

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Constitutional amendments are approved with procedural violations

Georgian Parliament approved amendments to the Constitution with its third hearing On March 23, 2018.

As known, a new edition of the Constitution was introduced to the Parliament for consideration, along with initiating constitutional amendments (From the Preamble - including transitional provisions). A number of editorial, technical and content changes were made running parallel with the process.

In terms of content changes, it is particularly problematic in Article 18 of the Constitution □ the amendment to the Freedom of Information Act (FOIA). With that, the main purpose of amendments to the Constitution was to consider the recommendations of the Venice Commission, however, these amendments were

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found neither in the version introduced to the Venice Commission, nor in the initial version. Besides, amendments were not mentioned even in text of the Explanatory Note. These amendments were disclosed during the last general public discussion, which was attended by the representatives of constitutional bodies only.

Besides, during its third hearing, the amendment was introduced in paragraph 5 of Article 60 of the new Constitution and a word „late □□ appeared in the text, that cannot be counted exclusively as an editorial amendment, for the reason that amendments have content meaning. The above mentioned, prevents the Constitutional Court from the opportunity to postpone enactment of decision through retroactivity. According to the rules of procedure of Georgian Parliament, the third hearing of the draft law permits to amend only editorial changes.

In accordance with the Constitution of Georgia, a public discussion is essential to revise the Constitution. Since, the amendments made regarding the authority of the Constitutional Court have not become the object of public discussion, it is obvious that the constitutional amendments are approved with procedural violations.