



GYLA Evaluates Negatively the Postponement of Term of Enactment of the Law on State Inspector Service

The Parliament will consider the initiative of the members of the Parliament of Georgia on the postponement of the term of enactment of the Law on State Inspector Service in an accelerated manner. The law, which was adopted by the Parliament on July 21, 2018, envisaged that from 1 January 2019 the mandate of the inspector should be broadened in part of official malfeasance, torture, degrading or ill-treatment, as well as in the part of the offenses committed by law enforcement officers. According to the submitted draft law, it is envisaged to postpone the deadline by 6 months.

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We believe that postponing the term of enactment of the Law on State Inspector Service is caused by improper actions of the executive authorities, the measures that were necessary for enactment of the law were not taken timely and the current and next year's budgets were not planned to take into account these measures.

It is noteworthy that the adoption of the law was due to the international obligations to carry out effective reforms for the purpose of fighting against ill-treatment, in particular, to meet the obligations undertaken by the Agenda of Association Agreement between Georgia and the European Union 2017-2020. In addition, the obligation to establish an independent investigative institution, was provided by the action plan of 2017-2018 for fighting against torture, inhuman, cruel or degrading treatment or punishment of human beings, as well as the action plan of the government of 2016-2017 for protecting human rights approved by the resolution No.338 of the Government of Georgia, on July 21, 2016.

GYLA noted in a [report](#) of 2018 summarizing the human rights situation that the issue of whether the law could be enacted by January 1, 2019, was under question. We believe that the law on the State Inspector Service, which the Parliament has adopted due to the limited mandate and authority of the Inspector, cannot ensure meeting the obligation by this institution although we believe that even under these circumstances the timely introduction of these amendments was highly important.

The [report](#) of the Venice Commission with regard to the arrangement and functions of the High Council of Justice of Georgia and the Prosecutorial Council indicated the inevitability of creating independent investigative institution in a timely manner which assessed negatively the prosecution reform and noted that the regulations provided by the organic law on the Prosecutor's Office was not able to ensure the [formation](#) of Prosecutor Office as an independent body. Consequently, when the legislation fails to ensure the independence of the Prosecutor's Office guaranteed by the Constitution and requires further reform, it is of utmost importance that the provisions of the Law on the State Inspector Service will be timely in force.

Based on the above mentioned, we address the Parliament of Georgia, in case of adoption of the draft law:

- To apply the powers provided by article 38 of the Rules of Procedure of Parliament of

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Georgia and to control the issue of timely enactment of the Law on State Inspector Service;

- In the framework of the powers provided by the Rules of Procedure of Parliament to study, why it was impossible to take all the necessary measures required to enact the law by January 1, 2019.