



OFFICE OF
INDEPENDENT
INSPECTOR

The Office of the Independent Inspector
Key Directions of Strategic Development

2020-2021

Introduction

The Judiciary Strategy for 2017-2021 defines accountable justice in a broader context, where both the individual judge and the judiciary as a whole are accountable to providing the public with a fair, independent, quality, and expeditious justice system.¹ The document lists all the key challenges that will significantly help the judiciary and the Office of the Independent Inspector in gaining public confidence.

Accountable justice is an unattainable goal without a well-functioning system of disciplinary liability of judges. Through the so-called third and fourth waves of reforms, a number of innovations were introduced in the system of disciplinary liability of judges: the Independent Inspector's Office was established in the High Council of Justice, the types of disciplinary misconduct were amended, the process of disciplinary proceedings was improved, and so on.

Despite the reforms, a number of challenges remain in terms of establishing a timely and effective system of disciplinary liability.² Some of them still need to be amended: to ensure more independence of the bodies involved in disciplinary proceedings, to prevent delays in the disciplinary proceedings, to establish uniform and consistent practices, to raise awareness and many other related issues.

The Office of the Independent Inspector consistently studies each report or research prepared in line with the disciplinary liability system and responds to important issues within its competence. The Office seeks to develop best practices and implement institutional reforms. The functions of the Inspector's Office have increased this year. In particular, the independent inspector was empowered to terminate disciplinary proceedings and was obliged to proactively publish quarterly reports. The types of disciplinary misconduct have been also completely amended. Following the appointment of former inspector Ketevan Tsintsadze as a judge of the Supreme Court of Georgia, the High Council of Justice of Georgia elected a new independent inspector, Zurab Aznaurashvili, in January. These important innovations, unfortunately, coincided with the crisis caused by Covid-19 and a number of related difficulties, which were mainly due to working remotely.

In parallel with alleviating the constraints caused by the pandemic, the Independent Inspector, with the full staff of the Office, held the first joint field meeting to discuss the strategic goals, challenges and ways to address and resolve them, as well as institutional development opportunities and vision of the Office for the future.³

¹ <http://hcoj.gov.ge/ge/reforms/ongoing-projects/sasamartlo-sistemis-2017-2021-tslebis-stategiis-shemushaveba> <last seen 21.12.20> p. 12

² Evaluation of Outcome of Judicial Reform - A System of Disciplinary liability, Human Rights Education and Monitoring Center (EMC) and Institute for Development of Freedom of Information (IDFI), 2019

³ A field meeting was held on July 15-17, 2020, at the Rooms Hotel in Bakuriani, organized by the EU Judiciary Support Project, with the participation of their Experts.

Format and Amendment of the Document

The key directions of strategic development are developed and amended through a participatory process, and its final version is approved by an independent inspector.

The initial version of the document was prepared with the engagement of the staff of the Office – in the framework of the field meeting. The document is intended for 2020-2021, as it is the first concept developed for the development of the Office and was prepared in line with the strategy of the justice system for 2017-2021.

In addition, the draft document was submitted to present their positions and recommendations:

- The High Council of Justice of Georgia, the Disciplinary Board and the Disciplinary Chamber of the Supreme Court of Georgia;
- International and donor organizations, as well as representatives of civil society working on the issue of the judiciary.⁴

The opinions presented by them were largely taken into account in the preparation of the final version.

It should be noted that this Strategy and Action Plan is a dynamic document and will be updated as deemed necessary.

Structure of the Document

The document of strategic development consists of three parts:

- The first part outlines the mission of the Independent Inspector's Office and sets out the vision of the latter.
- The second part deals with the 4 main development goals and names the measures to be taken in each direction.
- The last part establishes the procedures for implementation, monitoring and evaluation of activities.

The document reflects the activities and activities carried out by the Independent Inspector's Office - using the human resources of the Office.

⁴ Council of Europe and EU Projects, USAID / PROLoG Rule of Law Court representatives, NGO representatives: GYLA, TI, IDFI, GDI, Rights Georgia, EMC, OSGF.

Vision and Mission of the Independent Inspector's Office

The **mission** of the Independent Inspector's Office is to ensure an accountable judiciary through objective, timely and transparent disciplinary proceedings.

To achieve the aforementioned mission, the Office's long-term **vision** is to promote an effective judicial accountability system based on a high standard of transparency, awareness and trust.

An effective implementation of the mission and vision of the Independent Inspector's Office requires an acknowledgement of all the strengths and weaknesses, as well as an assessment of the opportunities and threats posed by the day-to-day operations of the Office. Before developing the formulations, the Office of the Independent Inspector tried to apply the so-called SWOT analysis methodology for the Status quo assessment. The list of issues raised in the framework of aforementioned discussion stands as follows:

<p>S (strength):</p> <ul style="list-style-type: none"> • A team of qualified staff • Authority to implement independent personnel policy • Flexibility and ability to work fast • Teamwork • Good communication and openness to the best of the ability • Development-oriented internal management • Exclusive authority • Accessibility (no duty, easy communication) • Support (donors) • Cooperation with civil society • Termination authority (independence factor) • Engagement in the process of drafting legislative amendments 	<p>W (weakness):</p> <ul style="list-style-type: none"> • Institutional arrangement issues • Scarcity of financial and material resources • Lack of adequate procedures • Timeliness and delay of the process • Effective feedback mechanism with the complainant • Lack of awareness
<p>O (opportunity):</p> <ul style="list-style-type: none"> • Facilitate legislative amendments on issues related to institutional arrangements and disciplinary proceedings • Development of practices and improvement of standards • Enhance communication with judges and improve disciplinary proceedings with their participation • Improving staff qualifications and sharing international practices • Increase the transparency of the inspector's activities • Provide the information on activities to target groups (professional circles, students, etc.) • Addition of a module for school students and inclusion of a special module in the continuous education section • Enhance cooperation with civil society and the media 	<p>T (threats):</p> <ul style="list-style-type: none"> • Frequent legislative amendments • Lack of practice • The internal structure cannot meet all needs • Adequate infrastructure • Trust and awareness • Deadlines for litigation

In response to the challenges, the Office of the Independent Inspector has set 4 key development objectives, namely:

1. Ensuring the institutional development of the Office;
2. Increase the efficiency and accessibility of disciplinary proceedings;
3. Ensuring continuous professional development of the staff;
4. Strengthen accountability of the Office towards the public and enhance cooperation with partners.

Objective №1 – The Institutional Development of the Office

Ensuring the institutional development of the Office of the Independent Inspector means streamlining processes and procedures that will help refine the institutional framework of the Office and strengthen its independence, including by ensuring financial stability.

In order to achieve the aforementioned goal, the following activities are planned:

№	Activity	Description	Implementation Deadlines
Progress indicators: - Regulations, business processes, job descriptions and evaluation system are approved; - Analytical generalized hand-book in accordance with international standards is available; - The concept of electronic case management program has been developed; - At least 1 legislative initiative has been prepared by the Office, which has been submitted to the second working group / High Council of Justice; - A proposal has been submitted for budget funds or to attract alternative funds.			
1.1	Refinement of internal regulations	1. Preparation of regulations and set out process of activities / management; 2. Updating job descriptions; 3. Introduction of evaluation system; 4. Develop an analytical generalization standard; 5. Development of the concept of electronic case management program.	1. 2020 2. 2021 3. 2021 4. 2021 5. 2021
1.2	Initiation of legislative amendments	1. Analysis of the third and fourth wave follow-up recommendations and preparation of legislative amendments; 2. Participation in the 2nd Strategy Working Group and presentation of initiatives.	1. 2021 2. 2021
1.3	Strengthen financial capabilities	Provide increasing budget funds, if necessary and / or attract alternative funds.	2021

Objective №2 - Increasing the Efficiency and Accessibility of Disciplinary Proceedings

The Fourth Wave Reform changed the types of disciplinary misconduct committed by a judge and refined the litigation process.

As of January 1, 2020, a specific list of disciplinary misconduct is in force, which may be difficult for both parties and judges to comprehend and predict. The Independent Inspector carries out his / her activities independently, in cooperation with the High Council of Justice of Georgia, the Disciplinary Board and the Disciplinary Chamber of the Supreme Court of Georgia.

The second goal of the development of the Office of the Independent Inspector is to make disciplinary proceedings and existing procedures understandable and accessible to all. The activities set to achieve aforementioned goal are as follows:

№	Activity	Description	Implementation Deadlines
<p>Progress indicators:</p> <ul style="list-style-type: none"> - Commentaries on disciplinary grounds are accessible; - At least 1 analytical generalization per year is published; - 20 trainees/judges will be trained in 2021 according to the educational module by HSOJ; - At least 1 working meeting per year with the Disciplinary Board and the Disciplinary Chamber; - At least 3 proactive meetings with judges from different regions; - At least 1 proactive meeting with assistant judges; - At least 1 proactive working meeting with lawyers; - A working meeting has been held with the Public Defender's Office; - Banners about the service of the Independent Inspector are placed in at least 1 court buildings; - Video instruction is accessible on the website of the Independent Inspector's Office and on the social network of the Office of Independent Inspector; - The website of the Office provides adaptation for persons with disabilities with an audible signal; - Electronic access to the required databases during the research process is provided. 			
2.1	Definition of Grounds and Procedures	<ol style="list-style-type: none"> 1. Preparation of explanatory manual / commentaries on disciplinary grounds; 2. Preparation of analytical generalization; 3. Preparation of an educational module together with the High School of Justice; 4. Preparation of informational materials. 	2021
2.2	Provide information about the service and share experiences	<ol style="list-style-type: none"> 1. Discussion on the analytical generalization with the Disciplinary Board and the Disciplinary Chamber; 2. Proactive discussion of commentaries and analytical generalizations with judges; 3. Discussion of commentaries and analytical generalizations with Assistant Judges on the base of the High School of Justice; 4. Discussion of commentaries and analytical generalizations with the students of the School of Justice; 5. Working meeting with representatives of the free legal aid service; 	2021

		<p>6. Working meeting with the representatives of the Public Defender's Office;</p> <p>7. Proactive meetings with lawyers, students and media representatives.</p>	
2.3	Provide physical access and technology development	<p>1. Preparation of video instructions;</p> <p>2. Website updates;</p> <p>3. Preparation of information banners and flyers;</p> <p>4. Adaptation of the service website to the needs of people with disabilities;</p> <p>5. Provide access to databases to improve the disciplinary proceedings.</p>	<p>1. 2020</p> <p>2. 2020</p> <p>3. 2021</p> <p>4. 2021</p> <p>5. 2021</p>

Objective №3 - Ensure continuous Professional Development of the Staff

The Office of the Independent Inspector is a team of qualified lawyers, although frequent legislative amendments as well as the specifics of disciplinary proceedings require regular training for staff.

The third objective of strategic development includes providing thematic / skills-oriented training identified by studying the needs of the Office of the independent inspector's staff and / or analyzing the challenges facing the system.

It should be noted that the training formats can vary and include trainings, workshops, international conferences, study trips or round tables, as well as distance learning, courses tailored to individual development and more.

To this end, the Office plans to carry out the following activities:

№	Activity	Description	Implementation Deadlines
Progress Report: - The research for the needs of the staff has been conducted; - All employees are trained - at least 1 training in professional knowledge and 1 training in professional skills development; - At least 1 thematic study has been prepared in the field of disciplinary proceedings; - At least 2 video conferences / workshops have been held to share experiences with representatives of the independent disciplinary mechanisms of the Council of Europe member states; - The concept of internship is prepared.			
3.1	Promoting the development of knowledge and professional skills	1. Research on the necessity of the training of the staff; 2. Analyze existing challenges and organize training based on it; (Substantiation, explanation of grounds); 3. Exchange programs - internships and study visits; 4. Development of management skills (as needed).	1. 2020 2. 2021 3. 2021 4. 2021
3.2	Development of Research capabilities	Organizing thematic studies on various aspects of generalization and / or disciplinary proceedings.	2021
3.3	Preparation of the concept of the institute of internship	Preparation of the procedure for admission of interns and the concept of their retraining.	2021

Objective №4 - Strengthening of the Accountability of the Office towards Public and Enhancement of Collaboration with Partners

Due to the strict confidentiality of disciplinary proceedings, the legislature limited the issue of accountability of the Independent Inspector's Office to the obligation to publish quarterly and annual statistical reports, as well as to publish decisions on termination of the disciplinary proceedings. The explanations and practice developed in the findings of the independent inspector are still confidential. As a result of the preparation of a generalization of the practice, as well as the issuance of conclusions on the nature of each misconduct in the form of public information, the Office of the Independent Inspector has made its activities more foreseeable by protecting personal data.⁵

The fourth strategic objective of the Independent Inspector's Office resides in introducing / developing such forms and formats of communication with judges, parties, professional circles, the non-governmental sector, partners and the media, which, on the one hand, will make the disciplinary justice system accessible to the general public, and on the other hand, will uphold the principles of independence and impartiality of the individual judge.

Implementation of the information campaigns will increase the awareness of the service, which will ultimately help increase the number of customers. It is noteworthy that during the first two years there was an increase in referrals to the Independent Inspector's Service: in 2017 - 131 and in 2018 - 313 complaints. That figure declined over the next two years, especially in 2020, amid pandemic-induced restrictions during the emergency period.

In 2019, 215 and as of December 15, 2020, 146 complaints were filed in the Office of the Independent Inspector. With this in mind, the planned activities of the Independent Inspector's Office (information campaigns, increase of accessibility) are aimed at increasing the existing referral rate.

The following activities have been identified to achieve the aforementioned objective:

№	Activity	Description	Implementation Deadlines
<p>Progress indicators:</p> <ul style="list-style-type: none"> - The referral rate has increased from 5 to 10% compared to 2020; - 4 quarterly and 1 annual reports per year are publicly accessible; - At least 2 presentations of the annual report and practice: (i) to the Conference of Judges and (ii) to international and non-governmental organizations, as well as to professional groups; - Organizing at least 1 donor coordination meeting per year; - Organizing at least 1 workshop on potential cooperation with law school faculties / schools (in the field of research); - Organizing at least 1 working meeting with the media representatives on the activities of the Independent Inspector's Office; - The hotline is activated and information brochures are prepared. 			
4.1	Preparation of reports and their public Issuance	<ol style="list-style-type: none"> 1. Proactive preparation / publishing / quarterly presentations / annual reports, including at a conference of judges; 2. Presentation / discussion of practice analysis with target groups (judges, court assistants, students, professional groups, international and non-governmental organizations). 	<ol style="list-style-type: none"> 1. 2020 – 2021 2. 2021

⁵ Independent Inspector partially satisfied IDFI Administrative Complaint, 9 July 2020, Accessible at: https://idfi.ge/ge/the_administrative_complaint_of_idfi_was_partially_granted

4.2	Collaboration with partners and civil society	<ol style="list-style-type: none"> 1. Organizing regular donor coordination meetings; 2. Proactive communication with civil society, professional and academic circles; 3. Cooperation with law faculties / schools; 4. Organizing and / or participating in international conferences. 	2021
4.3	Planning and implementation of informational campaigns	<ol style="list-style-type: none"> 1. Communication with media representatives - organizing events; 2. Improving website and social media management; 3. Preparation and distribution of information brochures; 4. Activation of the Hotline. 	<ol style="list-style-type: none"> 1. 2021 2. 2020-2021 3. 2021 4. 2021

Mechanism for carrying out activities

The implementation of the strategic directions set out in the following document is directly inter-linked with the implementation of specific activities on the one hand, and on the other hand, timely and accurate evaluation of the latter.

The main tool for the implementation of strategic directions is the activities outlined in the document, which are fully in line with the strategic objectives and ensure their effective and timely solution. The Office of the Independent Inspector ensures the implementation of planned activities in cooperation with all stakeholders and donor organizations. Performance monitoring is carried out through a kind of self-assessment mechanism; In particular, a brief report on the implementation of strategic directions will be added to the inspector's annual report.