The CEC’s decision with regard to unlawful campaigning by Shevchenko creates risks of legalization of unlawful participation in campaigning events

On September 21, the GYLA filed a complaint in the Central Election Commission of Georgia with regard to alleged violation of the norms on election campaign (campaigning) of the Election Code. In particular, according to a report published by the InterPressNews news agency on September 19, the Georgian Football Federation, together with the VTB Bank and Aisi beer company, was planning to hold a charity football match, □□□□□ Football Stars for Georgia A□ at the Dinamo Arena on September

29.[1] Later on the same day, it became known that, along with the world stars, the charity football match would also involve Kakha Kaladze, the Georgian Dream mayoral candidate for Tbilisi.[2] Mr. Kaladze confirmed that he had been asked to contact the world stars, because they are his friends. Another news agency reported that the event was being organized by the Georgian Football Federation, while the proceeds from the match would be used for restoring the burnt forest areas in Borjomi.[3] According to the written reply of the Chairperson of the CEC of September 25, **the Election Administration would carry out actions provided for by the law if an administrative offense took place at the said event.[4]**

After the event, on October 3, the GYLA filed another complaint in the CEC with regard to violation of the norms on election campaign (campaigning) at the said event.[5] In particular, according to the Netgazeti news agency,[6] after the match which, along with the world football stars, also involved Kakha Kaladze, the Georgian Dream mayoral candidate for Tbilisi one of the footballers, Ukrainian citizen Andriy Shevchenko,[7] expressed his support for Mr. Kaladze and noted that would be a good mayor.

As Subparagraph F, Paragraph 4, Article 45 of the Election Code of Georgia prohibits foreign nationals from conducting and participating in election campaigning, the GYLA deemed that the Election Administration should study the aforementioned issue. In its written response, the CEC didn deem participation in the said event as participation in a campaigning event and, accordingly, didn draw an administrative offense protocol.[8]

In particular, on October 10, in response to the GYLA complaint by which we demanded relevant response to the unlawful campaigning by Ukrainian citizen Andriy Shevchenko,[9][f1] which had taken place after the football march that involved Kakha Kaladze, the Georgian Dream mayoral candidate for Tbilisi, and world football stars the Chairperson of the CEC stated that the CEC had been unable to identify an event held by an electoral subject with the aim of participating in and winning elections and that the incident mentioned in the complaint didn involve election campaigning or participation in campaigning.

By doing so, the Chairperson of the CEC **interpreted the concept of campaigning**, which is defined by the Election Code of Georgia, **narrowly, creating a risk of legalizing participation in campaigning events in violation of the law.** In

particular, according to her, individual whom the Election Code prohibits from conducting and participating in election campaigning can only violate the rules of conducting and/or participating in election campaigning **if such an individual appeals to voters at an event that is organized, prepared, planned, and carried out before elections.”**

The Chairperson of the CEC also noted, event mentioned in the complaint was a charity football match, and it was organized and conducted by the Georgian Football Federation for specific charity purposes. **As the Georgian Football Federation is not an electoral subject, the said event cannot be regarded as part of the election campaign.”**

Legal evaluation:

We believe that such deliberation is devoid of a legal basis and it narrows the concepts of campaigning event and election campaigning in such a way that, according to such interpretation, **only an event organized and conducted by an electoral subject** can be considered as a campaigning event and **only an appeal in support of or against a concrete candidate made at a campaigning event organized by an electoral subject** can be regarded as election campaigning, whereas the Election Code includes a very broad formulation and considers **any public action facilitating or impeding the election of a candidate** as election campaigning.

According to Paragraph 4 of Article 45 of the Election Code of Georgia, **any individual may conduct and participate in election campaigning (except for individuals prohibited from doing do by the law)**. Accordingly, **a campaigning event can be organized and conducted both by an electoral subject and any other individual**. Therefore, we believe that the failure to consider the event as a campaigning event on the grounds that it was organized and conducted by the Georgian Football Federation, which is not an electoral subject, contradicts the law.

Conclusion

In view of all the aforementioned, we believe that the **narrow interpretation** of the

concept of election campaigning **has created risks of legalizing participation in campaigning events in violation of the law.**

---

[1] http://www.interpressnews.ge/en/society/89919-worlds-football-stars-to-hold-charity-match-in-georgia.html?ar=A

[2] http://www.interpressnews.ge/en/society/89927-kakha-kaladze-to-engage-in-charity-match-participated-by-worlds-football-stars.html?ar=A

[3] https://setanta.ge/articles/1598/varskvlavttsvena-dinamo-arenaze

[4] https://sachivrebi.cec.gov.ge/info.php?id=5752

[5] https://sachivrebi.cec.gov.ge/info.php?id=5791

[6] http://netgazeti.ge/news/223276/

[7] http://www.ffu.org.ua/eng/teams/teams_main/a_coach/

[8] https://sachivrebi.cec.gov.ge/info.php?id=5791

[9] http://www.ffu.org.ua/eng/teams/teams_main/a_coach/

[f1]ეს ლინკი უკვე არის მითითებული (მე-7 სქოლიო) და მგონი მეორეჯერ მითითება ზედმეტია.