



GEORGIA

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Statement by Ms. Inga Kanchaveli, Counsellor at the Permanent Mission of Georgia to the United Nations

Agenda item 84 "Rule of Law at National and International Level"

New York, 6 October 2016

(Please check against delivery)

Mr. Chairman,

Georgia aligns itself with the statement made by the EU delegation on today's topic. In Addition I'd like to make few remarks in my national capacity.

Today's important discussion reinforces the notion that the Rule of Law is at the heart of the UN, along with democracy, good governance, human rights and fundamental freedoms. Respect for the rule of law is an essential condition for peace, stability and development and needs to be pursued at both national and international levels. In this context, we believe that the continuous efforts of all relevant UN organs and agencies to assist States in different regions of the world to accord high priority to strengthening the rule of law are of utmost importance and encourage them to continue their important work to this end.

Georgia underlines the role of multilateral treaty-making processes in promoting and advancing the rule of law. In this regard, we recognise the role of annual Treaty event, organized by the Secretary General, as a significant contribution to the universal adherence to the important multilateral treaties. During the last few years, Georgia acceded to the whole range of international instruments, including to the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure in September this year.

As we move towards the implementation of the 2030 Agenda on Sustainable Development, we believe that States should work together to promote implementation of Goal 16 of the 2030 Agenda, which includes providing access to justice for all by building effective, accountable and inclusive institutions at all levels.

At the national level, over the last few years Georgia has shown impressive progress by implementing significant reforms aimed at bolstering the rule of law, transparency, and accountability of the Government. It has been a priority to ensure a genuine independence of the judiciary from any outside interference and building public confidence in the courts system. As a result of the measures undertaken, the key judicial institution, the High Council of Justice became more democratic, open and transparent; life tenure of judges has been introduced; a clear and objective criteria for the pre-life appointment appraisal of judges, and a multilayered, transparent and objective procedure of the appraisal, including the right to appeal by a judge in case of the negative appraisal, has been established.

Furthermore, on 4 June 2016 the amendments to the Organic Law of Georgia on the Constitutional Court and on the Law of Georgia on Constitutional Legal Proceedings entered into force. The purpose of the amendments was to make the Constitutional Court of Georgia and its individual judges stronger and truly independent of any undue influences from the outside.

Another set of the reforms implemented in Georgia focused on depoliticization and strengthening the institutional independence of the Chief Prosecutor's Office. More precisely, the Minister of Justice – a political appointee – relinquished her prosecutorial powers and a 15-member Prosecutorial Council consisting of the prosecutors elected by their peers at the conference of prosecutors of Georgia, the representatives of legislature, judiciary and the civil society organizations has been established.

In addition, I would like to highlight the measures undertaken by my Government to establish a national mechanism for the effective implementation of the UN treaty bodies' decisions. In particular, on 15 May 2016 the Parliament of Georgia enacted a set of amendments to the Criminal Procedure Code of Georgia, Administrative Procedure Code of Georgia, Civil Procedure Code of Georgia and the Law on State Fees of Georgia. Subsequently, the amendments provide a possibility for the reopening of criminal cases if there is a relevant decision of any of the four UN human rights treaty bodies, in particular, the Human Rights Committee, CERD, CEDAW and the CAT. Furthermore, a person can file a claim to the national court for adequate financial compensation based on the decision of the abovementioned committees.

Mr. Chairman,

We believe that the rule of law both at national and international levels could be achieved only if the UN member states stand firmly for the principles enshrined in the UN Charter and other multilateral instruments, for the peace and stability in the world.

As the Secretary General pointed out in his report, the peaceful settlement of international disputes and ensuring accountability for international crimes are key elements in promoting the rule of law at the international level and essential to the maintenance of international peace and security. We also believe that Rule of Law is indeed a key element of conflict prevention, peacekeeping, conflict resolution and peace-building, with justice, as a critical element for achieving peace and security in countries in conflict and post-conflict situations. Georgia supports an effective and efficient interplay between national justice systems and the International Criminal Court in the fight against impunity, in accordance with the principles enshrined in the Rome Statute. Due to the occupation of the Tskhinvali Region/South Ossetia, Georgia by the Russian Federation, the Government of Georgia was restricted to conduct investigative activities in the occupied territories. Therefore, since 27 January

2016, the Pre-trial Chamber I authorizes the Prosecutor to proceed with the investigation of any crime within the jurisdiction of the Court, committed in and around Tskhinvali Region/South Ossetia, Georgia, between 1 July and 10 October, 2008. The Georgian authorities continue cooperation with the Office of the Prosecutor, which is regulated under the Georgian legislation. In particular, the Georgian Law on Cooperation with ICC sets the framework of the cooperation between Georgian authorities and International Criminal Court.

To conclude, let me reiterate, that Georgia stands ready to continue its efforts for further advancement of the rule of law both at the national and international levels.

I thank you.