



საიას განცხადება

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ბრძელდება**

The growing trend of restricting civil rights continues with new legislative changes

The events that have developed since the beginning of 2023 show that the ruling party is trying to shrink the space for the realization of civil rights and freedoms even more intensively by various methods. This was manifested, among others, by the initiated [Russian law](#); the use of illegal and disproportionate force by the police against [essentially peaceful civil protests](#); with the practice of mass [unjustified administrative arrests](#) of demonstrators at different times, both in Tbilisi and in the [regions](#); Among them, we also saw [human rights defenders who were arbitrarily, illegally and aggressively detained](#), whom the court [imposed](#) administrative responsibility on September 27.

In conditions where, based on the above examples and other evidence, it is clear that the conditions for free speech and expression in the country are increasingly repressive, and also in conditions where the degree of democracy in the country is historically the lowest (3.04) since 2013 (3.25),[\[1\]](#) it is worrisome that the growing trend of restricting the rights of free expression, assembly and manifestation continues with the [initiative](#) of introducing amendments to the law, in connection with which the [consideration](#) of the draft law is requested in an accelerated manner.

In particular, with the changes planned by the representatives of the ruling party,[\[2\]](#) it will be prohibited to set up temporary constructions by the participants of gatherings and demonstrations on 5 possible grounds, the realization of which in practice may be equivalent to a blanket ban on the placement of temporary constructions.[\[3\]](#)

It is worth noting that in 2016, the Tbilisi City Court [established](#) in the case brought by GYLA that **"the right to assemblies and demonstrations includes the right to choose the place, time, form and content of the assembly, which considers the possibility of placing temporary constructions"**. Any interference with the right must be foreseeable and proportionate. In particular, by analyzing the norm, a person should be able to clearly understand what type of behavior the legislator

requires of him, and, on the other hand, any intervention by the state in the right should have a legitimate purpose defined by the constitution, and should be the least restrictive means of the right.

It should be noted that the guarantees in the legislation of Georgia are completely sufficient for the state, if there is a legitimate goal, to intervene in the right proportionately so as not to endanger people's exercise of free speech and expression.

Accordingly, the goal of the initiated changes is to further restrict civil rights, which will lead to the narrowing of the space for free expression in the country, and as a result, this will directly affect the quality of the country's democracy and, accordingly, people's well-being.

[1] The score assigned to Georgia by the international organization "Freedom House" in the annual report "Countries in Transition", available at: <https://freedomhouse.org/country/georgia/nations-transit/2023>, [02.10.2023].

[2] The initiators of the changes are the following members of the parliamentary majority: Anri Okhanashvili, Irakli Beraya, Givi Mikanadze, Rati Yonatamishvili, Irakli Shatakishvili, Tengiz Sharmanashvili and Aleksandre Tabatadze.

[3] In particular, temporary constructions are prohibited if a) they pose a danger to the participants of the assembly or demonstration or other persons; b) prevents the protection of public order and security by the police; c) causes disruption of the normal functioning of the enterprise, institution or organization; d) without its arrangement, the holding of the assembly or manifestation is not significantly hindered; e) It is not related to holding a gathering or demonstration). As a sanction, the changes consider confiscation of the object and a fine of 500 GEL or confiscation of the object of the offense and administrative imprisonment for a period of up to 15 days, and if the violator is an organizer, confiscation of the object of the offense and a fine of 5,000 GEL or administrative imprisonment for a period of up to 15 days.