

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



The legislation on administrative offences requires systematic revision

The Parliament of Georgia is reviewing a draft law on amendments to the Code of Administrative Offences, which was initiated by the Government of Georgia, in an accelerated manner. Together with other changes, the proposed draft law specifies the periods of administrative detention. In particular, it limits the period of administrative detention in a non-working time to 48 hours. As indicated in the explanatory note, this change was made necessary by practical problems related to the calculation of the detention period.

The GYLA believes that specification of time might really eliminate difficulties related to the calculation of detention periods, although the proposed amendments still provide for different periods of detention in working and non-working time [1], which

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does not have a legitimate goal. In addition, in a situation where there is no effective mechanism for verifying the lawfulness of administrative detention as an intensive interference with constitutionally guaranteed freedom (the lawfulness of administrative detention is not verified during review of cases of administrative offences [2]), we believe that retaining administrative detention in the current form is unjustified.

The GYLA believes that every attempt aimed to make fragmentary amendments to the Code of Administrative Offences, which is a leftover from the Soviet period, is futile and is going to fail to ensure its transformation in a way that will fully eliminate unconstitutional use of the legislation on administrative offences. For this reason, it is important to **reform the legislation on administrative offences in a timely manner and to revise not only the norms regulating administrative detention but also the entire legislation on administrative offences.**

The GYLA calls upon the Government and Parliament of Georgia to accelerate the reform of the legislation on administrative offences, because the existence of the Code of Administrative Offences in the current form causes violations of fundamental human rights and failure to fulfill Georgia's international commitments.

[1] According to the Code of Administrative Offences of Georgia, if the period of detention does not coincide with non-working time, the administrative offender may not be kept under detention for more than 12 hours.

[2] See the GYLA's study, *Protest Considered to be an Offence*, pp. 20-22.
<http://bit.ly/2tylvwQ>