

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



# ეს კოდექსი ჩვენს უფლებებს არღვევს



# GYLA Disapproves Tightening Sanctions on Posters and Banners

Today, Georgian Young Lawyers' Association (GYLA) has submitted written opinions on the legislative package initiated by the MPs Zaza Gabunia, Archil Talakvadze, Mariam Jashi, Beka Odisharia and Aleksandre Kantaria, which aims at introducing amendments to the Administrative Offenses Code of Georgia.[\[1\]](#)

According to the draft law, Article 150<sup>2</sup> shall be added to the Code, under which altering the appearance of Tbilisi municipality must be separated from Article 150 and establish higher fines rather than it is prescribed by Article 150. In particular, Article 150<sup>2</sup> reiterates the contents of Article 150 (arbitrary altering the appearance of a self-governing unit, including various inscriptions, drawings and symbols on the facades of buildings, shop windows, fences, columns, trees and plants, sidewalks and roads, as well as placement of posters, slogans, banners in such places which are not allocated for the same shall be an offense), however, carrying out the abovementioned actions on the territory of the Tbilisi municipality shall result in imposition of higher fines than it is currently established.

GYLA believes that:

- Tightening the sanctions in the condition when the procedures for reviewing a case under the Administrative Offenses Code of Georgia are not in line with the Constitution of Georgia and commitments undertaken under international treaties, is unjustified and increases the risk of unlawful interference in human rights;
- Interpretations of Article 150 identified in practice allow police qualify the forms of expressions undesirable for the government as "altering the appearance" and, consequently, determine them as an offense. [\[2\]](#) According to GYLA, the Article contradicts Article 24 (freedom of expression), Article 25 (right to peaceful assembly) and Article 26 (freedom of association) of the Constitution of Georgia;
- The proposed draft law will not eradicate the contextual problem that Article 150 is characterized by. In particular, Article 150 of the Administrative Offenses Code of Georgia, as well as Article 150<sup>2</sup> envisaged by the draft law, are not targeted and

impose excessive restrictions;

- The norms under question do not distinguish between placement of banners that cannot cause damage to public and private property and actions that may result in distorting the appearance;
- The proposed provision does not ensure a reasonable balance between the legitimate interest of the city's aesthetics and the right to freedom of expression, assembly and association. Therefore, Articles 150 and 150<sup>2</sup> shall be formulated so that not to allow deeming any spontaneous expression as an offense. Otherwise, the fine provided under the proposed norms (no matter how small it is), as well as a verbal notice, may force a person to refrain from participating in a civil activity and enjoyment of the rights guaranteed by the constitution.

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[1] <https://info.parliament.ge/#law-drafting/15374>;

[2] See GYLA's report "Protest Deemed a Criminal Offense" published in 2017 <https://goo.gl/ajguSs>