



## Statement of the Speaker of the Georgian Parliament on the Constitutional Court is harmful to the Constitutional Order in the Country

November 2, 2018, following the meeting with the Patriarch of Georgia, the ruling party announced the decision on [recalling](#) the Bill on Cultivation of Cannabis. [According to](#) Irakli Kobakhidze, the principal decision is also made that will ensure the frames for the decisions of the Constitutional Court regarding the drug policy.

**We would like to remind the Speaker of the Parliament that the Constitution of Georgia defines the scopes of relations between the State and the Church.** [ ] state shall declare complete freedom of belief and religion, as well as shall recognize the special role of the Apostle Autocephalous Orthodox Church of Georgia in the history of Georgia and its independence from the state A The

mentioned rule strengthens the secularism and un-interference between the State and the Church. Therefore, the Constitution aims at functional separation of the State agencies from the activities of the religious organizations.

**Based on the principles of secularism and legitimacy of the public authorities the state officials should act in accordance with the principles of constitutional order, supremacy of human rights and respect of independent institutions. Therefore, it is unacceptable when the Speaker of the Parliament discusses the issue of the legislative amendments with the Patriarchate and in agreement with them states that frames for decision-making by the Constitutional Court should be ensured. As regards the constitutional amendments that will frame the decisions of the Constitutional Court regarding the drug policy, the mentioned initiative contradicts the principle of separation of powers. According to the Constitution Judicial power shall be exercised by means of constitutional control, justice and other forms determined by law; and the judicial body of Constitutional review is the Constitutional Court of Georgia.**

It is noteworthy that the Parliament of Georgia, has already made the amendments to restrict the Constitution of Georgia that were declared as unconstitutional by the Constitutional Courts itself. In this case as well the attempt of diminishing the State institutions and manipulation with issues of state importance is revealed in the context of elections.

It should be emphasized that the main purpose of the Constitutional Court is the protection of human rights from unreasonable interference by authorities. The Constitutional Court is an important protection leverage for drug policy.

In case if contrary to the requirements of the Constitution the Legislator restricts the Constitutional Court of Georgia to carry out its functions, legislator will violate not only the principle of separation of powers but the major human right, to protect own rights through the Constitutional Court that will conflict with the constitutional principles of constitutional state and respect for the human rights.

It is important that the legislator does not jeopardize the smooth functioning of the Constitutional Court, to carry out its constitutional control duly, effectively and according to the requirements of the Constitution of Georgia. Therefore, **we urge the Parliament of Georgia to comply with the requirements of the**

**Constitution of Georgia and not interfere with Constitutional review of the**

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## **Constitutional Court of Georgia.**

Georgian Young Lawyers' Association (GYLA)

Human Rights Education and Monitoring Center (EMC)

International Society for Fair Elections and Democracy (ISFED)

Transparency International Georgia (TI)

Georgian Democracy Initiative (GDI)

Article 42 of the Constitution

Partnership for Human Rights (PHR)