



GYLA's Statement on International Human Rights Day

December 10 is the international human rights day. Human rights are the supreme and eternal human values and safe, free and dignified live and development of each of us depends on observance of these principles. Accordingly, human rights and freedoms were conferred special importance by the Constitution and legislation of Georgia and number of international instruments. As provided by the Constitution, "while exercising authority, the people and the State shall be bound by these rights and freedoms as by directly acting law."

December 10 is not merely a symbolic date. It is important that on that day, the state and the society, including civil sector, assesses outcomes achieved in that direction, analyzes encountered challenges and implements timely and active steps for their resolution.

GYLA marks December 10 with traditional series of events scheduled in its central and regional offices. Moreover, we consider important to assess the past year and to focus on the issues which, in our opinion, should become state priority in the upcoming year.

We would like to mention, that **for the past year protection of human rights has attained considerable progress in number of directions.** The state is more successful to fulfill its *negative obligations*, revealed in refraining from illegal and intentional interference in exercise of human rights. The dialogue on human rights issues and quality of cooperation has increased with civil society representatives (for example key and principle remarks of GYLA and its partner organizations were taken into account in certain cases while examining submitted legislative amendments to the Parliament). One of the positive trends of this period was citizens' involvement in

law drafting process before submitting the draft to the parliament for examination. We think that the opportunity should broaden in future even more.

We appreciate the state's initiative on elaboration of human rights strategy and action plan. It is the first case of creating the document in the history of the independent Georgia; therefore it is decisive to reflect the state's priorities correctly and to ensure implementation of activities envisaged by the strategy and action plan by the relevant institutions.

Though, along with positive trends there are some challenges. We would like to focus on some of them.

Reform of the judiciary system – Independent, impartial and accountable judiciary system is the guarantee for human rights' protection everywhere. The right to fair trial is one of the fundamental human rights.

Thought for the past year the state has carried out important steps for enhancing independence and freedom of judiciary (partial reform of the high council of justice, increased role of the judges' conference and others) it is not enough. It is decisive to enhance guarantees for judges' independence and to raise role of an individual judge at the legislative level. Furthermore, it is important to regulate adequately judges' selection-recruitment process. The high council of justice should be able to fulfill its constitutional obligations duly and really, including protection of judges' independence.

Restoration of violated rights (torture, illegal arrest, deprivation of ownership and others) – It is decisive for the state to ensure restoration of violated rights, including through creation of additional legislative or other mechanisms. In view of this, GYLA cannot accept and support postponement of creation of such mechanism for an undefined period under the motive that the state has no sufficient resources. Impotence of investigative bodies in terms of investigation of complaints filed by the individuals during the previous year claiming examination of facts of violation of their rights, is also impermissible. The state shall carry out active and timely measures in a manner that individuals were given opportunity to restore their violated rights and public was submitted truth about such facts. Investigation of past year offences and adjudication of offenders is decisive not only for restoration of

concrete individuals' rights, but also for prevention of impunity and further offences.

Accountability of law enforcement bodies before the law and implementation of civil control on their activities

- During the past year GYLA had to focus on facts of violation of law and abuse of power by the police. Regretfully, either investigation was not carried out or initiated investigation was implemented with delay, ineffectively or partially on all these cases. It remains unclear so far why law enforcement agencies refrain from observing the simple and clear principles providing that alleged offence of the police should be investigated by the prosecution.

Combat against discrimination – During the past year GYLA observed several facts of verbal and physical violence against minorities, especially religious and sexual minorities. It is important for the state to express publicly its clear position concerning the events and to condemn violence and violation of human equality before the law. Moreover, it is vital for citizens to realize inadmissibility of violence and discrimination and the outcomes that can be received by the state and public if it permits confrontation among the individuals under the religious sign, ethnicity or other affiliation. All individuals are equal before the law and no exceptions shall be made in that respect.

Protection of vulnerable groups – There are number of vulnerable groups in Georgia which are in particular need of state and public care and support. They are homeless and socially vulnerable individuals, persons with disabilities, IDPs. State should guarantee decent living conditions for them and set protection of their rights as a priority.

We realize that the problems are deep and complex and their resolution requires joint efforts from the state and civil society. GYLA is eager to cooperate with all relevant bodies and interested individuals to the effect that the state was able to consolidate all achievements in human rights field and to resolve problems timely and effectively.