

Strasbourg, 10 August 2022

**BUREAU OF THE CONSULTATIVE COUNCIL
OF EUROPEAN JUDGES (CCJE)**

STATEMENT

**regarding the competition for the selection of a member of CCJE
in respect of Georgia**

The Bureau of the Consultative Council of European Judges (CCJE) was informed of the publication on the 5th of August 2022 of the “Coalition Statement on the Competition Announced by the Ministry of Justice”¹ by Transparency International Georgia. The Coalition for an Independent and Transparent Judiciary reacted with respect to the announcement of the competition² organised by the Ministry of Justice of Georgia, to select the member of the CCJE in respect of Georgia. In its statement, the Coalition calls upon the Ministry of Justice to clarify the reasons for the announcement of the competitions to select a candidate for the CCJE (and also the CEPEJ) and raises a number of concerns regarding this process, including the fact that the “*unplanned and hasty announcement of the competition, without informing the current member of the above-mentioned bodies, is a negative precedent that raises major questions regarding the independence of the judiciary and the persecution of possible dissent within the system*”.

¹ [Coalition Statement on the Competition Announced by the Ministry of Justice - საერთაშორისო გამჭვირვალობა საქართველო \(transparency.ge\)](#), dated 5 August 2022.

² News item, Competition for Selection of Candidates from Georgia to Be Submitted to the Relevant Bodies of the Council of Europe and the United Nations Has Been Announced (dated 2 August 2022), accessible [here](#).

The Bureau of the CCJE has taken note of the above-mentioned “Coalition Statement on the Competition Announced by the Ministry of Justice”.

The task of the CCJE, according to its Terms of Reference, is to foster the independence, impartiality and competence of judges. The independence of judges is also required by Article 6 of the European Convention on Human Rights (ECHR). Member States are obliged to respect that impartiality and independence. In line with the CCJE’s terms of reference, “governments of member States are entitled to designate one or more representatives (preferably one member and one deputy member) of the highest possible rank in the relevant field. Members of the CCJE should be chosen in contact, where such authorities exist, with the national authorities responsible for ensuring the independence and impartiality of judges and with the national administration responsible for managing the judiciary from among serving judges having a thorough knowledge of questions related to the functioning of the judicial system combined with an utmost personal integrity”.

The CCJE Bureau underlines that the designation of members of the CCJE should be carried out with due respect to the CCJE’s terms of reference regarding membership and the criteria set out therein. It furthermore recognises that governments may decide to replace their designated member(s), in line with their own internal processes of selection, upon expiry of their member(s) mandate, or if required, at another time.

The CCJE Bureau was informed that the new rules for conducting the competition with the aim of selecting a new member of the CCJE in respect of Georgia were adopted by the Minister of Justice on 27 July 2022, together with establishing the selecting commission and announcing the competition. The publication on the website of the Ministry of Justice of the news item regarding this competition occurred on 2 August 2022. The deadline for submission of documents by candidates was set until the 6th of August 2022.

Taking into account in particular the limited period of time set for possible applicants to become aware of this new procedure and to put forward, in a timely manner, their applications, the Bureau of the CCJE can only share the concerns expressed by the Coalition with respect to the timing and procedural aspects of the new competition (i.e., the non-notification of the current member of the CCJE about the new competition, and the hasty character of the procedure), as this could impact on the quality of the process itself.

The CCJE Bureau wishes also to clarify that since her appointment, the current CCJE member in respect of Georgia has been actively contributing to the work of the CCJE in a highly professional manner, and that the CCJE has greatly benefitted from her expertise, and her contributions to the CCJE’s working groups and plenary meetings.

The CCJE Bureau therefore invites the Ministry of Justice to ensure that the implementation of this new selection procedure of representatives to the CCJE continues to uphold high standards with respect to the selection criteria of candidates, notably their proven competence, integrity and independence.