



## GYLA calls upon the CEC to provide legal response to sermons of clergymen

In the past several days, the media have disseminated several statements of high-ranking clergymen that contained election campaigning. There were cases when clergymen clearly took sides against Salome Zurbishvili, a presidential candidate supported by political association Georgian Dream and by them. [1] In connection with the foregoing, on September 19, the Catholicos-Patriarch of All Georgia released an [appeal](#), calling on priests and archpriests to refrain from political statements, from publicly mentioning this or that political figure incorrectly, and from casting a shadow on the Church and on themselves.

Despite the fact that the law does not prohibit individual clergymen from making statements containing election campaigning, we believe that the clergy, especially members of the Holy Synod, should be particularly careful when exercising freedom of political expression, due to their status and the role they play in the lives of a certain part of the public. According to the Constitutional Agreement between the State of Georgia and the Georgian Apostolic Autocephalous Orthodox Church, the State and the Church have confirmed their readiness to **cooperate in compliance with the principle of mutual independence**. [2] We believe that high-ranking clergymen □ agitation against the State authorities or a concrete electoral subject is not reasonable, no matter how unacceptable the candidate's views are for them.

The Election Code of Georgia defines election campaigning as **appealing to voters in favor of or against an electoral subject/candidate**, as well as **any public action facilitating or impeding its election**. [3] **Religious organizations may not conduct and participate in election campaigning**. [4] The following subjects may represent the Church without special authority: the Ecclesiastical Assembly, the Catholicos-Patriarch of Georgia, the Holy Synod, and **the Patriarchate of Georgia (represented by the Diocesan Bishop and the Secretary)**. [5] Accordingly, [Diocesan Bishop Iacob](#) has presumably engaged in [election campaigning](#) in violation of the requirements of law.

Diocesan Bishop Iacob presumably also committed a similar violation of law [in the run-up to the local self-government elections of 2014](#), in connection with which non-governmental organizations released a [public statement](#) and applied to the election administration, although the Chairperson of the CEC deemed that the Diocesan Bishop □□ as an individual clergyman □□ appeal (sermon) to the parish [didn't constitute a statement made on behalf of the Church](#) [6]. The tendency of violation of campaigning rules by clergymen was also observed [in the run-up to the parliamentary elections of 2012](#). [7]

The prohibitive norm of the Election Code of Georgia which strictly defines a certain circle of subjects that may not engage in election campaigning aims to protect the electoral process from the influence of high-ranking clergymen. The likelihood of such action is high, considering the high trust in and authority of religious organizations. The independence of the electoral process is an important pre-condition for the development of democratic and secular state.

**We call upon:**

- **Representatives of religious organizations** □ to refrain from making statements containing signs of election campaigning;
- **The Central Election Commission of Georgia** □ to study the factual circumstances described in the present statement and to provide relevant legal response.

[1] 1) <http://www.rustavi2.ge/en/news/113769>; 2)  
<http://www.rustavi2.ge/ka/news/113739>;

3) <http://www.rustavi2.ge/en/news/113969>

[2] Paragraph 1 of Article 1 of the Resolution of the Parliament of Georgia on the Approval of the Constitutional Agreement between the State of Georgia and the Georgian Apostolic Autocephalous Orthodox Church

[3] Paragraph Z<sup>8</sup> of Article 2 of the Election Code of Georgia

[4] Subparagraph G of Article 45 of the Election Code of Georgia

[5] Paragraph 4 of Article 1 of the Resolution of the Parliament of Georgia on the Approval of the Constitutional Agreement between the State of Georgia and the Georgian Apostolic Autocephalous Orthodox Church

[6] Report on the monitoring of the local self-government elections of 2014, GYLA, p. 20

**საქართველოს ახალგაზრდა იურისტთა ასოციაცია**  
**GEORGIAN YOUNG LAWYERS' ASSOCIATION**



[7] Report on the monitoring of the parliamentary elections of 2012, GYLA, p. 19