

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA challenges constitutionality of restriction to exercise the right to organize protest meetings and manifestations by non-citizens

On April 20, 2012 GYLA applied to Constitutional Court on behalf of Marina Kiku – Moldova citizen. GYLA demands to annul the restriction of foreign citizens' right to organize and be responsible for protest meetings and manifestations.

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On April 11, 2011 the Constitutional Court of Georgia satisfied Public Defender's constitutional case and considered unconstitutional article of the Law on Assembly and Manifestation of Georgia which deprived foreign citizens of the right to be organizers and responsible persons for protest meetings and manifestations. Trustee of the assembly and an organizer, who is entitled to file notification to executive body of local self-governance and who is able to call on the participants for dissolution of the meeting, are considered to be responsible persons.

The prohibition that was considered unconstitutional by the Constitutional Court concerned non-citizens and stateless persons.

On July 1, 2011 amendments and additions were introduced to the Law on Assembly and Manifestation of Georgia. The Parliament partially restored a norm that was considered unconstitutional by the Constitutional Court, yet non-citizens are again deprived of the right to organize protest meetings and manifestations.

In its judgment the Constitutional Court did not separate stateless persons and non-citizens. Moreover, the reason of considering the prohibition unconstitutional was its blanket nature: individuals who had not Georgian citizenship were deprived of the right to organize any type of protest rally, notwithstanding the content of the stated problem on the meeting. Amendment introduced by the Parliament still contains blanket prohibition and deprives non-citizens of the right to submit their voice effectively to the government on the problems that may be beyond the interest of Georgian citizens or stateless persons.

GYLA applies to the Constitutional Court with a demand to consider this prohibition unconstitutional again.