



Georgian Young Lawyers' Association, Transparency International - Georgia and Georgian Lawyers for Independent Profession Respond to the Information Released about Recommendations of the Venice Commission

Georgian Young Lawyers' Association (GYLA), Transparency International – Georgia and Georgian Lawyers for Independent Profession welcome recommendations of the Venice Commission about the draft law elaborated by the Ministry of Justice of Georgia for reforming justice system in Georgia.

Although official recommendations of the Commission have not yet been published, draft findings allow us to conclude that the Commission approves of the main essence and spirit of the draft law, which we welcome greatly. Most part of the draft law prepared by the Ministry of Justice reflects recommendations that NGOs have developed after examining serious problems in the judiciary system throughout the recent years. Incorporation of these recommendations into the law will increase the role of individual judges; journalists will be able to stream trials of their interest; meaningful steps will be made for depoliticization of the High Council of Justice, as neither president will be able to appoint the HCJ members nor will members of parliament be able to become members of the HCJ; role of self-government of judges

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will be increased and the power to nominate candidates for the HCJ membership will no longer be vested exclusively in the chairperson of the Supreme Court but rather, the power will be delegated to judges and the conference of judges will be able to elect candidates by secret ballot, and more.

Apparently, all initiatives have been welcomed by the Venice Commission. Further, there is one issue that has triggered difference of opinion in Georgia and has become subject of political discussions – it is yet to be decided whether the authority of members of the HCJ should be terminated early at once. The draft law envisages premature termination of the authority of all members. Parliamentary minority had opposing view about the issue as it did not support termination of authority of any of the Council members. According to the draft findings, the Venice Commission offers to Georgia a model most of all relating to the position of NGO sector that we would like to highlight once more: members of the HCJ elected by the conference of judges and undertaking functions other than administrative ones should not have their authority terminated prematurely.

We believe that in view of the positions of the Venice Commission and NGO sector, resources for adoption of the draft law with maximum agreement and approachment between the positions of the authorities, the government, parliamentary majority and parliamentary minority, as opposed to under a heated controversy. We welcome positive trends in this regard and express readiness on our end to encourage the process as much as we can.