

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



ეს კოდექსი ჩვენს უფლებებს არღვევს



The existing regulation prohibiting placement of posters, slogans and banners infringes the Constitutional Rights

Yesterday, the Constitutional Court finalized the reviewing of the case "Citizens of Georgia - Besik Katamadze, David Mzhavanadze and Ilia Malazonia v. the Parliament of Georgia". The judgment will be rendered in the nearest future. The case is one of those five which GYLA has filed with the Constitutional Court in order to eliminate unconstitutional application of the Administrative Offenses Code of Georgia.

In the given case, GYLA's complaint refers to the Article of the Administrative Offenses Code (Article 150), according to which putting up posters, slogans, banners in the places which are not allocated for this purpose is considered as an administrative offense. GYLA believes that the Article is not a proportionate way to achieve the legitimate aim of protecting the appearance of public places and infringes the freedom of expression guaranteed by the Constitution of Georgia. The challenged article also restricts the right of collective expression by placing placards, slogans, banners, and therefore breaches the constitutional right of assembly and manifestation.

It is noteworthy that currently the Parliament of Georgia is reviewing a legislative package initiated by MPs Zaza Gabunia, Archil Talakvadze, Mariam Jashi, Beka Odisharia and Aleksandre Kantaria, which envisages the increased amount of fines for putting up placards, banners, slogans in the territory of Tbilisi municipality in the places which are not allocated for this purpose. GYLA believes that:

- Under the circumstances when the procedural part of reviewing the cases envisaged in the Administrative Offenses Code is not in line with the Constitution of Georgia and commitments undertaken under international treaties, and when the compliance of the contextual part of the offense with the Constitution of Georgia has not been established yet, tightening the sanctions is unjustified and will promote the risk of

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



undue interference with the human rights;

- Interpretations of Article 150 identified in practice enable police to determine the forms of expression which are undesirable for the government as "distorting and defacing the appearance" and consequently, qualify them as an offense.