



***Statement issued by Georgian Young Lawyers' Association (GYLA), Transparency International – Georgia, and International Society for Fair Elections and Democracy (ISFED) regarding the draft law on party funding***

On 12 December, 2011, the Georgian parliament proposed the draft amendments to the organic law on political unions of citizens

A part of the proposed amendments under the draft law is positive and reflects the recommendations put forward by international and local non-governmental organizations. However, it contains flaws and loopholes to specify and amend which is equally important. **The issue concerning political parties and affiliated legal entities merits special attention.** According to this novelty, financial restrictions and accounting requirements established for political parties apply to legal entities related to political parties, including non-profit entities. Similar restrictions are imposed on legal entities who appeal to voters through their representatives or other persons to support or abstain from supporting a certain political party. According to the draft law, it is possible, for example, that the rights of a representative of a non-governmental organization to receive a donation from any legal entity be suspended if he/she delivers a call in support of a campaigning entity.

We think that this regulation along with being obscure is to a certain extent unacceptable, as it contradicts the principle of the freedom of expression. Such a restriction is all the more absurd considering the fact that even civil servants are not restricted from participating in pre-election campaigns unless they are immediately engaged in fulfilling their official duties. Besides, such provisions allow for the possibility that they may be abused if and when need be.

The draft law proposes to establish a permanent regulatory body aiming at monitoring party activities. This novelty, as such, is a serious step forward, which we unanimously welcome. It is important that the Control Chamber be impartial in its activities regarding the monitoring of party financing, that the regulations on party activities adopted by it be clear, easily implementable, and foreseeable in order to prevent the overly prohibitive rules from creating artificial barriers in the work of political unions. The amendments proposed by the draft law must ensure that political parties operate in equal conditions. At the same time, while the regulations must be optimal so as to keep the parties from seeking ways to circumvent them, relevant regulatory bodies must not administer selectively.

The draft law was passed at the first hearing of the committee on central legal issues without the information on the committee session and its agenda being published, which is a blatant violation of the law