



## **GYLA submitted written opinions to the Committee of Ministers on the state of enforcement of cases in the Strasbourg Court**

On October 19 and 20, 2020, GYLA submitted written opinions to the Committee of Ministers of the Council of Europe, in which it assesses the state of execution of several decisions and rulings made by the European Court of Human Rights against Georgia.

The written opinions submitted by GYLA include the following cases:

**The group of cases of Makharadze and Sikharulidze**-This cases concern

improper treatment of patients in penitentiary and private medical institutions. Despite the measures taken by the state in terms of receiving medical care in penitentiary institutions, there are still certain shortcomings in this regard, which negatively affects the provision of adequate medical care for prisoners.

**Tsintsabadze group of Cases-**The cases in this group concern the violation of the right to life and ill-treatment and the ineffectiveness of the ongoing investigation into the mentioned facts. In the direction of enforcement of these cases, effective investigation of crimes, committed by law enforcement officers remains a problem, both in practical and institutional points of view. Challenges remain in terms of ensuring effective involvement of victim in legal proceeding as well. In addition, the shortcomings related to the mandate of the State Inspector's Office are also a problem. Herewith, the strengthening of criminal subculture in penitentiary institutions and its use/support for the informal management by the administration of institutions is a matter of concern.

**N.Ts. and Others v. Georgia-** This case concerns defective representation of the child before the national authorities and disregard for the best interests of the child in this process. With regard to the enforcement of this case, the problem remains that the Code on the Rights of the Child and other adjacent legislation do not properly regulate the procedural representation of the child and the rights and functions of social worker in this process. Herewith, according to the existing regulations, the same agency carries out both individual assessment of the child and the representation of the child in court. This contradicts the essence of such representation.

In addition, in the submitted communication, GYLA **assessed the individual measures** taken by the state in 4 cases. The mentioned cases concern cases of the right to life and ill-treatment. Based on the decision or ruling of the European Court, the state was instructed to conduct effective investigation into this facts. The investigation into these cases is still ongoing so that no concrete results have been established and the responsible persons have not been identified. Apart from that, ongoing investigations are characterized by certain shortcomings that need to be eliminated in a timely manner in order to enforce these cases effectively.

In the submitted document, regarding individual and general problems listed above, GYLA provided the Committee of Ministers with detailed analysis along with the

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relevant recommendations.

The implementation of the mentioned measures will ensure the restoration of the violated rights and justice of the victims directly, as well as the proper and effective enforcement of these cases by the state.