



THE 2021 AMENDMENTS TO THE GEORGIAN ORGANIC LAW ON COMMON COURTS THROUGH THE LENS OF INTERNATIONAL LAW AND BEST PRACTICES

At the end of 2021, Parliament adopted serious changes to the Organic Law on Common Courts, by using an accelerated legislative procedure. Civil Society and International Actors criticised the amendment package as well as the misuse of the accelerated procedure for its adoption. The changes applied to procedures regulating Judge appointment, secondments, disciplinary punishments and more.

This document aims at filling the research vacuum as it relates to disciplinary misconduct punishments. The research delves into the applicability of best practice standards, such as those adopted by: the UN, International Bar Association and others, to the amendments of 2021.

According to the research, the 2021 amendments are not in conformity with international standards necessary for ensuring independence of the Judiciary. The amendments are alarming due to their adopted by way of an accelerated mechanism, without leaving room for public discussion. Apart from this the changes afford new

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controlling measures to the High Council of Justice (HCoJ). The HCoJ gained the ability to send on secondment, any judge, for a period up to 4 years without consideration of key factors or any justification whatsoever.

This analysis has shown a serious dichotomy between the adopted legislative changes in Georgia and internationally recognized best practice. The 2021 amendments are alarming even without considering Georgia's political context. Objectively, the legislative amendments are non-democratic and go against international standards and best practice.