



GYLA challenges constitutionality of the norm envisaging unreasonable dismissal of heads of municipality services

GYLA challenges constitutionality of Para 1 and 4 of Article 60 of the Local Self-governance Code. The norms envisage automatic termination of official authority to the heads of services of municipality units after election of municipality gamgebeli and designation of a citizen on the position of the head of structural unit without considering his/her qualification and experience. Further, the Code allows dismissal of the person anytime without any justification.

In order to receive quality service from local self-governing agencies and to have public trust, it is crucial to appoint high officials in local self-government agencies through competition, in view of their professional qualification and experience, rather than for political affiliation or other personal reasons. Moreover, it is decisive to maintain highly qualified human resources, even in case of alteration of political management. For effective administration of authority by local self-government agencies professional bureaucracy should be protected from political changes. Stability of human resources is an important pre-condition for ensuring the right to maintain constitutionally guaranteed position by the public servant as well as for meeting interests and needs of local population.

GYLA opines, that foregoing norm envisaging automatic termination of official authority to the heads of services after election of municipality gamgebeli and conferring newly elected gamgebeli with authority to dismiss a head of the service without any legal justification for political preferences or other reasons, violates Article 29 of the Constitution providing that every citizen of Georgia shall have the right to hold any state position.