

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA submitted legal opinion on the pending amendments to the Law on Cultural Heritage

As it is known to public, the government of Georgia submitted to the Parliament the [draft](#), according to which amendment will be introduced to the law on “Cultural Heritage” and applicable regulation on cancellation of the status to the monument will be altered significantly.

According to the legislative initiative, paragraph 2 will be added to Article 17 providing

that - in exceptional cases, in case of state necessities, removal of the status to the monument (save for those having national category or/and being in the list of the world heritage) is possible upon agreement with the Ministry, on the basis of the government resolution, by submission of the entity authorized to initiate the draft of the legal act before the government.

Submission of the draft to the Parliament caused negative reaction in significant part of population. GYLA, jointly with partner organizations worked out the petition on the draft, as on the negative legislative initiative. [The Petition](#) was placed in internet and at this point 41 organizations and 1525 individuals have signed it.

Today GYLA submitted its opinion to the Parliament on the draft.

GYLA opines that the draft comes in conflict with the Constitution of Georgia, according to which state is obliged to protect cultural heritage according to law. Though, the draft submitted in the Parliament does not intend protection of cultural heritage and diminishes the opportunity of protecting cultural heritage significantly.

Moreover, the draft contradicts with the European Convention on the Value of Cultural Heritage for Society. According to the document the Parties undertake to promote respect for the integrity of the cultural heritage by ensuring that decisions about change include an understanding of the cultural values involved, ensure that all general technical regulations take account of the specific conservation requirements of cultural heritage; take into account the specific character and interests of the cultural heritage when devising economic policies and ensure that these policies respect the integrity of the cultural heritage without compromising its inherent values.

GYLA considers that the state should ensure maximal involvement of relevant groups of society while discussing such key issue, especially when preparing legislative amendments on cultural heritage and should guarantee transparency of the process.

[GYLA's legal opinions submitted to the Parliament are available on.](#)