



Coalition for an Independent and Transparent Judiciary

Charter

Charter I

Name and Goal

Article 1.1. Name

Name in Georgian: „კოალიცია დამოუკიდებელი და გამჭვირვალე მართლმსაჯულებისათვის.“

Name in English: “Coalition for an Independent and Transparent Judiciary.”

Article 1.2. Purpose

The Coalition’s purpose is to promote the State’s responsibility and the civil society’s involvement with a view of achieving an independent and transparent judiciary.

Article 1.3. Objectives

1. Unite the civil society’s efforts in the process of monitoring the judiciary reform.
2. Advocate an *independent and transparent judiciary* in the law-making and regulatory process.
3. Promote cooperation among the Coalition members and avoid duplication of activities of programme partners within the Coalition.

Article 1.4. Membership fee

The Coalition members are not required to pay a membership fee to become members or to subsequently retain membership of the Coalition. Members of the Coalition’s Steering Committee and the Coalition’s governing persons shall not receive financial compensation for their services provided to the Coalition.

Chapter II

Membership

Article 2.1. Membership prerequisites

1. Any non-governmental organization, business association, professional association or media outlet is eligible for the Coalition’s membership if it supports and shares the goals and objectives of the Coalition. A Coalition member may be an organization registered in Georgia if it shares the common goals enshrined in Chapter I of this document and the spirit of the Memorandum of Understanding, is willing to cooperate with other members of the Coalition with a view of achieving common goals, and has an express interest or proper experience in the area of judiciary reform and human rights protection.

2. Throughout the length of its existence, the Coalition is open for new members. Interested organizations should address the Coalition's Steering Committee in writing, in accordance with its procedures and terms. The Steering Committee will hear a membership application and decide to grant or reject the applicant organization's membership request, within 30 calendar days.

3. A Steering Committee's decision on accepting a new organization into the Coalition membership shall be made by a majority of two-thirds of the Committee's attending members.

Article 2.2. Obligations of Coalition members

Every member of the Coalition must

1. Respect the Coalition's goals and objectives;
2. Observe and comply with the Coalition's charter;
3. Partake in the work of the Coalition and its working groups on a regular basis.

Article 2.3. Expulsion

1. On the initiative of the Steering Committee or at least one-tenths of the Coalition members, a Coalition member may be expelled from the Coalition if it breaches the Coalition's governing norms, ignores the Coalition's interests and decisions of competent bodies, does not participate in the Coalition's undertakings and implementation of its goals, disregards the Coalition's fundamental goals or disrespectfully treats the Coalition's reputation and members.

2. Decisions expelling Coalition members shall be made by the Coalition's Steering Committee with a two-thirds majority of its full composition.

Article 2.4. Leaving the Coalition

A Coalition member may leave the Coalition, if it decides so. The member shall communicate such decision to the Steering Committee and the Secretary in writing.

Article 2.5. Coalition meetings

1. The Coalition members shall meet once a year. If necessary, the Coalition members may meet online, using electronic platforms. A special meeting may be convened on the initiative of the Steering Committee or one-third of the Coalition members, with advance notice given to the Coalition members by phone and/or by email.

2. A person responsible for an organization's management and representation may represent the organization as a Coalition member at Coalition meetings without any power of attorney.

Absent such a person, A Coalition member shall be represented by an authorized representative, based on a proper document in writing.

3. A Coalition members' meeting is authorized to make decisions if at least half of the Coalition members are attending.

4. Decisions at a Coalition members' meeting shall be made by a simple majority of attending members.

5. A Coalition members' meeting shall be led by a Chairman of the Steering Committee or, in his/her absence, his/her deputy. The progress of a meeting shall be documented in the minutes. The Steering Committee's Secretary is responsible for accuracy of such minutes.

Chapter III

Rights of the Steering Committee

Article 3.1. Number of members. Selection. Recall

1. The Steering Committee consists of representatives from 9 (nine) Coalition members (one member from each organization) elected for a two-year term. Committee members' tenure shall extend beyond two years until new Committee members are elected.

2. Members of the Steering Committee are elected at a Coalition members' meeting, with a secret ballot. Candidates who receive more votes than others are considered elected members of the Steering Committee. If candidates receive the same number of votes and if the number of candidates is more than the number of members to be elected, a repeated voting shall be held.

3. A Steering Committee member may be recalled from its position by a decision of two-thirds of the Coalition members, if substantiated arguments have been put forward against him/her. A new member shall be elected to replace the recalled member.

Article 3.2. Steering Committee's meetings; decision-making

1. The Steering Committee shall meet at least once a month. If necessary, the Steering Committee may meet online, using electronic platforms. A special meeting may be convened on the initiative of the Chairman or one-third of members of the Steering Committee, with advance notice given to the Committee members by phone and/or by email.

2. The Steering Committee is authorized to make decisions if at least two-thirds of its members are attending.

3. Decisions at a Steering Committee's meeting shall be made by a simple majority of attending members.

4. A Steering Committee' meeting shall be led by a Chairman or, in his/her absence, by his/her deputy. The progress of a meeting shall be documented in the minutes. The Steering Committee's Secretary is responsible for accuracy of such minutes.

5. The Steering Committee's decisions related to developing the Coalition's stance and/or release of a statement on behalf of the Coalition shall be forwarded by the Steering Committee to each member of the Coalition immediately after they are adopted.

6. If more than a half of all of the members of the Coalition does not object to such a decision within 1 work day after the moment the Steering Committee sent out the decision to Coalition members, the decision will be deemed adopted. If a Coalition's member organization provides its motivated opinion, the Steering Committee may postpone publication of the decision to consider the provided opinion.

7. When deciding to publish a written document on behalf of the Coalition, a Coalition member who disagrees with the content of the written document may request the publication of a disclaimer with the document, if the Steering Committee refuses to reconsider the issue raised by the member or share his position. A neutral disclaimer may be applied to a short statement that is intended to provide a timely response to a development. Long written documents (reports, assessments, etc.) may be accompanied by a disclaimer, which reflects the dissenting organization's arguments with respect to the content of the statement. The text of the disclaimer shall be submitted in writing to the Coalition Steering Committee together with the reasoned opinion envisaged in Paragraph 6 of this Article. In such cases, the document developed by the Coalition is published together with the relevant disclaimer.

Article 3.3. Expedited decision-making

1. In exceptional circumstances where a delay in expressing its stance by the Coalition may void the expression of such stance of meaning and/or give rise to a threat of effective implementation of its goals and objectives by the Coalition, and/or a delay may endanger the effectiveness of a Coalition-led advocacy campaign and/or leave an issue that is a priority to the Coalition without response, the Steering Committee may adopt and publicize a decision without observing the rules under paragraphs 5 and 6 of Article 3.2 of this Charter.

2. A decision adopted under an expedited decision-making rule shall immediately be sent to all of the Coalition members. A decision sent out to Coalition members shall be accompanied with a reasoning explaining why the expedited decision-making rule was employed.

Article 3.4. Decision-making without a meeting

1. If a Steering Committee cannot meet, it is allowed to make a decision without a meeting, using the means of electronic communication.

2. A decision adopted without a Steering Committee's meeting is valid if at least two-thirds of the Committee's full composition support the decision.

Article 3.5. Alerting the Coalition members in advance and their attendance to Steering Committee's meetings

1. Steering Committee's meetings should, as a rule, be open for any member of the Coalition. A Coalition member attending a meeting may express its views about the matter of discussion but may not participate in the decision-making.

2. Information about the time and date of the Steering Committee's meetings shall be sent to all of the Coalition members at least one day prior to the meeting. The Coalition's secretariat is responsible for sending out such information.

3. The Coalition's secretariat shall send out information about a decision adopted by the Steering Committee immediately to all Coalition members.

Article 3.6. Working groups / initiative groups

1. Topic- or problem-focused working/initiative groups will be formed within the Coalition. Working groups may be set up for a limited or unlimited period. Initiative groups may be set up for a definite period to achieve specific advocacy goals.

2. Working groups can be set up either by decision of the Steering Committee and/or on the initiative of at least 5 members of the Coalition. The Steering Committee adopts a decision to set up a working group with a simple majority of votes.

3. Initiative groups can be set up by decision of the Steering Committee and/or on the initiative of at least 3 members of the Coalition. The Steering Committee adopts a decision to set up an initiative group with a simple majority of votes.

4. Where necessary, the Steering Committee will approve working groups' *modus operandi* (statutes).

5. Working/initiative groups must furnish the Coalition's Steering Committee and the Coalition about information on activities carried out by them as well as about their plans to advocate issues raised.

6. A working/initiative group must consist of at least 3 members. A working group must be led by a coordinator elected by the group by a majority of all of its members.

7. An external expert (experts) may be invited to participate in the working/initiative group's activities on one-off basis or a longer period.

8. Funds may be raised from various sources to finance a working/initiative group's activities for the purpose of ensuring effective operation of the group. The Steering Committee adopts a decision to raise funds or to approve an existing source's (donor's) proposal.

Chapter IV

Informing the Coalition members and communication outside the Coalition

Article 4.1. Rules of the Coalition's internal and external communication

1. The Secretariat is responsible for timely informing the Coalition members about any issue related to the Coalition's activities. The Secretariat ensures effective communication among the Coalition members, in advance, within a reasonable time, and that the Coalition members are informed about structural changes in the Coalition, the Coalition's planned events and other activities. The Coalition's secretariat timely and effectively furnishes the Coalition members with information it receives from the Steering Committee or working/initiative groups for dissemination.

2. The Coalition members and the public will be informed through social networks, electronic mail, webpage and other means.
3. The Coalition's secretariat must ensure that the web page and the social page function properly and get updated timely.
4. Any information or statement disseminated in the name of the Coalition must be in Georgian and English languages. The Coalition's secretariat must ensure that the texts are translated within a reasonable time but not later than 7 work days.

Chapter V

Conflicts of interests

Article 5.1. Definition of a conflict of interests

1. Before an issue goes out to discussion by the Steering Committee at its meeting, a Coalition member must disclose the existence of its conflict of interests and must not partake in the discussion of the issue.
2. A conflict of interest is any type of private or public relations and/or position an organization and/or its any representative may have that may, in the eyes of an objective observer, cause a person not to be independent, objective and impartial in making a decision. A circumstance giving rise to a conflict of interest may be related to private, professional, public, family, kinship or any other characteristic or circumstance.

Chapter VI

Governing authority

Article 6.1. Governing persons

The Coalition's governing persons are a Chairman and a Deputy Chairman. Other competent persons designated by the Steering Committee may be endowed with the authority to coordinate specific dimensions.

Article 6.2. Appointing governing persons

The Steering Committee elects a Coalition Chairman and a Coalition Deputy Chairman from its members, with a secret vote, for a term of a year. Candidates who receive more votes than others are considered elected Chairman and Deputy Chairman. If candidates receive the same number of votes, a repeated voting shall be held.

Article 6.3. Resignation

The Coalition's governing persons may resign on the basis of their personal request to this effect. They shall inform the Steering Committee thereon in writing.

Article 6.4. Dismissal

In consideration of the Coalition's best interests, the Coalition's governing person may be recalled from the occupied position by a decision of two-thirds of all of the Steering Committee members where there is a reasoned argument against him.

Article 6.5. Chairman

1. The Coalition's Chairman who simultaneously chairs the Steering Committee shall carry out general management and coordination of the Coalition in the best interests of the Coalition.
2. The Chairman represents the Coalition in public relations and is authorized to make statements to media facilities about the Coalition's activities and future plans.

Article 6.6. Deputy Chairman

Whenever a Chairman is absent or at a Chairman's assignment, a Deputy Chairman exercises full authority enjoyed by a Chairman.

Article 6.7. Secretary

1. A Secretary arranges the Coalition's meetings and produces minutes of the meetings as well as makes such minutes available to interested persons.
2. A Secretary should not necessarily be a member of the Steering Committee in which case such decision is subject to the Steering Committee's approval.

Chapter VII Transitional provisions

Article 7.1. First election of the Steering Committee

The Eurasia Partnership Foundation will conduct the Steering Committee's first election. A vote counting commission of three persons will be set up, including a representative from the Eurasia Partnership Foundation.

Chapter VIII Concluding Provisions

Article 8.1. Amendment

1. This Charter has been drafted in the Georgian language and has been approved by the Coalition members unanimously.
2. This Charter may be amended by a majority of all members of the Coalition.
3. The Charter has been adopted by the Coalition members unanimously on 20 May 2011. On 12 October 2014, a majority of all members of the Coalition adopted amendments to the Charter.