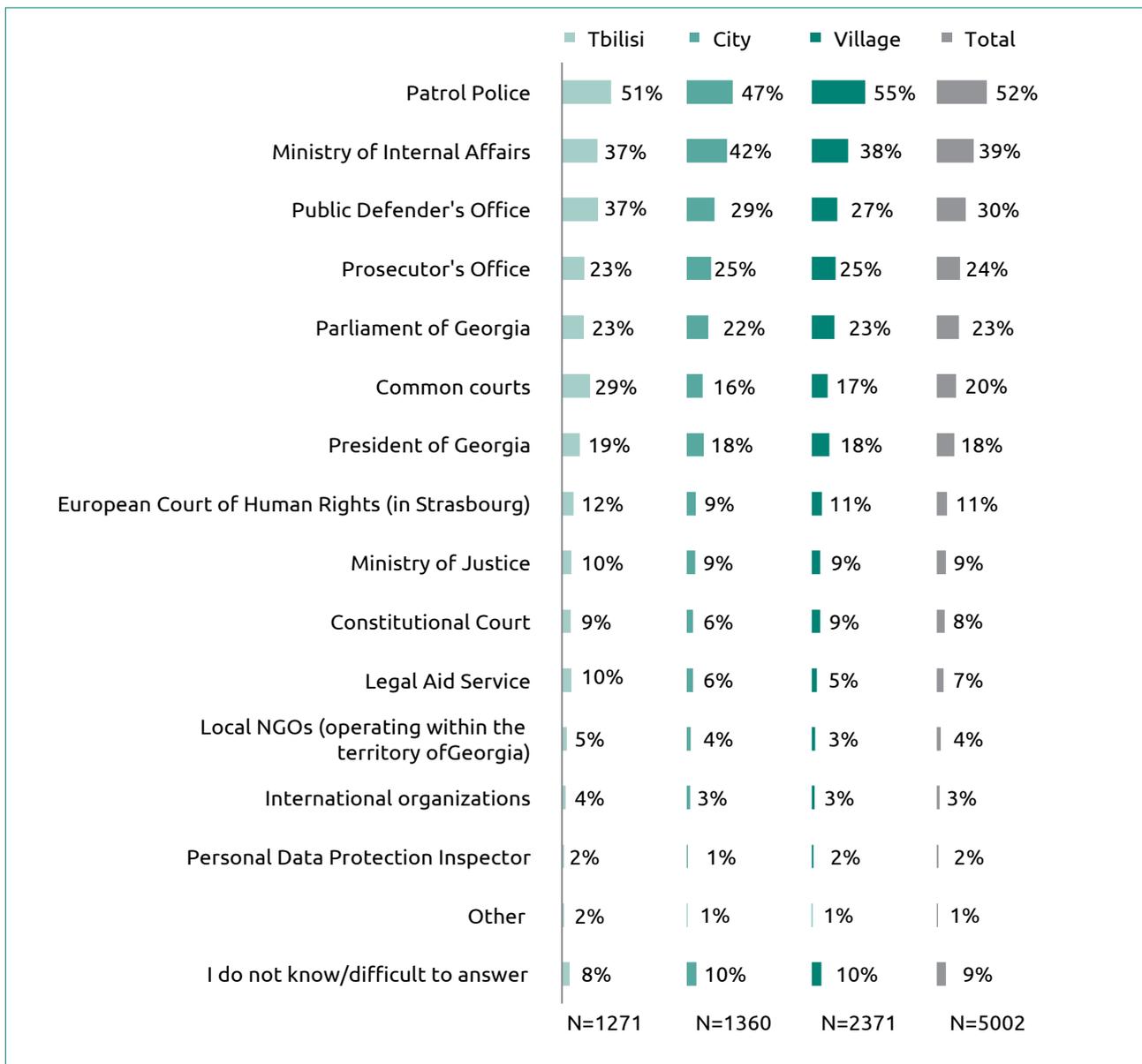


A comparison of the results of this survey with those of the 2012 survey shows that the right to life went through the minds of most respondents in that survey, too, with 40% of its respondents indicating that right. Additionally, 37% of the respondents of the 2012 survey mentioned labour rights as compared to 21% of respondents mentioning these rights during the current survey.

Interestingly, more than half of the respondents (52%) place the responsibility for the protection of human rights on the Patrol Police and 39% of respondents place the responsibility on the Ministry of Internal Affairs (MIA). The higher

number for the mention of the Patrol Police may be due to the fact that the population has more experience directly interacting with them than with any other MIA units or agencies. One of every three respondents (30%) expects Public Defender's Office to protect human rights. Around 20% of respondents place this responsibility on the Office of the Prosecutor, the Parliament of Georgia and the common courts. The trends in this direction are similar with no considerable difference by settlement type except for the fact that when compared to other cities (16%) and villages (17%), Tbilisi has a higher number of those placing responsibility on the common courts (29%).

**Graph 2.** Which of the organisations/agencies do you think are responsible for protecting human rights?



According to the results of the 2012 survey, a higher number of respondents (37%) place the responsibility for the protection of human rights on the common courts while 46% think that the Police in general are responsible. Expectations in relation to the Public Defender have not in fact changed. According to the results of the 2012 survey, 37% of the respondents place the responsibility for the protection of human rights on the Public Defender. The representatives of both NGOs and sexual minorities taking part in the qualitative survey allege the use of excessive force by the Ministry of Internal Affairs; namely, the Patrol Police, and blame them for indifference, especially for cases in which a discriminated group (e.g., sexual minority) is involved. Respondents involved in the focus group as well as the representatives of sexual minorities are dissatisfied with, as they perceive, unreasonable searches and inspections by the Patrol Police.

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*“The human rights situation in the police system has major problems and the use of excessive force. There is a serious problem.” [NGO representative]*

*“There was a case in which a friend of mine opened the Point Bar on Leselidze Street, offering a friendly environment and ‘queer events,’ but the bar was closed within a week. A neighbour called the police a few times and the police arrived to tell the neighbour that they had the right; that it was guaranteed. After that, they smashed the windows. New windows were installed but they came again and smashed them in and there were no police in sight. The police just would not investigate the case*

*because they personally agree with what they are doing. We have a problem on this level, too.” [sexual minority representative]*

*“Another wrong attitude is that you are walking in the street. A police officer stops you for no reason whatsoever to say that he wants to search your pockets. That’s what I think is a violation of rights.” [sexual minority representative]*

---

Information on human rights and their protection mechanisms is thought to be the easiest to be obtained from private lawyers/law offices, Public Defender’s Office and the Police – 56% to 59% of those surveyed say that it is more or less easy or very easy to obtain information from these agencies. Respondents believe that information on human rights and their protection mechanisms is the most difficult to be obtained from Parliament – 40% of those surveyed think it is very or somewhat difficult to obtain this type of information from the Parliament.

The survey shows that respondents think that it is nearly equally easy to obtain information on human rights and their protection mechanisms from different authorities and institutions (NGOs and international organisations, public agencies) in different types of settlements (Tbilisi, other cities, villages). However, with respect to the Police, the survey showed that 62% of respondents in villages believe it is more or less easy or very easy to obtain this kind of information from this agency while the same indicator is 49% in other cities and 57% in Tbilisi.

**Graph 3.** How easy is it to obtain information on human rights and their protection mechanisms from the following sources?

	Very difficult	More or Less difficult	More or less easy	Very easy	I do not know/ difficult to answer
Local NGOs	7%	20%	42%	9%	21%
International Organisations	7%	22%	38%	8%	24%
Public Agencies	7%	26%	42%	8%	17%
Public Defender’s Office	6%	18%	45%	11%	21%
Courts (Common Courts, Constitutional Court)	7%	23%	39%	8%	23%
Police	6%	22%	46%	11%	15%
Legal Aid Service	5%	16%	46%	12%	21%
Office of the Personal Data Protection Inspector	5%	16%	31%	7%	41%
Private Lawyers/Law Offices	5%	15%	46%	13%	22%
Parliament	13%	27%	32%	6%	23%

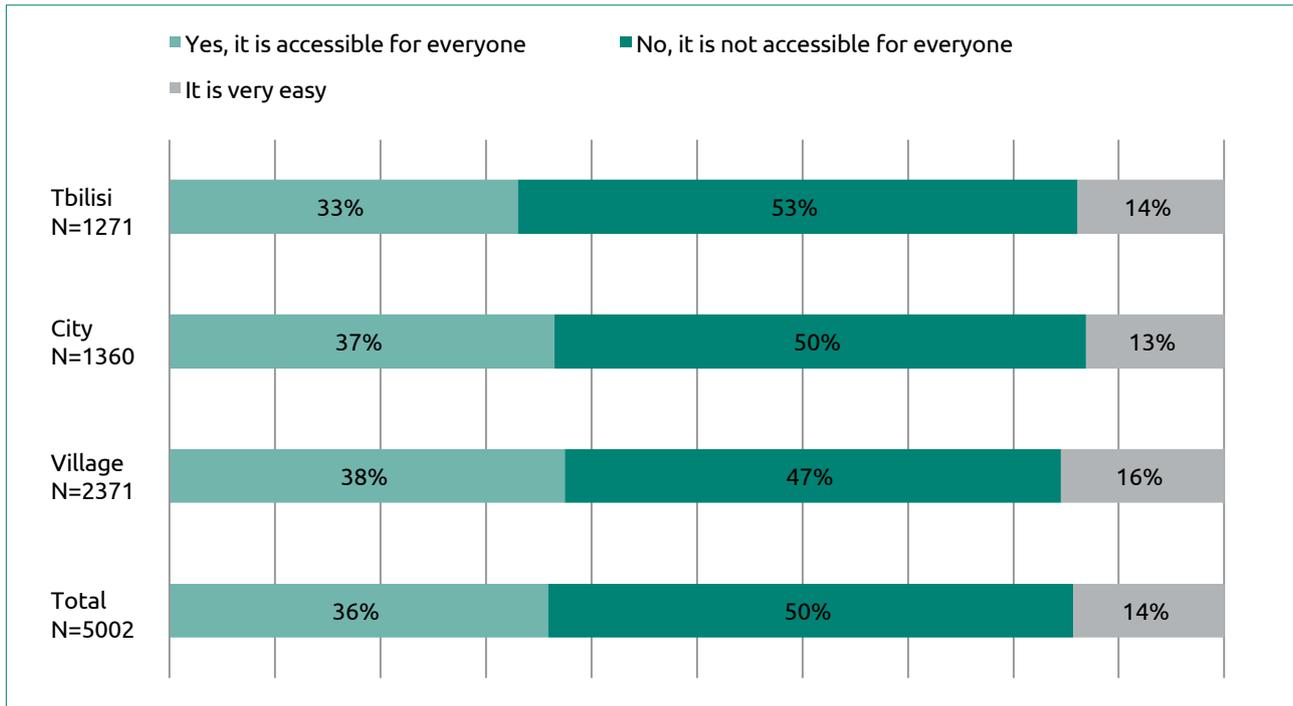
Obtaining information on human rights and their protection mechanisms from private lawyers/law offices is thought to be easier, according to the respondents in Tbilisi (64%), than according to those in other cities or villages. This perception could be due to a lack of financial means or a lack of physical access among the latter (especially in villages). As for obtaining relevant information from the Office of the Personal Data Protection Inspector, the survey showed that almost half of the respondents in Tbilisi, 36% of the respondents in other cities and 40% of the respondents in villages find it difficult to respond.

A comparison of the results of this survey with those of the 2012 survey shows that the respondents’ perception of the simplicity of obtaining information from different institutions has not actually changed. Although this time 11%

to 13% of respondents say that it is easier to obtain information from the Police and law offices now than it was in 2012, no direct comparison can be made due to the somewhat different designs of the two surveys. It is worth mentioning that the respondents in 2016 had the opportunity to check “I find it difficult to answer” while the 2012 survey did not offer this response option.

The survey also shows that half of the respondents (50%) do not think that the information on human rights and their protection mechanisms is accessible for every person. Notwithstanding the fact that a similar indicator was slightly higher in 2012 (59%), it is still noteworthy that a significant number of those surveyed do not think that the information is equally accessible. The views of respondents of different ages and genders regarding this question are similar.

**Graph 4.** Do you think that the information on human rights and their protection mechanisms is equally accessible for every individual?



Among those who do not think that information on human rights and their protection mechanisms is equally accessible, more than four out of ten respondents think that the information is least accessible to socially vulnerable persons, persons with disabilities, convicts, the elderly, and the rural population (from 41% to 44%). In this direction, respondents from Tbilisi and the villages are

more radical than respondents in other cities. In general, not even half of the respondents in relation to any of the following groups (see Graph #5) said that the information is accessible. Otherwise, the respondents' scepticism of access to such information voices nearly equal doubt in relation to all vulnerable groups.

**Graph 5.** How accessible do you think information on human rights is for the following groups?

	Not accessible at all	Not accessible	Accessible	Fully accessible	I do not know/ difficult to answer
National and ethnic minorities	5%	30%	43%	4%	18%
Religious minorities	5%	26%	45%	5%	20%
Sexual minorities	6%	25%	38%	5%	27%
Socially vulnerable persons	6%	36%	39%	3%	16%
Refugees, internally displaced persons	5%	30%	44%	4%	18%
Persons with disabilities	7%	35%	38%	3%	17%
Convicts (prisoners, probationers)	7%	34%	33%	3%	24%
Veterans	5%	29%	36%	4%	26%
Consumers	5%	28%	42%	3%	22%
Children	5%	31%	40%	5%	20%
Women	4%	28%	47%	4%	16%
Elderly	7%	35%	36%	4%	18%
Employees with work hazardous to health and life	7%	32%	35%	3%	23%
Rural population	7%	37%	34%	3%	19%

A comparison of these results with those of the 2012 survey is possible only for sexual minorities, socially vulnerable persons, the regional population, and internally displaced persons. This survey shows a decreasing trend in the number of respondents saying that these categories have limited access to such information. However, no direct comparison can be made as respondents of the 2012 survey had no opportunity to answer the relevant questions with “I do not know/ difficult to answer”.

Respondents are not equally aware of human rights and their protection mechanisms. 39% of those surveyed had little information on the matter and one out of every three respondents said that he/she had some but not complete information on human rights and their protection mechanisms (34%). The number of those who think that they are completely unaware does not exceed 15%.

It is worth mentioning that male and female respondents feel that they are nearly equally aware of human rights and their protection mechanisms and an analysis of the results by age groups did not find any appreciable differences. The source of information on human rights and their protection mechanisms for 9 out of 10 respondents is TV (88%). Only 18% of those surveyed said that social networks are their

source of information on human rights and their protection mechanisms. The figures for other sources are even lower and do not exceed 10%. TV is equally popular in different types of settlements and social networks are far more often used in Tbilisi (24%) than in villages (12%). In other cities the appropriate figure is 21%.

Sources of information on human rights and their protection mechanisms differ significantly for different age groups. Although more than 80% of the respondents in all age groups receive information from TV, the older age groups receive more of their information from TV.

The picture is starkly different regarding the use of social networks and news portals – if one out of every three or more respondents in the 18-34 age group uses social networks or news portals to receive information on human rights and their protection mechanisms (18-24 age category - 40%; 25-34 age category - 32%), so do one out of every five respondents in the 35-44 age group. As for respondents older than 45 years, those who receive information from social networks total 14% or lower. The same goes for the use of news portals – the number of those older than 55 years who use news portals to obtain such information is only 6% or lower. The number of such respondents in the 35-44 age group doubles and reaches 22% in the 18-24 age group.

**Graph 6.** Where, in general, do you get information on human rights and their protection mechanisms?

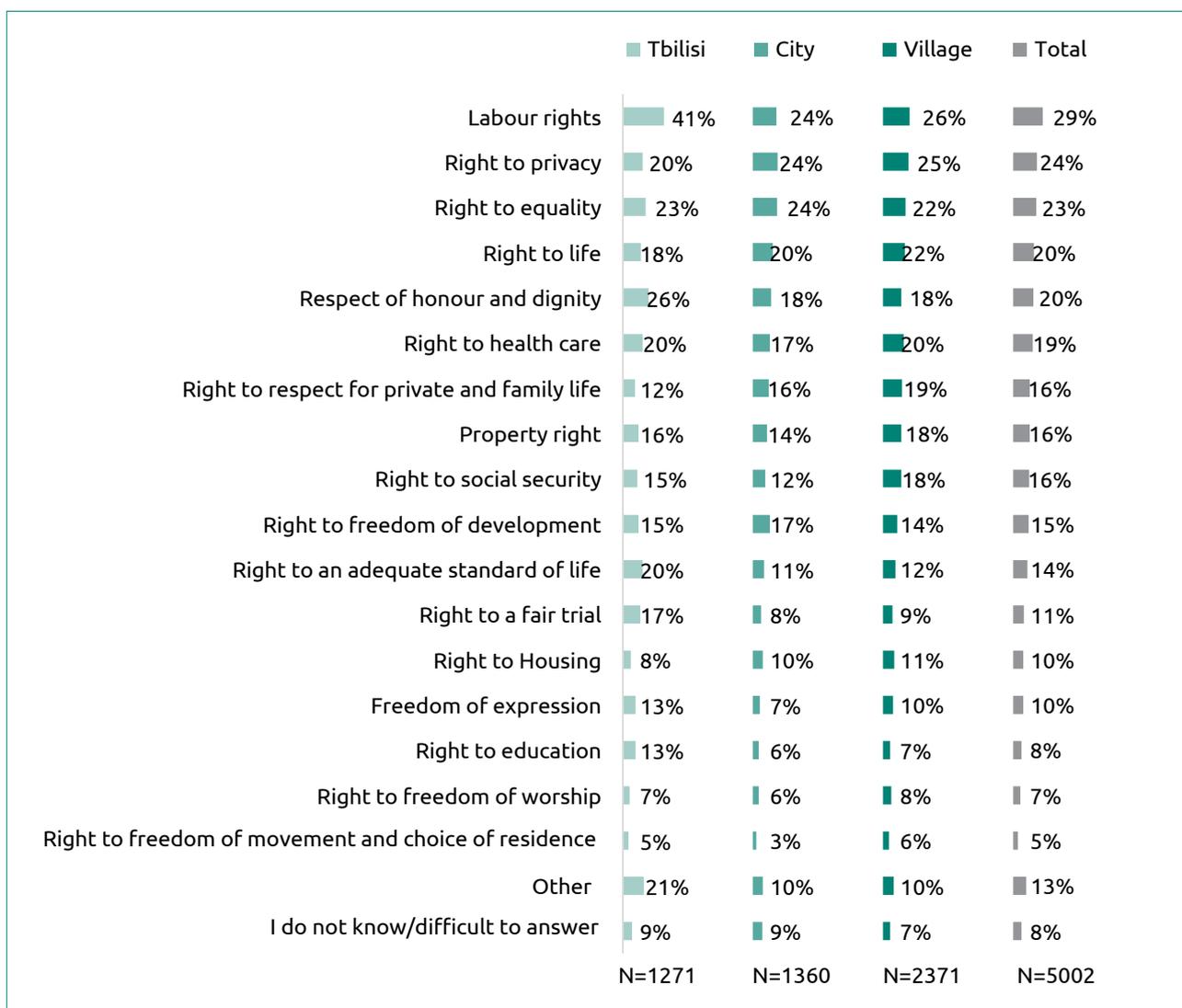
	18-24	25-34	35-44	45-54	55-64	65 +	Total
From TV	82%	86%	89%	90%	90%	91%	88%
From social networks	40%	32%	21%	14%	9%	3%	19%
From news portals	22%	15%	12%	9%	6%	2%	11%
From printed media	7%	8%	8%	12%	11%	14%	10%
From radio	4%	4%	3%	5%	4%	5%	4%
From the websites of various government agencies and NGOs	2%	3%	2%	2%	2%	0%	2%
From various brochures	3%	1%	2%	1%	1%	1%	1%
From special courses in education establishments	4%	1%	1%	0%	1%	0%	1%
From meetings with officials	2%	1%	1%	1%	1%	1%	1%
From justice halls and public centres	1%	1%	1%	1%	1%	0%	1%
From specially organised public meetings	1%	0%	1%	1%	1%	0%	1%
From open door days organised by public agencies	2%	2%	0%	0%	1%	0%	1%
I have never received information on the topic	4%	5%	3%	5%	4%	5%	5%
I do not know/difficult to answer	1%	1%	3%	2%	3%	3%	2%

The most preferred source of information on human rights and their protection mechanisms for nine out of every ten respondents remains TV (92%). One out of every five respondents prefers receiving such information from printed media (19%). The third most preferred source of information is a social network (17%) followed by news portal (12%).

TV is the equally preferred source of information for all of the age groups with 87% or more naming this source in each age group. The data for social networks and news portals repeat the above picture – the older the respondents are, the less they prefer receiving information from electronic sources (e.g., if 35% of the respondents in the 18-

24 age group prefer receiving information on human rights and their protection mechanisms from social networks, a similar parameter from the 35-44 age group drops to 21% and then to 9% for the respondents within the 55-66 age group). Respondents would most prefer receiving information on labour rights – this is so for 29% of respondents. The survey shows serious differences by settlement type. The number of those wishing to receive information through this source equals 41% in Tbilisi, 24% in other cities and 26% in villages. Likewise, 19% to 24% of the Georgian population would prefer receiving information on the rights to privacy, equality, life, respect of honour and dignity, and health care.

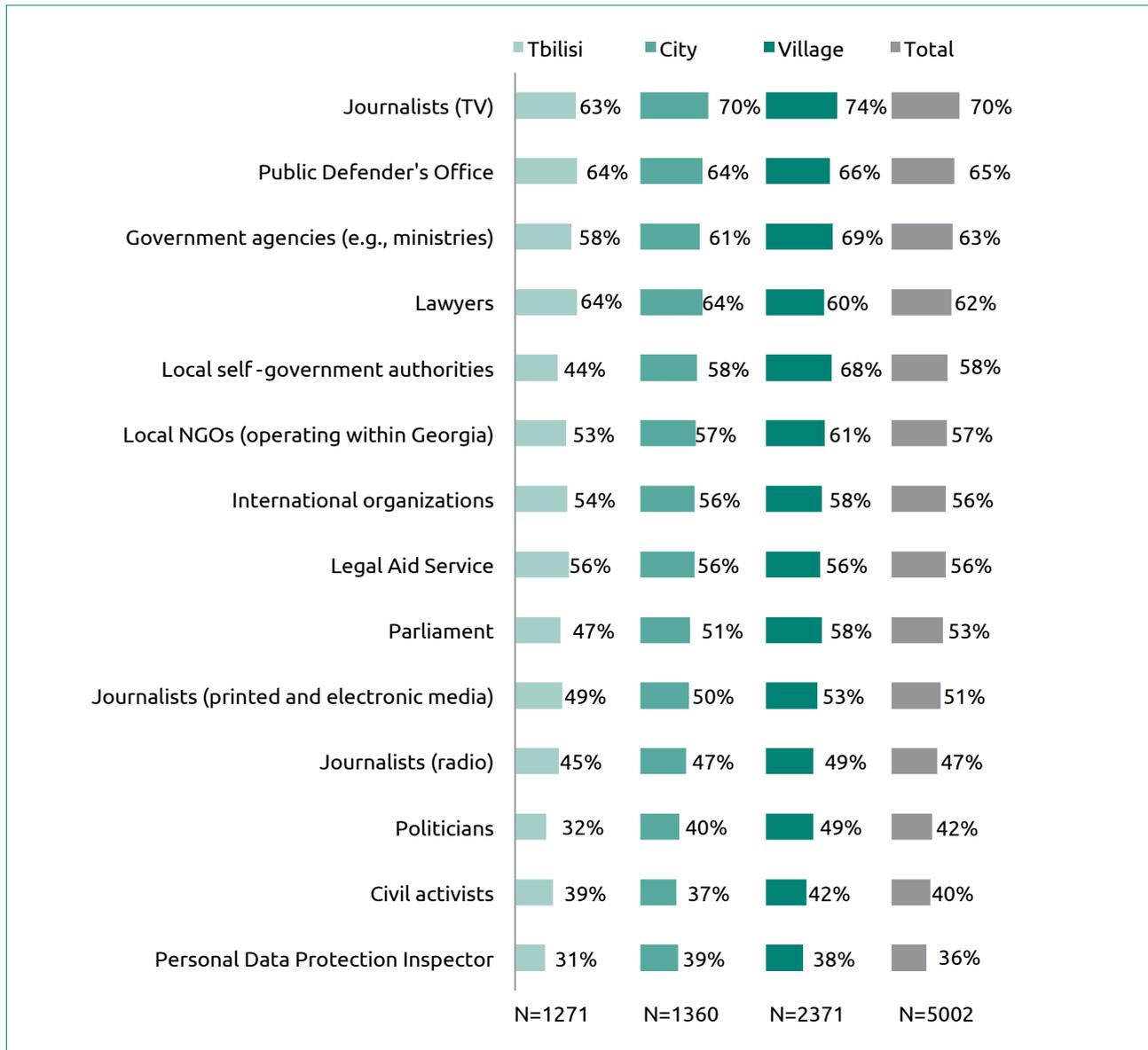
**Graph 7.** Which human rights would you like to receive more information about?



The survey shows that the most reliable sources of information on human rights are TV/journalists (70%), the Public Defender (65%), public agencies (63%) and private lawyers/law offices (62%).

Respondents in Tbilisi were most reserved in placing trust. The largest number of those placing relatively high trust in a variety of agencies live in villages.

**Graph 8.** Which of the following is the trusted source of information on human rights?



### 3.2 Human Rights Situation

Respondents' views on the current human rights situation in Georgia differ although their assessments tend to be positive. They think that human rights are more protected now than they were five years ago. In turn, they believe that human rights five years ago were more protected than they were ten years ago. The survey shows that:

- 64% of those surveyed say that human rights are now more protected than unprotected or fully protected. The relevant indicator for Tbilisi (60%) is slightly lower than that for other cities (65%) and villages (67%);
- Among respondents, 46% maintain that human rights five years ago were more protected than unprotected or fully protected (18% fewer than now). In this case, too, the relevant indicator for Tbilisi (41%) is slightly lower than that for other cities (47%) and villages

(49%). It should be mentioned that during the 2012 survey, 78% of the respondents said that human rights were protected (47% said human rights were more or less protected and 31% said human rights were fully protected). As a trend, a slightly higher number of the population surveyed five years ago thought that human rights were protected more than they are now. However, it should be noted that the survey conducted in 2012 did not give the respondents the opportunity to respond “I

find it difficult to answer the question”.

- One-third of respondents say that human rights were protected in Georgia ten years ago (more protected than unprotected – 27%, fully protected – 5%). Their number is significantly lower in Tbilisi (22%) than in other cities or villages (34% and 36%, respectively). Six out of ten respondents (59%) raise doubt over the protection of human rights in Georgia ten years ago.

**Graph 9.** What is your assessment on protection of human rights in Georgia? 5 years ago? 10 years ago?

Quality of human rights protection	Now			Five years ago			Ten years ago		
	Unprotected	Protected	I do not know/ difficult to answer	Unprotected	Protected	I do not know/ difficult to answer	Unprotected	Protected	I do not know/ difficult to answer
Tbilisi	37%	60%	3%	54%	41%	4%	71%	24%	5%
City	28%	65%	8%	44%	48%	9%	55%	35%	10%
Village	26%	67%	8%	44%	49%	8%	54%	55%	10%
Total	29%	64%	7%	48%	46%	7%	59%	32%	9%

When the participants were asked if whether or not they have a feeling that their own rights were protected, one out of every five respondents (20%) agreed unconditionally. Slightly more than half of the respondents (57%) agreed that their rights were partly protected. 17% of the respondents agreed with the statement that their rights were completely unprotected. The trends by settlement type and respondent age virtually repeat each other although Tbilisi residents are more critical than residents of other settlements. A comparison of these results with those of the 2012 survey shows that the trends are mainly similar.

When asked whether or not anything has changed in terms of the human rights situation over the last five years, the respondents involved in the qualitative component of the survey are nearly unanimous in saying that there has been a positive trend in changes. According to the information

given by the representatives of NGOs, in contrast with the human rights situation years ago, the situation has changed, especially in relation to minorities and other vulnerable groups for which the state gave no serious consideration. In the respondents' opinion and experience, we can say that the response by government agencies to such activities is manifestly obvious. In the perception of the representatives of NGOs, they now have the feeling that it is really possible to influence and alter government decisions regarding human rights.

*“In fact, we were the laughing stock whenever we spoke about women's rights. Violence was, in fact, a dead issue with agencies not even responding to it and we could do nothing to oblige them to at least voice concern when women were murdered out in the streets or in homes.” [NGO representative]*  
*“It used to be very difficult for an NGO to be active and achieve any effective results. You made noise*

*– a lot of noise – and said whatever you wanted to say but there used to be no satisfactory response and sometimes no response at all from the other side. Now, in my opinion, NGOs and public agencies have more or less equal conditions. At least, even if you want to just convince someone or to change something there is a good chance to really make a difference which is very good. In general, it is better for democracy to have a weaker state now than it used to have before.” [NGO representative]*

According to the representatives of business entities taking part in the qualitative survey, the human rights situation in Georgia has improved when compared to the situation in previous years but the rights of minorities and vulnerable groups are still not protected enough. Although the laws now regulate anti-discrimination and personal data protection matters, in the respondents' perceptions, there are lingering questions regarding their effective enforcement.

*“I'd say that there have been certain improvements in the human rights situation but the rights of minorities and vulnerable groups still require a lot of attention in order to make sure they are more perfect and that these groups are better protected in the future.”*  
[private business representative]

*“Of course it has changed, even in respect to vulnerable groups. We passed an anti-discrimination law. There may be problems in terms of effective enforcement but at least we have the basic legislation. We had the law before but we passed the Law on Protection of Personal Data. As you know, we have had the Personal Data Protection Inspector since 2013. Compared to the situation we had five years ago, there have been improvements to some extent but I'd say again that there are a lot of challenges.”*[private business representative]

In connection with the changes made in the last few years, some respondents said that now there is the practice of hearing discrimination cases, something the country did not have a few years ago. Additionally, the legislation that was formerly in force made no room for setting precedent. The representatives of NGOs believe that the current legislation in this area is much more refined.

*“The practice of hearing discrimination cases has changed for the better. In the past, the country had no discrimination case law at all because there was no law in this area or a political system that would allow any success. Now things are different. We have case law in its initial stage and it is quite good.”* [NGO representative]

Respondents from the general population taking part in group discussions as well as the representatives of NGOs speak about positive changes in the human rights situation in the penitentiary system. In their opinions, the number of inhuman treatment cases in the system has decreased significantly as borne out of the reports of the Public Defender.

*“For instance, the penitentiary system – reports of systemic torture or inhuman treatment have ceased as described in the Public Defender's reports. Therefore, we can say that there has been improvement in the area.”* [NGO representative]

It should also be mentioned that while speaking about certain violence against religious and sexual minorities over the last five years, respondents find it difficult to state for sure whether or not their number has increased or the information on them is more accessible now.

*“Quite a few problems have appeared with respect to vulnerable minority groups in the last few years which were not so visible five years ago. I mean, a lot of cases of violence against religious minorities and sexual minorities.”* [NGO representative]

It is also worth mentioning that in addition to acknowledging that there have been positive trends in terms of the mobilisation of the communities whose rights are violated, the representatives of NGOs point out that it is these communities that come out as initiators and express their willingness for particular organisations to provide assistance and protect their rights.

*“One thing is that we are working on the issue and this already means something. Some organisations became interested and these people have mobilised themselves which means that their faith has increased.”* [NGO representative]

The representatives of NGOs focus on another positive change – in their opinion, there has been an increase in the positive role of the media in raising awareness about the protection of human rights over the last few years. Among other things, taboo issues are openly discussed more often now.

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*“If we monitor the media, one of the leading topics debated is gender equality. I understand that we have issues but the fact that it has become a daily topic for people to talk about means that its importance has increased and some sense of responsibility has also increased. With respect to persons with disabilities, we’ve made certain legislative and practical progress. Among other things, it is very important that these people have themselves become active, thus allowing us to help them if they so like.” [NGO representative]*

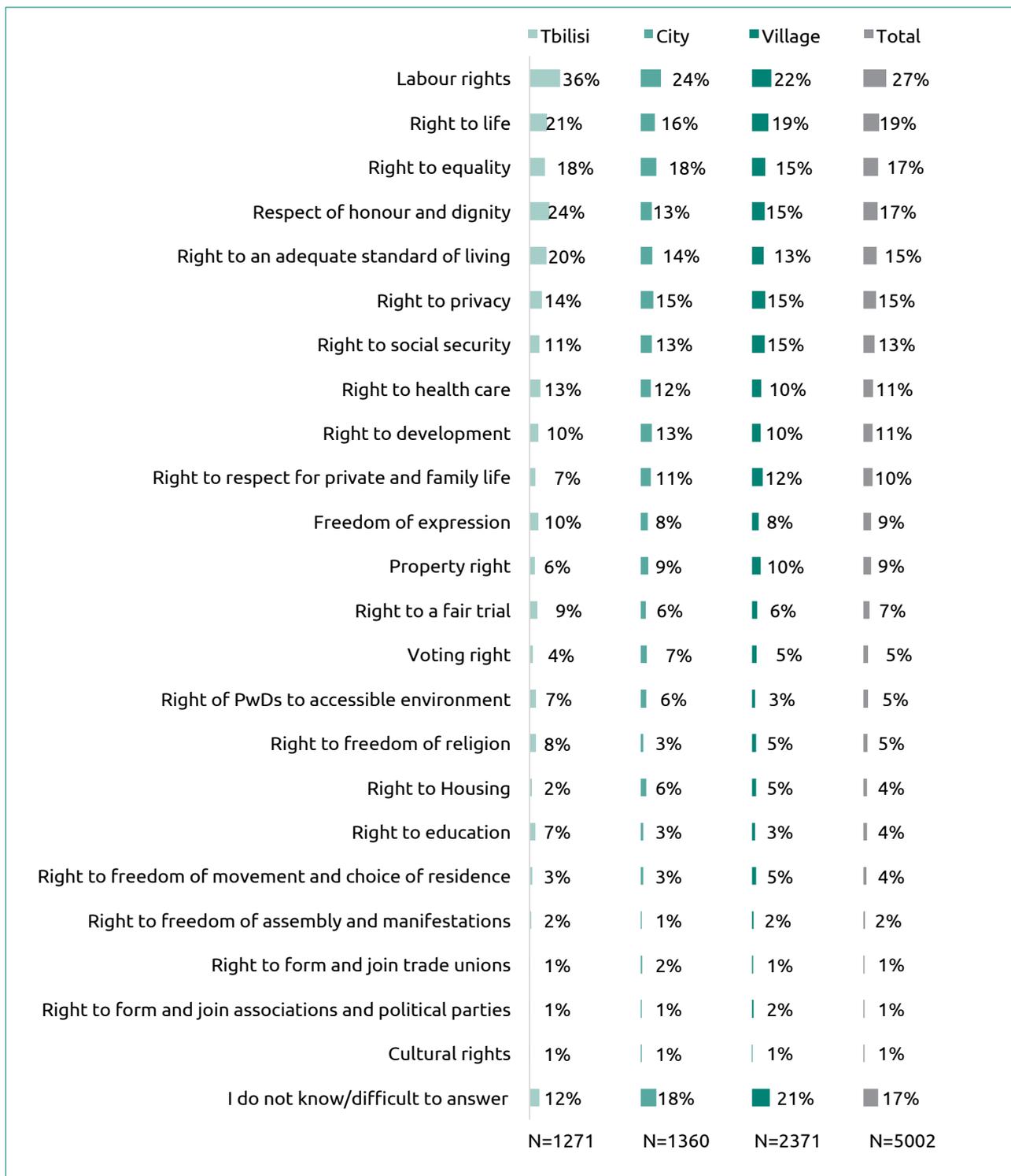
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In the opinion of the respondents within the qualitative component, the influence of government agencies on society has decreased

over the last few years, more or less due to the strengthening of the NGO sector. This, in turn, has had a positive effect on the protection of human rights.

In the opinion of the Georgian population, labour rights are the most frequently violated rights in the nation (27%). The number of those speaking about labour rights violations in Tbilisi (36%) considerably exceeds the number of such respondents in other cities (24%) and in villages (22%). Likewise, one out of every five respondents thinks that the right to life is violated (19%) with trends being similar by settlement type. 17% of respondents also allege violations of the right to equality and the right to respect for honour and dignity. Violations of the latter worry more respondents in Tbilisi (24%) than other cities (13%) or villages (15%). The frequency of speaking about violations of other rights across the nation is 15% or lower. For instance, 5% of respondents think that the rights of persons with disabilities are frequently violated.

**Graph 10.** In your opinion, which is the most frequently violated right?



The perception of labour rights violations is manifested with different acuteness in different age groups, growing with the increase in age. If one out of every five respondents in the 18-24 age group speaks about labour rights violations (20%), the number of respondents with a similar concern in the 25-34 age group is 28%. This number slightly increases in the older age groups

(29%-32%) but drops again among respondents older than 65 (20%).

The analysis of the data by region showed that a majority of respondents across the nation are most frequently concerned with labour rights violations (Imereti, Guria, Kvemo Kartli, Mtskheta-Mtianeti, Racha-Lechkhumi and Lower

Svaneti). As for the other regions, respondents most frequently focused on the violation of the following rights:

- Shida kartli–right to respect for privacy (35%);
- Kakheti –right to life (29%);
- Samtskhe-Javakheti –right to equality (27%) although the analysis of the data from an ethnic perspective showed that the attitude of ethnic Armenians does not differ much from that of ethnic Georgians. In general, the attitude of ethnic Georgians/non-Georgians to different rights violations showed that it is the Georgian respondents who speak a little more often about violations of different types of rights;
- SamegreloUpperSvaneti–right to equality (24%) and the right to freedom of development(24)%;
- Adjara –right to respect for privacy (14%).

The right to freedom of worship was spoken of by a minimal number of respondents (5%). In this direction, the views of the followers of different religions largely coincide with each other.

In assessing the situation of the rights of different groups, the respondents showed a largely moderate position, saying that their rights are sometimes violated. Between 43% and 53% of the respondents gave this answer in relation to different groups (except for sexual minorities in which case the answer was given by 36% of respondents). The groups whose rights are most frequently regarded as not violated at all are the following: religious minorities (28%), national and ethnic minorities (26%), sexual minorities (22%) and children (23%).

According to the respondents, the rights of the following groups are violated constantly or frequently: socially vulnerable persons (31%), convicts – prisoners and probationers (31%), those employed in work conditions that are hazardous to health and life (29%), the rural population (27%), persons with disabilities (26%) and women (25%). It is worth mentioning that a relatively higher number of men (29%) than women (21%) think that women’s rights are constantly or frequently violated.

**Graph 11.** Are the rights of the following groups violated?

	Constantly violated	Frequently violated	Sometimes violated	Not violated at all	I do not know/ difficult to answer
National and ethnic minorities	3%	12%	44%	26%	15%
Religious minorities	3%	12%	43%	28%	14%
Sexual minorities	6%	14%	36%	22%	23%
Socially vulnerable persons	7%	24%	48%	10%	12%
Refugees, internally displaced persons	4%	18%	47%	15%	16%
Persons with disabilities	5%	21%	50%	11%	14%
Convicts (prisoners, probationers)	7%	24%	44%	7%	18%
Veterans	3%	14%	44%	12%	27%
Consumers	6%	18%	48%	8%	21%
Children	3%	13%	48%	23%	13%
Women	6%	19%	51%	14%	11%
Elderly	5%	18%	52%	12%	13%
Employees with work hazardous for health and life	7%	22%	45%	7%	19%
Rural population	7%	20%	48%	9%	16%

An analysis of data by region shows that constant or frequent violations of the rights of socially vulnerable persons are most often spoken of in Racha-Lechkhumi/Lower Svaneti (44%) and Kakheti (43%). Compared to other regions, these regions have the most acute perceptions of constant or frequent violations of the rights of convicts (prisoners and probationers), those employed doing work that is hazardous for health and life, and persons with disabilities. Kakheti stands out for speaking about the constant or frequent violations of women’s rights in particular – respondents with such views here make up almost half (45%) while the number of respondents with similar views in other regions does not exceed 26%.

The lowest number of respondents speak about the constant or frequent violations of the rights of national, ethnic or religious minorities. The number of such respondents across the nation does not exceed 15%. In particular, it is noteworthy that the number of those speaking about the constant or frequent violations of the rights of national or ethnic minorities is lowest in Kvemo Kartli and Samtskhe-Javakheti – the number of

such respondents for Kvemo Kartli is 4% and for Samtskhe-Javakheti the amount is 6%. In comparison, one out of every four respondents in Mingrelia-Upper Svaneti thinks that the rights of national or ethnic minorities are constantly or frequently violated. The indicator regarding the rights of religious minorities is extremely low. Only 4% of respondents in Kvemo Kartli allege the constant or frequent violations of such rights while the number of respondents with similar views in Samtskhe-Javakheti is slightly higher and equals 6%. The same indicator for Adjara does not exceed 14%.

It should be mentioned that ethnic non-Georgians as well as the representatives of different religious denominations speak less frequently about violations of the rights of national, ethnic, or religious minorities than those of ethnic or religious majorities. However, the number of those finding it difficult to answer the question is considerably high among representatives of ethnic/religious minorities. One out of every ten representatives of ethnic non-Georgians/religious minorities (9%-11%) speak about the constant or frequent violation of their rights.

**Graph 12.** Are the rights of national and ethnic minorities, and religious minorities violated?

	Rights of national and ethnic minorities		Rights of religious minorities	
	Georgian respondents	Non-Georgian respondents	Orthodox Christian respondents	Respondents of other religions
Constantly violated	3%	3%	3%	3%
Frequently violated	13%	6%	13%	8%
Sometimes violated	45%	30%	45%	31%
Not violated at all	25%	39%	28%	32%
I do not know/ difficult to answer	14%	22%	12%	26%

A comparison of the results of this survey to those of the 2012 survey conducted for UNDP shows that this time, 4% more respondents, on average, speak about the constant or frequent violation of the rights of the groups mentioned above (except for veterans, consumers, those employed in work that is hazardous to health and life, socially

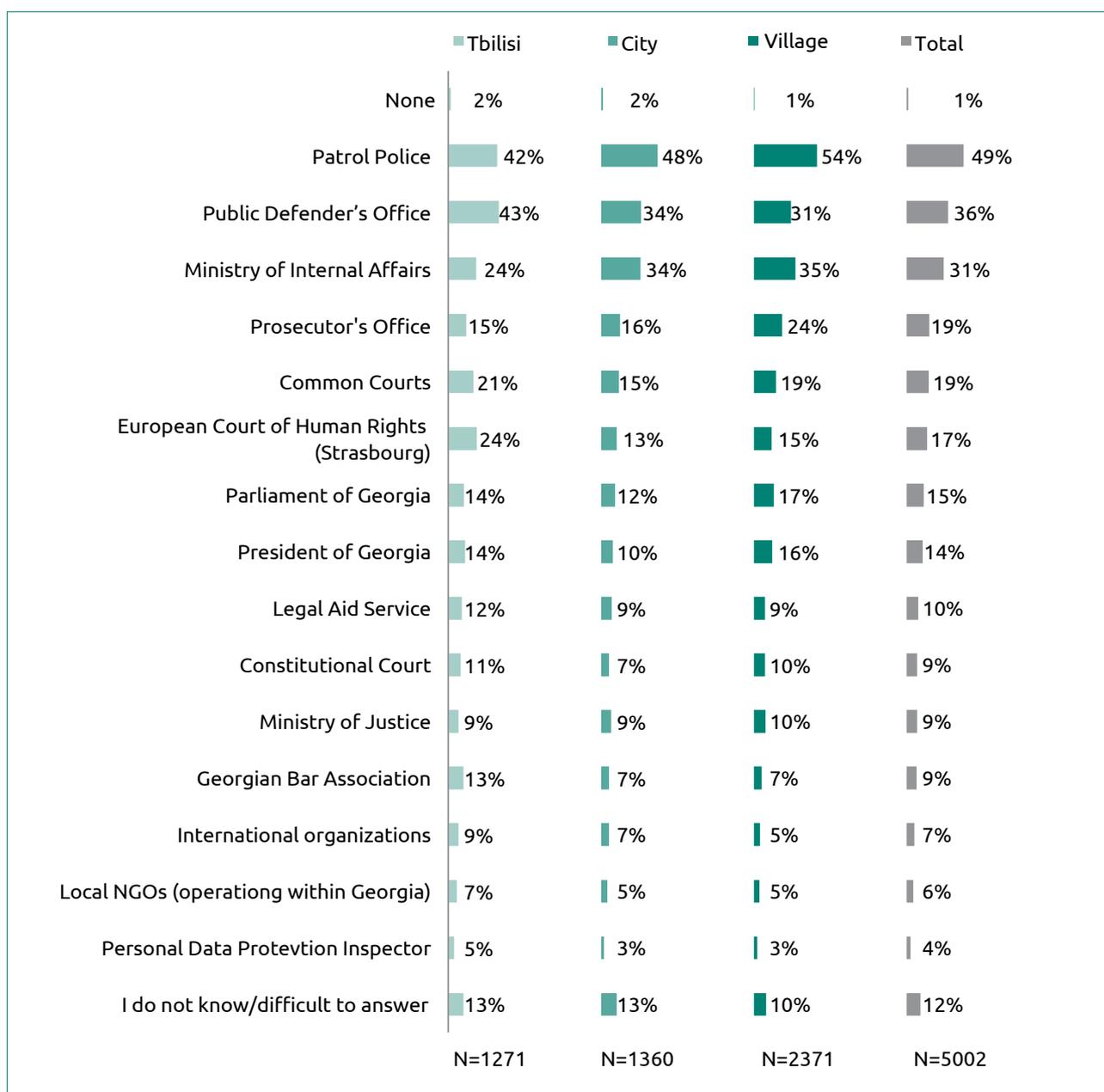
vulnerable persons and the rural population who were not asked the relevant question in the 2012 survey). The differences are too little to claim any trend although it may be due to a general increase in public awareness about the rights of different groups, since the general survey data does not suggest any general deterioration in public

sentiments. It is also noteworthy that in extreme cases, the respondents of this survey responded “I find it difficult to answer” while the 2012 survey did not give them such an opportunity.

During the survey, respondents were given a list of different institutions and asked to check which of them protect and which of them violate human rights in Georgia. The largest number – almost half of the respondents (49%) underscored the role of the Patrol Police in the protection of human rights. The second and the third most

frequently named institutions that protect human rights were Public Defender’s Office (36%) and the Ministry of Internal Affairs (31%). The indicator for the rest of the institutions was 19% or lower. It should be mentioned that the protection of human rights by the Patrol Police and the Ministry of Internal Affairs is looked at more sceptically in Tbilisi where the frequency of naming these institutions is 42% and 24%, respectively. The similar indicators for these institutions in other cities account for 48% and 34%, and 54% and 35% in villages, respectively.

**Graph 13.** Which of the below listed institutions protects human rights?

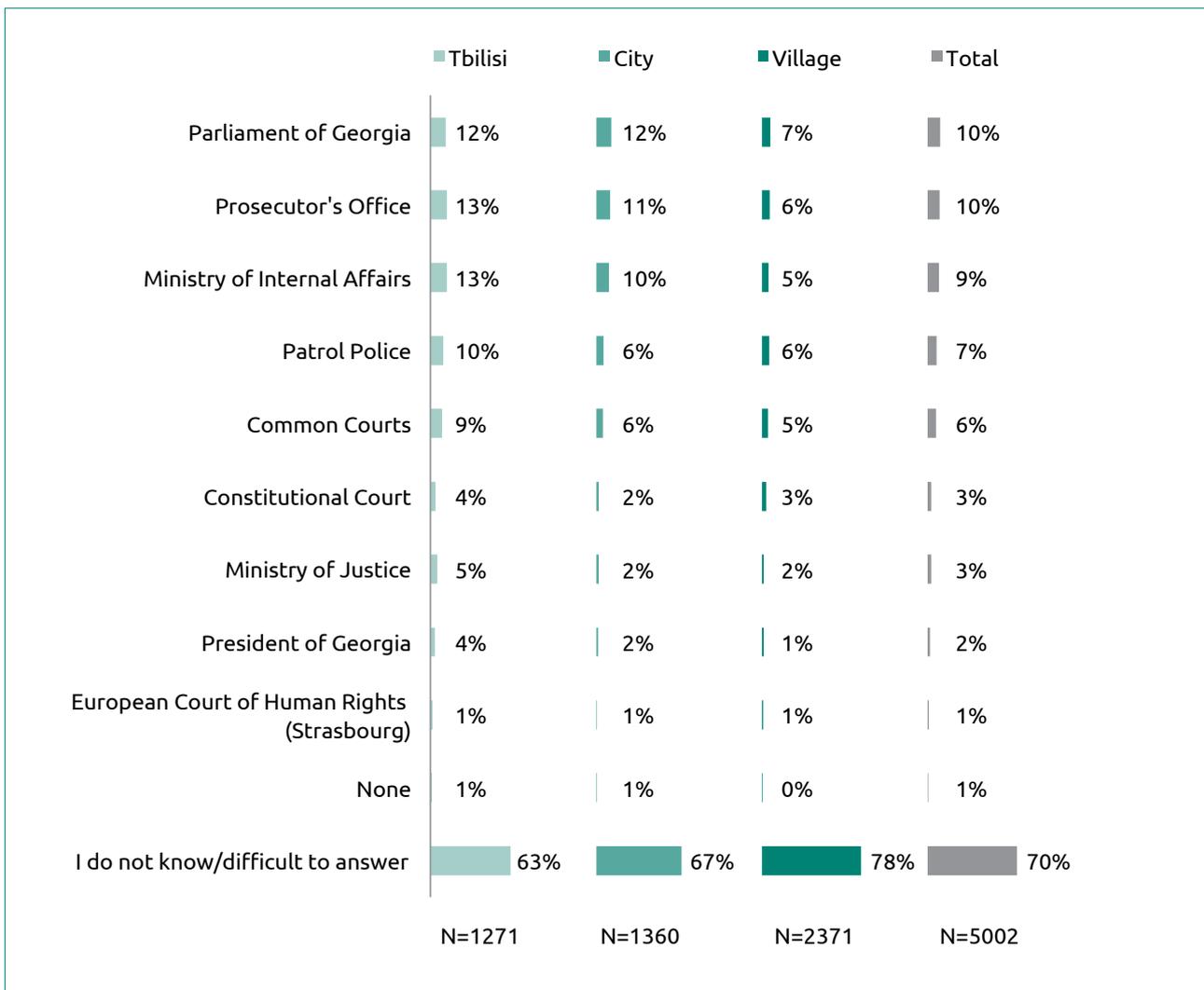


A comparison of these figures with those of the 2012 survey conducted for UNDP reveals a sharp increase in the number of those who name the Ministry of Internal Affairs as an institution that protects human rights. Such respondents accounted for 31% of those surveyed while the figure in 2012 did not exceed 14%. Likewise, a relatively small number of the respondents (38%) of the previous survey suggested that human rights are protected by the Patrol Police and the number of those referring to Public Defender's

Office has not in fact changed (34% in 2012 and 36% in 2016).

The most frequently named institutions which are notorious for human rights violations in the opinion of the respondents are: the Prosecutor's Office (10%), the Parliament of Georgia (10%) and the Ministry of Internal Affairs (9%). It is important to note that overall, 70% of the respondents found it difficult to answer this question (especially in villages where 78% of the respondents could not respond).

**Graph 14.** In your opinion, which of the following institutions violate human rights?



A comparison of these figures with those of the 2012 survey shows that compared to other authorities, the Prosecutor's Office and the Ministry of Internal Affairs were more frequently named as the agencies violating human rights (17% and 11%, respectively). The comparison also reveals differences in relation to the court. Compared to 18% of respondents complaining about human rights violations by the court in 2012, the number of such respondents during the survey of 2016 dropped to just 7%.

The respondents within the framework of the qualitative component spoke about particular cases of human rights violations by the Ministry of Internal Affairs. In this direction, NGO representatives focused on cases of discrimination against the representatives of religious and sexual minorities. Both NGOs and the population involved in the focus groups related unlawful arrests and searches of individuals.

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*"The number of discrimination cases is increasing. For instance, the actions of the Ministry of Internal Affairs in relation to minorities are worsening. A few applications have recently been filed with the European Court, too. For instance, we can cite the Mokhi incident<sup>4</sup> involving religious minorities. The problem I spoke about a while ago has also become serious – there is a growing trend in arrests, raids and checks conducted for no reason. However, looking at all of this from across a gender*

*perspective, there is progress to this end."*[NGO representative]

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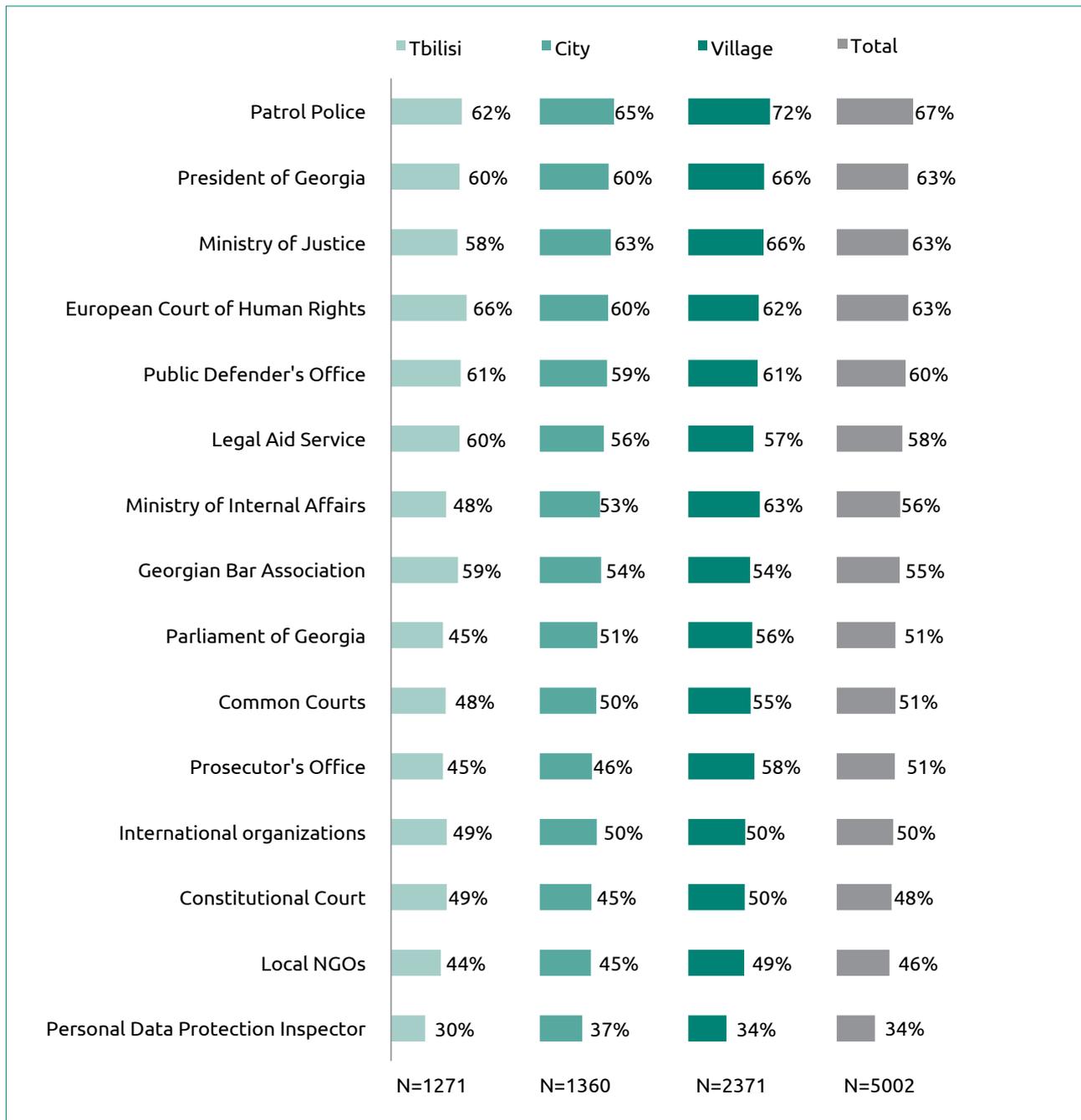
The survey shows that the population places the highest amount of trust in the following institutions: the Patrol Police (67%), the European Court of Human Rights (63%), the President of Georgia (63%) and Public Defender's Office of Georgia (60%). Respondents express relatively high levels of distrust in the Parliament of Georgia (27%), the Prosecutor's Office of Georgia (26%), the Ministry of Internal Affairs (23%) and the common courts (22%) but it should be mentioned that slightly more than half of the respondents (51% to 56%) trust these institutions, too. One out of every three respondents finds it difficult to express his/her opinion about the Constitutional Court, the Legal Aid Service, local NGOs and international organisations.

Tbilisi residents are more highly critical of, while the rural population is more tolerant of different public agencies. This is especially true for the Prosecutor's Office and the Ministry of Internal Affairs, the indicator of trust for which in Tbilisi is 13% (15% lower than similar indicators in villages). The attitude toward Public Defender's Office is an exception – the trust indicator for this institution is nearly equal in Tbilisi, other cities and villages – every six out of ten respondents (60%) trust this Office. Likewise, nearly half of the respondents trust the Constitutional Court regardless of the settlement type.

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4. In October 2014, a confrontation on religious grounds took place in the Municipal District of Adigeni where local Muslims were protesting against the demolition of a mosque.

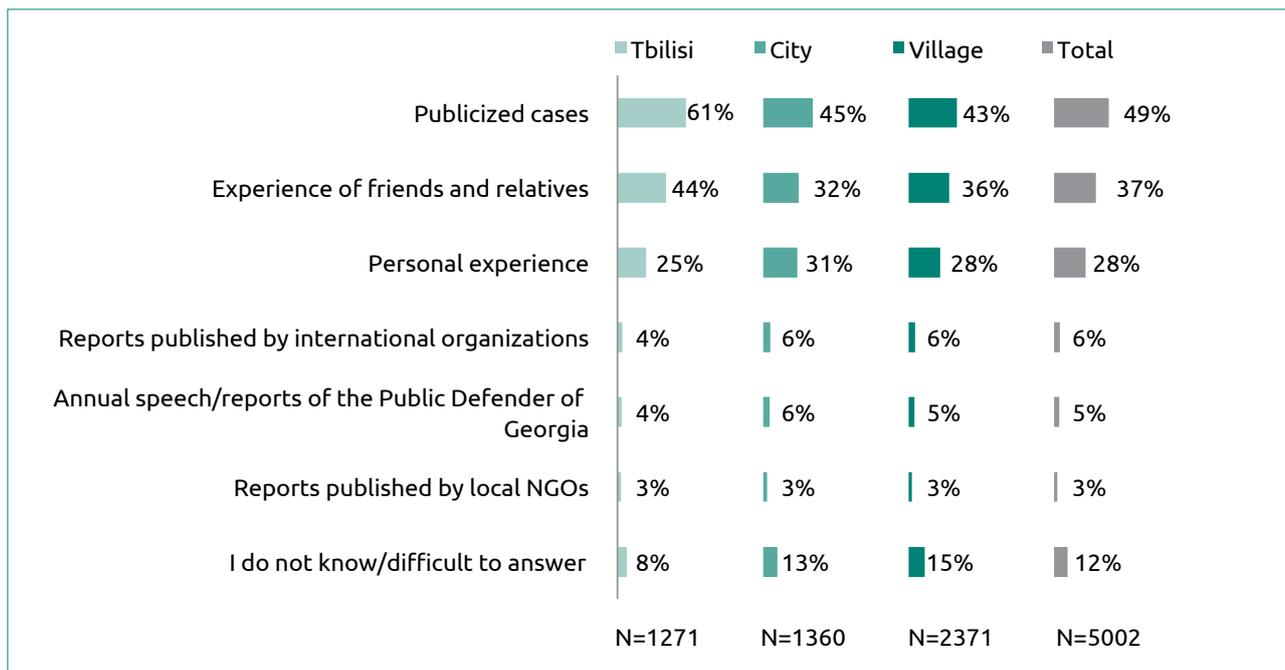
**Graph 15.** Do you trust the following institutions? (presenting the frequency of “Yes” answers)



In general, the population forms their view on the human rights situation in Georgia based on publicised cases – such is the experience of half of the respondents (49%). The role of relatives (37%) or personal experience (28%) in this regard is

relatively less often indicated. As for the differences between the data by settlement type, the survey shows that publicised cases are far more highly important for forming opinion in Tbilisi (61%) than in other cities (45%) or villages (43%).

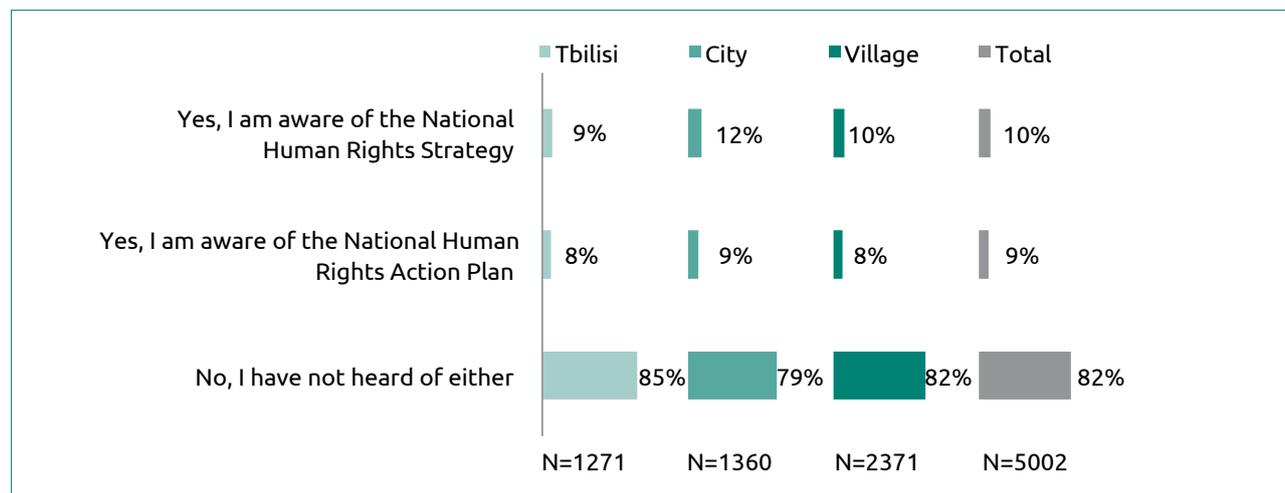
**Graph 16.** What do you base your assessment regarding the human rights condition in Georgia on?



10% of the respondents have heard of the National Human Rights Strategy for 2014-2020 and 9% of the respondents have heard of the National Human Rights Action Plan. The data by settlement type are basically similar. By region, the population of Shida kartli was most aware – 40% of its respondents have heard of the National Human Rights Strategy

or the National Human Rights Action Plan. However, according to the qualitative survey, the respondents did not consult the Strategy or the Plan and, consequently, it is impossible to verify how well aware the respondents actually are.

**Graph 17.** Are you aware of the Georgian National Human Rights Strategy for 2014-2020? The Georgian National Human Rights Action Plan?



The survey shows that all of the questions of the National Human Rights Strategy that were offered to the survey respondents are, in their opinion, important and should be a priority – this is how every four out of five respondents (77% to 84%) think. Compared to others, ensuring participation in public and political life (74%), ensuring a high

standard of protection of freedom of assembly (75%) and ensuring the rights of migrants and asylum grantees (73%) are thought to be important but are lower in priority as compared to items such as the realisation of the rights of children (84%), the right to respect privacy (83%) and ensuring the exercise of the rights of persons with disabilities,

by reasonable accommodation, similarly to the exercise of the rights of other people. In this respect, the trends are similar in Tbilisi, other cities and villages but the number of those in other cities and villages who find it difficult to answer the question exceeds, for all items, the relevant indicator for Tbilisi (with differences ranging from 4% to 13%).

The largest share of the population (90% or more) in Imereti, Racha-Lechkhumi and Lower Svaneti regarded all of the proposed items of the National Human Rights Strategy as priorities but it should be mentioned that when the answer “yes” to the respective question is lower, this is due to the fact that the respondents simply do not have an answer to the that question, not because the respondents do not think the items are important. Those respondents who find it difficult to answer are particularly high in number in Samtskhe-Javakheti and Kvemo Kartli where one-third or even a half of the respondents find it difficult to answer each question.

In the qualitative component of the survey, civil servants and representatives of NGOs evaluated the National Human Rights Strategy for 2014-2020. In the respondents’ opinion, the document is one of the most important guidelines for each public agency for the protection of human rights.

According to the information provided by the civil servants and representatives of NGOs involved in the survey, representatives of different public agencies and NGOs took part in the creation of the National Human Rights Strategy document in some manner. As some of the civil servants involved in the qualitative survey said, the National Human Rights Strategy is their guidebook according to which they annually report the work that they perform.

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*“Yes, the Strategy, too, is our guidebook. We do reporting all the time in this direction. Our ministry has a huge role here and we, too (Ministry of Health) are asked all the time to report what has been done annually.” [public agency representative]*

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As already mentioned, the parties involved in the elaboration of the National Human Rights Strategy are public agencies as well as NGOs working on human rights issues.

In the opinion of the representatives of NGOs taking part in the working meetings held within the framework of the National Human Rights Strategy, there are certain shortcomings in the format proposed by the Government Administration. In the opinion of the respondents, one of the shortcomings in the format of working on the National Human Rights Strategy is its non-structured and non-formalised character that, as they say, hinders the correct identification and analysis of problems to a certain extent. In the opinion of some NGO representatives, although they took an active part in the discussion of the National Human Rights Strategy, the format of cooperation was more or less a façade and their suggestions and recommendations were not adequately taken into account and reflected in the document.

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*“I think that one of the problems the format has is its non-structured and non-formalised character. A large part of the procedures are not regulated which prevents us from correctly raising problems and appropriately understanding the format.” [NGO representative]*

*“We should measure by what we found in action plan, what recommendations they incorporated, especially with respect to indicators. The evaluation should be done afterwards; first, before it was written. We always suggested doing a situational analysis and incorporating it afterwards, but they did not take these suggestions into account.” [NGO representative]*

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In the opinion of NGO representatives, another problem experienced while working on the National Human Rights Strategy is the fact that the role of the Parliament in the format was relatively unclear and under-regulated.

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*“The other thing is a too small possibility for the civil sector to submit shadow reports of performance of the Action Plan to the Parliament and, in general, the role of the Parliament in the process was not clearly defined or sufficiently regulated.” [NGO representative]*

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In the opinion of some NGO representatives, one of the defects of the document is that the indicators and performance parameters are not

clear enough, providing leeway to the state for manoeuvring. In their opinion and experience, with such indicators and performance parameters, it is hard to discuss with public agencies how thoroughly the obligations under the National Human Rights Strategy have been fulfilled.

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*“The document itself has a problem because indicators and performance parameters are too unclear to argue with a public agency whether or not it has done its job. With such indicators, they can always manoeuvre.” [NGO representative]*

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Another issue seen by some NGO representatives is that the public agencies involved in the process are represented by people who are not authorised to disclose an official position or make decisions.

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*“Another problem is how representative the format is because as a rule, the representatives are civil servants at a level that does not authorise them to state positions or make decisions.” [NGO representative]*

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Despite these perceived defects in connection with the format of working on the National Human Rights Strategy, NGO representatives have only positive things to say about the fact that the Strategy Development process is not closed. A closed process would be far more ineffective.

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*“Certain issues could not be agreed upon but it was good to have this format and that it was not done in closed chambers. I think it was mostly effective. What matters now is how effectively it will be implemented.” [NGO representative]*

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In the opinion of the civil servants surveyed in the qualitative component, while implementing the National Human Rights Strategy, they communicated within their agency, as well as with the Government Administration that regularly evaluates the document it receives from the agencies.

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*“In implementing the Strategy, we communicated within the agency – with the heads of the departments and structural units responsible for its performance – as well as with the Government Administration which we update from time to time about performance. They carefully read the report*

*we send them. If something does not add up and even one point is missed, (e.g., it does not meet some requirement), it is always returned to us with notes and recommendations and it is not a formal strategy. I can say that we get evaluations, notes and recommendations, and that cooperation is quite close.” [public agency representative]*

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In the opinion of some civil servants, as there are different strategy documents at the national level that may overlap or in some cases even contradict one another, this creates a somewhat chaotic environment in performing work under the Strategy.

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*“As you may know, there is an endless number of strategies in the nation and the process assumes a somewhat chaotic nature as some strategies overlap one another and others even contradict each another. I believe that things have to be tidied up a little; however, the National Human Rights Strategy is a fine strategy.” [public agency representative]*

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In assessing the National Human Rights Strategy, some civil servants say that the procedures and criteria laid down under the Strategy are designed to secure the civil servants themselves. Although NGO representatives have a slightly different opinion, the civil servants think that the process of the work on the Strategy and the format of communication with business and public representatives has been a success.

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*“I think that as a result of the influence that the document has had, the procedures in the Prosecutor’s Office are more transparent now and the Prosecutor feels more secure now than he or she felt, for instance, last year. The criteria have been defined, a collegial body hears its questions, etc. I do not know if those outside agree with me, but the communication between the public structure and the private sector has also improved. Besides, we took an active part in the surveys which were part of the Strategy. We read all of the recommendations that the local NGOs and international organisations had for us and we tried to reflect all of the problems that they have identified in the Strategy. That’s why I think that it is an important and fine document.” [public agency representative]*

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The representatives of sexual minorities surveyed within the qualitative component evaluated the effectiveness of the anti-discrimination law. In the opinion of many representatives of this group, the Parliament passed the law within the framework of the EU-Georgia Association Agreement. As for the enforcement of the anti-discrimination law, the representatives of sexual minorities are rather sceptical and to back up their position they state that the number of applications to the court under the law is too low.

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*“Everyone knows that we signed it to get the Association Agreement from the EU. The EU does not want us to beat up its citizens arriving here. These changes have not brought changes at the policy level. It is a stillborn law – it was passed in 2014 and if I am not wrong, there have been just two cases filed in court.”[sexual minority representative]*

*“Those responsible for its enforcement do not do their job, as they think, disappointingly, that those beating up gays are right. In family conflicts, society thinks that it’s a disgrace for a woman beaten by her husband to call the police. How can she stick her head outside if she has sued her husband?”[sexual minority representative]*

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In the opinion of representatives of sexual minorities, one of the weaknesses in the enforcement of the anti-discrimination law is that Patrol Police officers tend to show unequal treatment, and as mentioned above, indifference or neglect of duty.

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*“When someone is abused, he calls the Patrol Police. This is what first comes into your mind and I’d say again that they have a belittling tone. That the officers of the Ministry of Internal Affairs should treat everyone equally has not been enforced.” [sexual minority representative]*

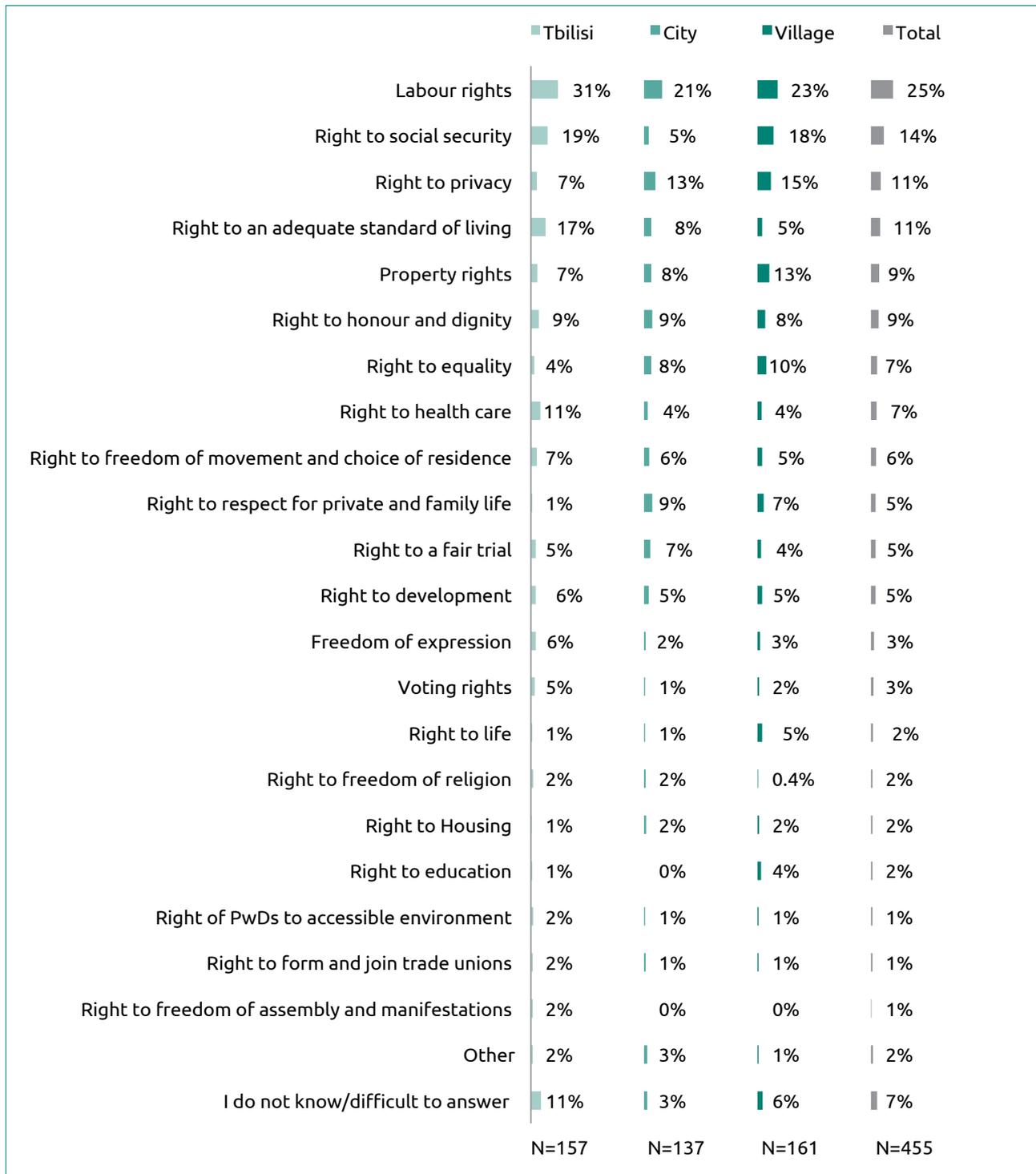
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### 3.3 Personal Experience with Human Rights Violations and Access to Justice

This section reflects the respondents’ personal experience with human rights violations. One out of every ten respondents (9%) relates a violation of his or her rights over the last five years. Such cases were twice as many in Tbilisi and other cities (12% and 11%, respectively) than in villages (6%) with equal numbers of representatives from both sexes and different age groups. A comparison of the results with those of the 2012 survey revealed that some more respondents at that time (18%) could relate violations of their rights.

Labour rights violations (including the violation of labour conditions, safe for health and life) take the lead among human rights violations with one out of every four respondents complaining about labour rights violations (24%). The work of the focus groups showed that the respondents understand such violations as setting an age limit for employment, low pay, hazardous working conditions, etc. The second most frequently named violation is the violation of the right to social security (15%). Respondents in the focus groups pointed out that the population is dissatisfied with the social status assignment system and thinks it to be basically unjust. Besides, about one out of every ten of those believing that their rights have been violated indicate the violation of the right to an adequate standard of living, the right of respect for privacy, property rights and the right to respect for honour and dignity (9% to 11%). Eleven respondents speak about the violation of the right of persons with disabilities to an accessible environment.

**Graph 18.** Please name which your right(s) was violated.



A comparison of the results of the 2012 and 2016 surveys shows that major trends are similar. Additionally, in the survey conducted four years ago, 29% of the respondents alleging violations of their rights complained about labour rights violations and 25% of them voiced concerns about the violation of the right to social security.

One-third of the respondents alleging violations of their rights find it difficult to identify who or what

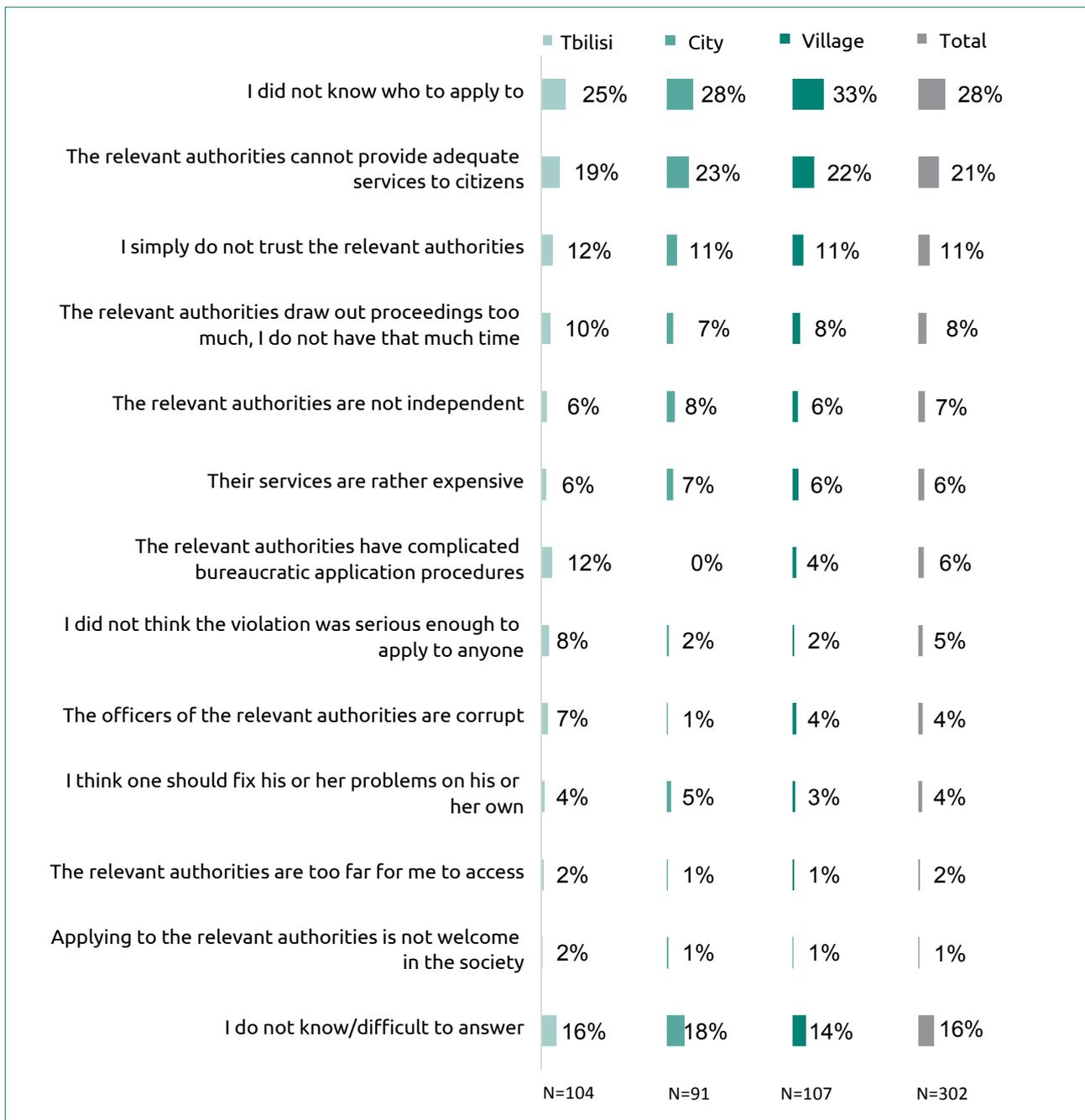
institution in particular is to be blamed (31%). The Patrol Police (12%) and employers (10%) comprise the majority of those responsible for violations. 7% of respondents place blame on the Office of the Prosecutor, 6% of respondents place blame on the Ministry of Internal Affairs, 6% of respondents place blame on the common courts and another 6% of respondents place blame on the President of Georgia. A total of 41 respondents allege violations of rights by the Patrol Police and 48

respondents think that their employers have violated their rights. Twenty-seven respondents or even less allege that their rights have been violated by other institutions.

This survey shows that cases of applying, over the violations of one's own rights, to the relevant authorities that respondents think are capable of addressing their problems are not too frequent – only 31% of respondents whose rights have been violated over the last five years have applied to the relevant authority. In this respect, the figures gleaned for Tbilisi, other cities and villages are

rather similar. The most frequent reason for those who have not applied to anyone for help is a lack of knowledge of who can help (28%) and one out of five refrains from applying because he or she is not sure that the relevant authorities actually would help (21%). Adding these respondents to the number of those who openly state that they do not trust the relevant authorities, it becomes obvious that scepticism toward the institutions that could be regarded as helpers in the violations of rights is the most crucial reason why individuals hold back from applying to them.

**Graph 19.** Why did you not apply to the relevant authority regarding the violation of your rights?



Those who say they have applied to someone over the violations of their rights indicate the common courts most often (26%). Overall, 40 respondents have had the experience of applying to the court – 15 respondents in Tbilisi, 6 respondents in villages and 19 respondents in other cities (24 respondents or fewer have had the experience of applying to other authorities).<sup>5</sup> 30% remain satisfied and 58% remain dissatisfied with the services of the court. 38% of the above respondents believe that the court has protected (fully protected or more protected than not) their rights. A quarter of the respondents who think they have been effectively assisted would reapply to the court if necessary.

One out of ten respondents (11%) has heard that his or her friend's rights were violated in the last two years. According to the respondents, 41% of them applied to someone for protection of their rights and almost half of them (47%) received the desired help (fully protected or more protected than not).

## 3.4 Court

### 3.4.1. Common Courts, Constitutional Court and the European Court of Human Rights

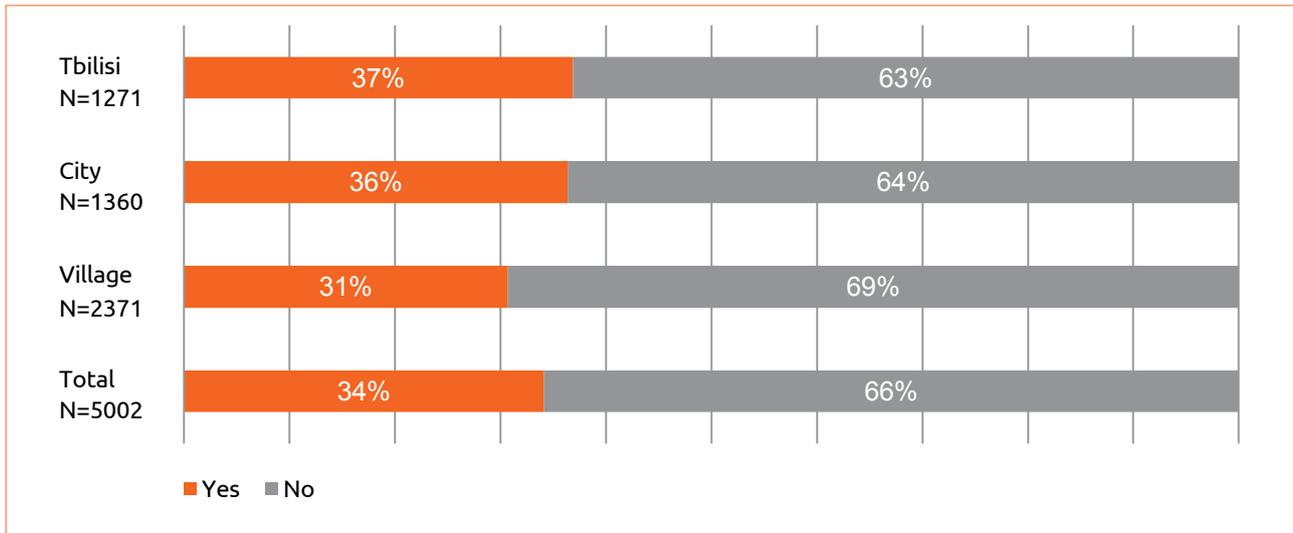
Information on the court and the attitudes that the population displays toward the institution are dissimilar. In some cases, the attitude conveys an improvement of the situation in the institution and a favourable disposition of the population toward it but, in other cases, the opinions are far from non-disturbing.

The representatives of NGOs and businesses surveyed in the qualitative component agree on the positive changes that have been implemented in the judicial system in recent years. However, in the opinion of the representatives of both target groups, the judicial system is still facing major challenges; namely, a number of flaws and problems that parties often encounter in the course of proceedings.

One out of three respondents (34%) believe that he or she knows the procedure to apply to the court if necessary. The number of such respondents in Tbilisi and other cities slightly exceeds the number of similar respondents in villages (37%, 36% and 30%, respectively). The number of women versed in these procedures is slightly higher (37%) than the number of men (32%). From an age perspective, the respondents within the 45-64 (37%-38%) age group have the best knowledge of application procedures and those older than 65 are the least versed in them (29%).

5. Due to the scarcity of the relevant cases, percentages were calculated based on non-weighted data.

**Graph 20.** Do you know the procedure to apply to the court if necessary?



Overall, the survey showed that a considerable number of the Georgian population are still under-educated on the ins and outs of the court. Respondents in Tbilisi have more information on the court than those in other cities and villages.

- 36% of the population are sure that they have to pay money if they apply to the court – the largest number of those thinking so by settlement type are in Tbilisi (43%) and by age category – those within the 45-54 age group. The number of those who say one has to pay a fee to apply to court except in criminal proceedings and for vulnerable groups does not exceed 12%.
- 37% of the population is aware that the Georgian court is comprised of three instances. The number of those aware of this fact is far higher in Tbilisi (55%) than in other cities (34%) or in villages (26%). The awareness level is equal

- for people of different sexes and age groups.
- More than half of the Georgian population (53%) is aware that one may apply to the European Court of Human Rights (Strasbourg) only after he or she has exhausted all of the effective domestic remedies (all instances of the court) available. In this direction, residents of Tbilisi are better aware (64%) than those of other cities and villages (47% and 48%, respectively). There are no significant differences between the opinions expressed by different age groups although respondents older than 65 have the least amount of information on the matter (47%).
- One out of three respondents knows that one can apply to the Constitutional Court when a law (normative act) violates his or her rights (34%). The number of such respondents is higher in Tbilisi (41%) than in other cities and villages (32% and 31%, respectively).

**Graph 21.** Awareness of relevant information about judiciary.

	Yes %
Is there any fee to pay to apply to the court?	
✓ Yes, except in criminal proceedings +yes, unless the applicant falls within the category of a vulnerable group	12% (5% + 7%)
How many instances are available in Georgian judicial system?	
✓ Three instances	37%
In what case can you apply to the European Court of Human Rights?	
✓ When my rights were violated and I have exhausted all of the effective domestic remedies available	53%
In what case can you apply to the Constitutional Court?	
✓ When a law (normative act) violates my rights	34%

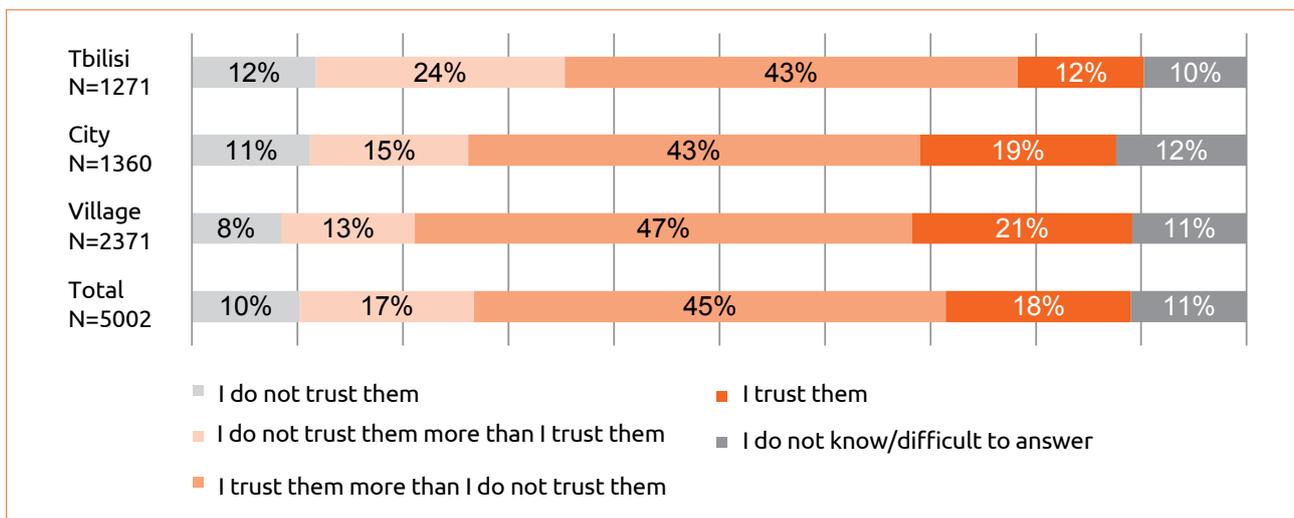
Two-thirds of the Georgian population believe that it is impossible to apply to the court without a defence lawyer. In the opinion of 29%, having a defence lawyer in court is required by law and in the opinion of 38%, judicial procedures are too complex to understand.

Currently, two-thirds of the Georgian population trust (fully trust or trust more than not) the Georgian court (63%). 27% of the Georgian population express distrust in (more do not trust than trust or do not trust at all) the Georgian court. According to the results of the 2012 survey, 28% expressed distrust in the court while 72% said that

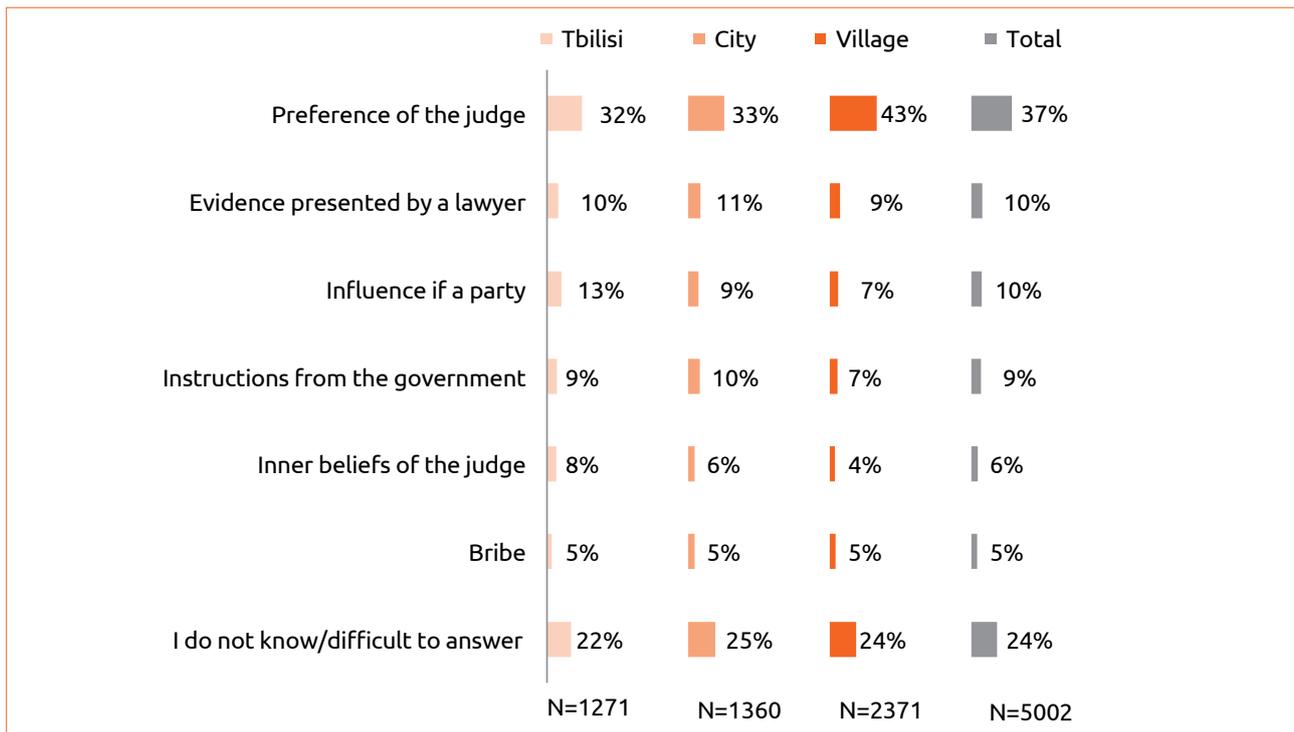
they trusted the court partly or fully. It should be mentioned in this case, however, that respondents in 2012 did not have the opportunity to check “I find it difficult to answer.”

According to the respondents, what mostly influences the decision of a judge is “whose side the judge is on” (37%). One out of ten respondents attaches importance to a defence lawyer’s competence and the influence factor of the other side on the court. Only 6% of respondents refer to a judge’s inner conviction but this may well be a part of whose side the judge is on.

**Graph 22.** Do you trust the Georgian courts?



**Graph 23.** In your opinion, what do judges base their decisions on in the majority of cases?



A comparison of the results of this survey with those of the 2012 survey shows that the trends are similar – the largest number of respondents in 2012 thought that what mattered most was whose side the judge was on (51% in 2012 and 37% in 2016 together with 6% referring to the judge’s inner conviction). The trend also suggests that the number of those believing that decisions are made depending on what the judge is instructed to do by the Government dropped significantly in 2016 (27% in 2012 and 9% in 2016). However, it should be mentioned that the perceived positive changes did not increase the overall trust in the court.

On average, 56% of the Georgian population receive fair decisions based on the supremacy of law – this is the opinion of the surveyed population. It should be said that the result is rather similar to that of the 2012 survey in which the percentage of “fair judges” accounted for an average of 56%. Interestingly, according to the survey of 2016, the average number of judges believed to be delivering decisions based on the supremacy of law is highest in the 18-24 age group (58%) and the lowest in the 65+ age group (51%). These results also confirm the fact that the population still has lingering questions about the qualifications and objectivity of a significant number of judges.

A part of the representatives of business entities surveyed in the qualitative component is sceptical about the independence of the judiciary – in their perception, some judges lack the courage and the ability to make independent decisions.

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*“The court is in a really decadent condition because it is unable to decide on essentially important matters and is asking others for opinions which is deplorable in terms of the supremacy of law. Whenever there is an important dispute, we know that this judge cannot make a decision on it and we know that this judge can’t muster the courage to do it. The lack of courage and this decadence harms us, the lawyers, as well as businesses.” [private business representative]*

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The representatives of business entities surveyed in the qualitative component believing that the form of distributing cases to judges is one of the major challenges in the assessment of judicial reform. In the opinion of business representatives,

managing the process with a special software instead of the current ways of distributing cases to judges would prevent any target-oriented selection of judges. Besides, the introduction of the random selection principle is perceived to be a precondition for increasing confidence in the judiciary. Accordingly, respondents of this segment welcome the anticipated introduction of a change to the court system.

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*“As for reform, one moment was assigning cases to judges as has been done. This must not happen by instruction. For instance, there was a claimant who had tied it up well in the court and his case was always assigned to the same judge. Assignment must be done electronically by random selection and cases must not be assigned to a particular judge who deals with the cases of one particular claimant.” [private business representative]*

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In the perception of the representatives of business entities surveyed in the qualitative component, there is litigation in which the court is free from political pressure and influence but in these, too, judges tend to display “socialistic approaches” by showing favouritism and sympathizing with individuals at odds with business entities.

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*“I’d like to single out the litigation that is under pressure. Selective cases in which judges are unable to help any individual, no matter how much they want to do so. There is litigation in which there is no pressure and judges take the side of the so-called weaker party. Judicial decisions tend to smack of socialistic rather than business or capitalist attitudes. Such things have happened but it all depends on the case and those involved in it.” [private business representative]*

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According to the results of the qualitative component of the survey, the qualifications of judges is one of the major issues for criticism of the judiciary. There are some factors raising questions in this regard. When discussing major violations in the judicial system and the incompetent decisions made by judges years ago, respondents point out that the court is currently staffed with the same judges and this in the end reflects adversely on the assessment of the qualifications of judges. However, the representatives of NGOs specialising in representing discriminated groups in court

are severe and sceptical in their assessment of judges' qualifications. In their opinion, a low level of awareness of the challenges of sexual, religious and other minorities, that poses a problem for the whole of society, finds reflection in the judicial system and influences the course of proceedings. It should also be mentioned that the representatives of business entities tend to be relatively more positive in their assessment of judges' qualifications while the NGO sector stands out for its pronounced criticism.

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*"Judges, of course, and this does not apply to all, reveal quite obviously that their qualifications often do not meet the complexity of a case and often write ridiculous things in their decisions. The problem cannot be fixed with planned trainings organised for them."* [NGO representative]

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Some of the respondents in the qualitative survey representing the healthcare and insurance sectors raise certain doubts over the qualifications of judges. In their experience, the lack of qualifications in the field of medical law is noticeable not only in judges but also in defence lawyers. This factor has an adverse effect on disputes and proceedings.

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*"Medical law and matters relating to medical practice are not refined from a legal standpoint. Medical relations are a huge sphere but the sphere has not been specialised either in law or in court. There is no field of medical law as such and we, the lawyers, are in the process of its development and refinement. We, the defence counsels and the judges, teach each other what happens as well as how and why it happens in medical relations. Whoever has more practical experience in it knows more, has more information and is more focused on such matters."* [private business representative]

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According to a majority of the respondents taking part in the qualitative component of the survey, one of the noticeable challenges for the court is the timeframe of proceedings. In their opinion, the timing issue is mostly due to a lack of staff. In the observation of representatives of both NGOs and the business sector, the court routinely adjusts the time frames it has previously fixed for hearings. They relate cases in which it may take years after a claim has been filed to set a date for a hearing.

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*"One major problem that we encounter is the time frame – how timely claims are responded to and how timely they are heard – there is a heavy caseload... There is quite a large number of cases but this must be fixed to make sure the court does not draw out proceedings for an individual who is trying to protect his or her rights."* [private business representative]

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Despite the problems and flaws in connection with the timeframes of proceedings, some respondents think that it is not difficult to apply to the court and that the application procedure is quite smooth. However, respondents who sometimes represent people with disabilities before the court say that the procedure is least accommodated to the needs of people with disabilities. This at best hinders their presence at the trial and, at worst, prevents them from applying to the court altogether. This involves a lack of infrastructure (e.g., wheelchair ramps) as well as other technical defects (e.g., a blind person cannot fill out an electronic application, a person with a hearing problem cannot establish communication pending the trial, etc.).

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*"Although PwDs are exempted from fees, none of them can apply to the court. It is fine that they are exempted from fees but, on the other hand, I'll exempt you from fees but you can never come to me. In the first place, the infrastructure is totally inaccessible and one has two choices – to arrive and in a degraded state have himself or herself lifted and carried as cargo or not to arrive and have his or her case heard in absentia which is absolutely wrong. This is to say nothing about the blind or persons with hearing problems for whom the court system is absolutely inaccessible."* [NGO representative]

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Interesting results were produced when answering the question as to whether or not one has the chance to succeed in court in different types of cases – versus the state, versus an individual, versus corporations and in a criminal case. The largest number of respondents in all of the above cases think that there is a high chance to succeed if the truth is on your side but if nearly half of the respondents are sure of it in a case versus an individual and less than half of the respondents think so in a case versus corporations or the state. The second most frequently indicated factor is

having a strong defence lawyer in all types of cases (20% to 27% in each case). Interestingly, the respondents select the answer “no matter how right I was, I’d have no chance” most frequently for a case versus the state. If 7% to 15% of the

respondents give this answer for other types of cases, 22% of the population give up hope if the case is versus the state. The perception of the chances for success in the above legal cases are similar for both male and female respondents.

**Graph 24.** In case you have a dispute to resolve at the court, do you think you have a chance to win your case?

	Adversary/Case Type			
	Versus the state	Versus an individual	Versus corporations	In a criminal case
I do not have any chances even in case I am right	22%	7%	15%	11%
I might have a chance if I would have paid a large bribe	2%	2%	2%	2%
My chances would be 50-50	19%	21%	20%	19%
I could probably win if I would have hired a strong lawyer	20%	24%	26%	27%
I would have a higher chance of success if I were right	30%	45%	31%	39%
I would have a higher chance of success if I had influential connections	5%	6%	7%	7%
I would have a higher chance of success if I were an official	3%	2%	4%	3%
I could probably win if my case were highly publicised	2%	1%	2%	2%
I do not know/ difficult to answer	17%	15%	19%	19%

Based on the results of the qualitative survey, we can say that the opinions of the representatives of NGOs and businesses differ with respect to an individual’s chances of success in cases versus the state. On one hand, their experience shows that the number of cases won against the state in administrative proceedings is quite high but it should also be mentioned that in their own perceptions, this is due to enormous efforts, special preparation for the hearing, and the involvement of highly qualified defense lawyers – commodities not everyone can afford. On the other hand, part of the respondents in the qualitative component in the above groups blame the judicial system for remaining loyal to the state. In the opinion of this part of the respondents, the court is mostly an authority catering to state interests.

The population survey also revealed that regardless of the type of adversary or case, residents of Tbilisi are more of the opinion that a precondition for winning a case in court is to have a strong defense

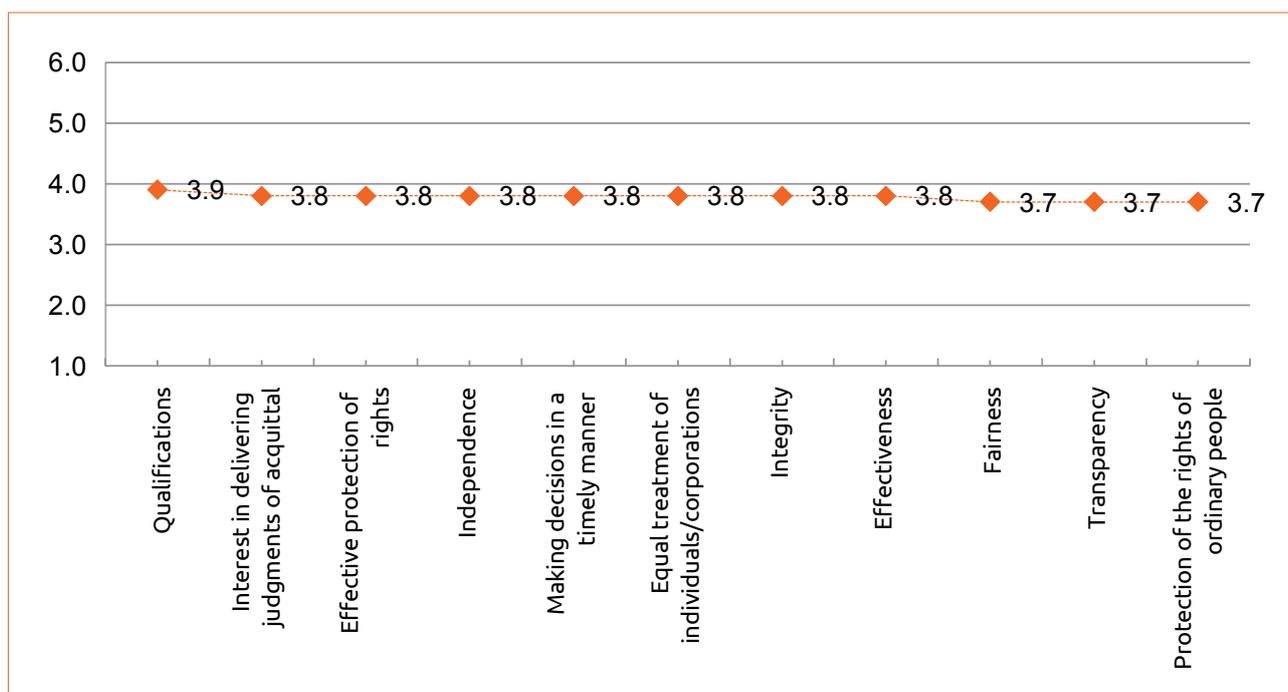
counsel. The number of those agreeing with this position in Tbilisi is 7%-14% higher than that of those with the same opinion in other cities and 10%-14% higher than that of those with the same position in villages. Respondents of different ages are almost equally sure that if they are right, they can win a case. Respondents aged 65+ have the strongest doubt over the importance of a strong defense counsel in winning a case. The number of those referring to the role of a strong defense counsel for all types of cases is 3%-9% lower than the relevant indicator in all other age groups.

The assessment of the court by a variety of parameters shows that the assessment of the institution is higher than average – the assessment indicators on a 6-point scale range from 3.7 to 3.9. It should be mentioned, however, that as compared to the 2012 survey, there is a decreasing trend in the scores given for different assessment indicators – the average scores for qualifications, integrity and effectiveness ranged from 4.5 to

4.9 in 2012 while the average scores for the same indicators are 3.8–3.9 in this survey. In both surveys, the respondents give nearly equal scores (3.7) to the independence of the judiciary. The results obtained are to a certain extent inconsistent with the results according to which only 10% of the

respondents think the situation in the court by a variety of parameters has worsened (see below). However, the critical assessments obtained in the 2016 survey could be due to somehow heightened expectations for the court and not an increase in any particular negative factor.

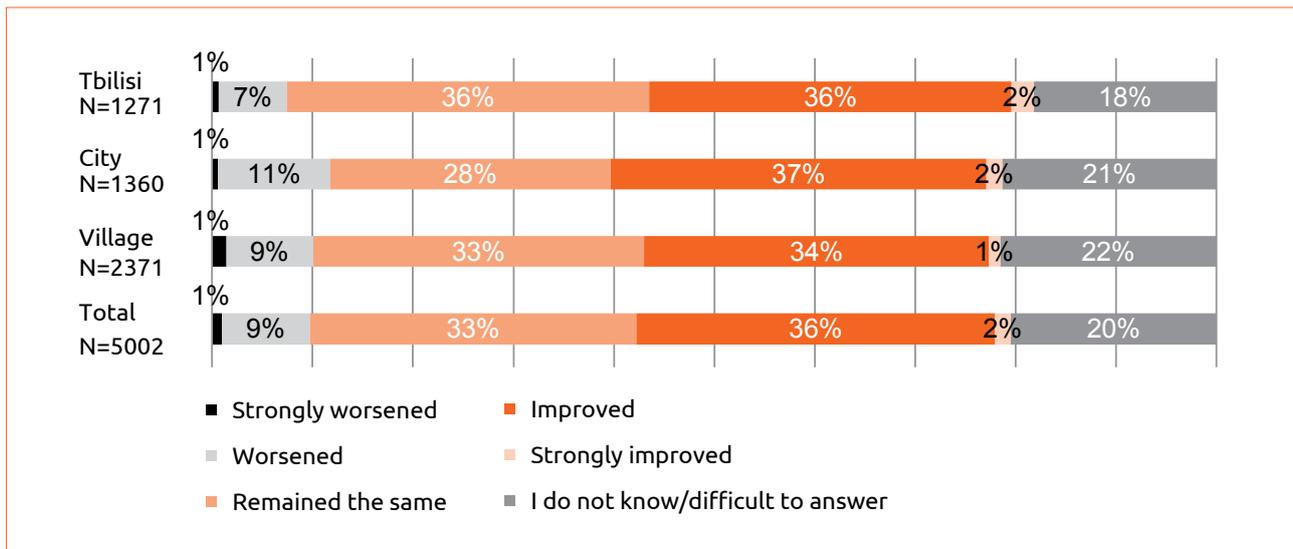
**Graph 25.** Evaluation of courts according to different criteria (medium score on 6-score scale).



Only a small number of respondents (13%) declare constant or frequent pressure on the court on the part of the Prosecutor's Office although one out of three respondents thinks that this happens occasionally. Interestingly, 39% of the population have no answer to this question and 16% of the population are confident that the court is independent from the Office of the Prosecutor. Constant or frequent pressure on the court on the part of the Prosecutor's Office is most frequently alleged by respondents aged 65+ (18%) and most seldom by the respondents within the 25-34 age group (10%).

When asked how the situation in the court has changed over the last five years, 38% of the population answer that it has improved. One-third have a feeling that the situation has remained the same and only a small number of them – one out of ten – complain about a worsening situation in the court (strongly worsened – 1%, worsened – 9%). Out of the age groups surveyed, those within the 25-34 age group are relatively reserved – 30% of them think the situation in the court has improved. The same answer is given by 39%-41% of respondents older than 35.

**Graph 26.** What do you think, how the situation has changed in the courts during last 5 years?



In the opinion of the representatives of business entities taking part in the qualitative survey, the positive changes implemented in the judicial system are evident in the reduction of control on the part of public agencies. In their perception, although certain forces are still interested in significant cases the extent of control has reduced considerably. In part, this is what in the respondents' opinion explains the increase in public confidence for the judiciary although the system still has a lot to do in this regard.

*"There is no total control over the court, only over some select cases. I mean, the number of such cases has dropped...That's the difference."* [private business representative]

*"There were times, about six or seven years ago, when a party and a lawyer were crushed in every way. They mounted so many barriers and you could not bring anything in the courtroom. The previous government, especially in the last two years of being in power, introduced such unreasonable restrictions that neither a lawyer nor any others could bring even a cell phone into the courtroom. These problems went away since the government changed. Of course, there was a political reason behind that, or there was some estrangement, but this is my subjective opinion. There was a distance and slowly walls were put up. Now, these walls have been removed and one can freely breathe in the courtroom."* [private business representative]

*"The number of court cases has increased dramatically. There can be two factors behind this: one is that civil awareness in society has increased and disputes are settled in the courtroom instead of verbally. The other is the confidence declared in the court – I mean, civil cases. I do not have enough experience in criminal cases."* [private business representative]

The representatives of business entities taking part in the qualitative survey also speak about the improvement of technologies in the judicial system; namely, the introduction of electronic filing software (receipt and service of papers, archiving of decisions, etc.).

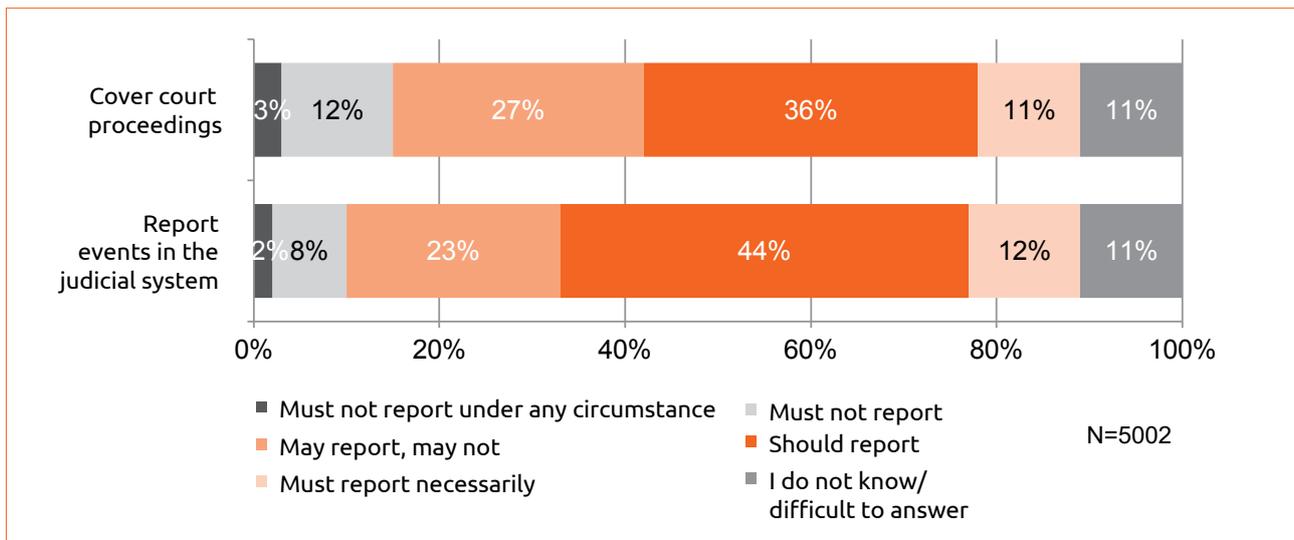
In discussing the situation by such indicators as timeframes for hearings, qualifications of judges, independence from the Prosecutor's Office and objective decisions, one-third of the population surveyed think that the situation remains the same and 28% to 37% believe that there are improvements (inter alia, 37% see positive changes with respect to objective decisions). In this case, too, respondents within the 18-24 age group have a relatively reserved position as compared to others while the difference of opinion as compared to older age groups does not reach 10%.

The two key factors forming the image of the court are court decisions (35%) and information disseminated by the media (23%). The role of

all other factors is mentioned at a much lower frequency. In the opinion of a large part of respondents, the media should report current events in the judicial system (56%) and cover court proceedings (47%). About one out of ten respondents thinks that neither one should be covered. The population aged 65+ are a pronounced supporter of the idea of the media reporting

current events in the judicial system and covering court proceedings. The number of respondents that support covering court proceedings in the said age group is 7%-13% higher than that of those in other age groups and the number of respondents that support covering current events in the judicial system in the mentioned age group is 8%-10% higher than that of those in other age groups.

**Graph 27.** Do you think the media should report events related to judiciary? Cover court proceedings?



In the opinion of some of the respondents in the qualitative survey (focus groups held with the population, NGOs), the court’s image has taken a substantial hit in recent years and the rehabilitation process is painful as no major staff reshuffling has been done. One part of the respondents think that the politicised court of previous years has now mostly been released from “political tentacles” but in certain highly publicised cases sensitive to the government, one can clearly trace a “hidden hand” that harms the image of the court.

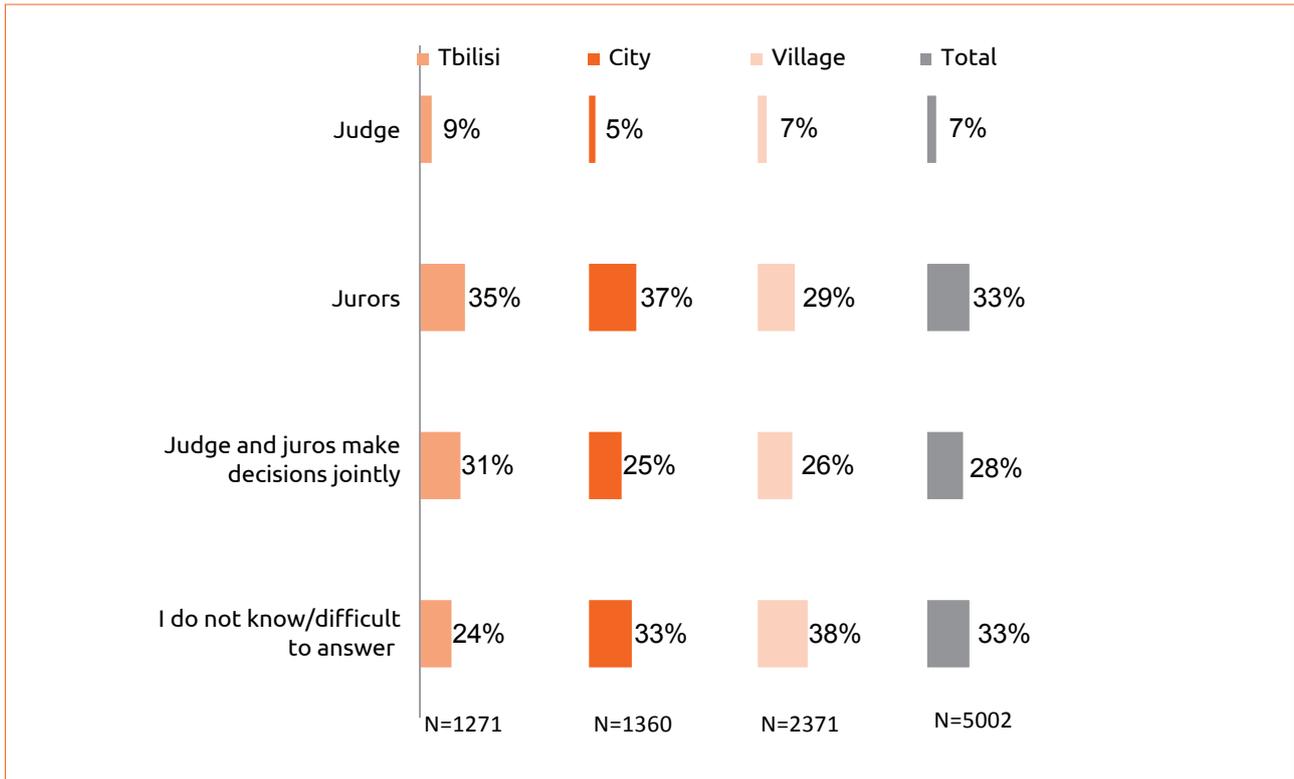
Over the last five years, 87% of the Georgian population have not attended any court proceedings of any status. The comparison of the result with that of the 2012 survey, in which one-third of the population had experience attending some court proceedings, shows that there is a decreasing trend in having this experience. According to the current survey, male and female respondents have nearly similar experiences attending court proceedings.

### 3.4.2. Jury Trial

Two out of three respondents (63%) are aware that Georgia has launched the institute of a jury trial. Differences are radical by settlement type – the number of those aware of the activation of the jury trial is 76% in Tbilisi, 64% in other cities and only half of the respondents (52%) in villages. The number of those aware of this institute is equally high in the 18-64 age group (67%) but drops sharply in respondents within the 65+ age group (52%).

One out of three respondents believes that decisions at jury trials are made by jurors (33%) while 28% think that decisions are made by jurors and the judge jointly. 7% think that the judge is the sole decision-maker. The perception of the decision-making mechanism is nearly similar in the 2012 survey.

**Graph 28.** In your opinion, who pass(es) a guilty or not guilty verdict at a jury trial?



Almost half of the Georgian population (46%) know that it is a civil obligation to take part in a jury trial and that one cannot avoid this obligation except in the cases provided by law. Nonetheless, if called in, one-third are unwilling to serve as a juror and 28% of respondents nationwide are willing to do so. The number is a little lower than that obtained as a result of the 2012 survey (39%). Equal numbers of female and male respondents are willing to serve as a juror. There are no considerable differences between the respondents of different generations although, as compared to others, respondents within the age groups of 18-24 (31%) and 35-44 (32%) show a slightly higher willingness to serve. In turn, regarding the fact that it is impossible to evade the duty of serving as a juror, residents are more aware in Tbilisi (52%) than in other cities (42%) and villages (45%).

Regarding factual information, 30% of the Georgian population know that the jury hears criminal cases and 37% say that a defendant can choose on his or her own whether to be tried by a single judge or by jurors.

The following further describe the attitudes about a jury trial:

- Half of the Georgian population thinks that a jury trial is more independent, impartial (50%) and fair (54%). One of the reasons for this is that cases are heard by 12 “judges” instead of a single judge. A slightly lower number of respondents believe that it is more difficult to bribe jurors (46%). Residents of Tbilisi (50%) think that it is more difficult to bribe jurors, 42% of people in villages believe that bribe jurors is difficult).
- At the same time, 41% of those surveyed have no doubt that judges are more competent than jurors because judges have legal education and more experience in participating in legal proceedings. The impression is that some respondents are just better disposed emotionally toward jurors as they expect more sympathy and empathy from them and they also see a greater chance for objectivity because of their multitude (this was borne out by those involved in focus groups, too). This is perhaps why one out of three respondents would prefer being tried by jurors (32%). The

number of those believing that judges are more qualified for having legal education is higher in Tbilisi than in other cities (41%) or in villages (37%).

- The respondents are more inclined to think that the jury trial as a tested institute will work in Georgia (40%) than to think that it will not

work because everyone knows one another here (23%).

In general, respondents find it difficult to assess the jury institute – from 38% to 59% of the population find it difficult to answer all of the above questions.

**Graph 29.** What is your opinion/what do you know about the jury institute?

	Yes	No	I do not know/difficult to answer
It is a civil obligation for a Georgian citizen to take part in a jury trial ( <i>cannot abstain except as provided by law</i> )	46%	15%	38%
Jury court is more independent and impartial than a traditional court	50%	10%	40%
Jury trial is fairer because cases are heard by 12 persons and not by a single person	54%	7%	39%
The decision of a judge is more competent because, unlike the jury, the judge has legal education	41%	17%	42%
The decision of a judge is more competent because the judge has experience in p trials	41%	17%	42%
It is more difficult to bribe the jury than a judge	46%	8%	46%
A jury verdict may be based on emotional judgment while a judge has more experience and makes decisions based on evidence	35%	17%	48%
The jury institute works/will work because it was successful in many countries worldwide	40%	8%	52%
The jury trial does not/will not be operational because everyone knows one another in Georgia	23%	24%	53%
A defendant can choose whether to be tried by a judge or jurors	37%	11%	52%
If called in, I would d be willing to serve as a juror	28%	35%	38%
If I were a defendant, I would prefer a jury trial	32%	15%	53%
The jury trial handles criminal cases only	30%	10%	59%

### 3.4.3. Legal Services

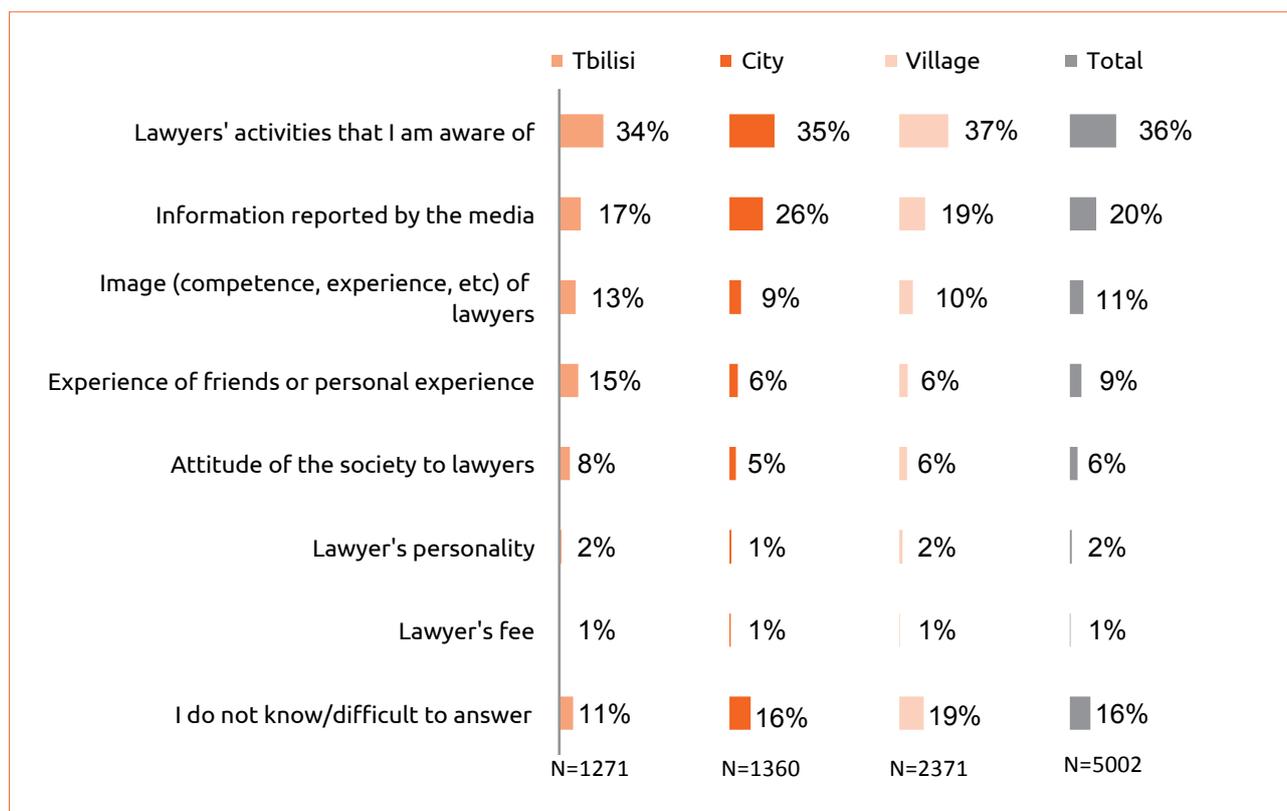
Over the last five years, 6% of the Georgian population have used a lawyer's services. Almost half of them (44%) hired a particular lawyer on the advice of a friend. Seven out of ten respondents hiring a lawyer in 2016 are satisfied with the lawyer's services (73%). A comparison of the figures with those of the 2012 survey shows that the trends are similar – then, similarly, the number of people using a lawyer on the advice of a friend was several times higher compared to those seeking a lawyer's services in other ways.

The main source of information on lawyers' activities is TV for six out of ten respondents (58%) while 22% receive no information on lawyers. In particular, more than 60% of respondents older than 45 receive information from TV. Those within the 18-24 age group receive information on lawyers from TV (42%) and from social networks (13%). The number of respondents within the 45+ age group receiving information on lawyers from social networks does not exceed 5%. In turn, TV provides information on lawyers' activities to 42% of residents in Tbilisi and to about one-third of the residents in other cities and villages.

A key factor in determining attitudes toward lawyers is their activities. More than one-third of respondents think that this is what matters

the most(36%). The role of the information disseminated by the media is traditionally high (20%).

**Graph 30.** What mostly determines your attitude toward lawyers?



The survey shows that according to the opinion of the population, the activities of lawyers are on the whole successful (62%). This figure reflects the trend identified during the 2012 survey.

More than two-thirds of the respondents think that a lawyer's services are expensive (69%). At the same time, slightly more than 60% think that a lawyer's fees increase in parallel to an increase in the complexity of the case as well as by the number of cases won. However, a significantly lower number of respondents (39%) think that lawyers charging low fees cannot provide high-quality services.

It is noteworthy that the number of respondents who believe that a lawyer's services are expensive is higher in Tbilisi (76%) than in other cities (67%) or in villages (65%). Likewise, those in Tbilisi are more inclined to say that a lawyer's services are charged depending on the complexity of each case (70%, 62% and 57%, respectively).

Two out of five respondents believe that most lawyers lack qualifications (41%) although this could be related to the perception that lawyers often fail to defend individuals due to pressure on the judge (45%). Respondents in Tbilisi tend to be more doubtful of lawyers' qualifications (46%) than those in villages (36%). A comparison of results with those of the 2012 survey shows a declining trend in the number of those who think that lawyers often fail to defend clients because the court is not independent (45% in 2016 and 67% in 2012 although one out of three respondents could not answer the question in the current survey while those surveyed in 2012 did not have the opportunity to choose this answer).

Respondents taking part in the qualitative survey gave varied assessments of lawyers' qualifications. This, in part, is due to a large number of lawyers and, also in part, because of doubts over the independence of the judiciary. In some respondents' perceptions, a biased court not only

casts doubt over the qualifications of the lawyer but also demotivates him/her.

*“No matter how good a lawyer you are, how well you protect your client or how well you know the laws and present the case, none of this matters when a judge is biased. This, of course, lowers motivation among lawyers, too.” [private business representative]*

In the opinion of NGO representatives and the business sector, ethics, competence and high standards for the rights and dignity of an individual are important criteria against which the qualifications of lawyers should be assessed. Logical thinking skills and an honest approach to clients are also important criteria against which to assess the qualifications of lawyers.

*“A lawyer must have logical thinking skills and strong communication skills. His/her communication must tie in with his/her logical thinking. Also, he/she must be intrinsically honest.” [private business representative]*

The opinions of the surveyed population differ on whether or not lawyers dealing with a heavy caseload can provide quality services – 35% of respondents underscore such a risk while 26% cannot see any connection between the two factors. Nearly half of the Georgian population (45%) have no doubt that most lawyers are honest and do not lie. Respondents in other cities (48%) compared to Tbilisi (38%) are more certain about the honesty of lawyers.

**Graph 31.** Do you agree with the statements below?

	Yes	No	I do not know/ difficult to answer
Most lawyers practice successfully	62%	15%	23%
Lawyers' services are too expensive	69%	7%	25%
Most lawyers lack qualifications	41%	25%	34%
Lawyers often fail to defend clients as the court is not independent	45%	18%	38%
Lawyers who charge low fees cannot provide high-quality services	39%	25%	35%
Lawyers' services are charged depending on the complexity of each case	62%	6%	32%
The more cases a lawyer has won, the higher his/her fees are	61%	7%	32%
Lawyers dealing with many cases cannot provide good services	35%	26%	39%
Most lawyers are honest and do not lie	45%	18%	37%

The interviews conducted with NGOs within the qualitative survey show that in their opinion, the core function of the Bar Association is to improve the image of lawyers and promote their professional development. On the one hand, respondents said that the Bar Association organises training aimed at improving not only ethical standards but qualifications as well. On the other hand, they expressed concern

that the diversity of the training that the Bar Association offers its members is unsatisfactory, especially for lawyers engaged in private practice. Furthermore, some respondents think that in a significant number of cases, training is conducted by individuals lacking the required qualifications. In the opinion of some representatives of NGOs, despite its wide potential and strong connections throughout the country, the Bar Association is not sufficiently active.

*“The image of lawyers is split in two and opinions vary... There are highly trusted lawyers and there are lawyers not appropriately dealing with clients, giving them wrong information and false promises and enjoying little to no trust. However, the Bar Association is working hard now at organising trainings, including trainings in ethics. All of this helps to improve the condition of the corps of lawyers.” [private business representative]*

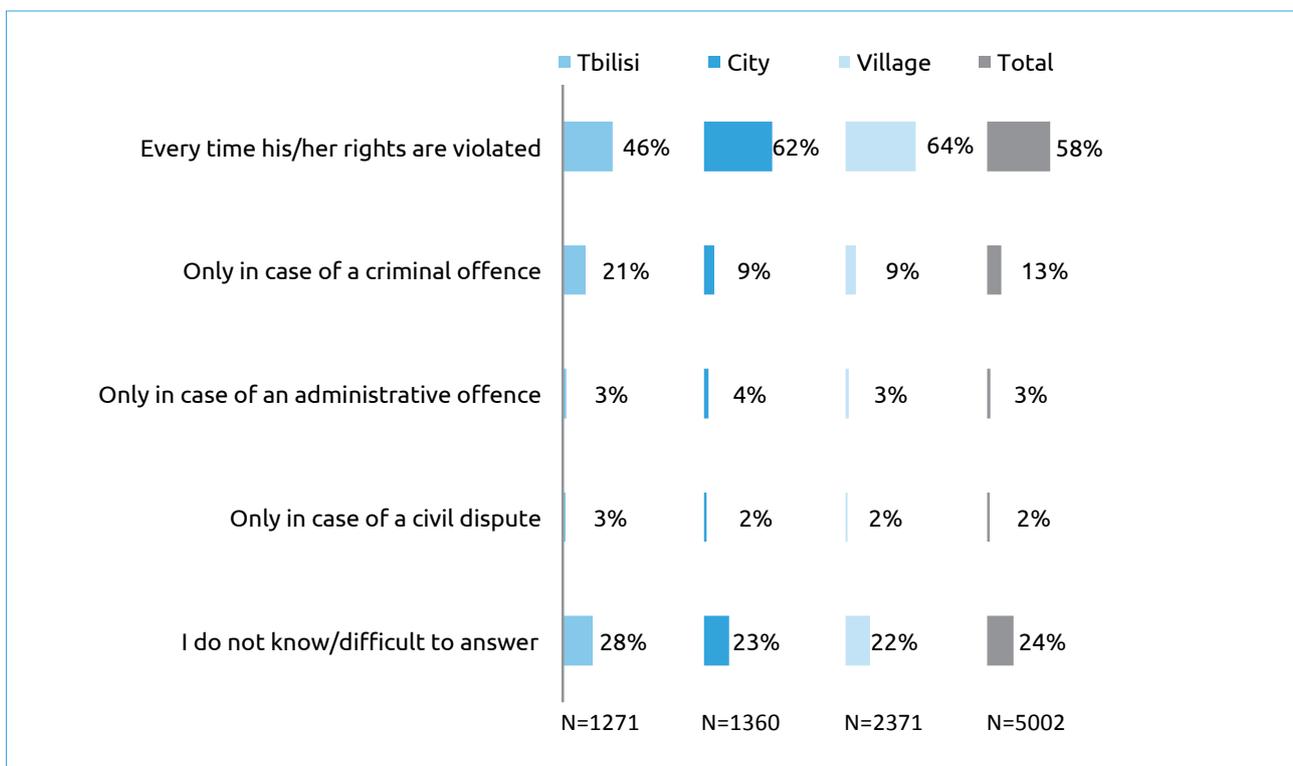
*“In fact, it is an organisation having no competitor and, therefore, its activity is rather low in intensity, despite the fact that it has ample resources from lawyers, international organisations and donors – especially the American Bar Association.” [NGO representative]*

*“There are some lawyers who are very qualified and shrewd but such lawyers are a minority. There are quite a few lawyers in the Bar Association who do not stand out for their qualifications.” [NGO representative]*

### 3.5 Prosecutor’s Office

The survey collected and analysed information on respondents’ attitudes to and perceptions of the Office of the Prosecutor. In the opinion of the majority of respondents surveyed, a person can apply to the Prosecutor’s Office every time his/her rights are violated – this is how 58% of respondents nationwide think. One out of every four respondents find it difficult to answer the question of when a person can apply to the Prosecutor’s Office (24%). 13% of respondents are aware that they should apply to the Prosecutor’s Office only for a criminal case. This idea is more accepted in Tbilisi (21%) than in other cities or villages (9% for each). Likewise, as compared to other cities (62%) and villages (64%), a considerably lower number of respondents in Tbilisi believe that they can apply to the Prosecutor’s Office every time their rights are violated (46%). The figures show that the population of Tbilisi has a better understanding of the ins and outs of the Office of the Prosecutor.

**Graph 32.** In what case do you think a person can apply to the Prosecutor’s Office?

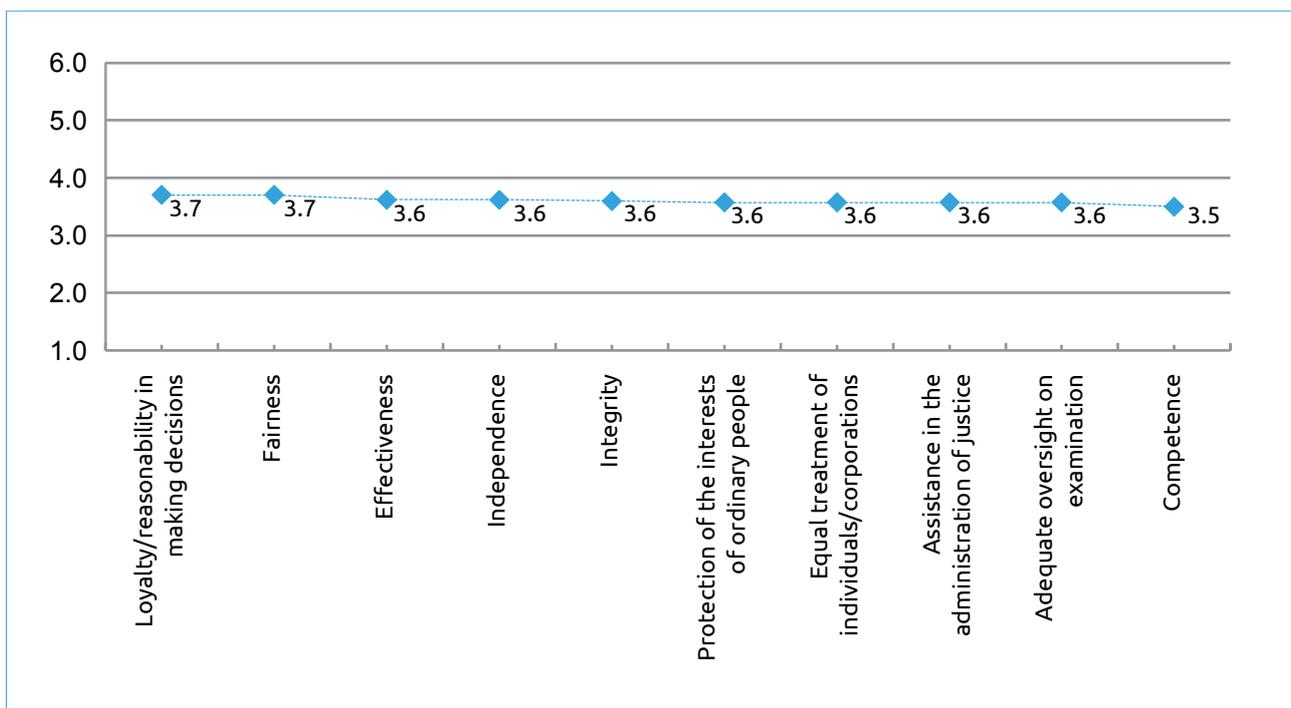


As compared to those of other age groups, respondents within the 18-24 age group are aware of the cases they should apply to the Prosecutor's Office but the difference is quite noticeable – 17% in the said age category believe that they should apply to the Prosecutor's Office only for a criminal case with the same parameter for other age groups being 3% to 6% lower. Besides, slightly more than half of this group thinks that they should apply to the Prosecutor's Office regarding the violation of any right (52%) while the relevant parameter in other groups ranges from 57% to 61%. One-fourth of the population know the procedure for applying

to the Office of the Prosecutor, if necessary (24%). There are no considerable differences between the parameters in terms of settlement type, gender or age.

The assessment of the Prosecutor's Office by a variety of indicators is moderate, on average reaching 3.6 or 3.7 on a 6-point assessment scale. This is equally true for quite a wide range of indicators from the perception of fairness or competence to loyalty and adequate oversight of investigations.

**Graph 33.** Evaluation of the Prosecutor's Office according to different criteria (medium score on a 6-point scale).



In the opinion of the representatives of NGOs taking part in the qualitative survey, although certain changes have been implemented in the Prosecutor's Office in recent years, questions regarding its activity remain. A part of the respondents think that the Prosecutor's Office is still experiencing a deficit of institutional independence and politicisation risks. However, the respondents taking part in the survey perceive changes made to the Prosecutor's Office in recent years in a positive light. In the opinion of

the respondents, the results of the reforms that have been implemented within the institution and at the constitutional level will become more noticeable after a certain period of time.

*"Of course, some things have changed, including within the institution, and there have been certain changes at the constitutional level. It takes time to appreciate the ultimate effect that the changes have on the independence and image of the Office of the Prosecutor." [NGO representative]*

A certain part of the respondents taking part in the qualitative survey think that the Prosecutor's Office lacks impartiality and is politically motivated in identifying crimes of discrimination. In their opinion, the attitude is dictated from top political levels with a motive to manipulate statistical data.

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*"For me, and for a majority of lawyers, the Prosecutor's Office is a body inadequately responding to the crime of discrimination and inadequately conducting prosecution. In general, such things are regulated by the criminal procedures laid down by the Chief Prosecutor at the lowest level as well as by the President, Chairperson of Parliament or perhaps several ministers at the top level." [NGO representative]*

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It can be said that questions regarding the operation of the Prosecutor's Office are encouraged with a high level of public interest in publicised cases and a lack of information on the investigation that is provided to interested organisations/persons.

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*"There are question marks regarding the independent operation of this body... The fact that there is high level of interest with respect to certain cases as well as the fact that information on investigations is not sufficiently released raises questions." [NGO representative]*

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In the opinion of some representatives of the business sector taking part in the qualitative survey, the attitude of the Prosecutor's Office to legal procedures has significantly improved. However, also in their opinion, the Prosecutor's Office operates within the boundaries of the law and faithfully discharges its duties.

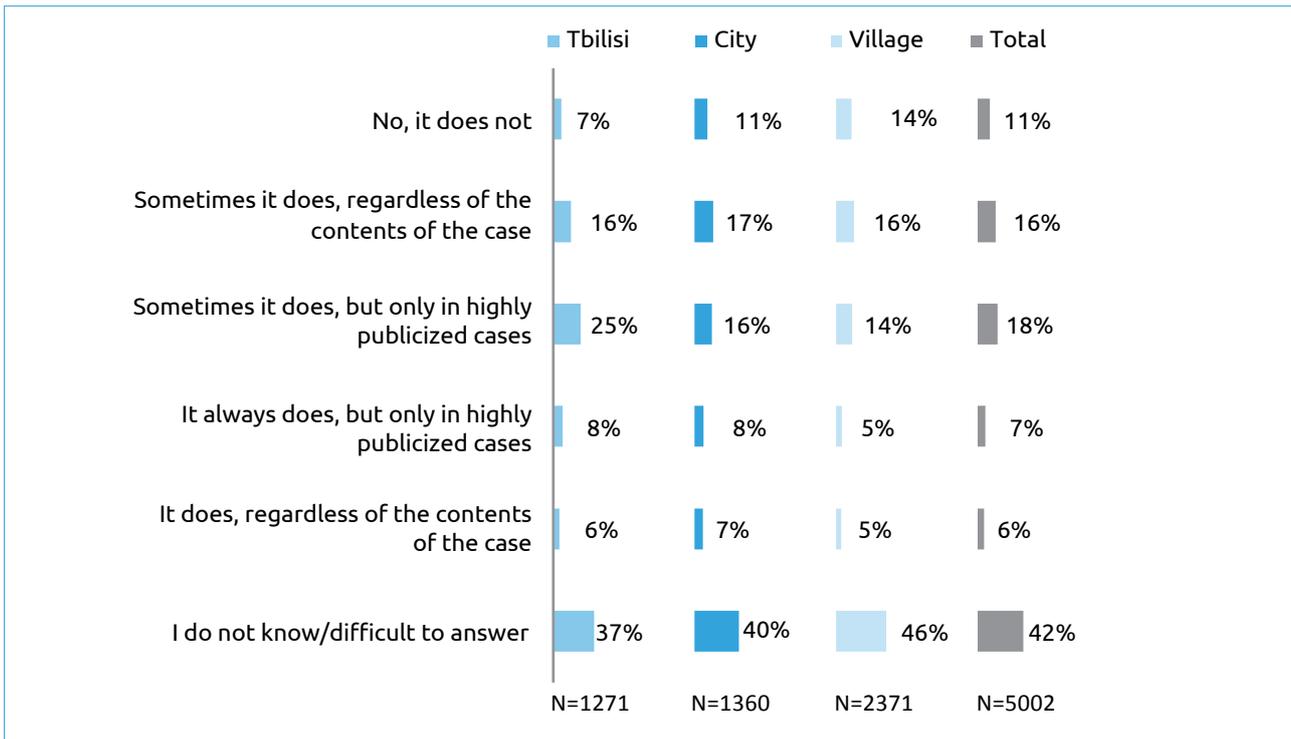
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*"As far as investigation operations and the rules for requesting information are concerned, the situation has changed dramatically. The Prosecutor's Office falls within the framework that is necessary and that is provided for by the law. It does everything within the boundaries of the law without evading responsibility." [business sector representative]*

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The survey shows that the population has no clear understanding of the extent to which the Prosecutor's Office could be fulfilling political orders. This is borne out by 41% of respondents who find it difficult to answer this question. One-third of the respondents believe that the Prosecutor's Office sometimes fulfils political orders, regardless of the contents of the case (16%). Inter alia, the number of respondents voicing such an opinion in relation to highly publicised cases is higher in Tbilisi (25%) than in other cities (16%) or villages (15%). The number of those who think that the Prosecutor's Office fulfils political orders (in ordinary as well as highly publicised cases) does not exceed 13% nationwide.

**Graph 34.** Do you think the Prosecutor’s Office of Georgia implements political orders?



With regards to the image of the Office of the Prosecutor, a majority of the respondents taking part in the qualitative survey say that despite current violations and political influence, the Prosecutor’s Office is characterised as a repressive machine less so now than it was a few years ago. Despite this progress, there has not been enough change in this direction to gain public trust.

*“We can say that the Prosecutor’s Office has at least somewhat lost the image of full repression it once had but I cannot say that there have been any essentially decisive changes either in public trust or the image of the Prosecutor’s Office in the eyes of society.” [NGO representative]*

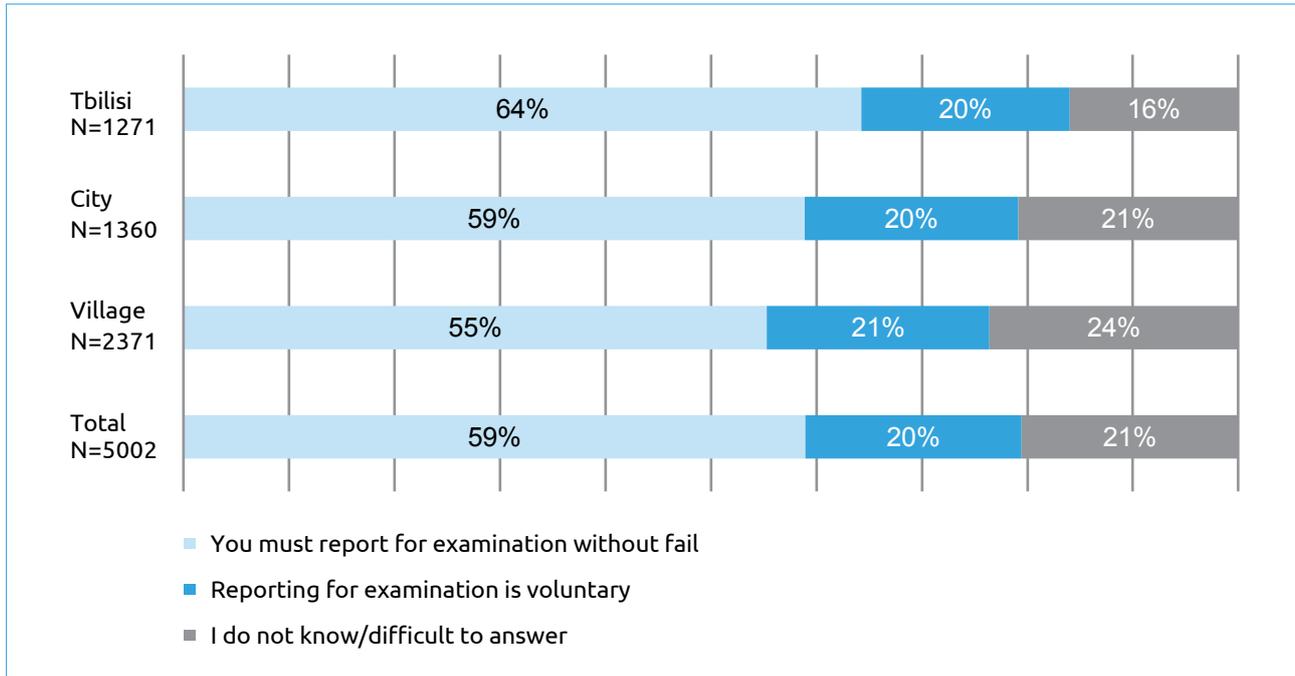
*“The image is that the Prosecutor’s Office may be under some influence. Of course, I mean political influence and this is due to the fact that there is no independent body to exercise control over all of this and investigate their violations.” [NGO representative]*

*“Public orders and intimidations or unreasonable prosecutions have become less frequent now than they were before. This area, too, has improved.” [private business representative]*

A considerable number of the Georgian population believe that a plea bargain with the Prosecutor’s Office is a means of buying freedom in exchange for payment – this is how 40% of respondents think but nearly the same number of respondents (38%) find it difficult to answer this question. The idea that a plea bargain is a means of buying freedom is shared by almost half of the respondents in Tbilisi (49%) while the number of respondents with the same position is relatively lower in other cities and villages (38% and 37%, respectively). The data obtained by age category looks similar although relatively fewer respondents in the youngest (18-24) and oldest (65+) age groups believe that a plea bargain is a means of buying freedom (36% and 37%, respectively). The number of respondents with the same position in middle age groups ranges from 41% to 45%.

A majority of respondents are certain that if the Prosecutor’s Office wishes to examine them as a witness, they have a duty to report for examination without fail – this is how six out of ten respondents think (59%). The number of those believing that participation in the examination is voluntary or of those who find it difficult to answer the question is almost the same, accounting for 20% and 21%, respectively. The data for respondents by type of settlement and age category is also rather similar and suggestive of the respondents’ same level of understanding of the question.

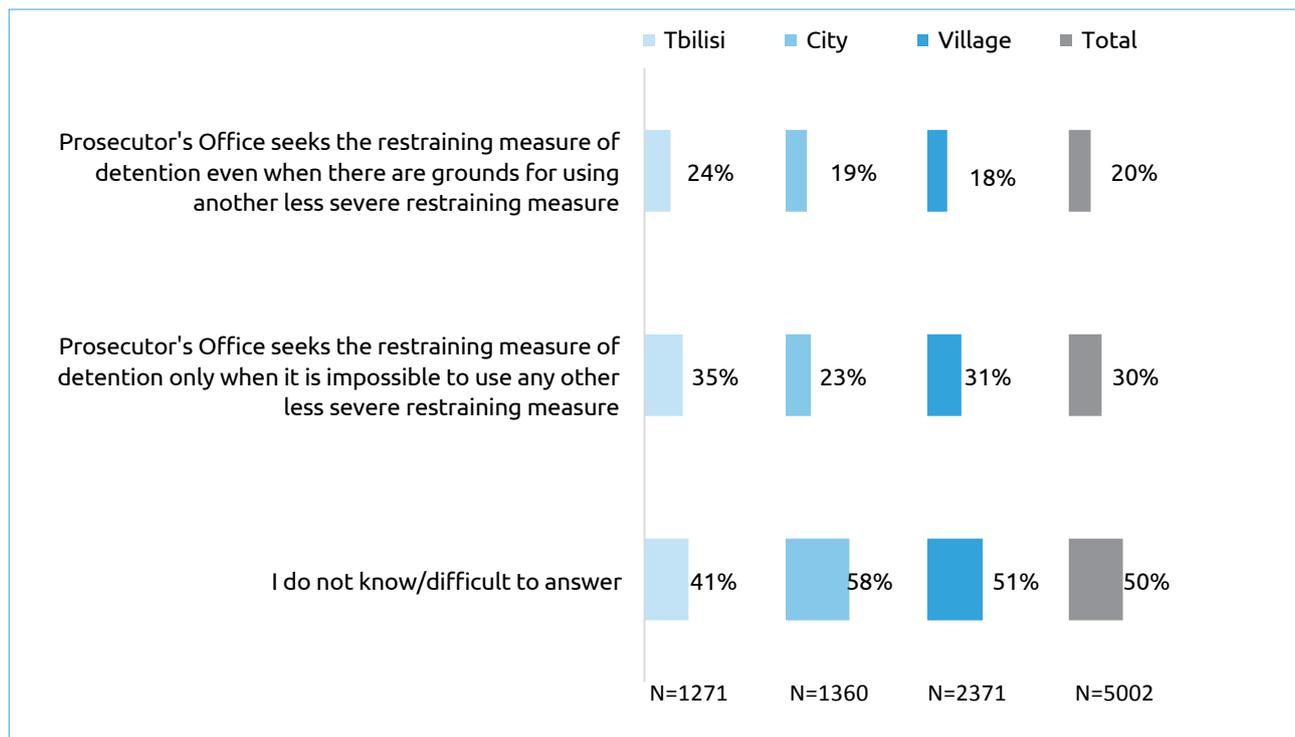
**Graph 35.** If the Prosecutor's Office wishes to examine you, do you think...?



This survey shows that precisely half of the respondents (50%) have no clearly defined idea of the Prosecutor's Office and its activities – they are unsure if the Office seeks the restraining measure of detention even when there are grounds for using another less severe restraining measure or whether it uses it only when it is impossible to employ any other less severe restraining measure. Those who believe that the Prosecutor's Office

seeks the restraining measure of detention only when it is impossible to use any other less severe restraining measure about – this is how nearly one out of three respondents think (30%) and 20% of them think that the policy of the Prosecutor's Office is the opposite. People in other cities (58%) and villages (51%) find it more difficult to answer the question than those in Tbilisi (41%). Those surveyed in different age groups have the same position on the question.

**Graph 36.** Which of the following best conveys your opinion?



When comparing the current situation at the Prosecutor's Office with the situation five years ago, an approximately equal number of respondents believe that it remains the same (37%) or has improved (35%). Only a small number of respondents believe that the situation at the Prosecutor's Office has worsened (8%). There are no considerable differences in the data by settlement type or age group. As for age group, the older the respondents are, the more pronounced the perception of improvement in the situation at the Office of the Prosecutor. At the same time, however, regarding the question as to whether or not they trust the Office of the Prosecutor, 32% of respondents in the 2012 survey said they did not and 68% said they did. In the 2016 survey, 27% of respondents answered in the negative and 59% answered in the affirmative (in this respect, too, only the respondents in the 2012 survey had the opportunity to give the answer "I find it difficult to answer the question"). Similar to the assessments of the court, the figures obtained overall may suggest that the population can see some changes in the system but that they are not sufficient to form trust in the system.

The survey showed that two factors have the strongest influence on the formation of the attitude of people as concerns the Office of the Prosecutor. These two factors are highly publicised cases (31%) and information disseminated by the media (25%). These factors are of equally high importance in Tbilisi as well as in other cities and villages. Regarding the question of the media's positive or negative influence, the opinions of respondents are divided almost equally (30% and 27%, respectively) while one-third of respondents find it difficult to answer the question.

NGOs surveyed in the qualitative component have information on the reforms being implemented at

the Office of the Prosecutor. They believe that the prosecutor election principle is a positive move but in general they fear that the reforms implemented within the system of the Prosecutor's Office are less result-oriented and effective. According to experts, the major challenge facing the reforms implemented within the system of the Prosecutor's Office was related to its independent operation at a distance from the government. In the opinion of respondents, these events are not justifiable at this point.

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*"I would not call them reforms. They had a few structural changes recently but such changes have produced no results other than an increase in the staff number by dozens of units." [NGO representative]*

*"It has always been our position that the Prosecutor's Office should have been an independent body distanced from the government. Unfortunately, the reforms implemented in recent years have not achieved the desired result and the Prosecutor's Office is not fully distanced from the government (including influence from political figures)." [NGO representative]*

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It is also worth noting that only a small number of those surveyed within the qualitative component had experience dealing with the Office of the Prosecutor. However, the few respondents that had such experience are satisfied with the services they received and the competence of the staff.

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*"We found them to be quite courteous and polite, and knowledgeable about how to do their job. Our case was brought to an end and investigated within a limited time frame. We can't remember other cases in which we were involved. I can say that judging from the experience we had, we were satisfied with their services." [private business representative]*

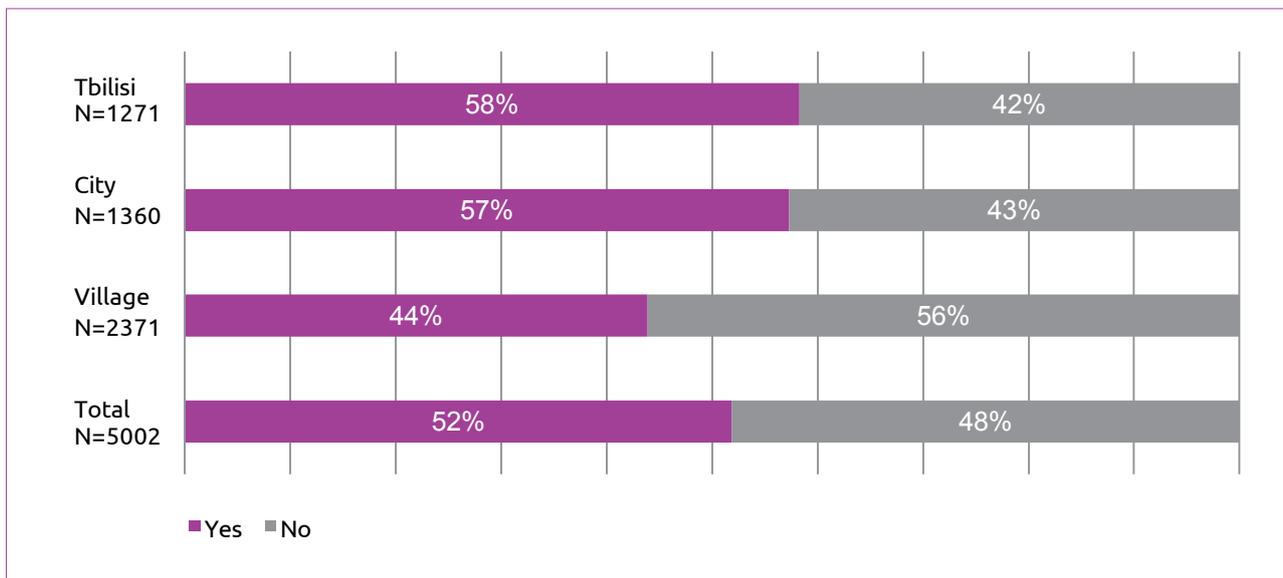
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### 3.6 Legal Aid Service

A certain part of the Georgian population has information on and use free legal services. This survey shows that half of those surveyed (52%) are

aware of this opportunity. In particular, the number of those aware of the opportunity is higher in Tbilisi and in other cities (57-58%) than in villages (44%). The general indicator of awareness about free legal aid was similar in the 2012 survey.

Graph 37. Are you aware of free Legal Aid Service?

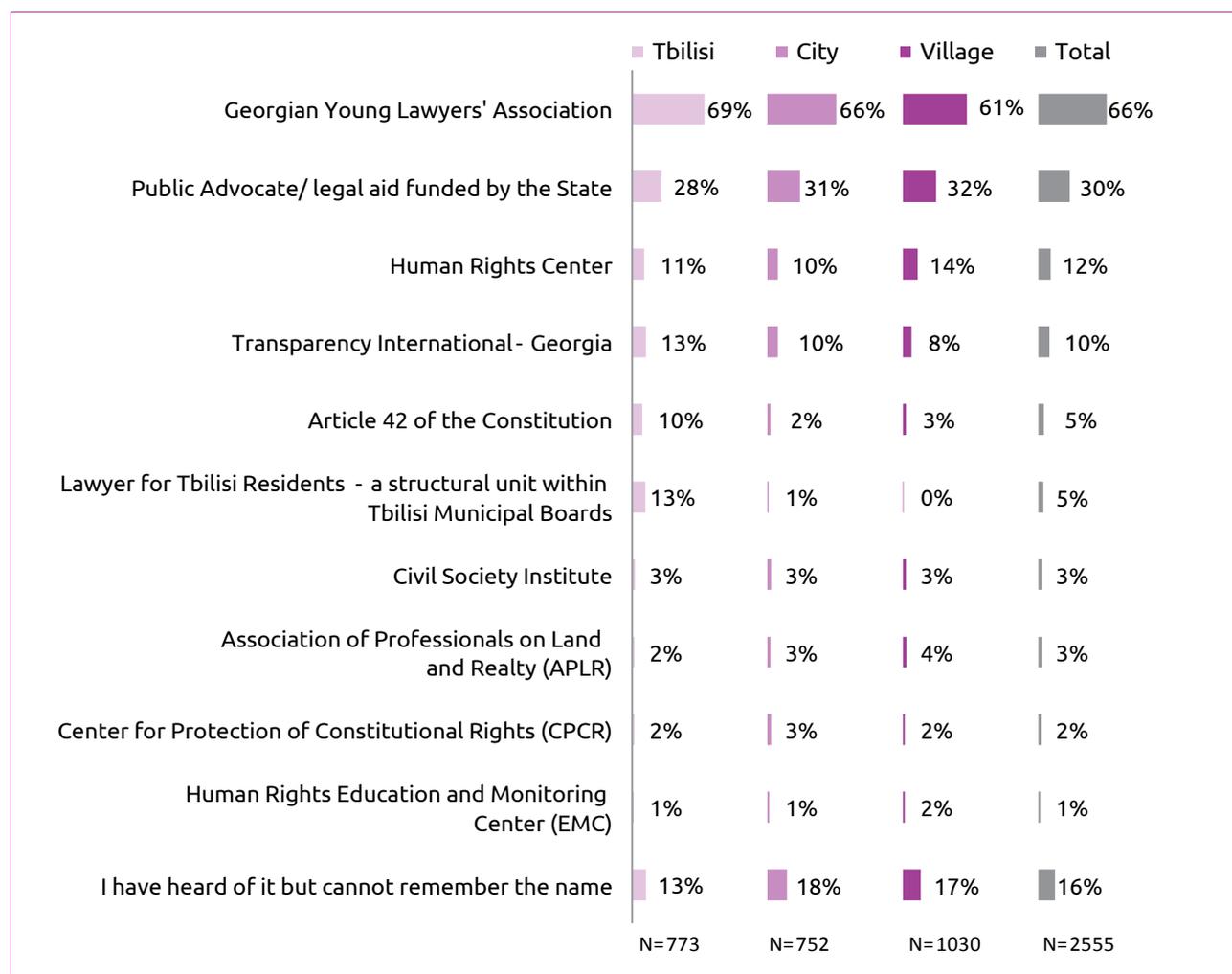


More than half of respondents in all age groups (51%-56%) have heard of free legal services (except for those older than 65 for whom the awareness of the service is 42%).

The respondents who have heard of free legal aid most frequently name the Georgian Young Lawyers' Association – two-thirds (66%) are aware of this institution. 30% of the respondents mention the Public advocate/legal aid funded by the state.

The indicator of mentioning other services is much lower and does not exceed 12%. The male and female respondents who have heard of the Public advocate/legal aid funded by the state are equal in number. Respondents in different age groups show similar numbers in terms of familiarity with the Public advocate/legal aid funded by the state, with those in the 18-24 age group having the highest level of awareness (35%) and those older than 65 standing out with a relatively low level of awareness (27%).

**Graph 38.** Which of the free legal services are you aware of?



The 2012 survey identified a similar trend with respect to the Georgian Young Lawyers' Association – it was mentioned more frequently than any other free legal aid service. Nevertheless, compared to the results of this survey, the mentioning frequency of the Georgian Young Lawyers' Association four years ago was lower and accounted for 44%. As for the awareness of the public advocate/legal aid funded by the state, the indicator remains almost the same – 13% of those surveyed in 2012 named the Legal Aid Service and 15% named the Public advocate (the respective versions in the survey of 2016 were unified in the following answer: Public advocate/legal aid funded by the state).

Three-fourths of the population that are aware of free legal aid services are willing to apply for them in any case (73%) and one out of ten of them will apply for every case except criminal cases (10%). The number of respondents categorically refusing to apply for legal services does not exceed 15%.

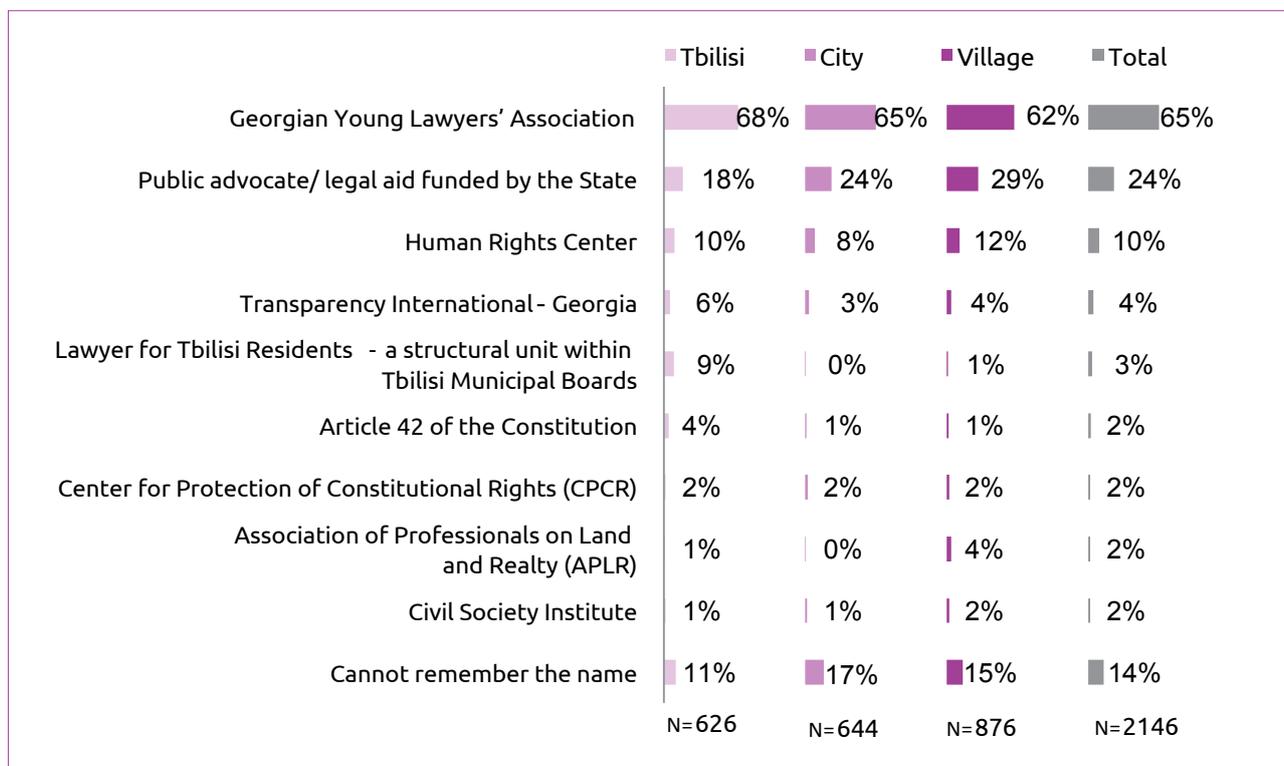
The share of those older than 65 in the latter category of respondents is relatively higher (24%). The share of those ruling out the use of free legal services in other age groups ranges from 15% to 19%. The 2012 survey identified a roughly similar trend – if necessary, 80% agreed to apply for free legal services.

Among the free legal services that respondents would, if necessary, apply to for assistance, the Georgian Young Lawyers' Association stands out with the highest popularity – two out of three of the respondents aware of the existence of free legal services are not only aware of but have applied to them (Georgian Young Lawyers' Association) for relevant services (64%). The second most frequently named service is the Public advocate/legal aid funded by the state – 23% are willing to apply to it, including 27% of women and 21% of men. Their share is larger in villages (29%) than in Tbilisi (18%) or in other cities (24%). One out of ten respondents (10%) would

apply to the Human Rights Centre. The frequency of naming any other organisation does not exceed 4%. The indicators obtained from the 2012 survey are virtually identical – 63% would apply to the

Georgian Young Lawyers' Association, 11% would apply to the Legal Aid Service and 10% would apply to the Public advocate.

**Graph 39.** Which free legal aid service would you use?



For a small number of respondents, the main reason for not applying to free legal services is distrust (22%). Those within the 55-64 age group (34%) stand out for their especially high level of distrust – their share in this group is 15% higher than in the 18-24 age category and 20% higher than in respondents older than 65. Respondents involved in the focus group pointed out that the lack of trust was to a certain extent due to the fact that the lawyer assigned to a person by the state may be loyal to the state (prosecution authority) and rather than the defendant. Another more frequently given reason for the lack of trust is doubt surrounding the competence of a free lawyer and the fact that such a lawyer may not be interested in the client's success (15% and 14%, respectively). The lack of trust is more strongly pronounced in Tbilisi (27%) than in villages (22%) or other cities (18%). The focus groups held with the population show that in the opinion of some respondents, if a lawyer's fee does not depend on the success of a case, the lawyer does not have enough motivation to fight for the client's

interests, although participants of the same focus groups were aware of examples showing that a free Legal Aid lawyer had provided substantial assistance to individuals.

One out of three adult Georgian citizens (32%) has heard of the Legal Aid Service established by the state that provides free legal services. The respondents most informed about this fall within the 18-24 age group (37%) and those least informed of it are older than 65 (27%). Approximately the same awareness of the Legal Aid Service established by the state was identified by the 2012 survey – 33% of those surveyed had heard of the relevant service.

An absolute majority of the population (84%) learned about the Legal Aid Service established by the state from TV. The role of TV is particularly high in villages – nine out of ten of those who are aware of the organisation learned about it from TV (91%). TV channels are a source for information for 85% of respondents in other cities and 76%

of respondents in Tbilisi. On the contrary, social networks were more of a source of information for residents in Tbilisi (19%) than those in other cities (15%) or villages (13%) but the difference is not appreciable. 18% of those who are aware of the Legal Aid Service established by the state learned about it from friends.

An analysis of the data by age category shows that the respondents within the 18-24 age group (84%)

learned the least about the Legal Aid Service established by the state from TV and that the respondents older than 45 (86%-91%) learned the most. The situation for social networks is completely opposite, showing a decreasing trend in the importance of said source of information as age grows – 27% for respondents in the 18-25 age group, 15% for those in the 35-44 age group and 2% for those older than 65.

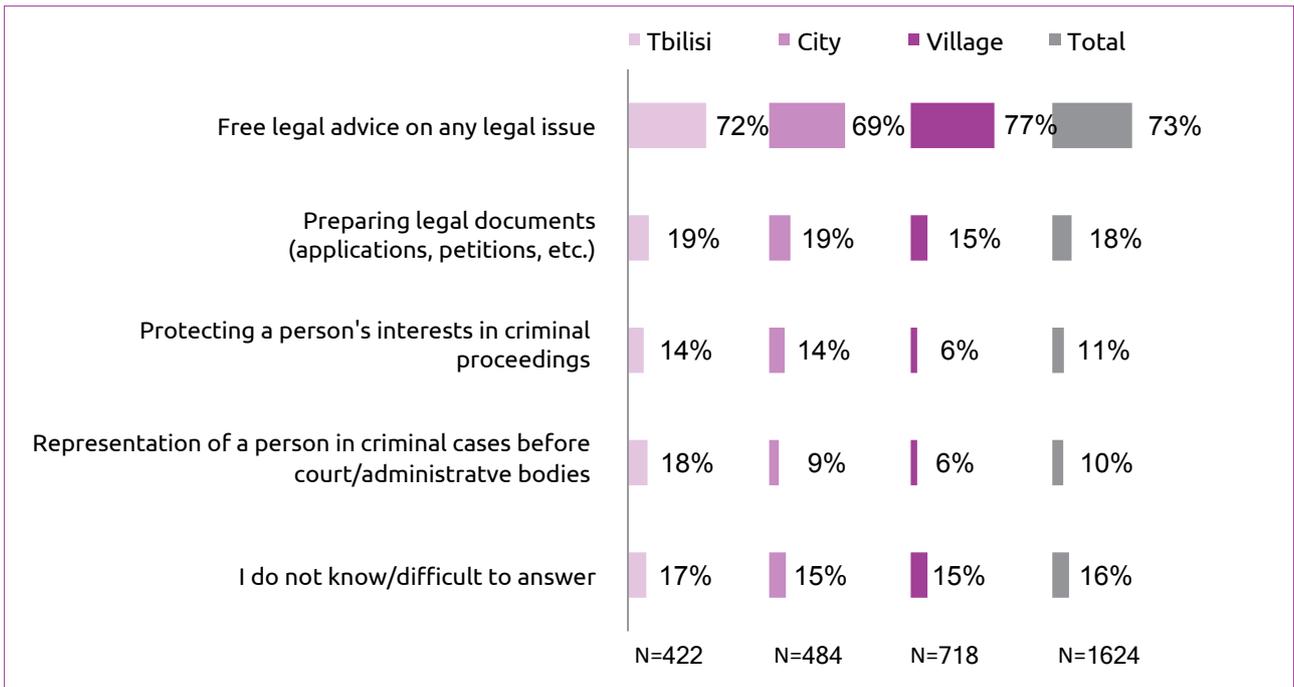
**Graph 40.** How did you learn about the Legal Aid Service?

	18-24	25-34	35-44	45-54	55-64	65 +	Total
From TV	75%	85%	81%	91%	86%	89%	85%
From radio	2%	4%	4%	6%	4%	6%	5%
From printed media	6%	6%	4%	7%	8%	12%	7%
From social networks (Facebook, Twitter, etc.)	27%	24%	15%	13%	10%	2%	15%
From statements made by officials	6%	6%	4%	2%	6%	1%	4%
From friends	20%	21%	20%	20%	16%	12%	18%
From those having used such services	2%	4%	6%	4%	3%	1%	3%
From the meetings held by employees of the Legal Aid Service	3%	1%	2%	1%	2%	0%	1%
I do not know/ difficult to answer	2%	0%	3%	1%	2%	3%	2%

Regarding the specifics of the work of the Legal Aid Service established by the state, the survey shows that seven out of ten respondents who are aware of the Legal Aid Service established by the state know that it is possible to obtain advice from the Legal Aid Service on any legal issue (73%). 11% know that free Legal Service lawyers protect the interests of a person in criminal proceedings. The same number think that these lawyers can provide representation in court for civil and

administrative proceedings. The survey showed that more than half (58%) of those aware of the Legal Aid Service established by the state have incorrect information regarding the target group of the organisation, believing that it will provide assistance to all applicants. Only 29% of them are aware that the Legal Aid Service established by the state provides services only to socially vulnerable population.

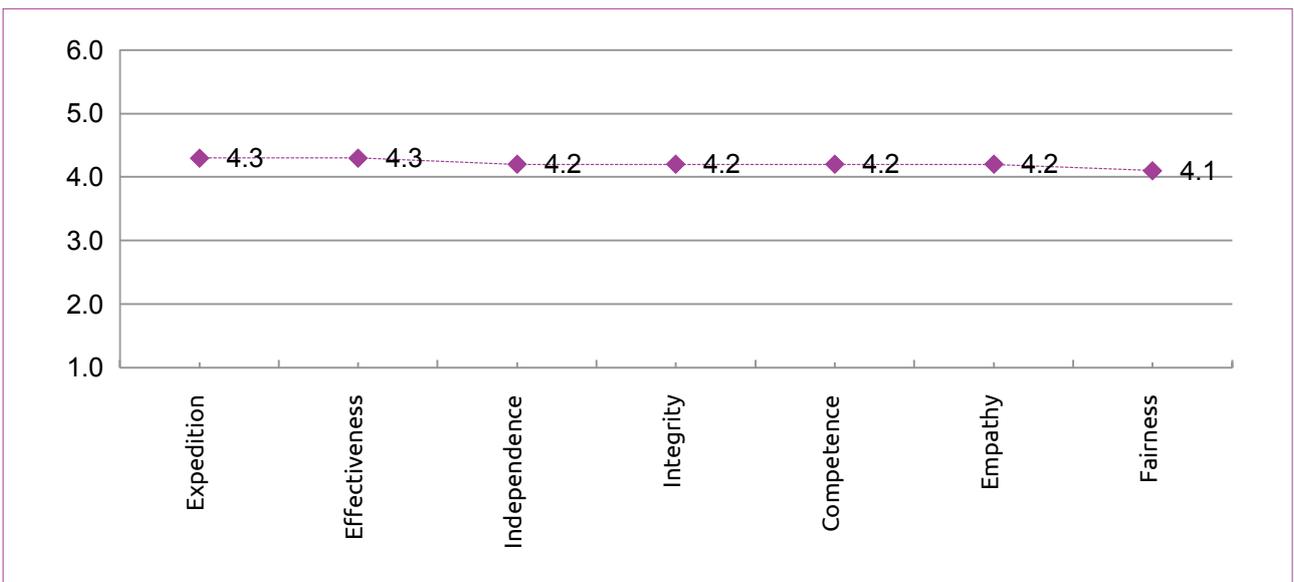
**Graph 41.** In your opinion, which services can be delivered by Legal Aid Service?



The respondents have a generally positive view of the work done by the Legal Aid Service established by the state – their assessments against a variety of parameters on a 6-point scale exceeds 4 and ranges from 4.1 to 4.3. However, it should be said that the average scores given in the 2012 survey were much higher, ranging from 4.7 to 5.3. Besides, the assessments provided in the previous survey

against a variety of parameters had a wider range as compared to the narrower range obtained in the current survey. Just like in the assessment of other institutions, it is important to consider the fact that due to the methodological and design differences between the two surveys, the results of the surveys can be compared only in terms of general trends.

**Graph 42.** Evaluation of Legal Aid Service according to different criteria (medium score on a 6-point scale).



A majority of NGO representatives taking part in the qualitative survey are informed about the Legal Aid Service established by the state and have a generally positive view of its activities. However, it should also be mentioned that only a small portion of the respondents involved in the focus group discussion were informed about the existence of the Legal Aid Service. According to the information of NGO representatives, in addition to serving socially vulnerable persons, the prerogative of the Legal Aid Service is to provide legal services to persons that requires such services urgently or those lacking alternatives.

*“They do a lot of work and I think that at this point, there are no serious questions about their independence. As I know, they mostly assist either socially vulnerable persons or where it is mandatory to provide legal defence. The Legal Service gets involved in such cases.” [NGO representative]*

Toward the end of this part of the survey, the interviewers communicated a brief description of the Legal Aid Service established by the state to all respondents and asked for their comments based on the relevant information.

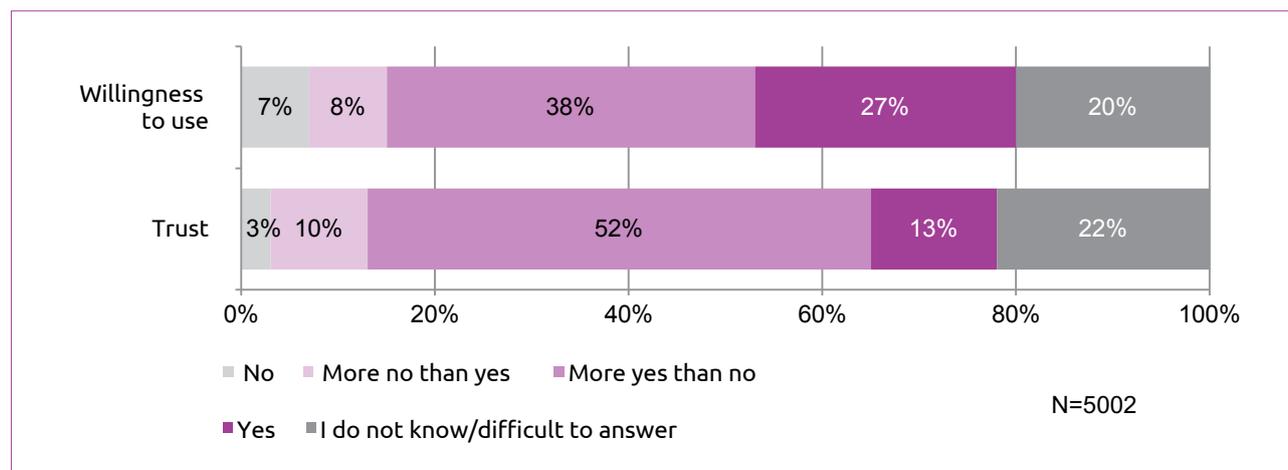
The Legal Aid Service (LAS) is a state-funded organisation ensuring free legal aid to the socially vulnerable population. The Service was established

in July 2007 and currently covers nearly the whole territory of Georgia with its LAS bureaus and consultation centres. Free legal aid entails:

- Free legal consultations on any legal problem;
- Drafting of legal documents (applications, motions and other);
- Legal representation in court for criminal proceedings as well as in a certain category of civil and administrative proceedings.

The survey shows that after having consulted the relevant information, two-thirds of the Georgian population expressed a willingness to use the Legal Aid Service (65%). The same number of people say that the Legal Aid Service established by the state is trustworthy (they trust it fully or trust it more than they do not). Men trusting the organisation and willing to use its services are slightly greater in number (by 5%-6%) than women. In terms of age groups, respondents within the 45-54 age category expressed the greatest willingness to use the services of this organisation (70%) while those older than 65 were less motivated (61%) than others. Respondents within the 35-44 age group expressed the greatest amount of trust in the organisation (70%) and are 10% greater in number than those trusting the organisation in the 65+ age group (the lowest percentage).

**Graph 43.** Would you apply for service of the Legal Aid Service? Do you trust the Legal Aid Service? (the question was asked after the interviewer presented information on Legal Aid Service).



Three-fourths of the Georgian population welcomes the idea of making the Legal Aid Service general (74%), arguing that everyone needs it. One-fourth of the respondents think that the Legal Aid Service must not be general because it would lead to an irrational spending of public funds (24%). In the opinion of those involved in the focus groups, in the latter case, there is a risk that even those who can afford legal services may seek assistance from the Legal Aid Service. Nearly half of the population in the quantitative survey say that those who are financially solvent may not use this resource (47%) but one-third find it difficult to answer the question (31%).

Regarding the issue of whether or not other target groups (in addition to socially vulnerable persons) should be eligible to use the Legal Aid Service, the NGOs interviewed in the qualitative survey were of the opinion that the Legal Aid Service should remain focused on the particular target segment most in need of free legal aid, although challenges in the procedures and criteria for assigning the status of a socially vulnerable persons still remain. To a certain extent, this casts doubt on the claim that the Legal Aid Service is focused strictly on the target group of socially vulnerable persons.

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*“The social vulnerability system is so obviously ineffective that you may be registered in the database while there is someone with harder financial straits next to you [who is not registered in it.]” [NGO representative]*

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In the opinion of NGO representatives, the Legal Aid Service should focus on this particular target segment because it has limited resources which should preferably be directed toward assisting the most socially vulnerable. Furthermore, those opposing the expansion of the Legal Aid Service argue that public and private law offices and

lawyers may shift to a particular space that may lead to the creation of an unwholesome work environment.

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*“They would not have enough resources and all of the lawyers would move to the Free Legal Service... The State undertakes to defend a weak party and it should be in order to defend the weak party.” [NGO representative]*

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*“The attitude to the Service should be quite cautious or it may become an entity competing against a private or commercial lawyer which is very bad and causes interference with the economic policy of the state. This scenario is bad in any case – it is bad professionally as well from competitive and economic standpoints.” [NGO representative]*

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Persons with mental illness, disabilities and female victims of violence are the target groups that, in the opinion of some NGO representatives, should be eligible to use the Free Legal Service. Other NGO representatives believe that the said target groups have already been more or less covered by NGOs offering free legal aid.

The opinions of the Georgian population are divided nearly equally on whether or not the generality of the Free Legal Service might hinder the delivery of effective legal services to those who cannot afford private legal services and whether or not the organisation could attract a sufficient number of qualified lawyers. In this case, too, a large number of those surveyed (more than 40%) find it difficult to answer the question.

The idea that the Free Legal Service should become general (available to all) is slightly more welcomed by men (79%) than women (73%). Opinions on this question in different age groups are rather similar.

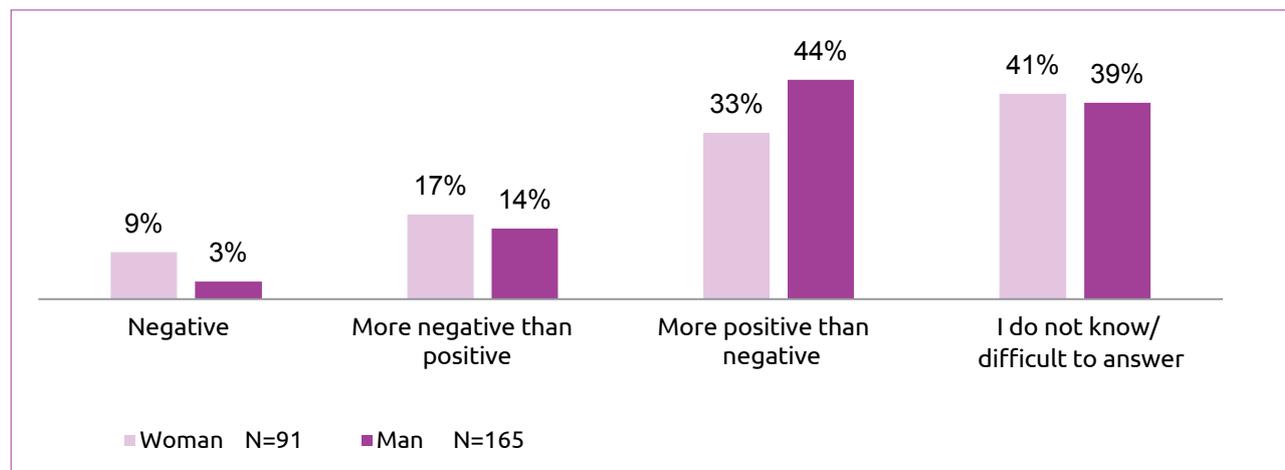
**Graph 44.** Some suggest that the Legal Aid Service should provide services to all (and not only the socially vulnerable population). Do you agree with this suggestion?

	Yes	No	I do not know/ difficult to answer
Legal Aid Service should provide services to all because everyone needs it	76%	7%	18%
Even if the Legal Aid Service provides services to all, those who can afford private legal services would not use it	47%	22%	31%
Legal Aid Service should not provide services to all because it would result in unreasonable use of state resources	24%	42%	34%
If the Legal Aid Service provide services to all, this might cause that those who cannot afford private legal services receive efficient and qualified services from Legal Aid Service	30%	29%	41%
If the Legal Aid Service became general, it would be unable to attract a sufficient number of lawyers	29%	30%	42%

5% of adult Georgians have used the Legal Aid Service. This segment includes respondents of different ages and sexes. Those with such experience say that the reason for using such services is a lack of funds (87%). 40% of those who have used the Legal Aid Service were unable to

evaluate their services and 38% said the services were more positive than negative. In particular, those who said that the services were more positive than negative were more often men (44%) than women (33%).

**Graph 45.** How would you evaluate the Free Legal Service?

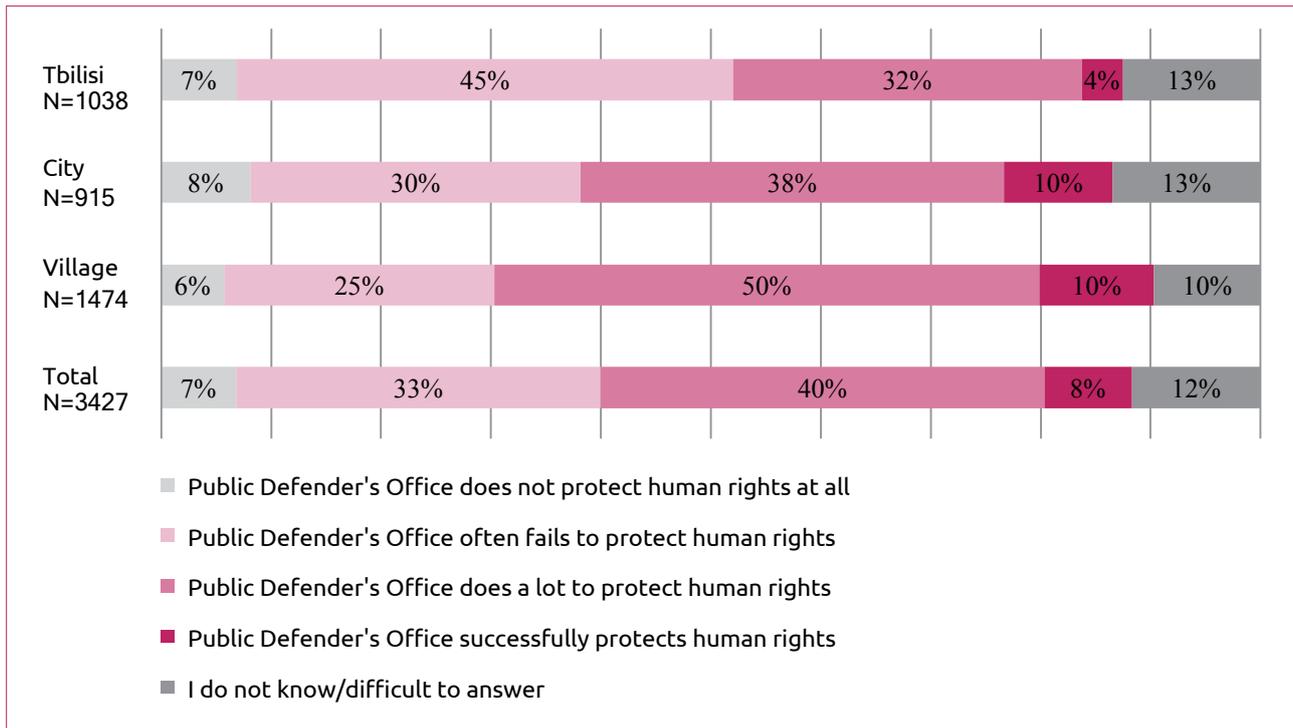


### 3.7 Public Defender's Office

The attitudes of the population to Public Defender's Office of Georgia are generally positive but the awareness of this institution is not especially high. 68% of those surveyed have heard of Public Defender's Office of Georgia. Their share is significantly larger in Tbilisi (80%) than in other cities (68%) or villages (61%). 40% of those who

are aware of Public Defender's Office think that the Public Defender does a lot to protect human rights and one-third of them think that the Public Defender often fails to protect human rights (33%). Attitudes vary according to settlement type. Exactly half of the rural population think that Public Defender's Office does a lot to protect human rights. The share of those with the same position is smaller in other cities (38%) while one-third of those surveyed in Tbilisi (32%) think so.

**Graph 46.** What do you think, how successful Public Defender’s Office is in protection of human Rights in Georgia?



The qualitative survey of the population confirmed that attitudes toward Public Defender’s Office of Georgia vary. A significant part of the respondents believe that the Office is not sufficiently effective, mostly due to its limited powers, although some of them blame the Office for not being sufficiently active. Others say that Public Defender’s Office does its best to the extent of its mandate. Those within the groups agree that the function of Public Defender’s Office is to report any problems it detects while it is up to the government to address such problems.

The representatives of NGOs taking part in the qualitative survey think highly of Public Defender’s Office. In their opinion, Public Defender’s Office performs a very important role in protecting human rights. Besides, one of the privileges of Public Defender’s Office is its access to closed systems as well as different types of cases. This is particularly important for the non-governmental sector. Public agencies also think quite highly of Public Defender’s Office. Only in rare cases was it said that the activities of Public Defender’s Office are not so effective in protecting the rights of the child and that the area is still a serious challenge for the Office.

*“Public Defender’s Office is very important in terms of control over public agencies and various institutions. I’d say that this is so for civil cases, too. The Public Defender has the right to access finished cases and may come up with a recommendation in connection to them. This can be used to protect a citizen’s rights and the Public Defender may even achieve this but we all know that the Public Defender is not the ultimate authority to resolve a dispute.” [NGO representative]*

*“Public Defender’s Office is one of the administrative or public agencies that still has a reputation among all of the authorities. Therefore, their support is important and useful for any party.” [NGO representative]*

*“The area of children is the area that, in my opinion, does not work at all – there is a major stagnation, we are telling them openly, and this is no secret that this area of Public Defender’s Office has totally failed and that they have a challenge in this direction.” [NGO representative]*

Half of the respondents who have heard of Public Defender’s Office are aware that the organisation

has offices in different cities (48%). 32% of respondents are also aware that their services are free and half find it difficult to answer the question of whether or not they will have to pay any fee if they use the services of Public Defender's Office (53%).

The assessment of Public Defender's Office against different statements showed that those in villages and different cities of Georgia place a higher trust in and are more favourably disposed to the Public Defender's Office while those surveyed in Tbilisi are more moderate in their opinion.

Overall, almost two-thirds of the respondents who have heard of Public Defender's Office call it an effective means for protecting human rights (67%) and half of the respondents are certain that if not for Public Defender's Office, the human rights situation in Georgia would be much worse (50%). However, 46% say that Public Defender's Office only gives recommendations and lacks effective mechanisms to protect human rights. The number of those saying that Public Defender's Office is an effective means for protecting human rights is 57% in Tbilisi, 67% in other cities and 76% in villages. The number of those believing that if not for Public Defender's Office, the human rights situation in Georgia would be much more

deplorable is 55% in villages, 52% in other cities and 43% in Tbilisi.

The share of those saying that Public Defender's Office is an effective means for protecting human rights is highest among respondents within the 18-24 age category. The statement that the organisation improves the general human rights situation is equally accepted in all age categories.

Half of the respondents who have heard of Public Defender's Office think that the Office mostly focuses on highly publicised cases (53%). At the same time, however, six out of ten respondents within this category perceive that Public Defender's Office defends their interests and of those like them (58%). One out of three respondents agrees with the more aggressive statement that Public Defender's Office mainly protects different minorities and not the majority (34%). The last statement is more readily accepted by respondents within the 55-64 (41%) and 45-54 (38%) age categories.

A much higher number of those who have heard of Public Defender's Office perceive that Public Defender's Office is a defender of them and those like them in villages (66%) compared to the number of those in other cities (57%) or in Tbilisi (49%).

**Graph 47.** Do you agree with the statements below?

	Yes	No	I do not know/ difficult to answer
Public Defender's Office is an effective means for protecting human rights	67%	17%	16%
Public Defender's Office only gives recommendations and fails to protect human rights	46%	31%	24%
Public Defender's Office is under government influence	33%	27%	39%
Public Defender's Office mostly focuses on highly publicised cases	53%	19%	28%
Public Defender's Office charges for its services	16%	31%	53%
Public Defender's Office mainly protects different minorities and not the majority	34%	27%	39%
Public Defender's Office is a defender of me and those like me	58%	17%	25%
If not for Public Defender's Office, the human rights situation in Georgia would be worse	50%	15%	35%
Public Defender's Office has regional offices throughout the country	48%	5%	47%

Just like individuals, NGOs think that Public Defender’s Office is one of the most comfortable and accessible sources of information, especially when it comes to closed agencies such as the penitentiary system.

“In addition to individuals, we human rights organisations often make use of the resource of communication with Public Defender’s Office in order to study the human rights situation in closed institutions. I am sure they are very busy.” [NGO representative]

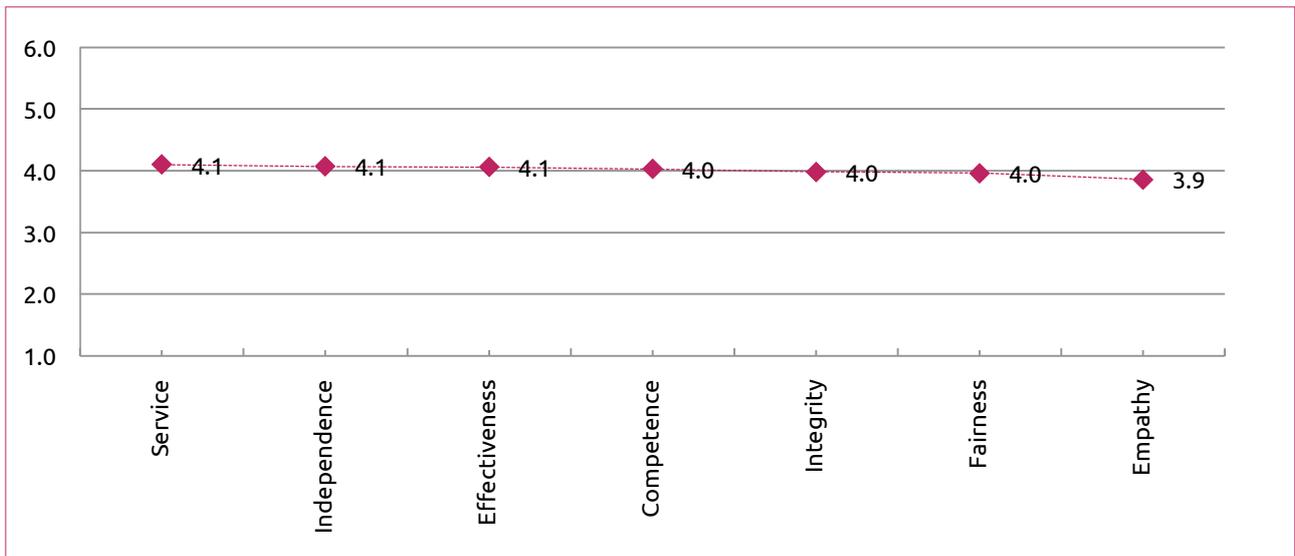
If Public Defender’s Office is associated mostly with the protection of the rights of those in penitentiary facilities and different minorities among focus group respondents, in the opinion of the representatives of NGOs working on human rights, the Office has been quite effective in protecting the rights of persons with disabilities, victims of gender-based violence and those in a dispute with the Prosecutor’s Office or the

Ministry of Internal Affairs as well as the rights of the child (regardless of certain shortcomings).

“We have often referred people to Public Defender’s Office . What we know most about is the letters from prison facilities alleging the ill-treatment of prisoners. We redirect them to Public Defender’s Office where the staff studies those cases.” [NGO representative]

The assessment of Public Defender’s Office among the respondents who have heard of it is higher than average against such parameters as empathy, fairness, competence and expedition of service, etc., that confirms, to a certain extent, the general favourable disposition toward the institution. However, a comparison of the results with those obtained as a result of the 2012 survey shows that the scores by parameter are not only decreasing now but are also rather homogeneous. The scores as per the 2012 survey ranged from 4.3 to 5.3.

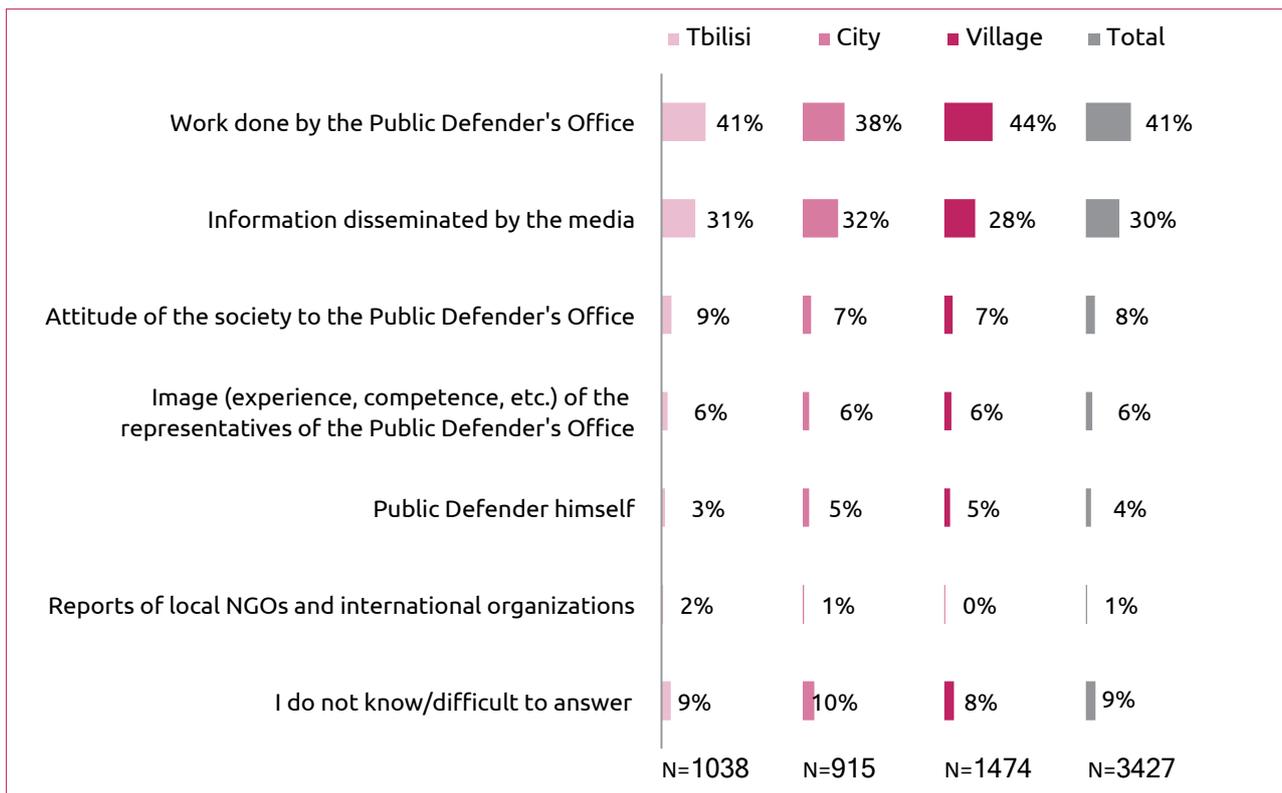
**Graph 48.** Evaluation of Public Defender’s Office according to different criteria (medium score on a 6-point scale).



Just like in the case of other institutions, the main source of information on Public Defender’s Office for nine out of ten respondents who have heard of it is TV (90%) with the older respondents having a greater number. The 2012 survey showed a similar trend in which TV was an only source of information for 89% of respondents. Attitudes toward Public Defender’s Office are defined

by the work done (41%) and the information disseminated by the media (30%) regarding the institution. The comparison of the current trends in this direction with those of the 2012 survey shows virtually no difference (work done by Public Defender’s Office – 46% and information disseminated by the media – 28%).

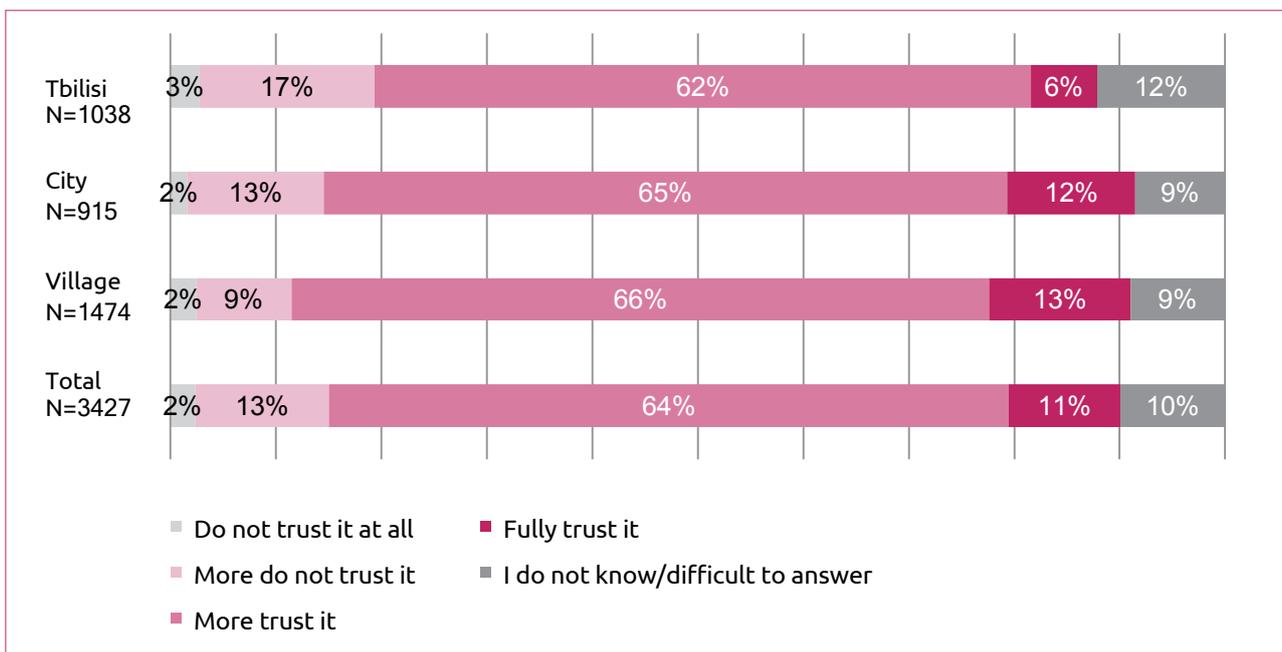
**Graph 49.** What mostly defines your attitude toward Public Defender's Office ?



Overall, a large majority of the respondents (75%) who have heard of the activities of Public Defender's Office place trust in the institute (trust it – 64%, fully trust it – 11%). In particular, those in other cities and villages trust Public Defender's Office by 9% and 11% more than those in Tbilisi. The trust indicator for the institution in different age categories is equally high. Trust in Public

Defender's Office is further reinforced by the fact that three-quarters of those who are aware of its activities are willing to apply, if necessary, to Public Defender's Office (73%). The trends by settlement type and age category are approximately similar to those identified with regard to trust. The 2012 survey shows a similar trend regarding the willingness to apply to Public Defender's Office.

**Graph 50.** Do you trust Public Defender's Office ?



80% of those who have heard of the activities of Public Defender's Office are also aware that the Public Defender is UchaNanuashvili. It is worth mentioning that information on the identity of the

Public Defender is least known to the respondents within the 18-24 age group – only 66% of them are aware of him. This indicator ranges from 76% to 85% in all the other groups.

**Graph 51.** Who is the Public Defender of Georgia?

	18-24	25-34	35-44	45-54	55-64	65 +	Total
UchaNanuashvili	66%	76%	80%	85%	84%	82%	80%
Other	3%	1%	3%	2%	3%	1%	3%
I do not know/ difficult to answer	21%	17%	17%	18%	21%	17%	17%

9% of the Georgian population have had some sort of dealing with Public Defender's Office, the majority of whom (72%) are satisfied with the experience.

The launching of the hotline of Public Defender's Office elicited a positive response among the respondents surveyed in the qualitative component. In the perception of the participants of the survey, this factor contributed to the increased application to Public Defender's Office. It is perhaps because of the activation of the hotline that one out of ten respondents involved in the survey (9%) has experience applying to Public Defender's Office.

*"It is a very good thing that Public Defender's Office hotline has been launched. The hotline number is displayed even on mini-buses and so everyone can call."* [NGO representative]

However, as mentioned above, assessments of the activities of Public Defender's Office by NGO representatives and participants of the focus group discussion are somewhat different from each other. Some NGO representatives point out that this is due to a deficit of communication of Public Defender's Office with the public and express hope that public awareness of both Public Defender's Office and the activities performed by the institution will increase.

*"It would be better if they increased public PR or awareness initiatives to gain more trust because they really do a lot of work and the population should know about it."* [NGO representative]

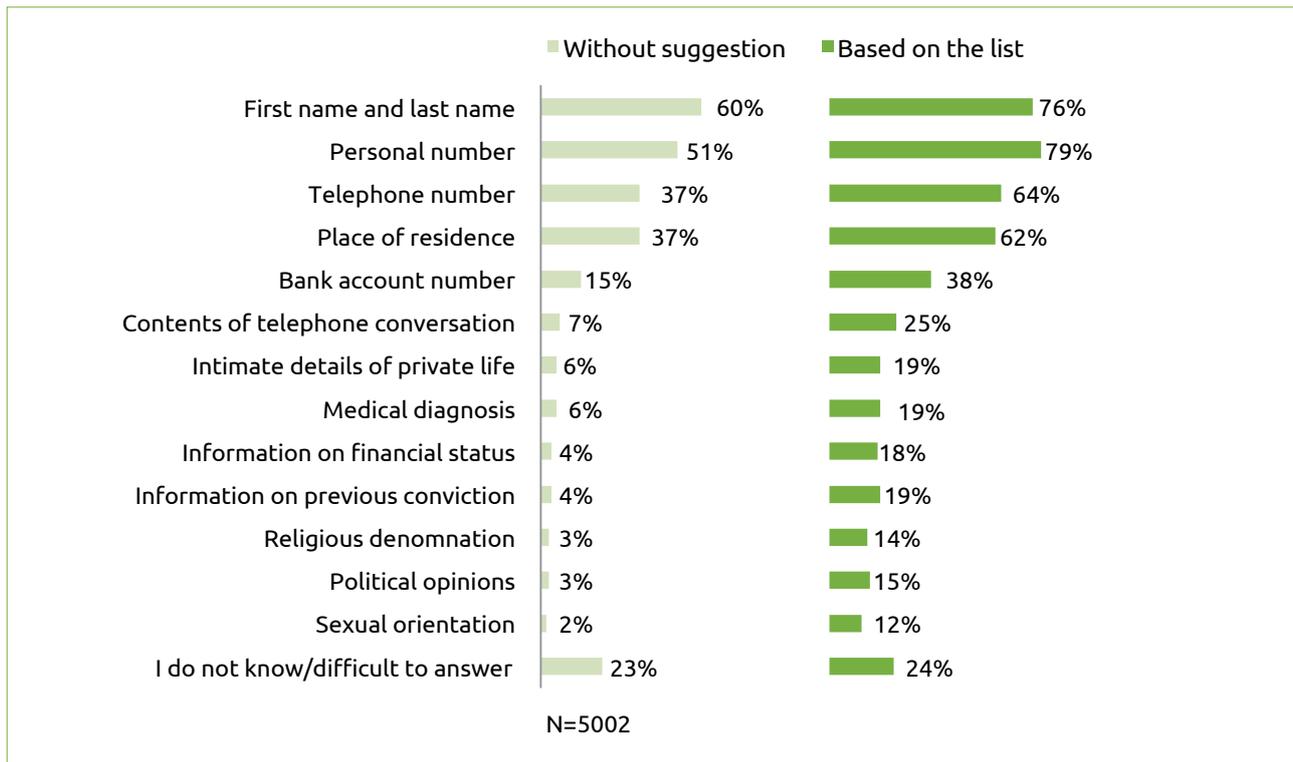
## 3.8 Office of the Personal Data Protection Inspector

### 3.8.1. Perceptions in the Field of Personal Data and Related Regulations

The survey shows that personal data for the Georgian population, without any suggestion, is associated mostly with the first and last name (60%), personal number (51%), place of residence (37%) and telephone number (37%). 15% of respondents think that personal data also includes an account number. The frequency of naming anything else accounts for 6% or less.

After suggesting a certain list of data, the survey showed that the personal number (80%), first and last name (76%), telephone number (64%) and place of residence (62%) still take the lead followed by an account number with a relatively high frequency (38%) and the contents of telephone conversations (25%). Contents of telephone conversations was only named by 7% of respondents and without suggestion.

**Graph 52.** When referring to personal data, what comes to your mind (open question)? What do you consider to be personal data of a person (after studying a list with personal data categories)?



When shown the list, 24% of the respondents either have no answer or find it difficult to answer the question. This answer was given by 33% of respondents in villages, 12% in Tbilisi and 23% in other cities. It is equally interesting to see the distribution of the answer from an age perspective – the answer “I do not know/ difficult to answer” among respondents of age group 65+ accounts for almost one-third (30%) of respondents. Based on the data seen from this perspective, we can presume that there is a lack of information on personal data in the rural population and in respondents aged 65+.

A majority of respondents in all three components display a sceptical attitude in answering the question regarding the level of protection of personal data against unauthorised access, maintenance and publication. There is a stark difference among the

data provided by the residents of Tbilisi, other cities and villages. Between 63% and 64% of Tbilisi residents think that personal data is not protected against unauthorised access, maintenance and publication. The number of those with the same opinion in other cities accounts for 44%-45% of respondents. The rural population is least critical in this respect with the number of those with the same opinion accounting for 38%-39%. Accordingly, the rural population thinks equally that personal data are either protected or not protected against unauthorised access, maintenance and publication. This is unlike the situation in Tbilisi and other cities where residents mostly think that personal data are not protected against unauthorised access, maintenance and publication. Eight out of ten respondents have no doubts about the importance of protecting personal data (81%). Only 5% of residents say that it is unimportant.

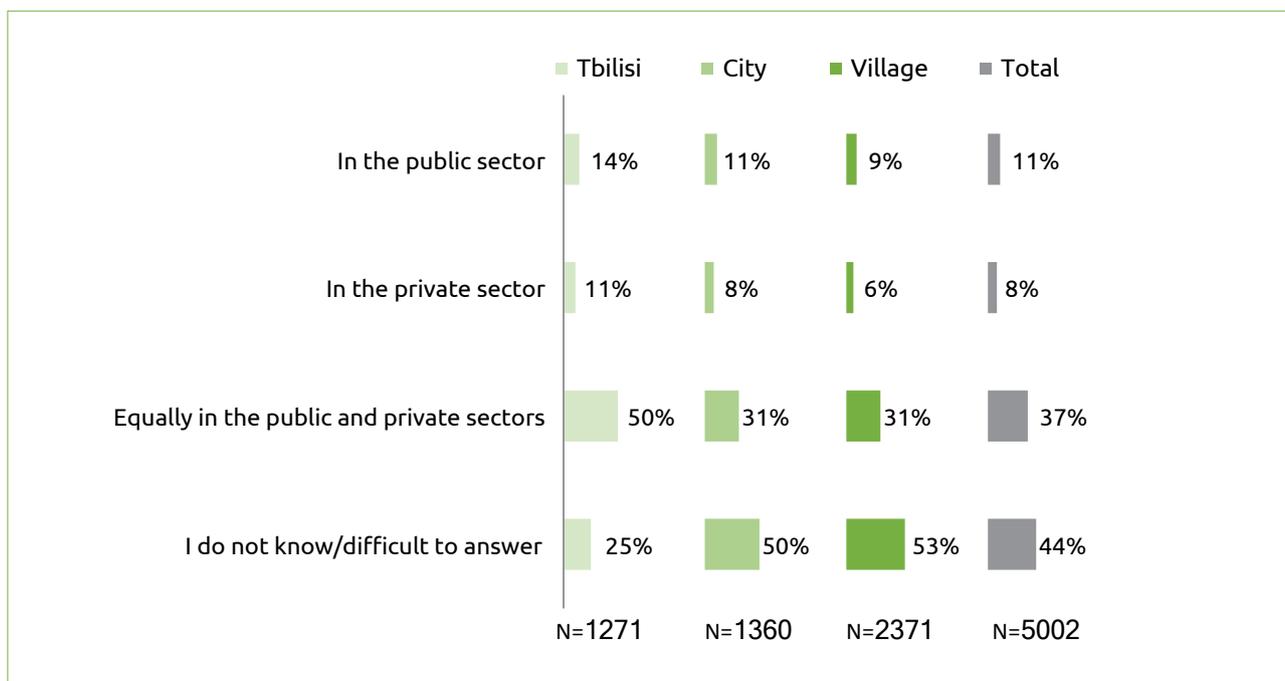
**Graph 53.** In your opinion, are personal data are protected against unauthorised access, maintenance and publication?

Personal data protected:	against access			against maintenance			against publication		
	Protected	Unprotected	I do not know/ difficult to answer	Protected	Unprotected	I do not know/ difficult to answer	Protected	Unprotected	I do not know/ difficult to answer
Tbilisi	26%	63%	11%	25%	63%	12%	25%	64%	12%
City	33%	45%	22%	32%	44%	24%	32%	44%	24%
Village	37%	38%	25%	36%	38%	26%	36%	39%	26%
Total	33%	48%	20%	32%	47%	21%	31%	48%	21%

Almost half of the Georgian population (44%) has no clear-cut opinion on whether or not the risk of unauthorised access, maintenance and publication of personal data is higher in the public sector or the private sector. Respondents in other cities and villages find it more difficult to answer this question (50% and 54%, respectively) than

those in Tbilisi (25%). Among the respondents answering this question, the number of those who think the risk is equal in both sectors (37%) is three-to-four times higher than the number of those who see the risk in either sector (11% and 8%, respectively).

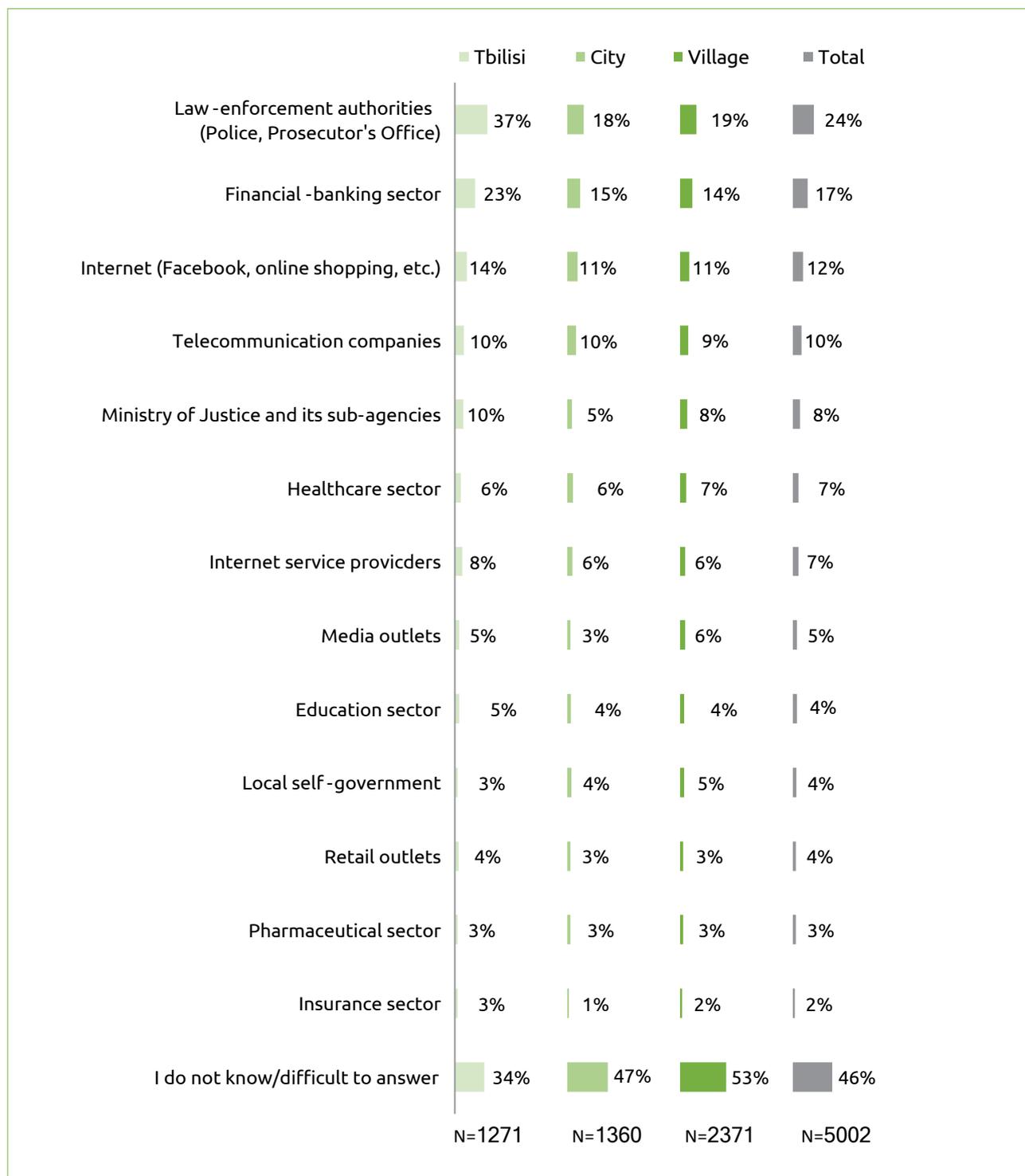
**Graph 54.** In your opinion, where is the risk of unauthorised access, maintenance and publication of personal data higher?



According to the answers to the question regarding the sector/sphere in which the risk of unauthorised collection, maintenance and publication of personal data is higher, the following agencies take the first four places: lawenforcement agencies (24%), the financial-banking sector (17%), Internet – Facebook, online shopping, etc. (12%) and telecommunications companies

(10%). As the qualitative survey shows, in naming telecommunications companies, respondents mean the risk of interception of conversations as well as unwanted SMS advertisements. An age analysis of the data showed that as age increases, the perception of Internet risks related to personal data decreases (from 16% to 6%).

**Graph 55.** In your opinion, in what sector/sphere is the risk of unauthorised collection, maintenance and publication of personal data higher?



The qualitative survey showed that banking-financial institutions and health care providers (out of the public sector) and mostly law enforcement agencies and health care providers and banking-financial institutions (out of the private sector) as well as NGOs are the most frequently named organisations with the highest risk for the unauthorised collection, maintenance and publication of personal data. Interestingly, those surveyed in public agencies perceive the risk to be higher in private organisations, saying that state regulation may “not reach them” to the end while those in NGOs and businesses focus on the fact that the state has many more mechanisms to collect and manipulate personal data but do not rule out that the private sector would not do so. They also say that the responsibility for the latter case does not rest with private companies only as individuals sometimes willingly and sometimes unwillingly accept the terms offered by private companies, thereby limiting the state’s mechanisms to protect their personal data.

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*“... I am talking from the perspective of my job. The protection of personal data is not a problem in public agencies staffed with competent employees. But, believe me, violations are often committed by the private sector, not the public sector, and this is what it is about. I’d like to re-emphasise that when personal data are held by an organisation, the state can no longer offer protection. The state subsequently acquires a mechanism but can no longer protect such data from disclosure.” [local self-government authority representative]*

*“In terms of information safekeeping, the Ministry of Health is a total disaster from diagnosis to whatever. An elderly lady was in need of individual assistance and I applied [to the Ministry]. I used the first name, the last name and the address that the lady had given me to make a written notice. The reply I got started with the lady’s first name, last name, diagnosis, place of residence and then said she was a victim of violence and promised they would launch an inquiry*

*into the case. The point is that they volunteered information about the person that I had not known at all, releasing it to me against no assurance or undertaking whatsoever.” [NGO representative]*

*“I’ll tell you based on my years of experience. Although the banking sector is a relatively more secure sector now, I’ve seen with my own eyes statements of transfers of other persons in the hands of those who have a legal dispute with other persons.” [local self-government authority representative]*

*“Of course, these are law enforcement agencies in which, I think, the risk is the highest as the largest quantity of personal data are obtained, processed and maintained in such agencies. I think that steps should be taken in health care and medical service providers to make sure personal data are processed in a more regulated manner. This also applies to the banking sector.” [NGO representative]*

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In the opinion of the population, the heaviest damage related to the unauthorised collection, maintenance and publication of personal data is moral damage (27%) and blackmail of private life (26%). One out of five respondents fears that his or her financial resources are at stake (20%). As a trend, the possible damages mentioned above are more clearly perceived in Tbilisi than in other cities or villages.

The survey showed that two-thirds of the Georgian population demand that the state respect their personal data and not violate the terms of collection, maintenance and publication, even when the motive is security (65%). Residents of Tbilisi are especially radical – this is exactly how three out of four residents surveyed think (75%). The same indicator accounts for 58% in other cities and 63% in villages. Only one out of ten respondents surveyed think that personal data may be illegally obtained, maintained and publicised with a motive of security (10%).

**Graph 56.** Which of the following below better describes your experience:

	I would rather be secure even if the state needs to illegally collect, retain and publicise my personal data	The state should respect my personal data and not violate the terms of collection, maintenance and publication, even with a motive of security	I do not know/ difficult to answer
Tbilisi	7%	75%	18%
City	12%	58%	30%
Village	11%	63%	26%
Total	10%	65%	25%

Those surveyed in the qualitative component who point out problems in the collection, maintenance and publication of personal data in law enforcement agencies always refer to wiretapping and secret recordings as well as the release of information on suspects to the media even before the suspects are proven guilty. This is especially true of NGO staff who, on account of their profession, deal with this issue more frequently. Some of those surveyed pointed out that personal data may be illegally disclosed due to the incompetence of employees, not necessarily deliberately, and mostly in private entities. Law enforcement agencies purposefully collect as much information as possible with the motive of security and such information may later be used as an instrument of pressure upon particular persons. In connection with other public agencies, the respondents came up with some instances, even in the courtroom, in which decisions were made public without adequate “shading” (that they think is unacceptable) or in which a judge disclosed information on a person’s non-traditional sexual orientation at the trial. They also mentioned such cases in the Ministry of Labour, Health and Social Affairs where, in the opinion of the representatives of some NGOs, information on the social status of people may be exchanged in the presence of other employees.

*“Claiming security considerations, law enforcement authorities try to collect as much personal data as possible. Therefore, I do not think we have nothing to worry about. On the contrary, there are quite a few challenges out there.” [NGO representative]*

*“The private sector must not have any interest in disclosing information. It can’t because if found, it will be a direct hit on the image of the private company. Especially for banks, as their main asset is their reputation and if that comes under doubt... Nobody’s going to do that.” [private business representative]*

Representatives of various public agencies said that they collect personal data to the extent required to provide a variety of services to the population. Without the relevant data, no adequate decisions can be made, (e.g., in local self-government authorities, the Social Service Agency and different sub-agencies of the Ministry of Labour, Health and Social Affairs, or in the Office of the Prosecutor). The civil servants of local self-government authorities that were surveyed said that the personal data are collected only when necessary and not normally disclosed to any third party unless the person concerned agrees. The Prosecutor’s Office collects personal data in the course of investigations. Due to the specific nature of its work (allowance to those beyond poverty level, general health care programme, etc.), the Ministry of Labour, Health and Social Affairs has to regularly exchange information with the Civil Registry, the Ministry of Internal Affairs, the Public Registry, etc., but does so strictly to provide services. In the opinion of the civil servants, only a few individuals might have concerns over the collection of personal data but this does not occur on a massive scale. Besides, personal data awareness is increasing and even

those working in the public sector are making an effort to handle information as carefully as possible. As for the court, the respondents said that decisions are mostly “enscripted” and that in 2017, the judicial system would launch a special software automatically “shading” all decisions.

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*“We do a lot of work because we process all of the data related to health care. Besides, we have legitimate access to the Social Agency databases. We exchange information about them automatically with each other – I mean, the Justice Hall and the Civil Registry databases to determine or verify dates of birth and death... We also exchange information with the Social Service Development Agency and financial agencies, cooperating with each other in relation to revenue, pensions, allowances, etc. If there is any sort of information, we have legitimate access to all of the databases and we process such data to offer social and health care services.” [public agency representative]*

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*“Speaking about decisions, we release all (court) decisions in a shaded form except where one is not a party... From this year on, the software will automatically shade all decisions to be uploaded on the website. When the software is uploaded, the information will be shaded – any private, personal data, I mostly mean the first and last name, personal number or any other personal data defined by law will be shaded to render them inaccessible to the general public.” [civil service representative]*

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Those surveyed in relation to the Prosecutor’s Office explained that the Office has to collect/maintain two types of information: (1) information for general statistics and for analytical purposes (how many persons were prosecuted, how many were subject to a restraining measure, how many were convicted, etc.) – such information is void of personal data as such data are irrelevant for general statistics. A large part of the second type – identified information is gathered with the investigator who needs the information to conduct investigations. One may have second thoughts over the expediency of collecting a certain type of information – a judge may think that some of the personal information requested by the

investigator, such as regarding family members, is unnecessary and not relevant to the case, while the prosecutor may be confident of the necessity of collecting such information.

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*“The court sometimes objects to why we tender information on family members and documents of property when only a restraining measure is sought and such evidence is not necessary for the judge for that purpose. It is perhaps a subject of further discussion whether or not the investigator should collect information not only about a person concerned but also about his or her family members but it is often hard to differentiate who really owns what. A person may not be a registered owner of the assets that he or she has acquired as a result of criminal activity and such assets may be held by others for the benefit of the person concerned. It is hard to draw a differentiating line, especially in criminal cases.” [civilservicerepresentative]*

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Regarding the release of public information from public agencies (as the representatives of such agencies said, mostly at the request of NGOs), the representatives of such agencies said that public agencies release public documents to any third person/entity only after “enscripting” the personal data found in such documents. However, the survey showed that sometimes, especially in cases involving a civil servant, public agencies find it hard to determine where public information ends and where personal information starts. In general, the survey revealed that public agencies (especially local self-government authorities) are somewhat dissatisfied with NGOs constantly requesting some type of public information.

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*“If any public information is requested by agencies or persons, a document to be released goes through a strict filtering process as it may contain one’s personal data. Such data are normally shaded and the document is released so as not to allow the identification of the person. Where an applicant has obtained consent from the person concerned, we release public information containing personal data.” [local self-government authority representative]*

*“NGOs actually engaged in political activity often request information on a person from as early as the date of his or her appointment – information on bonuses he or she has received, disciplinary actions against him or her...his or her health, drug addiction records, and we decide which information to release and which to withhold.” [local self-government authority representative]*

*“I think that the legislation on the protection of personal data must specifically identify what exactly can be categorised as personal information and what information cannot be released without the legitimate consent of the person concerned...” [local self-government authority representative]*

As the representatives of public agencies said, the rules for collecting, retaining and publicising personal data are governed by the Law of Georgia on the Protection of Personal Data and the General Administrative Code of Georgia and they comply with those rules in addition to the internal regulations/orders introduced in some agencies.

As for the collection, maintenance and release of personal data in the private sector, representatives of the organisations holding personal data (banks, insurance companies, medical care providers, cellular communications companies) said that such information is retained because of the necessity of the services that they offer and the rules for handling such information are governed by legislation. For banks, the legislation includes National Bank regulations and their own internal regulations (that banks had in place even before the Law on the Protection of Personal Data was adopted); insurance companies and medical care providers comply with the Law on Protection of Personal Data on which their own internal regulations may also be based; for cellular communications companies, the legislation includes the regulations built on the specifics of the telecommunications business which reflect the requirements of the national legislation as well as international experience.

The representatives of banks said that their contracts deal with cases in which a client's personal data are released to a third person (e.g., in the case of problem loans) and the client is aware. They do not deny that the system has flaws

in protecting personal data (the representatives of banks said their banks had even been fined in some cases) but that they are making an effort to comply with the Personal Data Protection Inspector's regulations and effectively discipline their employees who break the rules. Moreover, the representative of one bank said that they verify information on a potential client with CreditInfo and the Register of Debtors only after obtaining the client's written consent. In turn, they argue that it is necessary because the client's history determines the proposal that is tailored to the client. At the same time, representatives of banks say that the activities of microfinance institutions in the sector are insufficiently regulated despite the fact that such institutions have access to virtually the same information that banks have. As for the third parties to which personal data can be released, the representatives of banks say that such parties are CreditInfo and the Register of Debtors, adding that the exchange of such information is critical for their activities. Another case in which banks release personal data is by the order of a judge.

*“The private sector is very problematic because the banking sector is a regulated sector and there are a limited number of banks in the nation. But there are an endless number of other private entities holding personal data and processing it unduly; for instance, microfinance institutions or other organisations.” [private business representative]*

*“A bank is a large institution where personal data are processed but strictly to the extent necessitated by the products and services we offer a particular client. Such data are processed at the moment a loan is issued, a deposit account is opened, a transfer is made, etc...The client is informed of it. In due time, we communicate personal data processing regulations to the client and obtain his or her written consent that his or her data will be released to the recovering entity if the loan becomes overdue. So, the client is notified that the information about him or her will be released and one will go to court afterwards.” [private business representative]*

Medical care providers collect outpatient and inpatient records. They also make video records and retain them for a certain period of time as required by law. They release information to third

parties when ordered by courts or with patient consent, although some say that there is a problem with this process – medical records are requested by the Police or family members or relatives who do not understand why they cannot receive (inter alia, over the phone) information on the patient's health. Moreover, those in one medical provider say that the patient has to sign a letter of consent with respect to the fact that the public space where he or she will have to stay is video recorded. Medical records are retained by insurance companies, too, according to the contract between the insurer and the client.

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*“Every time a patient is transferred to us after a road accident occurs or a person's health condition worsens as a result of some criminal action, he or she is followed by investigators who demand his or her medical records. But we cannot release medical records to any third person unless the court orders that we do so. When we refuse them entry, we have a lot of problems. We fixed the issue by obtaining patients' written consent upon admission. We release medical records if we have such consent.” [a private business representative]*

*“Medical care providers receive requests for information from outsiders such as a family member or a friend. The third party's lawyer requests confidential information about the patient. This can be information on why the patient applied, what his or her diagnosis is, etc. As a hospital lawyer, I am immune to such requests. Such personal information cannot be released to others – not even to the patient's spouse or child. This can't be done without the patient's consent.” [private business representative]*

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Those surveyed in cellular communications companies also said that they collect personal data necessary for their activities and processes and retain such data in strict compliance with regulations. As they said, high standards of data collection and processing best protect them against unauthorised disclosure. One mobile communications provider even has a Personal Data Protection Officer. The relevant clauses are incorporated into the contract signed by the user and the company. Cellular communications companies release personal data to a third party if: (1) there are grounds for authorised bodies

to request the release of personal data and (2) the third party is a contractor of the cellular communications company and enters into a data processing, protection and non-disclosure contract with the operator. The latter, as respondents said, irritates all users as they receive unwanted SMS messages although the introduction of the SMS OFF function has fixed this problem to a certain extent. Representatives of cellular communications companies say that the reason why this problem (receiving unwanted SMSs) arises is that in signing the relevant contract, users give consent for the processing of their data although they do not or cannot realise this.

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*“Our company collects user data, including personal number, address and first and last name. We also collect any information pertaining to communications (e.g., phone identification data). This is done to make sure there is precise information available on the services provided to any user and everyone is entitled to request the information about himself or herself. This is done to simplify relations. Data are collected in our sales offices – that's where we start data collection. After that, data are retained in a common database that is under our strict control and protection.” [private business representative]*

*“We provide the phone numbers of our users to direct marketing channels... This is permitted by the general provisions of the contract of which the user is informed. The user gives us consent to provide the information on his/her number to our contractors – this is not detailed information on who the person behind the number is, it is just a number... However, we took adequate action in this direction as a result of which any of our users may deactivate the marketing function.” [private business representative]*

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A representative of one of the cellular communications companies focused on the following: it has become difficult to identify telephone thieves as communications companies release information on whether a stolen cell phone has been switched on and where it was switched on only by court order. But, as a rule, there is no such order as telephone thefts are not categorised as grave crimes. In the respondents' opinion, this leads the process into a deadlock.

It is noteworthy that in addition to regulation, the representatives of various business entities express concern that some dishonest or disgruntled employee may misuse their access to personal data although it is one of their procedures to monitor employees with access to personal data. Besides, most cellular communications company employees have undertaken personal data protection trainings.

A respondent surveyed in one of the public agencies expressed an interesting view on the collection of personal data. In his opinion, the declarations that civil servants fill in may render their personal data more vulnerable than those of ordinary citizens. It is not about completing the declaration, but rather it is about the contents of the declaration requiring that personal data not only be about a civil servant but also about his/her family members who are not civil servants. Besides, the collected data are very detailed (e.g., addresses of apartments owned)

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*"In my opinion, the personal data of civil servants is the least protected in this country. I filled out the declaration that is public domain. There, I was asked to provide information on the assets of my family members, the cars they own, the addresses where they live... Civil servants' data must also be protected. I agree to fill out the declaration that I owned assets of 1,000 lari before appointment and now I own assets of, say, 50,000 lari but I wouldn't like to record the addresses where my apartments are located, who my parents are... My right and that of my family members are prejudiced." [public agency representative]*

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During the survey, the respondents of the population segment were asked questions aimed at understanding how cautious they are about disclosing their personal data. Interestingly, 72% say they carefully read any contract before signing it. Fifty-two percent say that they check whether or not the contract contains a clause on the use of personal data and 45% of respondents say that they would not sign a contract if it contained such a clause. If any organisation requests personal data, 56% say they inquire for what purpose such information is collected.

Between 37% and 40% of those surveyed do not carry out various online transactions which involve the risk of potential misuse/disclosure of personal data. Approximately equal numbers of those carrying out such transactions say they use privacy settings, believe that the use of such transactions is useful and are aware that the provision of personal data on the Internet may involve some risk (31%-33%). The number of those giving a negative answer or finding it difficult to answer the above questions range from between 30% and 32%. Overall, about one out of three respondents surveyed thinks that he or she uses privacy settings, that these settings are important in protecting personal data and that even providing one's location on a social network may prove to be harmful.

In sharing any information (photo, location, etc.,) about another person on a social network, fewer than half of those using social networks or performing different online transactions ask permission from the person whose personal information they want to share (25% out of 60%). Roughly the same number of those surveyed are sure that everyone can see his or her data on social networks (25% out of 63%).

It is noteworthy that one-sixth of those with an e-mail address have shared their password with another person (11% out of 64% of those with e-mail) and about one out of four of those holding a bank card has provided his or her security code to another (13% of 77% with a bank card). Approximately the same number of people fail to answer the questions of whether or not any other person knows their e-mail password or bank card security code. However, it should also be mentioned that overall, three-quarters of those having an e-mail address or a bank card think that it is unacceptable to share their e-mail password or bank card security code with anyone (such respondents account for 55% of the total number of those surveyed).

Interestingly, precisely half of the respondents (50%) think that they may demand that any organisation (including a public agency) show and delete the personal data that such organisation

holds about the person concerned. The survey cannot precisely determine whether or not the

answer to the question reflects knowledge of or only a desire regarding this issue.

**Graph 57.** Which of the following statements describe better your experience?

	Agree	Disagree	I do not know/ difficult to answer	Not applicable
I read any contract carefully before signing it	72%	15%	8%	6%
When I read a contract, I always check if it contains a clause about the use of my personal data	59%	21%	12%	8%
Even if I found that under the terms of the contract the organisation may use my personal data, I would sign it	30%	45%	16%	10%
Whenever any agency/organisation asks me to provide my personal data, I inquire for what purpose such data are being collected	56%	16%	16%	13%
I use privacy settings when using internet-based applications	32%	13%	17%	38%
I think that the use of privacy settings when using internet-based applications protects a person from the misuse of his/her personal data	33%	10%	20%	38%
I think that the information (name, location, etc.) that we provide on the Internet (including social networks) may present risks to us	31%	12%	20%	37%
When sharing any information (photo, location, etc.) about other person(s) through social network, I ask the person if I can share information about him/her	25%	16%	19%	40%
Everyone (not only my friends or followers) can see the information on my social network	25%	22%	16%	37%
My e-mail password is known to other person(s)	11%	41%	12%	37%
My bank card security code is known to another person(s)	13%	54%	11%	23%
I think that one must not share his/her e-mail password or bank card security code with anyone	55%	11%	12%	22%
I have the right to demand that any organisation (including a public agency) show and delete the personal data that such organisation holds about me	50%	9%	27%	14%

23% of the population think that the protection of personal data is a serious problem in the nation while 7% do not think that it is a problem at all. Every other resident of Georgia (50%) shows a moderate position on the matter, saying that the protection of personal data is more or less problematic.

85% of respondents believe that the illegal collection, retention or publication of personal data is a violation of rights and 81% of respondents think the illegal disposal of such data may cause

problems to any individual at a certain stage of his/her life.

37% of the Georgian population accept the idea that illegal manipulation of personal data causes problems only to those who have something to hide. About the same number (32%) also think that, as a rule, only the personal data of civil servants, are illegally collected, retained or made public. About four out of ten respondents categorically disagree with both of the above statements, saying that the risk of the violation of personal

data is not related to lifestyle/experience or the office one holds (37%). It is noteworthy that 31% of the Georgian population do not think that the collection of his/her personal data is a problem if he/she does not feel the consequences in his/her daily life. However, 43% of the respondents disagree with this statement.

An analysis of the data from across the Tbilisi-City-Village perspective shows that the residents of Tbilisi are more radical and use any argument about the illegal collection, retention and publication of personal data less frequently than those in other cities and villages. For instance, the number of

those people in Tbilisi who disagree with such arguments that “who have something to hide” and are public persons are more at risk for the manipulation of personal data is 20%-25% higher than the number of those surveyed in other cities and villages. An analysis of data by age category does not identify any significant difference but as a trend, the fact that the illegal collection, retention and publication of personal data violate the rights of any individual and the knowledge that this may cause problems them at a certain point in his or her life is respectively 5% and 8% lower for those aged 65+ than for those in any other age group.

**Graph 58.** Do you agree with the statements below?

	Agree	Disagree	I do not know/difficult to answer
Illegal collection, retention and publication of personal data violate the rights of any person	85%	4%	12%
Illegal collection, retention and publication of personal data violate the rights of any person and this may cause problems to any person at a certain point in his or her life	81%	5%	14%
Illegal collection, retention and publication of personal data scare only those who have something to hide	37%	43%	21%
The personal data of only public figures, not ordinary people, is illegally collected, retained or made public	32%	41%	27%
I do not think it a problem if any of my personal data is illegally collected, retained or made public if it causes no problem in my daily life	31%	43%	25%

The qualitative survey with the representatives of NGOs, private businesses and public organisations shows that those surveyed in different sectors think that the illegal collection, retention and publication of personal data is a problem in the country. They say that this is mostly due to the fact that the protection of personal data became an important topic a few years ago and before then there had been no relevant regulations or they were not aware of them. In some rare cases, the representatives of NGOs said that the legislation is not fully comprehensible and this allows for some different interpretations which leads to problems. Also, there is a lack of personal data protection experience to build upon. Sometimes problems are related to the competence of the employees handling personal data as either

willingly or unwillingly such employees disclose personal information (e.g., about a neighbour who reported family violence to law enforcement agencies). Those surveyed in all categories agree that there has been some progress in this area, citing the establishment of the Office of the Personal Data Protection Officer as one example, and hope that there will be further improvements in the future. Those surveyed in both private and public entities said that as the information on and regulations dealing with personal data abound, they are paying more attention to bringing their activity in line with such regulations. During the survey, those interviewed in both private and public entities remembered rare cases in which persons filed complaints against them with the Office of the Personal Data Protection Officer.

*"The protection of personal data is problematic because there are no special mechanisms, clearly defined or strictly regulated laws, or policies regarding the issue. There was a scarcity of legislation dealing with the issue before but things have changed recently. An agency was formed, regulations were put in place, work has been done and surveys have been conducted. I think that some processes have kicked off and will produce some specific results. I think that things in this sector, too, will improve and normalises." [local self-government authority representative]*

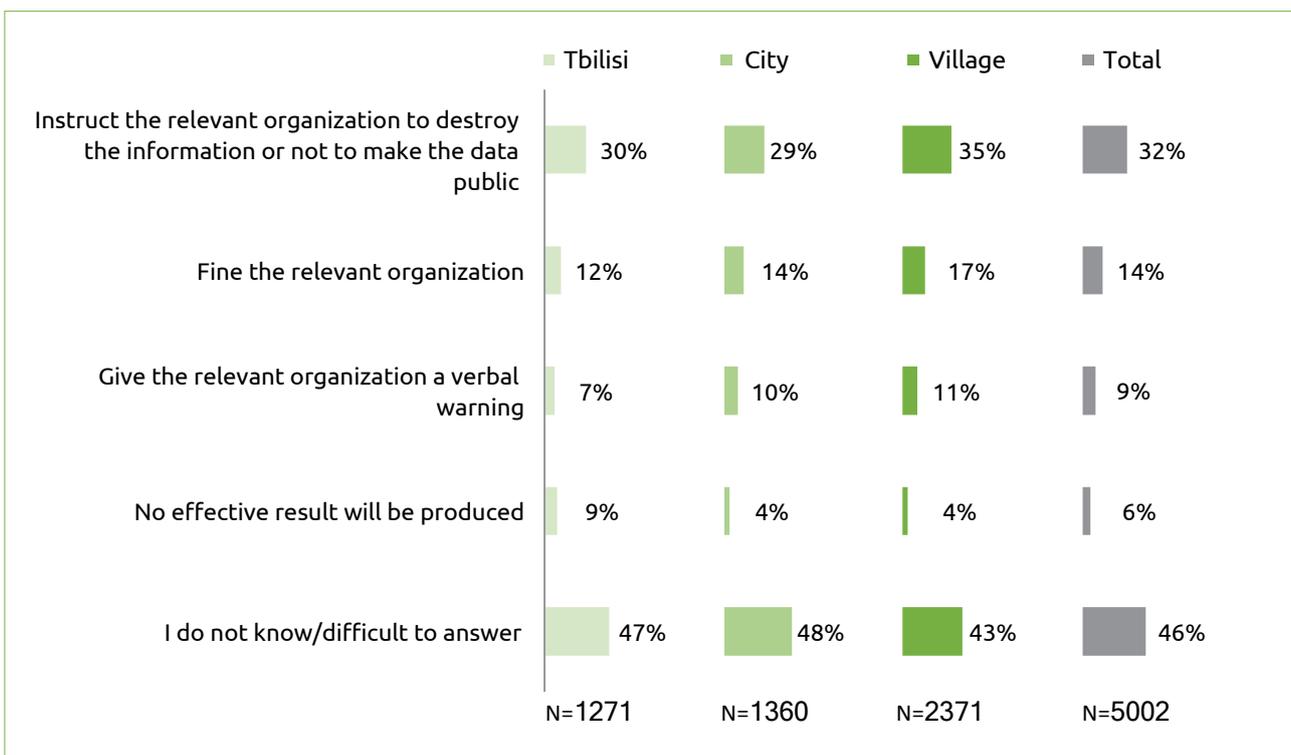
*"More attention has been paid to personal data and to civil servants in their daily activities... There can be certain risks out there and we always take the matter into consideration but lately, we have put increasing emphasis on the access of all of our civil servants to personal data. I mean that the progress is quite noticeable and impressive but we do not claim absolute data security." [public agency representative]*

*"We did a lot of work to make sure the Prosecutor's Office adjusted to and complied with the new law. I am not sure we do everything ideally but we do a*

*lot to conform to the new style... After the law was introduced, we started thinking about how to collect information. We collected personal data by first and last name. After the law was introduced, we changed the strategy and have collected information without the first and last names in order to make sure that we have statistical records but not personal data." [public agency representative]*

When asked who they would apply to for the protection of their rights if their personal data were illegally collected, retained or made public, respondents answered as follows: 32% - to the Police, 27% - to the court, 15% - to Public Defender's Office, 10% - to the Prosecutor's Office and 8% - to the Personal Data Protection Inspector. An analysis of the data by age category shows that the Personal Data Protection Inspector is the most highly regarded (16%) among young people from 18 to 24 while the same indicator for other age groups ranges from 55 to 10%. It is also noteworthy that half of the respondents find it difficult to answer the question of how, in their opinion, the agency they applied to would respond. One of every three respondents think that the agency would instruct the relevant organisation to destroy or make the relevant data public.

**Graph 59.** In your opinion, what action would an agency would undertake if you apply to it?



None of the target groups cast doubt on the necessity of protecting personal data against illegal collection, retention and publication. However, some NGOs and public agencies focused on the following:

- It is important to clearly define the limits of personal data or in certain cases allow the judge to define such limits on his or her own (e.g., use certain information regarding public persons, inter alia, restraining orders issued against them in cases involving violence) as they currently withhold such information from NGOs with the motive that the information is personal.
- Some respondents think that personal data has “suppressed” freedom of information – public agencies are now withholding information with the motive that the information is personal. The solution is thought to lie in releasing shaded information but it is believed that the Office of the Personal Data Protection Inspector gives no due regard to the necessity of protecting freedom of information when focusing on personal data.
- It was also suggested that the law has made it difficult to collect data that may cause minimal harm to the person concerned but substantial harm to investigative operations. As an example, respondents cited the collection of records from surveillance cameras mounted on the external perimeter of organisations that are regarded as a secret investigative operation.

*“...They are concerned only with the protection of personal data but not concerned that in some cases the two interests – protection of personal data and access to information – may clash with each other and the interest of access to public information may prevail. This should be taken into account (at the Office of the Personal Data Protection Inspector)... In cases involving a conflict of the two interests, the law should allow the court to decide which of the interests is of greater importance.” [NGO representative]*

*“Our law has complicated things more than necessary. For instance, collecting records from a surveillance camera mounted on the external perimeter of a bank is regarded as something requiring a judge’s warrant and not a secret investigative operation. No*

*nation has such strict regulations for surveillance cameras mounted in public spaces.” [public agency representative]*

Some respondents think that the personal data protection regulations are definitely positive but still have to be refined in order to make sure they do not impede the performance of various organisations when it is necessary to collect personal data (e.g., the Prosecutor’s Office or NGOs).

### 3.8.2. Office of the Personal Data Protection Inspector

The survey shows that 18% of the respondents have heard of the Office of the Personal Data Protection Inspector. The number of such respondents is higher in Tbilisi (24%) than in villages (15%) or other cities (18%). Men and women have equally heard about the Office. The survey shows no appreciable difference by age group but the respondents 65+ have heard the least (15%) and those in the 18-24 age category have heard the most (23%) about the Office of the Personal Data Protection Inspector.

24% of those who have heard of the Office of the Personal Data Protection Inspector know that the Inspector is Tamar Kaldani. The number of those having this information is higher in Tbilisi (31%) than in other cities (29%) or villages (15%).

The absolute majority of those who have heard of the Office of the Personal Data Protection Inspector (84%) received this information from TV. The second most frequently named source of information is social networks (14%) and friends (12%). This trend is similar by age category – TV is the least frequently named source of information on the Office of the Personal Data Protection Inspector for respondents within the 18-24 age group – they make up 73% of those who have heard of the Office; TV is the most frequently used source of information for respondents older than 55 (88% and 90%, respectively). One out of four respondents within the 18-34 age group who has heard of the Office of the Personal Data Protection Inspector receive information on the Office from social networks (25% and 25%,

respectively). Similar indicators for respondents within the 35-54 age group do not exceed 11%

and 12%, respectively, and for those older than 55 – 5% and 6%, respectively.

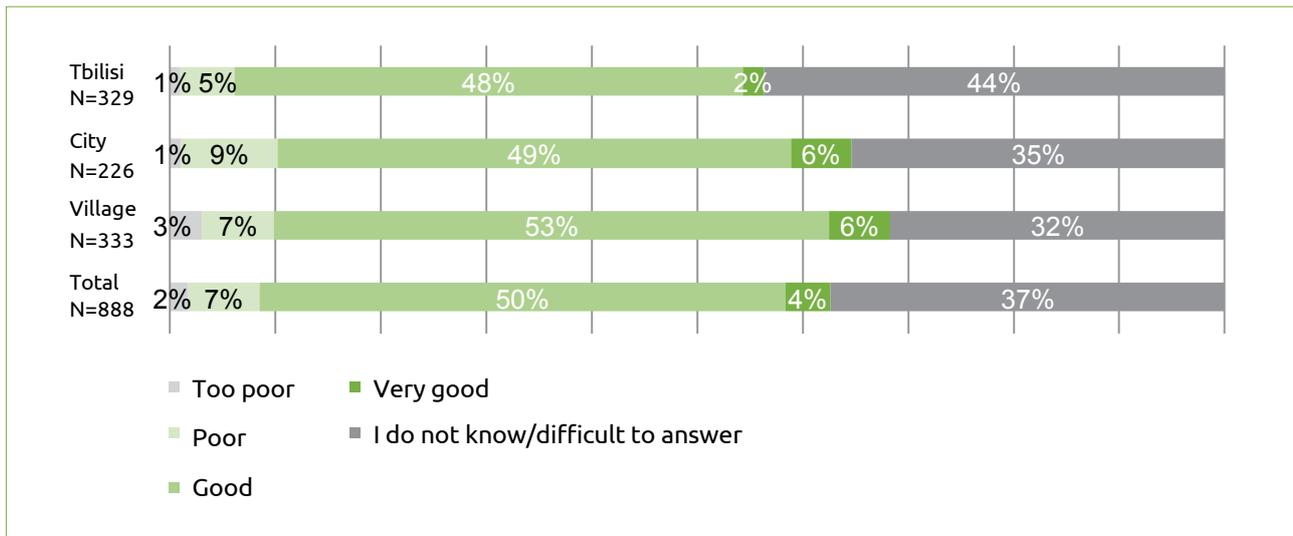
**Graph 60.** How did you learn about the Office of the Personal Data Protection Inspector?

	18-24	25-34	35-44	45-54	55-64	65 +	Total
FROM TV	73%	88%	82%	81%	90%	88%	84%
From radio	4%	0%	2%	5%	2%	6%	3%
From printed media	5%	7%	5%	4%	6%	13%	7%
From social networks (Facebook, twitter, etc.)	23%	25%	11%	12%	5%	6%	14%
From statements made by officials	15%	4%	6%	6%	2%	2%	6%
From friends	13%	11%	14%	15%	10%	8%	12%
From those who have applied to the Personal Data Protection Inspector	5%	2%	1%	0%	1%	0%	2%
I have used its services	0%	1%	2%	0%	0%	0%	1%
I do not know/ difficult to answer	8%	3%	8.0%	6%	2%	8.0%	6%

Most (44%) of those who have heard of the Office of the Personal Data Protection Inspector think that the duty of the Inspector is to assist persons in identifying whether or not personal data about them have been illegally obtained, retained or made public. The second and the third most frequently given answers are as follows: the Office instructs the relevant organisations to destroy personal data or protect the data from disclosure (17%) and the Office assists persons in dealing with the agencies when personal data about them has been illegally obtained, retained or made public (14%). One out of four of those who have heard of the Office of the Personal Data Protection Inspector find it difficult to answer this question (24%). More than

half of those who have heard of the Office of the Personal Data Protection Inspector have a positive opinion about its activity (54%) but more than one-third of them find it difficult to answer the question (37%). It is noteworthy that the share of the latter among those surveyed in Tbilisi is higher (44%) than that of those surveyed in other cities (35%) or in villages (32%). Out of those surveyed in different age categories, respondents in the 55-64 age category think especially highly of the work done by the Office of the Personal Data Protection Inspector, 62% of whom think the Office works well or very well. For comparison, the share of those with the same opinion in the 65+ age category is 49% and in the 45-54 age category – 50%.

**Graph 61.** How would you evaluate the activities of the Office of the Personal Data Protection Inspector?



In the opinion of a large number of the respondents aware of the activities of the Office of the Personal Data Protection Inspector, the Office uses personal meetings with interested parties and TV or radio programmes/series to consult persons/disseminate information (31%). One out of ten names TV communication (11%) and 8% speak about Facebook communication.

Toward the end of this part of the survey, the interviewers informed all interviewees of the activities of the Office of the Personal Data Protection Inspector and asked for their comments.

*The Office of the Personal Data Protection Inspector consults individuals as well as private and public organisations on issues related to the lawfulness of data processing and the protection of personal data. The Personal Data Protection Inspector deals with complaints and is authorised to take measures prescribed by the law. If deemed necessary, the Inspector requests additional information and inspects the data controller and/or data processor.*

*If unlawful data processing is revealed, the Inspector is entitled to request temporary or permanent termination of the data processing, the destruction and/or depersonalisation of data or the termination of trans-border data flow. The Inspector may also provide recommendations to the data controller and data processor in the case of minor violations and address the court if the data controller or data processor fails to comply with the Inspector's requests.*

*In detecting any violation of law, the Personal Data Protection Inspector is authorised to impose administrative responsibility – a fine on the data controller/data processor.*

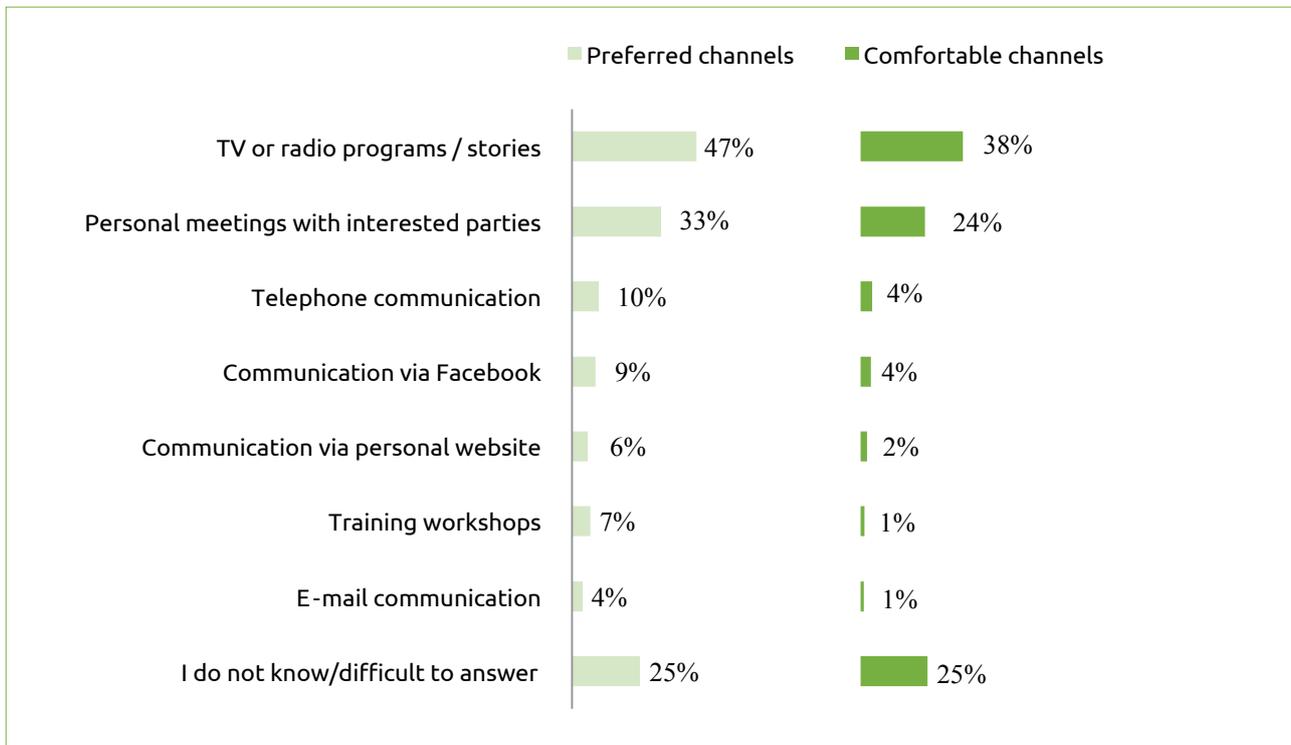
After having been briefed on the specifics of the work done by the Office of the Personal Data Protection Inspector, one out of three respondents found it difficult to express their opinion on how trustworthy the Office is (32%). 45% of respondents think that the Office is trustworthy while just 13% fully trust the Office. After having been briefed on the work done by the Office of the Personal Data Protection Inspector, half of the Georgian population (50%) express a willingness to apply to it if necessary but one-third of them has no clear-cut opinion on the matter (31%). The number of those highly willing to apply to the Office is slightly higher in Tbilisi (52%) than in other cities (46%) or villages (43%). An analysis of data by age category shows that respondents older than 65 apply to the Office of the Personal Data Protection Inspector most rarely – the number of those in the given age group willing to apply to the Office accounts for 43% while the parameter in other age groups ranges from 48% to 57%.

The population thinks that TV or radio programmes/stories (47%) and personal meetings with interested persons (33%) are the best ways of disseminating information/consulting individuals. These facilities are regarded as not only effective but also as the most preferred

means of obtaining information. Their answers to the questions also show that TV programmes and

stories are regarded as more preferred as the age of respondents increases.

**Graph 62.** What communications channels do you think the Office of the Personal Data Protection Inspector should use to disseminate information/consult individuals? Which of the communications channels listed here would be most preferred for you to receive information on the Office of the Personal Data Protection Inspector?



Ninety-nine of the respondents surveyed have experience applying to the Office of the Personal Data Protection Inspector. Of them, 63 are satisfied or very satisfied with the services, 20 of them find it difficult to answer this question and 16 are not satisfied with their experience.

The activities of the Office of the Personal Data Protection Inspector elicited positive opinions among the respondents of the qualitative survey in different target groups – NGOs, private companies and public agencies. The representatives of all organisations having dealt with the Office of the Personal Data Protection Inspector say that they had effective cooperation with the institution although some respondents (especially those in public agencies and private businesses) lack precise knowledge of its functions. Those speaking about the Office of the Personal Data Protection Inspector indicate its role in the initiation of legislative changes, inspections in different

agencies, advice toward the identification and handling of personal data, the formulation of recommendations for public agencies and private entities and the imposition of fines on violators.

In evaluating the activities of the Office of the Personal Data Protection Inspector, those surveyed in the different sectors identified the specific results that their dealings with the Office produced – increased emphasis on whether or not clients have carefully read and precisely understood all of the provisions of a contract in the banking sector, altering and generalising the contents of the information to be recorded on sick-leave certificates, participation in the elaboration of the procedure for the publication of court decisions, a general increase in the awareness of personal data and assisting beneficiaries referred to by NGOs, etc. The respondents of the qualitative survey all agree that the creation of the Office of the Personal Data Protection

Inspector has increased emphasis on personal data and raised the standards for protection, set a precedent for finding violators and identified where individuals can apply if their personal data have been manipulated.

The reason given for any scepticism voiced in relation to the Office of the Personal Data Protection Inspector is not the malfunctioning of the Office – rather, somewhat global problems such as a lack of willingness to change the situation (e.g., in regard to secret wiretapping/ interception), limited resources of the Office and little supervisory function (e.g., on whether or not this or that record has actually been destroyed).

The qualitative survey identified the following wishes/recommendations in relation to the Office of the Personal Data Protection Inspector:

- Training civil servants – precisely differentiating personal information from public information, identifying weaknesses in the protection of personal data in public agencies and addressing them according to best practices.
- Holding working meetings and workshops – for civil servants as well as private businesses to improve the skills of their employees who deal with clients.
- Conducting industry surveys in different agencies to identify their challenges in handling

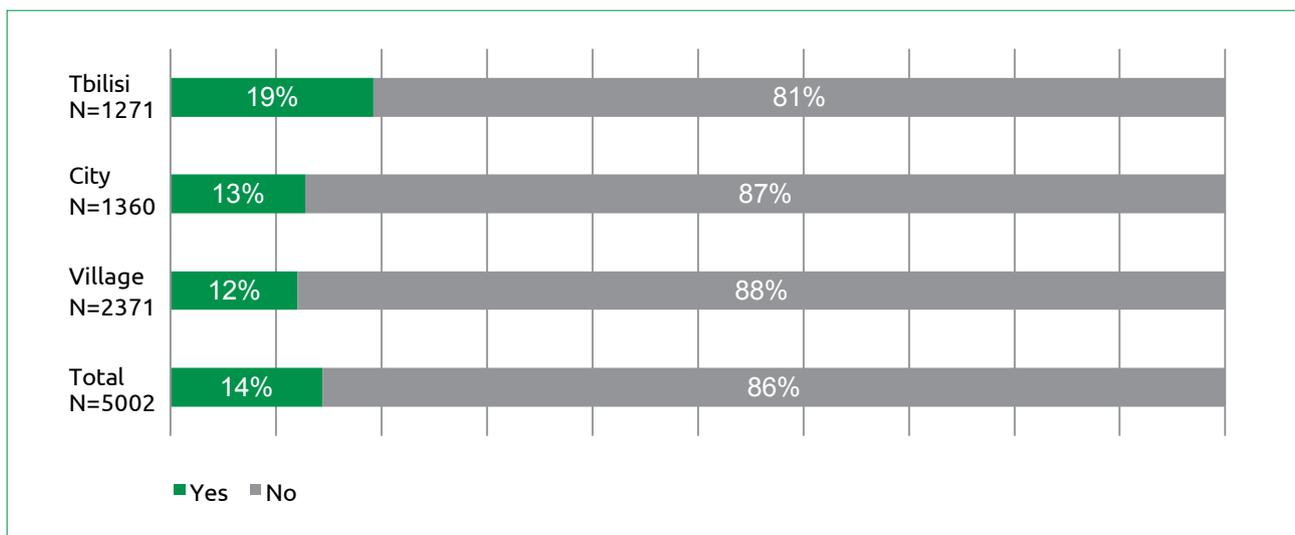
personal data and devise strategies to address such challenges.

- Distributing information booklets.
- Conducting more inspections (especially in public agencies) and regularly reporting the results of such inspections.
- Disseminating more information and raising the awareness of the society about personal data.

### 3.9 Mediation

Only a small number of the population (14%) has some information on mediation. The number of those having heard of mediation is slightly higher in Tbilisi (19%) than that of those in other cities (13%) or in villages (12%). The numbers of those having heard of mediation are similar in both genders. There is no appreciable difference by age group either – the number of those having heard of mediation is highest among respondents within the 35-44 age group (17%) and lowest in respondents older than 65 (10%). The survey of the focus groups shows that some respondents are misled by the way mediation sounds. Some of them associate mediation with media and others think it means a certain brokerage with a wider sense of the word with the least connotation of legal disputes.

Graph 63. Are you aware of mediation?



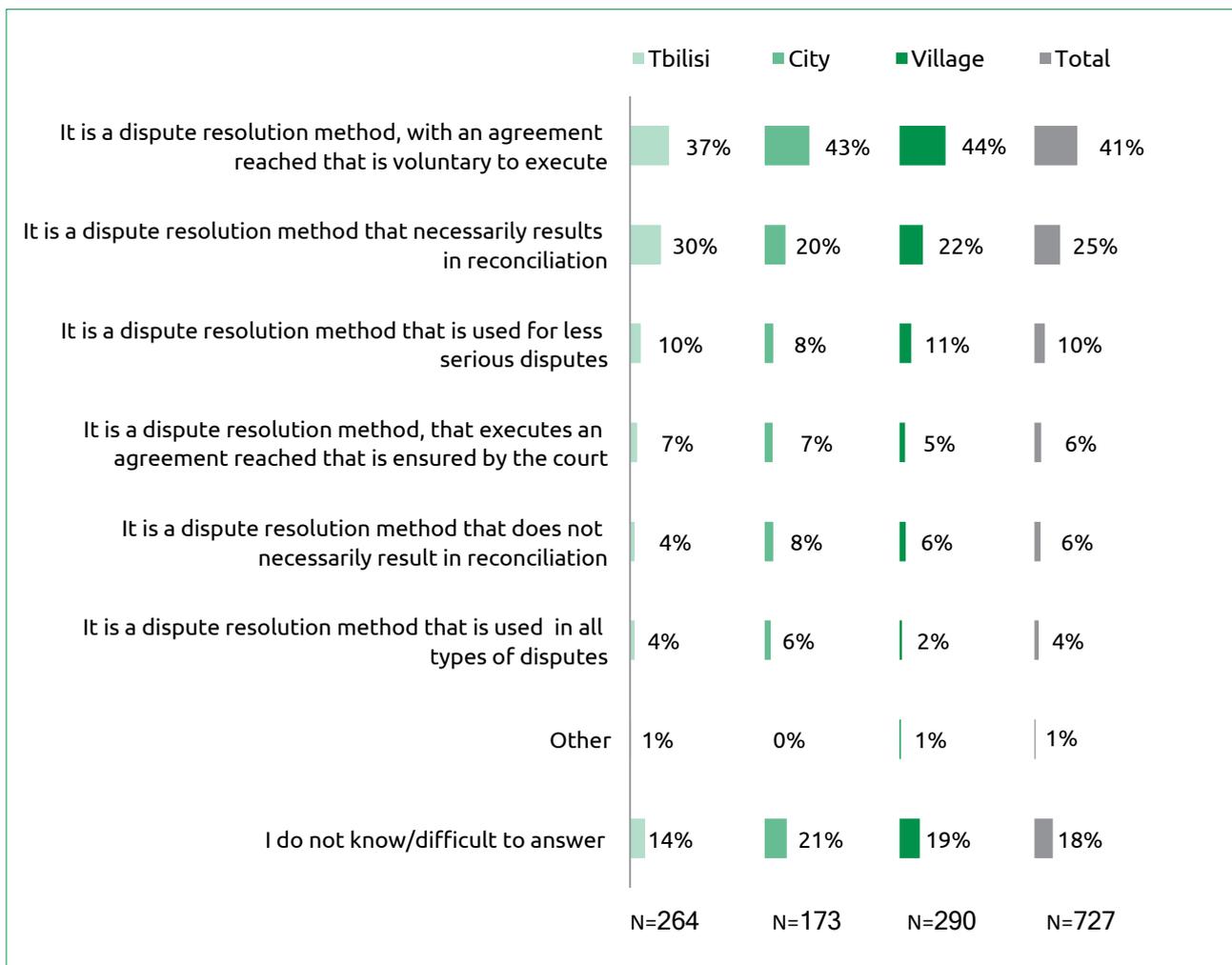
The representatives of NGOs taking part in the survey are aware that mediation is an alternative means of dispute resolution but few of them have heard of its practical application. In their opinion, mediation is a means of dispute resolution and is designed primarily to ease the caseload of the judicial system. In light of court timeframes and financial expenses, mediation is seen as a practical area oriented to customers.

*“In general, alternative ways of dispute resolution are one of the most prospective ways of development in the law because the trend of court services is rising in the whole world, judicial expenses are increasing and litigation is becoming more expensive and lengthy. Of course, mediation is taking on increasing importance for Georgia, too. I think it is necessary and needs to be developed, especially in Georgia.”*  
[NGO representative]

The majority of those who have heard of mediation received their information from TV (84%) with only 16% and 13%, respectively, naming social networks and friends as the sources of such information.

The largest number of those who have heard of mediation associate this practice with the voluntary execution of the agreement that was reached. The same trend was identified through focus group surveys with the population – for some respondents, substituting mediation for courts automatically means that mediation does not have the mandatory force that is specific to court decisions. One-fourth of respondents believe that the main feature of mediation is that it necessarily results in reconciliation (25%). One out of ten of those who have heard of mediation also say that it is used for less serious disputes (10%).

**Graph 64.** In your opinion, what mediation means?



Toward the end of this part of the survey, interviewers informed the interviewees of the specifics of mediation and asked for their comments based on the relevant information.

*Mediation is a dispute resolution method aimed at settling disputes through negotiation. A dispute is resolved through mediation if the parties reach an agreement that is acceptable for them. The mediator is a neutral third person assisting the parties in conducting negotiations and achieving a result that is acceptable for both of them. In the event of mediation, the parties themselves make the decision. The process is confidential. Mediation is mostly used in the case of family and neighbour disputes. Mediation grants privileges for fees, too – instead of 30% of the value of a dispute that the party pays in court, he/she pays only 1%, 70% of which is recoverable if the dispute is resolved through reconciliation. Losing is ruled out in the event of mediation.*

After having been briefed on the specifics of mediation, one-third of the respondents could not determine whether or not he or she started to trust mediation (34%) but a majority (57%) expressed a certain trust in the process.

Even after having been informed of the essence of mediation, more than half of the respondents found it difficult to determine what the advantages and disadvantages of mediation are. In this respect, respondents in other cities and villages have a more uncertain position – the number of those in Tbilisi finding it difficult to express their position on the advantages and disadvantages of mediation is 7% and 15% lower, respectively.

For those identifying the advantages of mediation over the court, the following factors are equally important: low fees, the process handled in a peaceful environment, the process ending quicker, the lack of a need for a lawyer and a less stressful situation although the frequency of mentioning such factors individually is low and ranges from 10% to 14%. As for the perceived disadvantages of mediation, the perception of the risk that if the parties fail to reconcile they will have to go to court and mediation will prove to be a waste of time is relatively strong – this is how one out of five Georgian residents thinks (21%). About one out of ten respondents surveyed fear that the parties may not think themselves bound by the decision (12%).

**Graph 65.** What advantages do you think mediation has over the court? What disadvantages do you think mediation has as compared to the court?

Advantages of mediation over the court		Disadvantages of mediation as compared to the court	
Lower fee	14%	If the parties fail to conciliate, they will have to go to court and waste more time	21%
The process is handled in a more peaceful environment	13%	Parties may not consider that mediation agreement is binding	12%
Ends soon/is not protracted	13%	Mediation can be used only in a limited number of cases	9%
No need to hire a lawyer	11%	I do not know/difficult to answer	60%
The process is less stressful emotionally	10%		
Biased decisions is ruled out	6%		
I do not know/difficult to answer	52%		

Although hearing and setting a dispute through mediation means a format of negotiations tailored to both parties, some NGO representatives taking part in the qualitative survey said that willingness of the society and high legal culture are required if mediation is to be used effectively.

*“The main advantage [of mediation] is to save time but the process in Georgia may be drawn out for years. Other advantages are lower costs and a higher chance for reconciliation – mediation offers better reconciliation principles.” [NGO representative]*

In the opinion of those taking part in the qualitative survey, developing mediation as an alternative dispute resolution method that has not been widely practised so far requires the creation of a private precedent in addition to a public institution that would contribute to the formation of awareness of and trust in mediation.

*“First of all, the mediation process must strip off the shadow of the state – the state must have no monopoly over it...The essence of mediation is to stand at a distance from the state and have no dealing with state bureaucracy. Therefore, I think that the private sector in the first place, as well as NGOs, have much to do to this end in order to promote representation and make mediation a priority for all.” [NGO representative]*

Nearly half (45%) of the population surveyed find it difficult to determine whether or not, if necessary, they would prefer mediation or the court (if the specifics of the case allowed it). 36% of them express a willingness to apply to mediation (31% prefer mediation and 5% prefer it by all means). An analysis of the data by age category shows that respondents aged 65+ are the most undecided (50%) and out of the respondents aged 18-24, those finding it difficult to answer this question are the lowest in number (37%). An analysis of the data by gender shows no appreciable difference between the opinions of men and women.

**Graph 66.** Would you, if necessary, prefer mediation to the court (if the specifics of a case allow for the use of mediation)?

	18-24	25-34	35-44	45-54	55-64	65 +	Total
I would not prefer it under any circumstance	7%	4%	6%	3%	5%	4%	5%
I would not prefer it	19%	14%	13%	14%	16%	14%	15%
I would prefer it	32%	30%	29%	34%	32%	28%	31%
I would prefer it under any circumstance	5%	5%	6%	5%	6%	4%	5%
I do not know/difficult to answer	37%	46%	45%	44%	41%	50%	45%

Only 1% of those surveyed have experience applying to mediation over the last five years. Out of the 36 respondents having applied to mediation, 20 were satisfied, 11 were not satisfied and five found it difficult to answer this question. The respondents taking part in the focus group discussion, as well as experts representing NGOs, think that Georgian society at present

needs greater awareness about mediation as an alternative means of dispute resolution as a result of which the use of mediation will increase significantly.

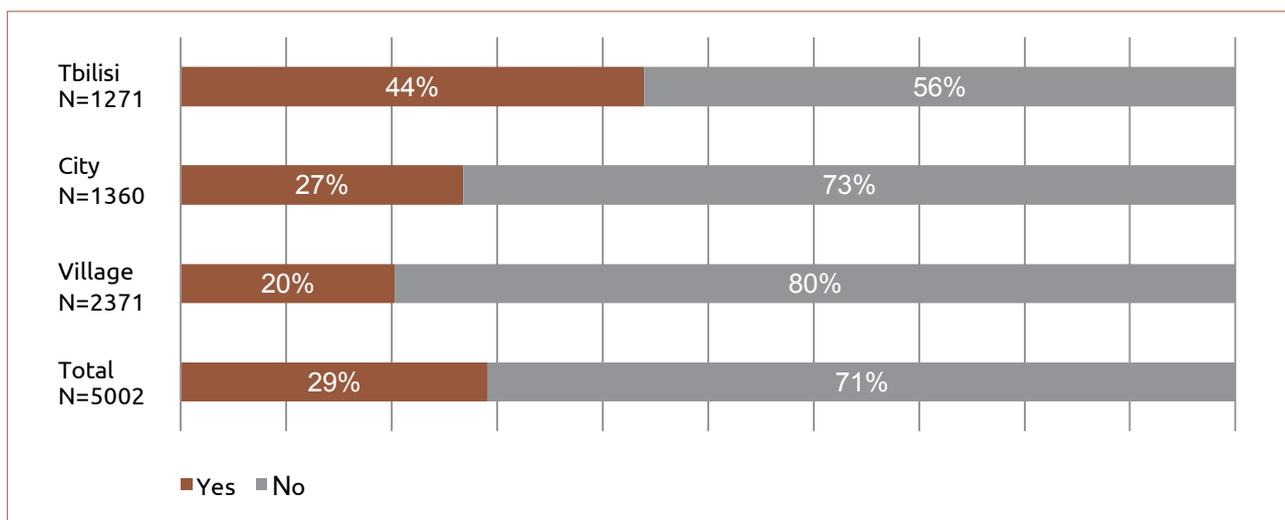
*“Of course, it will be good, with PR campaigns, advertising campaigns and the relevant guarantees that it will be effective and regulated.” [NGO representative]*

### 3.10 Arbitration

The survey showed that twice as many respondents have information on arbitration (29%) than on mediation (14%). The level of awareness about arbitration is significantly higher in Tbilisi (44%) than in other cities (27%) or villages (20%). The number of those having heard of arbitration is highest among those within the 35-64 age category (33%

and 35%, respectively). Only 18% of those within the 18-24 age group have heard of arbitration. The numbers of men and women who have heard of arbitration are roughly equal; however, as in the case of mediation, it should be mentioned that some of the focus group respondents associated arbitration, due to the way it sounds, with sports, and not the settlement of legal disputes.

Graph 67. Are you aware of arbitration?



In the opinion of the representatives of the businesses applying to arbitration when necessary, the advantage of arbitration over the court is the relatively contracted timeframe of hearings. However, it should be mentioned that the respondents are unhappy with the fact that arbitral awards are enforced by courts. This process takes a lot of time and adversely affects the effectiveness of arbitration.

*“Where loans are involved, we do not go to court – we have an arbitration clause in our contracts with clients and go to arbitration but arbitral awards are enforced by the Appeals Court. However, the Appeals Court does not observe the legally-prescribed time limits due to which arbitration has ceased to be an effective and flexible means as it takes too much time to recognise and enforce such awards.” [private business representative]*

As in the case of mediation, the main sources of information about arbitration are TV (87%), friends (16%) and social networks (10%). As in the

cases mentioned above, TV is the unchallenged leader for more than 80% of respondents in villages as well as in cities. Regardless of their age or gender, many use TV as their source of information on arbitration.

Arbitration is a method for resolving any dispute and the execution of arbitral awards is voluntary – this is the opinion of one of four respondents that have heard of arbitration (24%). 3% of respondents who have heard of arbitration think that it is used to settle any type of dispute and the execution of the decision will be ensured by the court. The remaining respondents (54%) focus on the fact that arbitration is a means of resolving property disputes. The share of respondents finding it difficult to answer this question does not exceed 24%. Those surveyed within the 18-24 age group are least informed about arbitration and one out of three such respondents finds it difficult to answer this question (32%). Such respondents are fewest in the 35-64 age category (19% and 22%, respectively).

**Graph 68.** What do you think arbitration is?

	18-24	25-34	35-44	45-54	55-64	65 +	Total
Arbitration is a method of resolving any dispute and the execution of arbitral awards is voluntary	18%	25%	25%	24%	22%	26%	24%
Arbitration is the settlement of any type of dispute with execution of the decision ensured by the court	16%	11%	12%	16%	10%	12%	13%
Arbitration is a means of resolving property disputes and the execution of arbitral awards is voluntary	8%	12%	12%	11%	16%	8%	12%
Arbitration is a means of resolving a property dispute between an individual and a business entity	9%	6%	7%	12%	10%	6%	9%
Arbitration is a means of resolving a property dispute between individuals	8%	13%	14%	10%	9%	4%	10%
Arbitration is a means of resolving a property dispute between business entities	8%	10%	7%	11%	12%	13%	10%
Arbitration is a means of resolving a property dispute and the execution of awards are ensured by the court	7%	8%	9%	9%	12%	7%	9%
Arbitration is a means of resolving a property dispute that leaves both parties satisfied	5%	4%	5%	5%	5%	5%	5%
I do not know/difficult to answer	32%	29%	22%	20%	19%	26%	24%

In the opinion of the respondents taking part in the qualitative survey is much higher in disputes between two businesses, with both parties having just about the same goals and interests. For instance, if both parties to a dispute are businesses, they will likely be interested in settling the dispute as soon as possible while in a dispute between an individual and a business, the former may be interested in drawing out the dispute for as long as possible. Another challenge regarding arbitration is finding a qualified, trustworthy arbiter. Considering that arbitration tends to be loyal to businesses, as its long-term customers, some of the population taking part in the focus groups found it difficult to place trust in it and, therefore, favour the court.

*“Between two businesses – of course, both businesses would rather use arbitration to save costs and avoid long, drawn-out proceedings. The court comprises three instances, including the Supreme Court, and it may take three-to-four years to bring proceedings to completion. Arbitration proceedings may take only six months to resolve*

*a dispute. Competent and trustworthy arbiters are another issue in Georgia. In disputes between a business and an individual, arbiters often tend to favour the business as a stronger party due to which the individual does not trust arbitration and would rather go to court.” [private business representative]*

*“There is competition between different arbiters and they want us to incorporate into the arbitration clause of our multitudinous contracts the name of the arbiter that we would apply to. To make this happen, they present a variety of proposals to us, including fees, timeframes of hearings, etc. There is a difference and competition between their services aimed at attracting large businesses. Therefore, arbitration deals with large businesses differently so as to attract them.” [private business representative]*

*“Arbitration is very good for financial institutions to recover [problem loans] but it puts individuals in a rather complicated position. I think that if the judicial system is reformed and improved to the*

*point of contracting its timeframes for hearings and if the judicial system eliminated endless lines in courts, it may be possible to assign a certain goal for arbitration. For me, arbitration is acceptable for banks because they are a financial institution and have no other way to prevent the protraction of litigation across three instances of the court. To tell the truth, I do not like dealing with arbitration. It is not interesting at all from a legal standpoint but its advantage over the court is that timeframes are short. The risk, however, is that its award cannot be appealed.” [private business representative]*

Toward the end of this part of the survey, the interviewers informed all of the interviewees of the specifics of arbitration and asked for their comments based on the relevant information.

*Arbitration is an alternative means of dispute resolution in which the parties agree to have any dispute between them resolved through an arbitration tribunal. Arbitration may hear private property disputes by equality of arms. Any dispute heard by arbitration is considered strictly according to the agreement between the parties. The agreement between the parties defines such crucial matters as the rules for electing the composition of the arbitration tribunal, the venue of arbitration, the governing rules of arbitration, etc. The arbitral award is final and binding upon the parties. The arbitral award must be made within 180 days from the commencement of an arbitration proceeding unless otherwise agreed between the parties. For*

*instance, lending banks, microfinance organisations and the like incorporate an arbitration clause in their loan contracts. Unlike the court, arbitration has no upper instance and settles a dispute within a single proceeding.*

Even after having been informed of the essence of arbitration more than one-third of the respondents found it difficult to determine whether or not they trust arbitration (38%). The number of such respondents accounts for 33% in Tbilisi, 45% in other cities and 37% in villages. Only 12% of the respondents fully trust arbitration while 39% say that they trust arbitration to a certain extent.

More than half of the respondents find it difficult to determine the advantages of arbitration over the court. The number of those finding it difficult to determine the disadvantages of arbitration is even higher (62%). Shorter settlement timeframes (15%) and handling proceedings in a more peaceful environment (13%) are the most frequently named advantages of arbitration over the court for the population. One out of ten respondents also thinks that another specific advantage of arbitration is that it dispenses with the need for hiring a lawyer (10%). One out of five respondents says that a disadvantage of arbitration as compared to the court is that arbitral awards cannot be appealed. The second most frequently given disadvantage is that the outcome of arbitration is less predictable (11%).

**Graph 69.** In your opinion, what is advantages of arbitration over the court? Disadvantage?

Advantage		Disadvantage	
Ends soon/is not protracted	15%	Awards cannot be appealed	18%
Proceedings are handled in a more peaceful environment	13%	Arbitration could be partial (e.g., favour a bank as a large customer)	4%
Arbitration cannot be partial/is less partial	5%	Arbitration could be less competent	6%
No need for a lawyer	10%	Some banks/financial institutions directly offer arbitration to customers, giving them no choice	6%
An arbiter is more qualified in commercial/financial matters than a judge	5%	End result is less predictable	11%
Arbitration rules are best tailored to the needs of the parties in dispute	6%	I do not know/ difficult to answer	62%
Arbitral awards are not appealed	7%		
I do not know/difficult to answer	53%		

If necessary, only 28% of respondents express a willingness to apply to arbitration and half of them find it difficult to answer this question (47%). In the opinion of the businesses surveyed within the qualitative component, individuals are rarely interested in arbitration, presumably because the process is drawn out in time. Sometimes a “socially disposed” (emotionally favouring an individual) court places an individual in an advantageous position but arbitration that has the image of being partial and interested is less appealing for individuals.

*“In this case, time is cost effective; time is what determines everything. Let’s say that a person owes the bank a debt but would not pay it. The bank automatically uses arbitration, invokes the clause and goes into arbitration that in 99% of cases*

*issues an award in favour of the bank because it is an obvious and undisputable fact that the guy owes the debt and would not pay and the bank finds a way of recovering the money in a very short period of time. In the case of the court, the process would drag out at least a year-and-a-half to two years and the bank would lose money even on account of the fact that what the value of 10 lari is today is not going to be the same in two years.” [private business representative]*

As the survey showed, only 30 of the 5,002 respondents surveyed have experience applying to arbitration. Twenty-two of those with such experience are satisfied, four are dissatisfied with arbitration, and four find it difficult to answer this question.

