

State of judicial reforms in Georgia – lessons learned

Kakha Tsikarishvili

Doctoral Student, Tbilisi State University, the Faculty of Law

Professor of Georgian Institute of Public Affaires

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Since the declaration of independence, Georgian judiciary underwent a complex path of development. After 1991, Georgia has inherited a soviet style of judiciary. The first judicial reform was conducted in 1998-1999 during which new procedural codes were adopted, judicial examinations were held and the judges who did not pass judicial examinations were dismissed. This reform brought some new blood to judiciary. However, soon after judicial system, plunged into corruption. Since Rose Revolution of 2003, Georgian judiciary underwent many positive changes such as eradication of systemic corruption, creation of proper material bases for the operation of the judiciary, increase of salaries of judges, formation of the High School of Justice, refinement of legislative framework, and implementation of jury trial after 2009 change of criminal procedure code. However, the judiciary had very little political independent and was strictly controlled by the executive. Became a mechanism for implementation of zero tolerance policy and repression against political opponents. Acquittal rates were very low and prosecutorial requests were usually always granted by the courts. As the result of the 2012 elections, a new ruling party – Georgian Dream came to power. One of the main election promises of Georgian Dream was the restoration of justice and creation of

independent judiciary. Four waves of legislative reforms were implemented in 2012-2019. The legislative reforms gave the judges the power to elect their peers in High Council of Justice, reopened trials for television and media, members of parliament were removed from High Council of Justice, Disciplinary Procedures were refined, new criteria and procedures for the selection of judges were introduced in the law, power to select judges of the Supreme Court were delegated from President of Georgia to High Council of Justice, lifetime appointment of judges was introduced. While judiciary attained some level of institutional independence from other branches of power, another problem emerged inside the judiciary. Namely, the power was concentrated among a small group of influential judges who have obtained support from Georgian Dream as well as fellow judges by promising them reappointment. Judicial vacancies became hardly accessible for the outsiders. Due to the shortage of judges the courts accumulated excessive workload and cases are regularly delayed. Despite the fact that the judges are generally perceived to be more independent than before 2012, the public at large does not believe that judiciary acts independently on high profile cases or cases with political sensitivity. Lack of trust towards judiciary became one of the causes of political crisis in Georgia in 2020-2021, which resulted in EU led mediation and adoption of political agreement between opposition and government on April 19, 2021. The agreement envisages the assessment of the results of the judicial reform, fundamental reform of High Council of Justice and improvement of judicial selection/appointment procedures. Thus, the political class in

Georgia as well as international community is in agreement that judiciary still needs a fundamental change.

Determining the origin of children from unmarried parents by administrative and judicial procedure

Lela Nadibaidze

Doctor of Law, Tbilisi Humanitarian Teaching University

Affiliate Professor of Private Law

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In order to protect the rights, interests and better interests of children born out of wedlock, it is essential to determine not only the legal status of the parents towards these children, but also their rights and responsibilities and the obligations of the state. These issues will be discussed and analyzed at this conference on the basis of international acts and Georgian legislation, including the principles recognized by the European Convention on the Legal Status of Children Born without Marriage. The right of a child to have a parent with legal status is guaranteed by this Convention and the legislation adopted under it, according to which paternity can be established by voluntary recognition or a court decision. The latter can be used when the parents of a child born in an unregistered marriage cannot reach an agreement that this person is the father of the child. In this regard, the amendments to the Civil Code of 9 December 2011 (which entered into force on 1 February 2012) made the process of exercising this right more accessible and