



Parliament Must Consider All Recommendations of the Venice Commission

On June 16, 2017, the Venice Commission will approve its final opinion about the draft of amendments to the Constitution of Georgia. The Chair of the Parliament of Georgia has reiterated on numerous occasions that the government is ready to consider all recommendations of the Venice Commission; however, following release of preliminary opinion of the Commission on the draft amendments, the chair of parliament and individual MPs from the parliamentary majority have stated that they don't share some recommendations of the Commission.

Last week the Venice Commission's preliminary opinion was reported by media.

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According to the preliminary opinion, introduction of indirect election system for the President should not result in the constant and exclusive election of the candidate presented by the parliamentary majority as President. Consequently, the Commission recommends requiring a qualified majority in the first round of the election of the President by the Election Board. The Commission also recommends abolishment of probationary period for judges and appointment of the Constitutional Court judges, members of the High Council of Justice, Chief Prosecutor and Public Defender by qualified majority. The Commission also criticized the proposed prohibition to the Constitutional Court to declare unconstitutional legal norms regulating elections during the election year.

When commenting on the above, the Chair of Parliament [stated](#) that he does not share the recommendation about requiring a qualified majority in the first round of the election of the President; he [thinks](#) that this was a mistake and there was probably a problem with the translation. He also [does not agree with](#) the recommendation of the Venice Commission about election of the Supreme Court judges. Leader of the parliamentary majority [responded](#) to the Venice Commission's criticism of the prohibition to the Constitutional Court to declare unconstitutional legal norms regulating elections, stating that the recommendation is not binding.

In addition to this, representatives of the ruling party are periodically making statements about resistance within the Georgian Dream to passage to a proportional electoral system and postponement of introduction of indirect elections for the President until 2023. In its preliminary opinion, the Venice Commission stressed that the replacement of the current proportional/majoritarian election system by a proportional election system is a positive step forward and welcomed that the new indirect election system for the President will be applicable only from 2023.

A number of statements made by the ruling party create suspicions that the government is trying to come up with ways to avoid full consideration of the Venice Commission's recommendations and makes it seem like the authorities are trying to diminish the importance of some of the recommendations of the Venice Commission. These statements are not in line with the government's pledges of readiness for full consideration of the Venice Commission recommendations and may significantly undermine trust towards the process of constitutional reform.

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In light of this, we urge the Parliament of Georgia:

- to share all recommendations and comments of the Venice Commission to be provided in the final opinion of the Commission;
- in an attempt to ensure effective understanding of the final opinion of the Commission and full incorporation of the recommendations into the draft, not to conduct parliamentary readings of the constitutional amendments in a hasty manner and to allocate reasonable time for discussing revised amendments with relevant stakeholders.

Georgian Young Lawyers' Association (GYLA)

International Society for Fair Elections and Democracy (ISFED)

Transparency International- Georgia (TI)

Open Society Georgia Foundation (OSGF)

Human Rights Education and Monitoring Center (EMC)

Civil Development Agency (CiDA)

Article 42 of the Constitution

Liberal Academy- Tbilisi

Human Rights Centre

Regional Centre for Strategic Studies (RCSS)