



GYLA presents opinions to the Parliament regarding supervision on the execution of the decision of the international mechanisms

On April 6, 2020, regarding the strengthening of the parliamentary control mechanism on the execution of the decisions and judgments adopted by international mechanisms, the Georgian Young Lawyers' Association presented written opinions to the Georgian Parliament.

Since 2016, the Parliament has been executing supervision on the decisions and judgments issued by the European Court of Human Rights and the UN treaty bodies against Georgia. Within the framework of the parliamentary control mechanism, once a year, no later than April 1, the Government of Georgia submits a report to the Parliament on the state of the enforcement of the decisions and judgments issued against Georgia. The Parliament in turn, with the involvement of the relevant committees, discusses the submitted report, after which it prepares a conclusion on the state of enforcement.

The Ministry of Justice of Georgia, the institution that is responsible for executing the decisions and judgments of international mechanisms on behalf of the state, presented its report to the Parliament for the first time in 2017. Until now the Ministry has submitted three reports and it had to submit the fourth report by April 1, 2020. In 2019, GYLA also submitted an alternative report to the Parliament regarding enforcement of the decisions of the European Court.

In 2017-2019, as a result of consideration of the report submitted by the Ministry of Justice to the Parliament, certain drawbacks were identified, in the process of performing supervising function by the Parliament. In order to rectify the identified drawbacks, GYLA asks the Parliament to further refine its parliamentary control in a few directions, among them:

1. To determine the leading committee by the Rules of the Procedure of the Parliament in the process of supervision of execution-Practices of previous years have shown that, for the purposes of reviewing the submitted report on the state of exercising decisions/judgments of the international mechanisms, in 2017, the leading committee was the Committee on Legal Issues, and in 2018 and 2019, the Committee on Human Rights Protection and Civil Integration. Defining the leading committee will enable the Parliament to actively monitor the course of enforcing decisions and judgments and not to be limited to, only once a year, hearing the report submitted by the government and preparing the conclusion.
2. To develop a control mechanism for fulfilling the recommendations issued by a leading committee- The conclusions developed by the leading committee in the previous years do not contain information on to what extent the Government of Georgia has fulfilled the recommendations issued last year by the Parliament. The

conclusion also does not include any information about which recommendation was considered fulfilled by a leading committee or which remained unfulfilled. Developing of a control mechanism for fulfilling the recommendations issued by the Parliament and putting it into practice will make the work of the Parliament effective regarding the execution of decisions/judgments.

3. To discuss a report submitted by the Government of Georgia at the plenary sitting and recommendations by the Parliament to be issued by a decree- From the conclusions issued until now by the leading committee, it is identified that the leading committee has never asked for the review of the Government's report at the plenary sitting of the Parliament, and accordingly, the Parliament has not passed the decree either. It is important that a review of the report submitted by the government, regarding the execution of decisions/judgments adopted by international mechanisms, becomes mandatory at the plenary sitting. This will make recommendations, represented in the decree adopted by the Parliament, mandatory.

4. To introduce an effective mechanism for submission and review of alternative reports of non-governmental organizations-Considering the important role of non-governmental organizations in the process of enforcing the decision of international mechanisms, it is necessary for the Parliament to define the procedure, in the process of supervising enforcement, for submitting alternative reports of non-governmental organizations and their hearing at the sitting.

GYLA believes that taking into account the mentioned opinions will promote the strengthening of the parliamentary control mechanism. The latter will make the work of the Parliament more effective in this direction and at the national level it will ensure effective and timely enforcement of decisions and judgments adopted by international mechanisms.