



NGOs Respond to the Process of Electing Four Members of the High Council of Justice in the Parliament of Georgia

The Parliament of Georgia is reviewing the issue of electing four members of the High Council of Justice of Georgia (HCOJ). On June 6, 2017, at the meeting of the Legal Issues Committee, the Council listened to 29 candidates. Representatives of non-governmental organizations monitored the committee's work and are submitting to the society the evaluation of the selection of the members of the Council by the

Committee.

First of all, it should be evaluated positively that despite the lack of effective legislation and the relevant procedure, the Committee decided to listen to each candidate and gave them the opportunity to make a 5-minute report at the committee meeting. However, in order to ensure real transparency, the committee members and attendees should have been given the possibility to ask questions to the candidates. The competition involves several candidates about whom questions may arise. Despite this, the biographical data of the candidates and their reports allow us to assess them objectively.

The procedure established by the law for the election of the Council members is as follows: eight judges of the High Council of Justice of Georgia shall be elected by the Georgian Judicial Conference, five non-judge members shall be elected by the Parliament of Georgia and one member is appointed by the President of Georgia.^[1] The Parliament elects non-judge members of the Council from among the professors and researchers working in higher education institutions, from the members of the Georgian Bar Association and/or the persons nominated by non-entrepreneurial legal entities based on the recommendation of the collegial management body of any relevant organization.

The existence of the provision for the composition of the HCOJ is based on the principle of diversity of opinions in the Council. The above principle is also established by relevant international standards. "Such mixed composition would present the advantages both of avoiding the perception of self-interest, self protection and cronyism and of reflecting the different viewpoints within society, thus providing the judiciary with an additional source of legitimacy."^[2]

Consequently, based on the international standards and the objectives of the law, candidates selected / submitted by relevant entities in the HCOJ should reflect the opinions of various groups in the Council.

The results of observation of the current process of electing the members of the High Council of Justice by the Parliament enable us to make the following conclusions:

- Parliament should not support those candidates nominated by academic circles and civil organizations, who are associated with the judiciary system or other state agencies, and whose biographies do not allow to perceive them as representatives of

various groups in the Council. The competition involves a number of candidates who are still working in a particular court, manage some structural divisions of the High Council of Justice and do not actually demonstrate experience and activities on public issues, beyond the public service. The law requires that the High Council of Justice shall be composed of judicial members (who must express the interests of the judiciary in the Council) and non-judicial members (who must express the interests of the diverse social groups in the Council).

- Parliament should not support those candidates who do not focus on real problems existing in the judiciary system and fail to propose the ways of their solution.

We call upon the Parliament of Georgia to have the High Council of Justice of Georgia composed of members elected on the basis of their professional abilities, and who actually represent the society. This will contribute to real discussion in the Council and promote judicial independence.

Georgian Young Lawyers' Association

International Society for Fair Elections and Democracy

Article 42 of the Constitution

Human Rights Center

[1] Organic Law of Georgia “On Common Courts”, Article 47(2; 5).

[2] Opinion of the Consultative Council of European Judges (CCJE) N10 (2007)