

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Parliament of Georgia Plans to Tighten Sanctions for Political Parties

On December 20, 2011, draft of changes to the Criminal Code of Georgia, Code of Administrative Offences, Criminal Procedure Code and the Law of Georgia on Chamber of Control was introduced in Parliament. The changes mostly aim at tightening sanctions imposed on political parties.

It is noteworthy that the draft law is considered by the parliament in complete violation of its Regulations. More specifically, the parliamentary bureau made the decision to start consideration of the draft law on the very same day it was initiated.

According to the Regulations, a draft law should be referred to the bureau 72 hours after it has been initiated. The draft law contains the following changes:

- Formulation of Article 1641 of the Criminal Code of Georgia (vote buying) will be revised. If the crime has been committed by a legal person, the law envisages its liquidation. We believe that this type of sanction is disproportionate and unreasonably strict, which ultimately threatens the work of political parties.
- Not only direct but indirect bribing of voters will also be punished under the criminal law. The norm does not provide for any other details. Therefore, under the provision, bribing committed by a natural person can always be linked with a political party, which is particularly dangerous when the crime is committed by those individuals (provocateurs) that are not acting on behalf of a party concerned.
- Together with political parties, those voters who accept money, other property or service from a political party will also be punished under the criminal law. We believe that in the given case, political parties and voters should not be subject to identical legal liabilities but rather, punishment for voters should be lighter than criminal liability or up to 3 years of imprisonment.

The draft also contains a number of uncertainties that need to be immediately eliminated.

It is noteworthy that the legal draft does not provide for imposition of criminal liability under a separate Article for commission of violations such as illegal use of administrative resources by civil servants, abuse of official power for the purposes of pre-election agitation and campaigning, production of materials bearing symbols of an election subject by using Budget funds, and other violations that involve use of state resources. In this regard, it is expedient to make corresponding changes to the criminal law.

We call on the parliament of Georgia to comply with the Regulations and reduce the speed of consideration of the draft law in order for political parties, NGOs and other stakeholders to be able to participate and influence decisions of the parliament.