



## GYLA addressed the Parliament with alternative reports on the state of enforcement of judgments of the Strasbourg court cases

On May 22nd, 2020, the Georgian Young Lawyers' Association presented alternative reports to the Parliament of Georgia, in which the state of enforcement of decisions and judgments by the European Court of Human Rights against Georgia is assessed.

Parliament has been carrying out oversight over the enforcement of decisions and judgments against Georgia made by the European Court of Human Rights and the UN Treaty Bodies since 2016. Within the framework of the parliamentary oversight mechanism, the Government of Georgia shall submit a report to the Parliament once a year, no later than April 1st, on the state of enforcement of decisions and judgments against Georgia.

Following the submission of the report by the Government, the Parliamentary Committee on Human Rights and Civil Integration sets a deadline for NGOs to submit

their reports. Like last year, GYLA used this opportunity and presented to the Parliament alternative reports on the state of implementation of the decisions and judgments of the European Court of Human Rights.

In the alternative reports, GYLA assesses the individual and general measures taken by the state and, in addition, calls on the state to take concrete measures that are necessary for the effective and complete implementation of the decisions and judgments of the European Court of Human Rights.

Alternative reports presented by GYLA include the following cases:

***The group of cases of Makharadze and Sikharulidze v. Georgia*** - these cases concern the improper treatment of patients in a penitentiary and private medical institutions. Despite the measures taken by the state to provide medical services to penitentiary institutions, there are still some shortcomings in this regard, which has a negative impact on providing appropriate medical care for prisoners. In addition to failure to provide medical services, there are issues in investigative subordination during an inquiry of improper treatment in penitentiary institutions.

***The cases of Tsintsabadze's group*** - this group of cases concerns breaches of the right to life and ill-treatment and the ineffectiveness of the ongoing investigation into these facts. With regard to enforcement of these cases, it remains a problem to effectively investigate crimes committed by law enforcement officers, both in practical and institutional terms. Ensuring the effective involvement of the victim in the proceedings still remains a challenge. Additionally, the shortcomings of the mandate of the Office of the State Inspector Service are problematic issues. At the same time, strengthening of criminal subcultures in penitentiary institutions and the use/promotion of their informal governance by the administration of institutions gives ground for concern.

***Cases of Identoba and Others Group*** - these cases are related to the lack of proper protection of LGBT + activists and Jehovah's Witnesses by the state from violence perpetrated against them by private individuals and the ineffective investigation into this fact. The situation is still dire in terms of protecting the rights of the LGBT + community and Jehovah's Witnesses. The ineffectiveness of the launched investigation into the alleged crimes and the discriminatory motive against them remains a significant challenge. Freedom of expression and assembly of the

LGBT + community is also an issue. In addition, the lack of awareness campaigns among the population, which would be aimed at reducing existing attitudes and stigmas is still a problem.

***Sarishvili and Bolkvadze v. Georgia*** - The case concerns the death of a patient as a result of improper treatment in a private medical facility and the refusal to award compensation for non-pecuniary damage to a family member of the deceased. Moreover, legislation so far still doesn't give the applicant the right as next-of-kin to claim an award of compensation for non-pecuniary damage. In addition, existing regulation in the Code of Administrative Procedure is a problematic issue, which does not allow the party to request the renewal of an administrative dispute on the basis of a decision of the Strasbourg court.

In addition, GYLA presented an alternative report **on individual measures taken by the state** on 8 cases. These cases concern the right to life and ill-treatment. Based on the decision or judgment of the European Court of Justice, the state was instructed to conduct an effective investigation into these facts. The investigation into these cases continues to this day so that no concrete results have been obtained and no responsible persons have been identified. In addition, ongoing investigations are characterized by certain shortcomings that require timely correction in order to effectively implement these cases.

Timely and effective enforcement of the decisions and judgments of the European Court of Human Rights is essential for victims in the first place because, without proper enforcement of the decision, the restoration of the violated right and justice would not be achieved. Effective enforcement of decisions is crucial to the protection of human rights in the country, especially when it comes to structural and complex problems.