



GYLA has Submitted A Legislative Proposal to Parliament of Georgia

Georgian Young Lawyers' Association (GYLA) has submitted a legislative proposal to parliament with the aim of increasing safeguards in the Criminal Procedure Code of Georgia for protection of victim's rights and interests.

According to the proposal, a victim will be granted the right to appeal the following types of decisions made by a supervising prosecutor: refusal to grant the victim status, abolishment of the resolution about granting the victim status, decision to terminate investigation or criminal prosecution, for all types of crimes. Under the existing regulations, victim has the right to apply to court only when the case involves an especially serious crime. GYLA believes that decisions made by the prosecutor in cases involving less serious and serious crimes should not be left outside the scope of the court's control and a victim should be given the right to file in court.

The legislative proposal also delegates a victim with the right to access the following information without submitting a request to the prosecutor's office: a) time and date of next procedural actions, including: defendant's initial appearance before the

presiding judge, pre-trial hearing, main court hearing, court hearing for reviewing the prosecutor's motion for summary judgment, sentencing hearing, or appellate/cassation hearing; b) information about preventive measures used against the defendant and/or the defendant/convict being released from a penitentiary facility, if this doesn't pose a substantial threat to the defendant/convict. Under the existing regulation, a victim can receive the information only if s/he files corresponding request to the prosecutor's office. GYLA believes that because a victim has no adequate knowledge of criminal proceedings, the prosecutor's office should ensure provision of the information in a timely manner, within a reasonable timeframe.

The legislative proposal was based on the research prepared by GYLA about "victim's rights in criminal proceedings", which identified gaps and problems in the criminal proceedings that hinder effective and full realization of victim's rights.

The legislative proposal was developed in consideration of the definition of victim's status and rights provided by the Constitutional Court of Georgia in its September 30, 2016 decision, as well as recommendations of international organizations about victim's rights.

GYLA hopes that Parliament of Georgia will take the proposal into consideration and will make subsequent changes in the Criminal Procedure Code of Georgia to ensure protection of victim's interests.