

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## Human Rights Committee of the Parliament Reviews GYLA's Legislative Proposal about Victims of Political Repression

Today, Human Rights Committee of the Parliament of Georgia reviews GYLA's legislative proposal on introducing amendments and additions to the Law of Georgia on "Declaration of the Citizens of Georgia as Victims of Political Repression and on Social Protection." The amendments are aimed at ensuring due recognition of the

rights of victims of soviet repression, their protection and realization in practice.

According to the offered amendments the Law should specify objective criteria for calculation of the compensation in a manner that it was adequate and fair. Court practice of the past years illustrated that compensations issued within the scope of the applicable legislation are symbolic and come in conflict with Georgia's legislative and moral obligations before the victims, as well as with the general spirit of the law. Therefore, application of the law is ineffective.

According to GYLA's legislative proposal, the compensation should be calculated based on each month spent by the victim in the detention facility and be commensurate with the minimum subsistence level applied by the time of adopting the law. Issued compensation, however, should not be less than GEL 2000 and more than GEL 10000.

If it is impossible to determine the start and the end dates of the repression period, the individual shall be entitled to GEL 5000. The first line heirs of the victims of repression who have been sentenced to be shot or who passed away while being in political repression shall be granted lump sum monetary compensation in the amount of GEL 10000. If an individual is entitled to monetary compensation for several reasons, issued compensation shall not exceed GEL 10000.

The draft also envisages simplification of the compensation procedure significantly. Namely, according to the offered amendment, compensations will be issued by the Ministry of Finance through simple administrative proceeding, rather than through judicial proceeding as provided in the applicable version. This amendment will speed up the process of compensation and will make it easy, accordingly the situation in terms of protection of the victims' right will be improved.

Legislative proposal also envisages to order relevant bodies of local self-government and the public broadcaster to increase public awareness about the victims' rights, as well as about soviet repression and its outcomes.

Submitted legislative proposal was elaborated on the basis of international standards concerning the state's obligation in terms of victims of repression. They provide that the victims shall be entitled to timely and fair compensation, to be known, remembered and honored by the society and etc. The content of the applicable law, as well as its application in practice cannot guarantee adequate recognition,

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protection and realization of the victims' rights.

Amendments offered by the Georgian Young Lawyers' Association are aimed at promoting due fulfillment of state's international obligations in terms of victims of political repression and at bringing domestic law in line with internationally recognized standards on rights of the victims of repression, with a view to ensure restoration of victims' dignity and rights.

GYLA remains hopeful that members of the Human Rights Committee of the Parliament will consider objectives and spirit of the legal proposal and will initiate it before the Parliament.