

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA Submitted its Opinion about the Draft Law on Pension Reforms to Parliament

The Parliament of Georgia is examining the draft of amendments to the law of Georgia on State Pension and to the Law on Social Welfare. GYLA has already submitted its opinion about the legal initiatives to the Parliament of Georgia and the new Minister of Labor, Health and Social Affairs.

Georgian Young Lawyers' Association gives a sharply negative assessment to the

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initiative of delegating the Government of Georgia with a significant part of Parliament's competences as envisaged by the draft law. Specifically, the according to the legal draft the law will no longer regulate volume of a social package but rather, it will be determined by an order of the Government of Georgia. Individuals who have lost their breadwinners and persons with disabilities will be the beneficiaries of the social package.

It is noteworthy that the Parliament of Georgia – the supreme legislative body of the country composed of representatives elected by the people – has higher legitimacy to decide on matters of this importance. Under the Constitution, the Parliament of Georgia is the body of the government determining key directions of internal and foreign policies of the country. Therefore, decisions on key strands of social policy should be made by the Parliament. It is also noteworthy that the procedure of decision-making is much more transparent in Parliament with a better opportunity for interested parties and the civil society to participate in the process and influence decisions made, whereas the decision-making lacks transparency in the Government of Georgia.

Agendas of government sessions or decision to be made are not published beforehand. According to the Regulations of the Government, sessions of the Government are generally closed. In this light, we believe that volume of social package should be determined by the Parliament as opposed to the Government of Georgia.

The legal opinion also focuses on deficiencies such as no legislative guarantees for individuals who will lose their breadwinners or receive the status of a person with disabilities following September 1, 2012; change of the date when pensions are awarded to the disadvantage of its beneficiaries, and ambiguities in the draft law. GYLA calls on the Parliament of Georgia to consider the recommendation and foster due protection of social rights of persons that have lost their breadwinners and persons with disabilities.