

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



**According to media reports,
Chorbishop of Catholicos-Patriarch of
Georgia Jakob (Konstantine
Iakobashvili) made illegal political
calls during Sunday sermon
containing signs of pre-election**

campaign

During the Sunday sermon the chorbishop urged parish to actively participate in the self-government elections and not to allow the victory of a particular political subject:

“We must go to the elections and make our choice, in order to reject those who are not repenting for what they have done to the country, [who] have dishonored the nation, [and] are now trying to come back. A Further, the chorbishop criticized policy of the former government “that they want to come back into power, what are they promising us?! A He made certain suggestions as to which political party to support: “I am not saying that those who are in power are doing everything right. People have shown their disappointment through these elections but we can all see the difference,” - stated the chorbishop during the sermon.

The statement constitutes pre-election campaign “urging voters for/against supporting an election subject/election subject candidate, as well as any public activity that promotes or hinders his/her election [etc.].

Everyone has constitutional freedom of expression and the right to support his/her favorite candidate, as prescribed by law. However, para.4g, Article 45 of the Election Code of Georgia directly prohibits pre-election campaigning by religious organizations.

Which subjects in particular can be viewed as representatives of a religious organization for purposes of the prohibition stipulated by the Election Code is a matter of interpretation; however, in the present case chorbishop can be viewed as a representative of Orthodox Church, as also confirmed by the constitutional agreement concluded between the state of Georgia and the Georgian Apostolic Autocephalous Orthodox Church saying that “the following represent the church without any special authority: the church assembly, the Chatholicos Patriarch, the Holy Synod and the Patriarchy of Georgia (represented by chorbishop and secretary) A” This means that public statement made by chorbishop in frames of his status and authority should be viewed as a position of a religious organization.

Public statements made by leaders of religious organizations in any form, including during Sunday sermon, contains a component of communicating with voters and constitutes a public activity, especially when it is broadly covered by media outlets. Therefore, public actions of a chorbishop representing the Georgian Apostolic

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Autocephalous Orthodox Church should be viewed as political campaigning by a religious organization, which is prohibited by the Election Code.

The norm of the Election Code strictly stipulating the prohibition of pre-election campaigning by certain subjects aims at protecting electoral process from the influence of religious figures, which is highly likely in Georgia considering the high public confidence and authority enjoyed by religious organizations.

Independence of election process is an important precondition for the development of democratic and secular state.

Below signatories of the present statement urge:

The Central Election Commission of Georgia to examine and take further legal actions in response to Chorbishop Jakob participation in the pre-election campaigning in violation of the election legislation.

Representatives of religious organizations to refrain from any public activities that contain signs of a pre-election campaigning.

International Society for Fair Elections and Democracy (ISFED)

Human Rights Education and Monitoring Center (EMC)

Transparency International – Georgia (TI)

Georgian Young Lawyers' Association (GYLA)