

Briefing Note on **Lawmaking Practices** in Georgia:
Use of Accelerated Procedures and Impact
on Fundamental Rights (2024–2026)
Submitted under the OSCE
Human Dimension Mechanism
(February 2026)





Briefing Note on Abusive Lawmaking in Georgia

*Submitted to the OSCE Human Dimension Mechanism
(February, 2026)*

Georgian Young Lawyers' Association

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I. Introduction

In various states, the ruling elites are trying to achieve the anti-democratic goals through the constitutional or legislative mechanisms. This is an abuse of the parliamentary legislative power.¹ The scope of law-making authority is primarily determined by the constitution, and the legislature, as a constituted power, is obliged to act within the framework limited by the basic law.² Such limitations include the principles such as the separation of powers, the rule of law, democracy, the binding of authorities by fundamental rights, proportionality, etc.³ When the legislative body exceeds the scope of its established powers, its actions become *ultra vires*, which is the basis for the unconstitutionality of the decisions it makes. When legislative branch crosses its constitutional powers in lawmaking, we define this as an abusive lawmaking.

This document is submitted to the OSCE Moscow Mechanism to highlight the developments concerning the abusive lawmaking practices in Georgia.

II. Developments in Georgia Since November 2024 up to May 2025

In Georgia, we have witnessed abusive lawmaking in various parliaments. Most prominently it is evident in the work of the current parliament. Since November 2024, the Parliament of Georgia has adopted laws in accelerated manner, using so-called “fast-track lawmaking”.⁴ It is important to note, that passing laws in accelerated manner should be used in exceptional cases and generally normal mode of lawmaking should be applied. It is noteworthy to mention, that the laws adopted in accelerated manner are the ones directed to political opposition and ongoing protest in Georgia. **GYLA has studied the period between November 2024 and May 2025 to demonstrate how the Parliament has abused its lawmaking power to target anyone that does not agree with their policies.**⁵ Namely, one of the first packages concerned covering the face with a mask or other means during assemblies and the use of lasers or other means with sharp radiation, as well as increased sanctions for violating the rules of assemblies and demonstrations, in addition, the list of grounds for the administrative arrest was expanded.⁶ Others increased the period of administrative detentions, reversed the burden of proof and imposed it on the offender, expanded the concept of an organizer.⁷ The Parliament has severely attacked the freedom of expression and the freedom of assembly.

¹ See more on these types: Landau, D., Dixon, R., *Abusive Constitutional Borrowing: Legal Globalization and the Subversion of Liberal Democracy*, Oxford University Press, 2021, 45-55.

² Albert, R., Roznai, Y., Williams, R., C., *Introduction: A Return to Constitutional Basics: Amendment, Constitution, and Writtenness*, in: *Amending America's Unwritten Constitution*, edited by: Richard Albert, Ryan C., Williams and Yaniv Roznai, Cambridge University Press, 2022, 1. Kay, R., *Constituent Authority*, *The American Journal of Comparative Law*, Vol. 59, 2011, 719.

³ This argument is based on the theory of limited constituent power, according to which the principles of constitutionalism limit constituent power and, by the same logic, these limitations also apply to the constitution-making power. For more on this issue, see: Roznai, Y., *The Boundaries of Constituent Authority*, *Connecticut Law Review*, Vol. 52, N. 5, 2021, 1399-1404.

⁴ To learn more see: *Abusive Lawmaking in Georgia*, Georgian Young Lawyers' Association, available at: https://admin.gyla.ge/uploads_script/publications/pdf/ABUSIVE%20LAWMAKING%20IN%20GEORGIA.pdf, last checked 06.02.26.

⁵ *ibid.*

⁶ *ibid.*, 7.

⁷ *ibid.*, 9.

III. Developments in Georgia Since October 2025 up to February 2026

The Parliament continued its abusive practices in the Fall Session of 2025 and even in Spring Session of 2026. Even though the legislature used the expedited procedures multiple times, some of the gravest violations can be discerned. From December 8 to December 10, 2025 the Parliament adopted the package of bills regarding the recruitment of police officers.⁸ During the same timeframe, the Parliament passed another packaged aimed at punishing administratively the manifestations held at pavements without permission from the law enforcement.⁹ Third package that deserves attention is the one, stating that if a political party is declared unconstitutional, than anyone that has ever been in connection with the party in question is prohibited from creating any other party, being a leader or a member of any party or hold any public office including state-political office, a political office, or a head position in a body provided for by the Constitution of Georgia.¹⁰ From February 2 to February 4, 2026 the Parliament adopted another package through expedited procedures regarding the so-called educational reform, that allows the Ministry of Education to reorganize the universities using simplified procedures.¹¹ Changes have been made in the same timeframe in the law of general education.¹² This amendment changes 12 year school program to 11 years. All of the changes above are aimed at deteriorating human rights and the Parliament uses accelerated procedures, which is even more alarming.

In the Rules of Procedure of the Parliament, there's no formal prohibition on the use of accelerated lawmaking. The analysis of the 2024-26 period reveals that the legislature primarily utilized expedited procedures to amend existing laws without providing sufficient justification for the necessity of such measures. Of greater concern is the fact that laws adopted through this mechanism constituted interference with various fundamental rights. As a general principle of lawmaking, the more a specific piece of legislation restricts fundamental rights, the more deliberative its adoption process must be. The Parliament failed to uphold this principle.

⁸ The package is available at: <https://info.parliament.ge/#law-drafting/31556>, last checked: 10.02.26.

⁹ The package is available at: <https://info.parliament.ge/#law-drafting/31647>, last checked: 10.02.26.

¹⁰ The package is available at: <https://info.parliament.ge/#law-drafting/31315>, last checked: 10.02.26.

¹¹ The package is available at: <https://info.parliament.ge/#law-drafting/31757>, last checked: 10.02.26.

¹² The law is available at: <https://info.parliament.ge/#law-drafting/31755>, last checked: 10.02.26.

List of Relevant Publications Prepared by GYLA

- Abusive Lawmaking in Georgia, Georgian Young Lawyers' Association, 2025, https://admin.gyla.ge/uploads_script/publications/pdf/ABUSIVE%20LAWMAKING%20IN%20GEORGIA.pdf.