



The legislation on administrative offenses violates fundamental rights

The Georgian Young Lawyers' Association (GYLA) believes that retaining the legislation on administrative offenses in the current form causes the violation of the fundamental rights of numerous individuals on a daily basis.

The Code of Administrative Offences that is in force in Georgia is a leftover from the Soviet period and fails to meet the requirements of due process. The current Code of Administrative Offences provides for heavy penalties – for example, administrative imprisonment – for committing certain offenses, although it establishes fewer procedural safeguards than those enjoyed by individuals accused of committing criminal offenses. For instance, the Code fails to take into account such important issues as:

- the obligation to be guided by the standard beyond reasonable doubt;
- observance of the presumption of innocence;
- exercise of effective representation, etc.

The courts annually examine the cases of thousands of individuals using the current legislation. For example, courts annually examine the cases of about 10,000 individuals only under the articles of disorderly conduct and non-compliance with a lawful demand of a police officer. There are [many cases](#) when this mechanism is applied against participants of peaceful assembly and manifestations without appropriate protection of their rights in courts.

In order to ensure the implementation of a reform of the legislation on administrative offences, the GYLA is starting to take active steps and will use all means at its disposal to change the legislation that restricts rights, including strategic litigation in the Constitutional Court (the GYLA has already filed 4 constitutional claims with regard to various articles of the Code of Administrative Offences which are currently under examination). The GYLA is ready to cooperate with all state agencies or interested persons in order to contribute to the reform.

We would also like to point out that, despite the fact that the authorities have recognized the necessity of changing the legislation on administrative offences, the draft Code on which the Governmental Commission on the Revision of the Code of Administrative Offences completed work about two years ago has yet to be initiated in the Parliament of Georgia. For this reason, we believe it is critical that the authorities start to implement a fundamental reform of the legislation on administrative offenses with the participation and involvement of all interested groups.