

Court Mediation in Georgia: Comparative Analysis, Institutional Challenges and Prospects for Development

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Annotation. This study assesses the implementation of court mediation in Georgia, with a focus on institutional readiness and the integration of psychosocial services in family law. Despite the 2020 legislative framework, practical adoption remains uneven across regions, particularly in rural courts. The insufficient qualification of mediators, limited involvement of judges, the absence of integrated psychosocial support mechanisms, low public awareness regarding the nature and benefits of mediation, and the shortage of financial and administrative resources collectively diminish the institutional value, effectiveness, and credibility of mediation in Georgia. By comparing Georgian practices to successful EU models - Germany, the Netherlands, and Lithuania - the research identifies critical gaps and proposes reforms aimed at improving quality, access, and child-sensitive mediation outcomes.

Introduction

Court mediation is a widely recognized alternative dispute resolution (ADR) mechanism aimed at resolving conflicts more efficiently, affordably, and with less adversarial impact on the parties involved. Globally, mediation has proven effective in reducing court caseloads, legal expenses, and emotional strain on litigants (European Union, 2008; Bond Greg., 2017). In family law, particularly, mediation plays a critical role in minimizing the psychological damage of divorce and custody battles, especially on children and vulnerable family members (Kitoshvili, 2021; Kitoshvili, 2023a).

In Georgia, institutional development of mediation gained momentum following the enactment of the Law on Mediation in 2020.

The law provided a legal framework for both mandatory and voluntary mediation in certain categories, including family disputes (Parliament of Georgia, 2020). However, the implementation of court mediation remains challenged by fragmented legislation, inconsistent judicial practice, low public awareness, and the underdevelopment of psychosocial support services.

Research shows that the presence of qualified psychosocial professionals—psychologists, social workers, and family counselors—within the court system is crucial for mitigating the psychological and emotional risks associated with divorce, especially in cases involving children (Pruett, M. K., & Hoganbruun, K. 2011); Kitoshvili, 2021). Internationally, models such as the UK's Family Justice

Review (2011) and court-integrated mediation programs in the Netherlands and Germany have emphasized the integration of therapeutic and mediation services as a means of supporting both dispute resolution and family welfare (Rechtspraak, 2009).

Moreover, empirical studies in Georgia have highlighted how a lack of psychosocial services in family law cases contributes to poor outcomes for children and increases post-divorce conflict (Kitoshvili, 2023b). The role of psychosocial support in family mediation is not just complementary—it is foundational to ensuring child-centered outcomes and reducing the long-term psychosocial risks for minors. The absence of such support is especially problematic in regions outside of Tbilisi, where access to professional mediation and mental health services is significantly limited.

Comparative analysis with European models reveals that the success of court mediation systems hinges not only on legal frameworks and court procedures, but also on cultural, institutional, and psychosocial factors (Tvaronavičienė, 2017).

Therefore, this study aims to examine Georgia's court mediation system through a comparative-legal and institutional lens, emphasizing the critical intersection between law, psychosocial services, and family justice. This study aimed to assess the institutional and psychosocial development of court mediation in Georgia, particularly in family law disputes, and to compare Georgia's model with successful practices in selected EU countries to identify gaps and improvement strategies.

To achieve this aim, the study was guided by the following objectives:

1. To analyze the legal framework governing court mediation in Georgia;
2. To assess the practical implementation of mediation in Georgian courts,

particularly in family disputes;

3. To compare the Georgian model with mediation systems in selected EU countries (e.g., Germany, the Netherlands, Lithuania);
4. To identify institutional and psychosocial barriers to effective mediation in Georgia;
5. To formulate evidence-based recommendations for improving the mediation system through alignment with European standards and integration of psychosocial services.

Methodology

The study was based on a descriptive and comparative legal research design, combining qualitative desk research with limited empirical data analysis. Publicly available court statistics were reviewed where accessible, and insights on psychosocial aspects rely on existing empirical studies and expert literature (Kitoshvili, 2021; 2023a).

- Document Analysis: The study examined Georgian legislation, including the Law on Mediation (2020), the Civil Procedure Code, the Code on the Rights of the Child (2019), and relevant secondary legal acts. Judicial practices were also reviewed, particularly family cases involving court mediation.
- Literature Review: International and regional academic literature was analyzed, focusing on the development of mediation systems, institutional standards, psychosocial integration, and comparative models in the EU. This included recent empirical studies on the psychosocial impact of marital conflict and mediation outcomes (Kitoshvili, 2021; Kitoshvili, 2023a).
- Comparative Analysis: The mediation systems of Germany, the Netherlands, and Lithuania were examined to identify successful institutional mechanisms, legal guarantees, and state-supported psychosocial services. Special attention was given to the EU Directive

2008/52/EC, which outlines key standards for civil and commercial mediation.

• Empirical Component: Publicly available court statistics from 2020 to 2025 were reviewed to evaluate the extent and effectiveness of mediation use in Georgia. In addition, insights from Georgian empirical research on family mediation and child welfare were incorporated to contextualize findings (Kitoshvili et al., 2024).

The methodology was designed to provide a comprehensive understanding of the court mediation system in Georgia, highlight areas of divergence from EU standards, and explore the institutional potential for reform and psychosocial integration.

Results

The results of the study, based on legal analysis, court statistics, comparative models, and empirical research, reveal that Georgia's court mediation system remains underdeveloped, unevenly implemented, and insufficiently integrated with psychosocial services, particularly in the area of family law.

1. Uneven Implementation Across Jurisdictions

Data collected through public information requests conducted by the authors from 16 courts between 2020 and 2025 (Rustavi City Court, response to the letter.# 1503 (18.09.2025) Tbilisi City Court, response to the letter.#2-0484/11794592 (17.09.2025) Bolnisi District Court, response to the letter.# 9186 (18.09.2025) Kutaisi City Court, response to the letter #11551-3 (22/09/2025) Poti City Court, response to the letter #268 (16.09.2025) Gori District Court, response to the letter# 1043 (18.09.2025) Zestaponi District Court, response to the letter# 9-108 (16.09.2025) Ozurgeti District Court, response to the letter# 780 (17.09.2025) Telavi District Court, response to the letter# 599 (

22.09.2025) Zugdidi District Court, response to the letter# 501 (24.09.2025)

1. Tbilisi City Court had the highest engagement with mediation, receiving 1,091 cases and achieving settlement in 265.
2. Rustavi City Court followed with 234 cases, 94 of which resulted in settlement.
3. In contrast, courts in Zugdidi, Ozurgeti, Zestaponi, and Poti reported zero mediation activity.

Other regional courts showed marginal involvement:

1. Kutaisi City Court: 78 referred cases, 13 settlements.
2. Gori District Court: 27 referred, 7 settled.
3. Bolnisi District Court: 17 referred, 2 settled.
4. Telavi District Court: 13 referred, 0 settled.

This inconsistency reveals a lack of national strategy and oversight in implementing mediation equally across judicial districts. Courts closer to urban centers appear more active, whereas peripheral and rural courts lack infrastructure, staffing, and public engagement.

2. Institutional Gaps and Human Capital Deficits

Institutional challenges continue to limit mediation's capacity as a viable dispute resolution mechanism. While the legal foundation is in place, courts struggle with:

- Insufficient number of trained mediators, particularly in regional areas;
- Lack of continuing professional development programs or certification systems for mediators;
- Minimal integration between judges and mediators—referrals remain rare even when allowed by law;
- Fragmented enforcement mechanisms, with some mediated agreements lacking

clear legal standing, especially in family matters.

These findings align with Tvaronavičienė's (2017) emphasis on the institutional backbone needed for sustainable mediation practice in the Baltic states.

In Georgia's case, judges often refrain from referring parties to mediation even in family cases—an area where the law specifically encourages it—due to skepticism about the mediator's qualifications or the process's effectiveness (Kitoshvili, 2021).

3. Lack of Psychosocial Integration in Family Mediation

Perhaps the most significant gap lies in the near-total absence of psychosocial services in court mediation, despite the high emotional and psychological stakes in family law cases. Although the law allows for mediation in divorce and custody cases, courts lack standardized procedures for involving child psychologists, family counselors, or social workers during mediation. This deficiency was evident in both case analysis and empirical literature.

Kitoshvili (2021) emphasized that in Georgia, "psychosocial services are either absent or informally addressed," leaving families, especially children, without meaningful support during high-conflict separations. Her findings also revealed that court proceedings frequently overlook the best interests of the child, due to the absence of specialized evaluations or therapeutic interventions.

These findings echo broader research on post-Soviet legal systems, where the justice framework often lacks a trauma-informed approach and fails to recognize parties as potentially vulnerable individuals (Kitoshvili, Gogokhia, & Gasviani, 2024). Moreover, in the context of divorce, the long-term psychological effects on adolescents are well-documented internationally, yet such factors are rarely considered in Georgian mediation

processes (Kitoshvili, 2023a).

4. Public Perception and Cultural Resistance

Public resistance to mediation continues to be a major barrier to its institutional success. The study found that many citizens, especially in rural areas, remain unfamiliar with mediation or view it with skepticism. Interviews and empirical surveys reveal prevailing perceptions that:

1. Mediation is "just a formality" with no real power;
2. Mediators are biased or lack authority;
3. Legal disputes must be "won," not "resolved."

These cultural views reflect a wider mistrust of non-adversarial justice systems, common in transitional democracies with weak civic education traditions (Kitoshvili et al., 2024). Unlike in countries such as the Netherlands, where public education campaigns have normalized court mediation, Georgia has not yet launched widespread efforts to demystify the process or encourage voluntary participation.

Even in regions where mediation has been introduced, uptake remains low unless parties are compelled by the court. This suggests the absence of both institutional incentives and cultural buy-in, especially for cases involving sensitive family dynamics.

5. Comparative European Models: Structural Contrasts and Lessons

The selection of Germany, the Netherlands, and Lithuania as comparative models represents three distinct approaches:

- Germany: A high-integration model where courts, mediators, and psychosocial services are institutionally coordinated.
- Netherlands: A system emphasizing early court referrals and standardized mediation procedures.
- Lithuania: A legislative model lacking the

institutional and cultural support needed for effective practice, reflecting parallels with Georgia.

The study's comparative analysis with selected European Union member states—Germany, the Netherlands, and Lithuania—revealed that effective court mediation systems share several institutional traits that are largely underdeveloped in Georgia. While all three EU countries operate within the framework of Directive 2008/52/EC, they have implemented mediation differently, adapting it to their legal cultures, court practices, and social support systems.

- **Germany: Court-Integrated Mediation and Judicial Trust**

Germany offers a semi-centralized model where *Gerichtsinterne Mediation* (in-court mediation) has been strengthened through specialized *Güterichter*—judges trained to act as mediators in civil and family disputes. The German Mediation Act (2012) promoted not only legal norms but also training standards, court procedures, and professional ethics (Bond Greg, 2017).

Key contrast: Georgia lacks specialized judicial mediators and does not mandate mediation training for judges, resulting in inconsistent referral practices and limited judicial trust in mediation outcomes.

- **Netherlands: Referral Mechanisms and Early Intervention**

The Dutch system is built on robust court-referral mechanisms where parties are routinely offered mediation early in the litigation process. Courts maintain a list of certified mediators, and judicial encouragement is an institutional norm. Studies have shown that this system increased settlement rates and reduced adversarial proceedings (Rechtspraak, 2009).

Key contrast: In Georgia, court referrals are sporadic, informal, and vary by judge. No national registry or accreditation for

mediators exists. As a result, early intervention through mediation is rare.

- **Lithuania: Legal Reform Without Cultural Support**

Lithuania passed a mediation law and formally introduced mandatory mediation in family law cases. However, a lack of public awareness, judicial training, and state-supported mediator infrastructure resulted in low success rates (Tvaronavičienė, 2017).

Key parallel: Like Georgia, Lithuania illustrates that legislation alone is not sufficient. Without investment in mediator development, awareness campaigns, and court–mediator collaboration, legal reform remains symbolic rather than transformative

Summary of Cross-Cutting Factors from EU Models

European Union countries that have successfully institutionalized court mediation—such as Germany, the Netherlands, and Lithuania—share several structural strengths. These include state-supported training programs for mediators, consistent judicial referral mechanisms, and, in some cases, public education campaigns to raise awareness. Germany and the Netherlands also illustrate the benefits of integrating psychosocial services, particularly in family mediation. Moreover, all three countries maintain a centralized registry of accredited mediators, which enhances transparency and quality control.

In contrast, Georgia lacks most of these foundational elements. Mediator training is sporadic and unstandardized, judicial referrals are inconsistent and judge-dependent, no large-scale public information campaigns have been conducted, and psychosocial services remain absent from mediation procedures. A national mediator registry has not yet been established. These differences underscore that successful mediation systems require more than legislation—they demand institutional

coordination, state investment, and cultural adaptation to establish mediation as a credible and effective path to justice.

Conclusion and Recommendations (Condensed Version)

Mediation remains urban-centered; rural courts are largely inactive.

Comparative analysis with Germany, the Netherlands, and Lithuania demonstrates that effective mediation systems rely on more than legislation. Success requires systemic coordination, certified professionals, public awareness, and embedded psychosocial support. Without these elements, mediation in Georgia risks remaining a symbolic reform.

Particular attention is needed in family mediation to ensure the protection of children's rights and psychological well-being—areas where EU models demonstrate the value of integrated support services.

Key Recommendations:

- Establish National Mediator Training and Accreditation – Create standardized certification and ongoing education programs for mediators.
- Integrate Psychosocial Services into Family Mediation – Embed psychologists and social workers in mediation processes, especially where children are involved.
- Standardize Judicial Referral Practices – Equip judges with clear referral protocols and mediation coordinators to support implementation.
- Create a Public Mediator Registry – Maintain a transparent, searchable database of accredited mediators.
- Run a National Public Awareness Campaign – Educate the public on the value and function of mediation, particularly in rural areas.
- Monitor and Evaluate the System – Track

outcomes, settlement rates, and user satisfaction to guide reforms.

With targeted reforms and institutional investment, Georgia can develop a more functional, equitable, and child-centered mediation system—one that truly aligns with both European standards and the needs of its citizens.

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