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შპს "ოპენ სოციტი გეორჯია ფაუნდეიშნი"

## Georgian CSOs Address the Venice Commission

Georgian civil society organizations have issued a joint assessment of the work of the State Constitutional Commission of Georgia. The document reflects the views of the International Society for Fair Elections and Democracy (ISFED), Georgian Young Lawyers' Association (GYLA), Transparency International – Georgia, and the Open Society Georgia – Foundation (OSGF). These four organizations were members of the State Constitutional Commission of Georgia and together were represented in all four working groups of the Commission.

The purpose of the joint assessment is to provide the Venice Commission with a comprehensive overview of the working process of the Constitutional Commission together with the CSO opinions on some of the most crucial amendments introduced by the draft of the constitution. Namely, these are the electoral system of the Parliament, election of the president and the definition of marriage in the constitution.

CSOs have concerns over the electoral system and specifically, the allocation of remaining seats (undistributed mandates). The constitutional draft introduces an unlimited bonus for a party that receives the most votes – all undistributed mandates will be allocated a single party. CSOs consider this aspect of the electoral system highly unfair and largely undermining the positive gains from the change of the majoritarian system. The prohibition of blocs together with the 5% threshold is likely to produce a large number of undistributed mandates, which, if allocated to a single party, could damage the political plurality and facilitate long-term concentration of

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



power in a single ruling party. CSOs believe that the constitution should guarantee that the undistributed mandates are allocated to all parties in the Parliament proportionally to their election results.

Another problematic issue is the definition of marriage as “union between a man and a woman”. This amendment is particularly problematic given the widespread homophobia, increasing cases of hate crimes, and continuous struggle for LGBT groups to even exercise their right to freedom of expression and assembly. This amendment which is fueled with homophobic and populist connotations will have a further chilling effect on the rights of LGBT people in Georgia. The constitutional prohibition of a theoretical chance of marriage equality is particularly concerning given that the Georgian legislation does not guarantee civil partnership for same-sex couples. CSOs believe that in line with the ECHR practice, Georgia should introduce a legal recognition of same-sex couples and guarantee similar rights as the opposite-sex couples.

Given that the Chairman of the Parliament of Georgia has pledged to take into consideration all recommendations of the Venice Commission, CSOs believe that the Venice Commission opinion might be the most effective mechanism to address the problematic amendments proposed in the constitutional draft. Therefore, the organizations stand ready to work with the Venice Commission and provide it with further updates and information on the constitutional reform process in Georgia.