

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



The Statement of the Civil Society Organizations on the Initiated Amendments to the Law on Cultural Heritage

The undersigned organizations disapprove of the draft submitted by the government of Georgia to the legislative branch. We call on the Parliament to refrain from adopting the initiative amending the Law of Georgia on Cultural Heritage and allowing cancellation of the status to the monument in ***exceptional conditions and in state necessities***

The initiated amendment does not specify what is implied under **exceptional condition or state necessity**. They contain high risk of bias in decision making process and might have negative effect on protection of cultural heritage.

We are concerned about examination of the draft in the Parliament with gross violation of the regulation. In particular, the Committee of Education, Science and Culture examined the documents on the third day from its submission, whereas the regulation prohibits consideration of the draft in such a limited period. Moreover, the Committee released information about the session an hour before, while the regulation envisages the obligation of advance publication at least a day earlier. As for the Sector Economy and Economic Policy Committee, it did not release information about examination of the draft at all.

Listed gaps of the regulation deprived us, the interested individuals, of the chance to participate in Committee sessions, to state our position and influence the decision making process. Moreover, the fact of examining the draft without transparency speaks on the lack of accountability of the legislative branch before the electorate and population in general.

It should be noted that, according to the draft, all entities authorized to initiate draft of the legal act before the government are entitled to prepare the legislative act on cancelation of the status to the monument. Accordingly, the scope of eligible individuals is so wide that effective management and control of the process becomes impossible.

The undersigned organizations consider suspicious that the Ministry of Economy and Sustainable Development is the author of the draft and there is no relevant positive assessment on the document. The process of draft preparation lacked public discussions and no participation of experienced field experts and specialists has been ensured.

We would like to remind both the Parliament and the government that protection of cultural heritage is the state's constitutional obligation rather than the right and the key objective of the Law on Cultural Heritage is protection of cultural heritage. Accordingly, it is absolutely inadmissible to initiate the draft which does not safeguard objectives of protection of cultural heritage and aggravates significantly its conditions.

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In view of above, considering the number of demolished and modified monuments under the name of reconstruction/rehabilitation process implemented for the past several years in the frames of the applicable legislative regulation, the undersigned organizations demand from:

- the Parliament of Georgia to refrain from supporting the initiative and to leave unchanged the applicable provision of the Law on Cultural Heritage envisaging relevant regulations on cancellation of the monument status.
- the Ministry of Culture and Monuments Protection and the National Agency for Protection of Cultural Heritage to state their position openly on the amendment and submit to public comprehensive information on the risks in terms of monument protection if the draft is approved.
- the Ministry of Economy and Sustainable Development of Georgia to inform the public about concrete interest beyond preparation of the draft and what is meant in reality under the wording “some cases of public importance.”

Furthermore, we call on all relevant state agencies to ensure participation of the relevant groups in draft preparation and examination process, especially on such key issues as is cultural heritage and to promote conduct of the process in a transparent manner.

Georgian Young Lawyers' Association (GYLA)

Tiflis Hamkari

ICOMOS Georgia

Green Alternative

Civil Society Institute

Independent Journalists' House (IJH)

Identity

Civil Movement Multilingual Georgia

Human Rights Education and Monitoring Center (EMC)

Freedom and Democracy Development Institute (FDDI)

LGBT Georgia

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Informational Centers' Network

*The Georgian Center for Psychosocial and Medical Rehabilitation of Torture Victims
(GCRT) - Batumi
Public Defender*

[The statement is open for signature for civil society organizations, as well as private individuals.](#)