

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA evaluates the first stage of public discussions about the constitutional amendments

On May 15, 2017, the first stage of public discussions about the constitutional amendments was concluded. At this stage, 10 public discussions have been held [1] while public discussions planned to be held in Tbilisi were disrupted.[2]

It has been announced that public discussions about the constitutional draft will continue in Tbilisi and in other cities of Georgia. Clearly, we welcome the will of the

political party to hold additional meetings and continue public consultations; however, we also believe that it is important to plan subsequent consultations based on the previous experience.

The practice of public discussions over the previous years in Georgia suggested that its aim was to formally undergo the process, instead of hearing public opinion, and to artificially mobilize support for changes. Regrettably, the poor practice persisted during current discussions.

GYLA, through its regional offices and branches, participated and closely followed the discussions. Unfortunately, first stage of the discussions was planned and carried out in a way that didn't properly allow free and active participation of the public at large in the process. On the other hand, the discussions didn't give an impression that the authorities were genuinely interested to hear opinions of citizens about proposed changes, especially opinions that different from theirs. This has essentially undermined the role and the importance of public discussions in revision of the Constitution.

In light of the first stage of public discussions we deem it important to underline the following flaws:

Inadequate legal framework – the legal framework for public discussions is is deficient. It is safe to say that Parliament's Rules of Procedure does not provide detailed regulations about any issue except for the duration of public discussions and therefore, important procedural stages like composition of the organizational committee, preparing/publishing a schedule for public discussions, informing interested parties in a timely manner, the format of public discussions, summing up/sharing opinions that have been expressed and other similar issues need to be regulated. Past experience has made it clear that lack of the applicable legal framework leaves significant room for administering the process in a way that benefits the ruling party's interests.

Publication of the public discussions schedule prepared beforehand was delayed – within the first stage of public discussions, members of the Constitutional Commission and public at large did not receive the schedule a reasonable period of time ahead of the discussions. As a result informing the interested parties in a timely manner and fully engaging them in the process was not ensured. In addition, there was a certain

ambiguity about venue for public discussions. For instance, venue for the public discussions in Tbilisi was changed a day before for unknown reasons.

Circumstances that hindered access to the public discussions – we have found obstacles to accessing the public discussions. In particular, in Zugdidi GYLA's representative tried but could not access the venue in time for the discussions while the security service let a certain group of individuals in upon request of a high-ranking official of the municipality. Our representative was eventually able to get inside the building but the hall was already crowded. Some people were not able to attend the public discussions at all.

Here we must also note that although there were options of buildings with much bigger capacity in Zugdidi, they selected a smaller venue, which resulted in the above obstacle.

Mobilization of political party activists and public service employees – for virtually all public discussions that have been held, supporters of the ruling political party as well as opposition party and public service employees were mobilized, including employees of local self-government, legal entities founded with participation of local self governments, public schools and kindergartens. [The chair of the parliament himself confirmed this.](#)

It was clear that organized participation of the said individuals in the public discussions served the purpose of leading the discussions in a direction that benefitted a political party and voicing supporting messages, instead of allowing the voice of the public to be heard freely.

Attempts to steer the public discussions in a desired direction – during all public discussions we have found what was possibly a deliberate practice of mobilizing certain groups of individuals near microphones available at the venue. We have also found that these people had come to the public discussions with questions prepared in advance. Such practice hindered participation of other interested individuals in the discussions and allowed steering of the public discussions in the direction that benefitted the ruling party.

Immaterial part of the public discussions – during the public discussions we have found instances when during their remarks members of the organizational committee spent too much time on making political statements. We also found that some citizens

expressed their views about issues that had nothing to do with the draft of the constitutional amendments. This diverted the attention from the focus of the public discussions undermining the quality of the public discussions.

In light of this we believe it is important that the flaws enumerated above are taken into consideration during the second stage of the public discussions. In particular:

- *all necessary measures should be taken to ensure free participation of public in the public discussions, both in terms of accessing the venue and expressing their opinions;*
- *the time for the meetings should be spent on the subject of the discussions as much as possible;*
- *Political parties should refrain from mobilizing their activists and public service employees. Interests of these individuals about impending changes should be addressed during party or other types of events, instead of during public discussions, as this is not a legitimate goal of public discussions.*

In the future it is also necessary for Parliament to improve the legislative framework for public discussions in view of the existing inappropriate practice.

[1] The first round of the public discussions was held in the following cities – Kutaisi, Amrbolauri, Chokhatauri, Batumi, Zugdidi, Akhaltsikhe, Gori, Telavi, Mtskheta, Rustavi, Tbilisi;

[2] The public discussions in Tbilisi were disrupted by a rally/performance staged by a part of the audience - <http://netgazeti.ge/news/194070/>.