

BGI Law Brief

December 2024

Crackdown on Public Sector in Response to Protests Against GD's Anti-EU Stance

On December 13, Georgia's illegitimate Parliament (for background, please refer to our previous [Law Brief](#)) adopted amendments to the Law on Public Service. The amendments were introduced hastily as a punitive response to a growing number of public service employees publicly expressing their anger with Georgian Dream's (GD) rejection of Georgia's EU path and showing solidarity to ongoing mass protests against its pro-Kremlin policies. The amendments were adopted without any public discussion, in an expedited manner. Adoption of this bill was preceded by statements from de-facto prime minister Irakli Kobakhidze and other GD officials, threatening that protests of public servants would be met by "cleansing" of the system.

The amendments diminish the rights of public servants and simplify procedures of their dismissal. Per amendments, department heads and deputy heads of the public institutions are no longer considered "public servants" (with open-ended employment), but are requalified as administratively-contracted employees with the fixed term contracts that shall not exceed the term of the corresponding head of the respective body (*i.e.*, minister or mayor). Their employment may be terminated at any time, subject to 1-month prior notice and compensation of 1 month's salary. Notably, *department heads and deputy heads are no longer required to have proper command of Georgian and can be appointed without any competition.* The amendments introduce biannual evaluation of public servants, substituting the existing rule of annual evaluation. Head of the respective institution now has the power to amend the evaluation within the period of one month, which can further be used as means of pressure. "Unsatisfactory performance" evaluation envisages deduction of 20% of the salary till the next assessment period. Two consecutive unsatisfactory evaluations result in a dismissal.

One of the key changes is that persons dismissed under reorganization in public sector can no longer be subject to mobility to an equal or lower position – they are simply dismissed without any alternative offer. Appeal against reorganization shall not affect its implementation. Further, even if the superior body or court renders the dismissal under reorganization unlawful, the person will only receive compensation and lost earning, but will not be reinstated. Instead, such

persons will be listed in the reserves of the public servants.

The amendments were signed into law by the illegitimate president, Mikheil Kavelashvili, on the day of his "inauguration".

Police Officers to be Recruited Without Competition

On the same date (December 13), GD Parliament adopted amendments to the Law on Police. Under the bill, police officers can now be hired without a competitive selection process. Rules and conditions for hiring a person to work in the police without passing a competition shall be determined by order of the Minister of Internal Affairs (the "Minister"). The bill was accompanied by a vague explanatory note, which indicates that due to the fact that from 2025 all military service falls under the authority of Ministry of Defense, the amendment is required to regulate recruitment to the militarized units existing under the Ministry of Internal Affairs ("MIA"). On December 31, "Minister" issued Order N104 on amending the Rules for Service in MIA (Order N995). According to this document, a person may be appointed to a vacant position in the police without passing a special competition if such person is being recruited *inter alia* to the Special Tasks Department and Department of Operational Support under MIA. Notably, Special Tasks Department is responsible for violent dispersals of protests all over Georgia, whereas the Department of Operational Support is one of the key departments authorized to carry out operational-investigative activities, including covert investigation activities. Persons recruited to the above fields will only have to go through the following checks: (i) health inspection by a special commission; (ii) physical fitness level inspection; and (iii) background check.

Amendment to the Law on Assemblies and Manifestations

On December 13, de-facto Parliament adopted yet another authoritarian bill, introducing amendments to the Law on Assemblies and Manifestations. Under the amendment, pyrotechnics, as well as the devices emitting laser light and/or sharp light the use of which may interfere with the activities of representatives of state agencies and/or the proper functioning of technical means at their disposal are prohibited. The

amendment also prohibits covering face with a mask or any other means (arguably, this could also include a scarf) while at a rally.

The bill submitted to the Parliament only covered the prohibition of pyrotechnics. Corresponding explanatory note puts pyrotechnics side by side with explosives, referring to potential health hazards that the misuse of pyrotechnics may potentially provoke. Restrictions concerning lasers and face masks were introduced at the first plenary session, but the explanatory note has not been updated accordingly.

Pyrotechnics Subject to Licensing and Permits

In line with the above-discussed amendments, on December 13, GD Parliament amended the Product Safety and Free Movement Code, as well as the Law on Licenses and Permits. Under the amendments, production and/or sale of pyrotechnics is subject to licensing, while import/export of such products is subject to obtaining a permit. Agency of State Reserves and Services of Civil Security under MIA shall oversee the implementation of this new regulation. The amendments shall take effect on February 1, 2025.

GD Toughens Administrative Sanctions to Obstruct Peaceful Pro-EU Protests

Also on December 13, GD Parliament adopted amendments to the Administrative Offences Code. The bill was submitted to the Parliament in such a hurry that the corresponding explanatory note only covers solely the pyrotechnics' part of new sanctions. One of the most sensitive changes introduced under the amendment is a new edition of Article 244, which allows preventive arrests. *Thus, persons who have committed an administrative offense in the past can now be arrested on the grounds of prevention of future, non-existent offences.* The amendments were signed into law by the illegitimate president, Mikheil Kavelashvili, on the day of his "inauguration", on December 29.

Further, GD has dramatically increased fines for the partial or full blockage of roads. Under the new regulation in force as of December 29, participants of partial or full blockage of roads shall be charged with a fine in the amount of GEL 5,000 (ca USD 1,750), a tenfold increase from previously applicable fine of GEL 500 (ca USD 175). The 'organizers' of such blockage shall be subject to a fine in the amount of GEL 15,000 (ca USD 5,300) – up from previous fine of GEL 5,000 (ca USD 1,750). Under the new regulation, drivers participating in such blockage shall be subject to suspension of a driver's license for 1 year (in addition to the existing fine of GEL 1,000 (ca USD 350)).

Fines have been gravely increased for painting graffiti on municipal buildings – from the former regulation establishing a fine in the amount of GEL 200 for painting unauthorized graffiti in Tbilisi and GEL 50 for the same offence in other municipalities, under the new regulation, a uniform amount of a fine – GEL 1,000 has been determined for the same action.

Covering one's face with a mask or any other means, also having lasers or other objects emitting sharp light while participating in the manifestation is subject to a fine in the amount of GEL 2,000 (ca USD 700). Fines are introduced for non-compliance with the regulations concerning the circulation and use of pyrotechnics, establishing, *inter alia*, that parents of the minors using pyrotechnics in violation of the respective regulations shall be subject to a fine up to GEL 300.

For context, according to the data published by the National Statistics Office, the median wage in Georgia in 2023 was merely GEL 1,238 (ca USD 440).

Constitutional Court Dismisses Claims Challenging the Constitutionality of 2024 Elections

On November 29, plenum of the Constitutional Court consisting of all 9 judges dismissed constitutional claims of president Zurabishvili and 30 members of various opposition parties challenging the constitutionality of 2024 parliamentary elections. The key issues raised under the claims were related to insufficient polling stations set up abroad for the immigrants, violation of ballot secrecy in the process of voting as well as unreasonable terms for submitting and deciding election disputes. The Constitutional Court established that the issues raised by the claimants do not give rise to constitutional review of the challenged legal norms, but rather concern the proper implementation of such norms by respective bodies. On these grounds, the Constitutional Court found the claims to be out of its scope. Two judges of the plenum, Teimuraz Tughushi and Giorgi Kverenchkhiladze issued dissenting opinions. Both judges disagreed with the Court's decision over polling stations abroad, whereas judge Tughushi also raised concerns over ballot secrecy.

This Law Brief is for general information purposes only. It does not constitute and is not intended to be relied upon as legal advice. BGI shall not be responsible for any loss in the event this update is relied upon without seeking our professional advice first.

For questions or inquiries please contact:
Sandro Bibilashvili, Partner
sandro.bibilashvili@bgi.ge
Luka Kodua, Associate
luka.kodua@bgi.ge

© BGI Legal. 2025