

INTERNATIONAL ELECTION OBSERVATION MISSION Georgia – Parliamentary Elections, 31 October 2020

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

The 31 October parliamentary elections were competitive and, overall, fundamental freedoms were respected. Nevertheless, pervasive allegations of pressure on voters and blurring of the line between the ruling party and the state reduced public confidence in some aspects of the process. The elections were conducted under a substantially revised legal framework that provided a sound basis for holding democratic elections, but further efforts to address shortcomings are needed. The technical aspects of the elections were managed efficiently, despite challenges posed by the COVID-19 pandemic, but the dominance of the ruling party in the election commissions negatively affected the perception of their impartiality and independence, especially at the lower levels. The overall framework for campaign financing, including high spending limits, disadvantaged smaller and new parties. The diverse and pluralistic media were highly polarized, and there was little analytical reporting and policy-based discussion, detracting from the voters' ability to make a fully informed choice. In the limited number of polling stations visited, procedures were mostly followed, however, the excessive presence of party affiliated observer groups, who at times interfered in the process, contributed to overcrowding.

The legal framework overall provides a sound basis for holding democratic elections. Recent legislative amendments, adopted following an inclusive consultation process, involving international partners, partially addressed previous ODIHR and the Council of Europe recommendations, however, a number remain outstanding. While many stakeholders welcomed the changes as offering a level of improvement, concerns were raised about a lack of the framework's effective implementation and enforcement in the areas of the election administration, campaign and campaign finance. The repetitive and transitory nature of the amendments, led to a degree of incoherence and instability in the revised legal framework.

Contrary to international good practice, the boundaries for the 30 new single-member constituencies were defined through an exclusive political process, albeit one of consensus, and resulted in the significantly unequal distribution of registered voters amongst the constituencies, undermining equality of the vote, at odds with the principle of equal suffrage. Longstanding ODIHR and the Council of Europe's European Commission through Law (Venice Commission) recommendations to sufficiently regulate the boundary delimitation process to ensure the equality of the vote and better guarantee political representation for national minorities were not addressed.

The election administration met legal deadlines and managed technical aspects of the elections efficiently, amid adjustments in response to the COVID-19 pandemic. The Central Election Commission (CEC) held regular sessions open to registered representatives of electoral subjects, observers and the media. While in line with the law, many important matters were not discussed by the CEC as a collegial body at open sessions, thereby limiting transparency. The dominant representation of the ruling party in the election administration, especially at lower levels, negatively impacted the public perception of the impartiality and independence of election commissions.

Most interlocutors of the International Election Observation Mission (IEOM) did not raise significant concerns about the accuracy of the voter list. Voters had a wide range of options for verifying their registration data and requesting corrections. The final voter list contained 3,526,023 voters. A previous ODIHR recommendation to allow for a temporary transfer of voting location was not addressed.

Party and candidate registration was generally inclusive with the CEC registering 50 electoral subjects (48 parties and 2 election blocs, together comprising seven parties) which provided voters with a choice among a wide range of parties and candidates. Several parties challenged their registration denial; one case was upheld. The reduced threshold of one per cent for parliamentary representation has increased the apparent competitiveness of the electoral process, with many parties entering the political arena.

Fundamental freedoms were mostly respected in a campaign that was largely competitive but intimidation of party supporters and public sector employees was widely reported, with many opposition parties alleging that their supporters and staff were subject to political pressure, and several isolated violent incidents were reported. The line between the ruling party and the state was often blurred, contrary to OSCE commitments and international standards. There was little discussion of substantive issues during the campaign. Furthermore, the IEOM noted that aspects of the legislation and certain campaign practices advantaged more established political parties to the detriment of newer and smaller ones.

Some previous recommendations on campaign finance legislation were addressed by the recent amendments, however, most stakeholders lacked trust in the veracity of the campaign finance reports, and the ODIHR LEOM identified significant discrepancies between actual and reported spending. At the same time, the State Audit Office's capacity to effectively oversee the integrity of campaign financing remains limited, leaving long-standing ODIHR and the Council of Europe recommendations unaddressed. The overall framework for public funding of parties and campaigns and the high spending limits, contributed significantly to an uneven playing field.

The diverse and pluralistic media environment was polarized along political lines and business interests. The results of the ODIHR LEOM media monitoring showed that all monitored private broadcasters were visibly partisan. Broadcast media were required to allocate extensive free air-time and invite to debates only parties eligible for public funding. Political parties not entitled to public funding received substantially less free air-time and only in public media, disadvantaging them. Furthermore, in the absence of policy discussion, genuine investigative programmes and analytical reporting, and with only a few debates between main political alternatives, there was limited opportunity for voters to make an informed choice.

Although the country's first female president was elected in 2018, women are generally underrepresented in public office, holding 14 per cent of seats in the outgoing parliament, 5 out of 12 ministerial posts in the outgoing cabinet, and 1 out of 64 mayoral positions. Three CEC members are women, including the chairperson. Women held 66 per cent of the positions in District Election Commissions (DEC) and over 74 per cent in Precinct Election Commissions (PEC); with 60 per cent of DEC chairpersons, and over 65 per cent of PEC chairpersons being women. Positively, a mandatory gender quota for candidate lists, requiring at least every fourth candidate to be a woman was introduced, addressing a previous ODIHR recommendation.

A number of national minority representatives ran as candidates on party lists and in majoritarian contests, mostly in minority-populated regions. The election administration provided voter information and ballot papers in minority languages.

The longstanding ODIHR and Venice Commission recommendations to simplify the complaints and appeals process, and bring it further in line with international standards and good practice have not been addressed. Many IEOM interlocutors voiced a lack of trust in the election commissions, courts, and law enforcement bodies to handle election-related complaints impartially and effectively. Out of over 300 complaints, the vast majority were denied admissibility or dismissed on merit, many without due consideration, undermining the right to effective legal remedy.

The IEOM did not undertake systematic or comprehensive observation of election day proceedings. In the limited number of polling stations visited, the voting process was transparent and procedures were mostly followed. Preventive measures against COVID-19 were largely in place, but social distancing was rarely respected or possible. Intimidating presence of party coordinators and activists outside of most polling stations was noted. Several citizen observer organizations conducted long-term observation, and deployed short-term observers on election day, contributing to overall transparency of the process. However, the excessive number of party representatives and party-affiliated citizen observer groups who at times interfered in the process, contributed to overcrowding in most polling stations visited. The preliminary turnout was announced at 56 per cent.

PRELIMINARY FINDINGS

Background and Political Context

On 31 August, the president called parliamentary elections for 31 October. The wave of anti-government protests, demanding resignation of the government and conduct of early elections under a fully proportional system, broke out in June 2019. Attempts to introduce fully proportional system failed, fueling further protests.¹ The 8 March 2020 Memorandum of Understanding between the main opposition parties and the ruling party led to adoption of the constitutional amendments, and conduct of these elections under a revised electoral system. The amendments introduced a larger proportional component to the electoral system and lowered the threshold for parties to be represented in parliament. The reduced threshold increased the apparent competitiveness of the elections, with many new parties entering the political arena.

The elections were held amid ongoing political and social tensions, and economic and public health challenges resulting from the ongoing COVID-19 pandemic. In line with the Constitution, these were the last parliamentary elections held under a mixed electoral system; a fully proportional system will be in effect for future elections. Although the country's first female president was elected in 2018, women are generally underrepresented in public office, holding 14 per cent of seats in the outgoing parliament, five out of 12 ministerial posts in the outgoing cabinet, and one out of 64 mayoral positions.

In the last parliamentary elections, the Georgian Dream (GD) won a constitutional majority, with 115 out of 150 seats, and the largest opposition group, the United National Movement (UNM), 27 seats. In 2017, most UNM members of parliament (MPs) left the party and established the European Georgia – Movement for Liberty (EG), which became the largest opposition party in the outgoing parliament. Besides the GD, the UNM, which led the five-party bloc Strength in Unity, the EG, and the Alliance of Patriots of Georgia (APG), other prominent contestants included recently formed parties such as Lelo, and Strategy Aghmashenebeli (SA), as well as the Labour Party, United Georgia – Democratic Movement and Girchi. The opposition was largely disunited during the electoral process.

Electoral System and Legal Framework

Under the revised mixed electoral system, of the 150 MPs, 120 are proportionally elected in a single nationwide constituency, through closed party lists; 30 are elected in single-member constituencies.² The

¹ Pursuant to the GD statement on 28 June 2019 to introduce a fully proportional system ahead of the 2020 parliamentary elections, draft constitutional amendments were initiated by 93 members of parliament (MPs) of the ruling party. However, during the vote on 14 November, a constitutional majority was not reached. On 4 December, a group of 29 MPs initiated amendments to the Election Code which failed to gain enough support in the parliament.

² Previously, 77 MPs were elected proportionally and 73 in single-member districts.

party threshold in the proportional contest was reduced from five to one per cent of valid votes cast.³ In the majoritarian contests, candidates had to obtain an absolute majority of valid votes cast to be elected; in those constituencies where no candidate received the required number of votes, a runoff is to be held in three weeks between the top two candidates.

Boundaries of the 30 single-mandate districts were established by recent amendments to the Constitution and Election Code.⁴ While the legislation provides that, to the extent possible, boundary delimitation should ensure the equal distribution of voters, it lacks specific criteria for determining constituency boundaries. Of the 30 constituencies, 18 have more than 15 per cent deviation, with the largest district comprising 3.5 times the number of registered voters than the smallest one; seven vary between 10 and 15 per cent.⁵ In addition, the merger of the electoral districts of Marneuli and parts of Gardabani reduced the potential for national minority representation in parliament.

The significantly unequal distribution of registered voters amongst the constituencies contradicts domestic law and is at odds with the principle of equal suffrage.⁶ Longstanding ODIHR and Venice Commission recommendations to sufficiently regulate the boundary delimitation process to ensure the equality of the vote and better guarantee political representation for national minorities were not addressed.⁷ Moreover, redefining the borders through an exclusive political process, albeit one of consensus, is at odds with international good practice.⁸

The legal framework overall provides a sound basis for holding democratic elections. It underwent significant amendments in July and September 2020, following a year-long, broad and inclusive consultation process.⁹ Outstanding ODIHR recommendations were systematically discussed in the amendment process and some addressed, in whole or in part.¹⁰ While many stakeholders welcomed the changes as offering a level of improvement, and noted general satisfaction with the legal framework, concerns were raised about a lack of its effective implementation and enforcement in the areas of the election administration, campaign and campaign finance.

³ The threshold for blocs is equal, in percentage, to the number of parties in the bloc. A new formula provides for redistribution of parliamentary seats that in effect prevents any party receiving less than 40.54 per cent of votes from obtaining a majority in parliament.

⁴ These do not specify parameters for determining constituency boundaries, such as population size, number of registered voters, number of persons actually voting, or a mechanism applicable to minority-populated areas. The law also does not specify criteria for permitted deviations in the number of voters and does not sufficiently address the issue of managing future boundary reviews.

⁵ The national average number of voters per district is 117, 062. The largest district (No. 23) has 155,010 voters and the smallest (No. 19) - 44,204. The largest deviation is 62 per cent.

⁶ The 2015 Constitutional Court decision requires that any deviation follows the [Council of Europe's European Commission for Democracy Through Law \(Venice Commission\)' Code of Good Practice in Electoral Matters](#) (Code of Good Practice) which recommends a maximum 10 per cent deviation, and up to 15 per cent in limited circumstances (protection of a concentrated minority or sparsely populated administrative entity). See paragraph 7.3 of the [1990 OSCE Copenhagen Document](#), which states that the participating States will “guarantee universal and equal suffrage to adult citizens”. The 1996 United Nations Human Rights Committee (UNHCR) General Comment 25 of the [International Covenant on Civil and Political Rights](#) (ICCPR) states that “...within the framework of each State's electoral system, the vote of one elector should be equal to the vote of another. The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group...”.

⁷ See the ODIHR and Venice Commission [Joint Opinion on Amendments to the Election Code of Georgia](#), 14 March 2016.

⁸ Guideline I.2.2.vii of the [Code of Good Practice](#) states that “when constituency boundaries are redefined it must be done impartially; without detriment to national minorities; taking account the opinion of a committee, the majority of whose members are independent; this committee should preferably include a geographer, a sociologist and a balanced representation of the parties and, if necessary, representatives of national minorities”.

⁹ Amendments were primarily to the 1995 Constitution, 2011 Electoral Code and 1997 Law on Political Unions of Citizens. The timing of the electoral system reform was at odds with Guideline II 2b of the [Code of Good Practice](#) which states that key aspects of electoral legislation not be open to amendment less than one year before an election.

¹⁰ Stakeholder proposals were considered and some adopted, although concerns were raised by the ODIHR LEOM interlocutors that some agreed changes were not reflected in the final draft. The parliamentary vote was boycotted by EG and UNM.

The recent legislative amendments apply to various aspects of the electoral process.¹¹ A number of previous ODIHR and Venice Commission recommendations to bring the legal framework further in line with international standards and good practice have not been addressed. Outstanding recommendations mainly relate to legal provisions on campaigning, election administration, campaign finance, media, complaints and appeals process, and recounts and annulments. The manner in which the amendments were incorporated into the legislation and the repetitive and transitory nature of many of the provisions, led to a degree of incoherence and instability in the revised legal framework.

Election Administration

The elections were managed by three levels of election administration comprising the Central Election Commission (CEC), 73 District Election Commissions (DECs) and 3,657 Precinct Election Commissions (PECs).¹² Elections were not organized in Abkhazia and South Ossetia. Further, 127 special PECs were set up for voters in quarantine. Voting abroad was held in 38 countries for the proportional component of the elections.¹³

Commissions at all levels comprise 12 members: six non-partisan and six appointed by political parties. Five non-partisan CEC members are elected by parliament upon nomination by the president.¹⁴ Non-partisan members of DECs and PECs are elected by a majority of the total number of CEC and DEC members, respectively. Since 2017, parliamentary parties have the right to appoint commission members in proportion to the number of votes received in the last parliamentary elections, resulting in dominant representation of the ruling party in these elections.¹⁵ This negatively impacted the public perception of the impartiality and independence of election commissions, required by the Election Code, international standards and good practice.¹⁶ Three CEC members are women, including the chairperson. Women comprised 66 per cent of members in DECs and over 74 per cent in PECs; with 60 per cent of DEC chairpersons, and over 65 per cent of PEC chairpersons being women.

By law, parties are free to replace their appointees at DECs at any time except on election day, a practice which may undermine the independence and stability of these bodies.¹⁷ While more than half of permanent DEC members serve their second or third term, more than 18 per cent of party-appointed DEC members were replaced before election day.¹⁸

¹¹ These included election administration, party and candidate registration, campaigning and campaign finance, media campaign and coverage, election observers, and electoral disputes and offences, as well as the regulation of the second round period.

¹² With the reduced number of majoritarian districts, 30 DECs retained their full powers, and 43 DECs were made subsidiary and now play a supporting role with limited powers.

¹³ In addition, 2 PECs were established for Georgian troops deployed in Afghanistan, 10 special PECs in penitentiary institutions and 1 in mental health institutions.

¹⁴ The CEC chairperson is elected by the two-thirds majority of its members, from among three candidates nominated by the president. The president has to present two candidates for each vacancy recommended by a competition commission.

¹⁵ GD appointed three commission members, while UNM, EG and APG only one each to all levels of the election administration. Prior to 2017, parliamentary parties had one commissioner each.

¹⁶ Paragraph 20 of the [General Comment 25 to the ICCPR](#) underlines the need to conduct the electoral process “fairly, impartially and in line with established laws compatible with the Covenant”. The [Code of Good Practice](#) in Electoral Matters underlines that “an impartial body must be in charge of applying electoral law”.

¹⁷ Guideline II.3.1.77 and para 77 of the [Code of Good Practice in Electoral Matters](#) recommends that “bodies that appoint members to electoral commissions should not be free to recall them, as it casts doubt on their independence”. PEC members can be replaced or withdrawn no later than 15 days before election day.

¹⁸ DECs have five permanent non-partisan permanent members, the other seven members (including one non-partisan) are appointed for the election period. Out of their 73 DEC members UNM replaced 38, EG 14 and APG 11, while GD substituted 16 of its 219 commissioners.

While recent amendments aimed to increase transparency and prevent conflict of interests, most ODIHR LEOM interlocutors stated that these largely failed to enhance credibility of the selection process of PEC members.¹⁹ Short timeframes for the submission and review of applications, and the low number of applications in most cases virtually prevented any meaningful competition.²⁰ While most PEC chairpersons are non-partisan appointees, 434 chairpersons were elected from party-nominated members, all representing the GD.²¹ In various DEC, the selection of non-partisan PEC members, and the election of PEC leadership, resulted in a number of complaints and some confrontations between GD and opposition affiliates. The CEC reacted with a number of press statements denouncing the opposition for attempts to discredit the election administration. In protest, in many districts, UNM and EG members of DEC and PECs refused to sign the CEC Code of Ethics for Election Administration.

The election administration met legal deadlines and managed technical aspects of the elections efficiently, amid adjustments in response to the COVID-19 pandemic. The CEC held regular sessions open to registered representatives of electoral subjects, observers and the media. By law, some important matters fall under the purview of the chairperson and were not discussed by the CEC as a collegial body at open sessions, and sessions held lacked substantive discussion, which took place at working sessions without public attendance, limiting transparency of the election administration.²² Moreover, as reported by the ODIHR LEOM observers, non-partisan members carried out most essential tasks, while party nominated commissioners, especially at the district level, had considerably less work, and were mostly summoned for sessions. Positively, decrees, ordinances, decisions on complaints and session minutes of the CEC and DEC were publicly available on the CEC website, contributing to transparency of the process. The CEC enhanced the protection of its server infrastructure against cyberattacks and established a unit for combatting election related disinformation in media.

The CEC in consultation with civil society and party representatives developed an epidemiological safety protocol for ordinary polling stations and rules for the voting of people in quarantine. In response to the COVID-19 pandemic, the CEC approved the possibility to hold its sessions online, and for PECs to create “special groups” and operate with less than seven members on election day.²³ The IEOM interlocutors expressed varying degrees of trust in the election administration progressively decreasing at the lower levels due to controversies related to the composition of PECs and their perceived lack of impartiality.²⁴

¹⁹ The new provisions disqualify party nominees who served as commissioners for the last general election; require DEC members to refrain from selecting applicants with whom they have a family relationship; and oblige the CEC to publish the full list of applicants. The Election Code does not provide a clear definition of “general elections”. The CEC provided inconsistent interpretation of the term. Out of 25,201 applicants, 892 were rejected for having previously served in commissions as party nominees, and 66 DEC members abstained from the selection process due to a family relationship with candidates.

²⁰ According to the CEC, for 6 non-partisan positions 18 PECs had 5 or fewer applicants; 1,878 had exactly 6 applicants; 955 had 7 and for 806 PECs 8 or more applicants applied. These figures diverge from the expected normal statistical distribution and cast doubts about the authenticity of the selection process.

²¹ GD nominees held 14 per cent of available leading positions (chairs, deputies and secretaries); none of the remaining 3 parties held more than 0.1 per cent of such positions.

²² This includes among others registration of parties and candidate lists and possible cancellation thereof; administration of CEC’s internal funds; and denial of admissibility of complaints against DEC decisions and consideration of alleged violations of election law.

²³ The CEC Decree adopted on 19 October provided that if the minimal number of PEC members cannot be ensured, such PEC is regarded as a “special group”. The CEC Decree adopted on 21 October established the 26 October deadline for voters in quarantine/self-isolation to be on the special list, and set the age requirement for special group members to be at least 21 years. Two citizens appealed the Decree arguing that the deadline violates the right to vote of those placed in quarantine/self-isolation. The Tbilisi Court of Appeal upheld the deadline, but ruled that the minimum age contravened the election legislation that sets 18 years as the minimum age. In response to the court ruling and public criticism of the short timeframes, the CEC removed the age restriction and extended the deadline for homebound voting registration to 27 October 14:00. Following a protest in front of the CEC on 27 October, the period was prolonged by additional four hours.

²⁴ Over 20 complaints were lodged against PEC members, both non-partisan and partisan, for alleged support of GD campaign, including online and 5 against DEC members for participation in opposition campaigns. All were dismissed without sound reasoning. In one case, a DEC member was ordered by a court to pay a fine.

The CEC's training center implemented comprehensive educational programmes for various stakeholders including election officials, observers, female candidates, and for prospective polling staff. The ODIHR LEOM observers assessed training sessions of PEC members as well-organized and interactive. Voter education was provided by the CEC through TV and radio spots, focusing on voting procedures, COVID-19 protection measures at polling stations and secrecy of the vote; and by DEC's or in collaboration with civil society organizations and was also available in ethnic minority languages.

In line with a previous ODIHR recommendation to enhance accessibility of the polling stations, the CEC adapted 1,126 polling stations (30.8 per cent) for wheelchair users who could request a transfer of their registration to any of such polling station within their electoral district. The ODIHR LEOM observers reported that some of the adapted polling stations were insufficiently accessible. Homebound voting was available for those unable to leave their homes.²⁵

Voter Registration

Citizens 18 years of age by election day have the right to vote, unless serving a sentence for a particularly grave crime, or declared incompetent by a court decision and admitted to an inpatient facility. The 2017 constitutional amendments broadened the voting rights of prisoners, applicable for the first time for these elections. The denial of the right to vote for persons declared legally incompetent by a court is at odds with international standards.²⁶

Voter registration is passive, continuous and centralized. The CEC compiles the voter list based on data from the Public Service Development Agency (PSDA) and a number of other state institutions. Voters with valid identification documents are automatically included in the voter list according to their actual or previously registered address.²⁷ A previous ODIHR recommendation to allow for a temporary transfer of voting location was not addressed. In a continuous effort, the PSDA proactively contacted persons with irregularities or omissions in their records to enable inclusion of voters.

Voters had a range of options for verifying their registration data and requesting corrections.²⁸ Preliminary voter lists were posted for public scrutiny at all PECs visited. A total of 426 voters requested changes in their registration data. The final voter list contained 3,526,023 voters, including 65,336 registered for voting abroad.²⁹ Most IEOM interlocutors expressed confidence in the accuracy of voter lists. Some noted concerns related to voters residing in Abkhazia and South Ossetia who were not able to cross the administrative boundary line and vote as a result of intensified borderization activity and the ongoing COVID-19 pandemic.

Candidate and Party Registration

The 2017 constitutional amendments revised the eligibility requirements for parliamentary candidates. In line with a previous ODIHR recommendation, the amendments abolished the state language proficiency

²⁵ The CEC received over 70,000 requests.

²⁶ Previously only those sentenced to less than five years enjoyed the right to vote; it is broadened to those sentenced to less than ten years. The 2006 [UN Convention on the Rights of Persons with Disabilities](#) (CRPD) obliges states to “recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life” and to ensure their “right and opportunity [...] to vote and be elected”. See also the CRPD [Committee's General Comment no. 1](#) “person's decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising their political rights, including the right to vote, the right to stand for election...”

²⁷ This concerned mainly the internally displaced persons (IDPs) who had been registered based on their actual address before the 2018 election. Over 3,050,000 civil register entries have biometric data.

²⁸ Voters were able to confirm their data at DEC's, online, through a mobile application or at some 11,500 payment terminals nationwide. The CEC website features a dedicated interface for voters with both visual and hearing impairments.

²⁹ Seven political parties and two civil society organizations requested and received an electronic version of the voter list.

requirement. The eligible age was increased from 21 to 25 years of age. Moreover, the residency requirement was increased from two to ten years in order to stand, at odds with international standards and good practice.³⁰

A mandatory gender quota for candidate lists, requiring at least every fourth candidate to be of the opposite sex was introduced, addressing a previous ODIHR recommendation.³¹ Parties entitled to public funding will receive an increase of 30 per cent in funding if they include at least 1 of each gender within every 3 candidates on their lists.³² Several parties explained the low number of female majoritarian candidates by personal life concerns. A previous ODIHR recommendation to extend the funding incentive to the parties' nomination of women majoritarian candidates was not addressed.

Candidate and party registration was generally inclusive. To participate in the elections, parties had to register with the CEC as electoral subjects. For these elections, the recent amendments lowered the number of required signatures for parties from 25,000 to 5,000. More established political parties enjoyed a number of legal advantages, such as a later registration deadline, exemption from the obligation to collect support signatures and/or the possibility to keep the electoral number used in previous elections.³³ Some political parties indicated to the ODIHR LEOM that parties retaining their previous number had an unfair advantage during the campaign compared to smaller and newly-registered parties.

The CEC registered 50 electoral subjects (48 parties and two election blocs comprising seven parties). Out of 78 parties, 5 withdrew and 19 were rejected by the CEC. The reasons for rejection included submission of the application by an unauthorized person, and failure to meet deadlines, fix inaccuracies or submit or rectify candidate lists. Four parties denied registration appealed the CEC decisions in court; one case was upheld.³⁴ In addition, one party's registration was unsuccessfully challenged in court by another party. Two parties deregistered for failing to correct irregularities in the candidate lists unsuccessfully appealed the decision.³⁵ Of a total 6,882 candidates from party lists the CEC cancelled the registration of 16 candidates who did not submit the required documents or who were withdrawn by the nominating party.³⁶

For the majoritarian race, candidates could be nominated by parties, election blocs or run independently if nominated by an initiative group of at least five voters. Independent candidates, who were not members of the outgoing parliament, had to submit supporting signatures of at least one per cent of all voters registered in their district. There were 490 majoritarian candidates, including 11 independents; 107 were women. In total, 28 majoritarian candidates were rejected for failing to correct irregularities within legal deadlines and 2 were withdrawn by their nominating parties.

Campaign Environment

The recent amendments enhanced the campaign legal framework, in part, addressing previous ODIHR recommendations. They introduced campaign-related restrictions on election day, added provisions to

³⁰ [General Comment no. 25](#) of the ICCPR, states “[p]ersons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation”. Moreover, Guideline I. 1.1 c. iii the [Code of Good Practice](#) states that “a length of residence requirement may be imposed on nationals solely for local or regional elections”.

³¹ On 25 September, the Constitutional Court repealed the quota's application to men ruling that it restricts women's rights to political participation and their maximum representation in parliament.

³² This enhanced the previous requirement of 3 in every 10. A total of 29 parties met this condition.

³³ Electoral subjects that garnered at least 0.75 per cent of valid votes in the last elections held under the proportional system, or in the 2018 presidential election could campaign with the same electoral number as in the past.

³⁴ The court overturned the CEC decision to deny registration of the Republican Party on grounds of late submission. The court ruled that as the party was legally exempt from signature collection, the later submission deadline applicable to parties with MPs should equally apply.

³⁵ Both parties were deregistered in line with the legal provisions after being given time for corrections. Our United Georgia failed to comply with the gender quota and the Georgian Social-Democratic Party failed to submit the required documentation for some of the candidates.

³⁶ Women accounted for 44.3 per cent of party list candidates.

prevent the misuse of administrative resources, criminalized coercion and intimidation of voters, and strengthened the offence of vote-buying.³⁷ However, shortcomings in the campaign framework remain, including outstanding ODIHR and the Council of Europe's Group of States against Corruption (GRECO) recommendations to take significant measures to prevent the misuse of administrative resources.³⁸

The campaign officially began on 1 September, 60 days prior to election day. While political activities were not restricted by the COVID-19 regulations, many parties reported reducing public campaign activities due to health-related concerns. Most campaigning was conducted through billboards, posters, door-to-door canvassing, and some small-scale rallies. Few large public rallies were held, and some were heavily criticized for encouraging large gatherings during a pandemic.³⁹ The campaign was vibrant in media and social networks, with most contestants turning to Facebook to connect with voters.⁴⁰ Overall, limited cases of hate speech and disinformation on Facebook were observed. The ODIHR LEOM noted the use of the social media profiles of public officials, including those of the prime minister and mayor of Tbilisi, for campaign purposes.⁴¹

The campaign was largely competitive with a range of contestants representing different views. It centered on personalities, a discussion of the economic situation, and the government's response to COVID-19. It was visually dominated by the GD, and the UNM, EG, Lelo, APG and SA were also prominent. Although a number of parties developed detailed election platforms, these were rarely presented to voters. Women were usually underrepresented at some 60 campaign events observed by the ODIHR LEOM, and gender issues were almost entirely absent from the campaign.⁴²

Fundamental freedoms were generally respected and contestants were able to campaign freely, however, isolated politically motivated violent incidents took place.⁴³ Negative campaigning was frequent and at times took a confrontational tone. Many opposition parties alleged their supporters and staff were subject to

³⁷ Contestants are banned from contacting voters by robo-call or SMS on election day. The placement of campaign materials and impeding the movement of voters are prohibited within 25 meters of a polling station. The amendments broaden the definition of public employees prohibited from campaigning during working hours and prohibit state and local authorities from airing advertisements during the official campaign period on their past achievements or planned works.

³⁸ Shortcomings include a legal provision that allows unlimited campaigning by high-level public officials, low fines for misuse of administrative resources, and overlapping responsibilities of various bodies rather than a single, specific authority to consider complaints, investigate and take action in cases of abuse of administrative resources. See the 2018 GRECO [Second Addendum to the Second Compliance Report on Georgia](#).

³⁹ On 16 October, the UNM held a large rally in Batumi, drawing criticism from political parties, including the GD. The Public Defender described the UNM event as "completely irresponsible" amid the pandemic. An earlier large rally held by the APG in Tbilisi on 3 October did not receive similar criticism from state authorities or other political parties. Most campaign events observed by the ODIHR LEOM failed to respect social distancing.

⁴⁰ The legal framework does not regulate campaigning on social media. In December 2019 and April 2020, Facebook removed over 500 pages, more than 100 accounts as well as groups and Instagram profiles engaged in "co-ordinated inauthentic behaviour" via sharing misinformation about Georgia's domestic politics and the COVID-19 outbreak. From August 2020, Facebook requires authorizations for ads about elections and politics in Georgia. In September 2020 two civil society organizations partnered with Facebook as third-party fact checkers, and received a mandate to limit the distribution of questionable content, and supplement it with links to the fact checking article.

⁴¹ Furthermore, the ODIHR LEOM identified a number of Facebook profiles, which, while not affiliated with contestants, used paid promotions to campaign for individual candidates or parties, or for negative campaigning against contestants.

⁴² The ODIHR LEOM observed rallies in rural and urban areas in 9 of the 11 regions of Georgia.

⁴³ On 27 September, there was a clash between GD and UNM activists in Nakhiduri, Bolnisi district. On 29 September, activists and journalists were injured during a clash between GD and UNM activists near the DEC in Marneuli. On 7 October, GD leadership informed the ODIHR LEOM that it had taken supplementary action to exclude the suspects affiliated with the GD from further campaign activity; a local GD representative in Marneuli stated to the ODIHR LEOM that he was not instructed to take such measures. On 13 October, a Lelo party member was assaulted in Kutaisi, requiring hospital treatment. On 19 October, vehicles of a UNM candidate were shot at outside Bolnisi. UNM accused GD of being responsible for the shooting; GD denied responsibility and claimed UNM staged the incident. On 21 October, a GD party office in Dmanisi was attacked. Four people were injured.

pressure, often by local authorities and the State Security Service.⁴⁴ Moreover, ODIHR LEOM received reports of pressure on local public employees, teachers, and private businesses to participate in GD campaign events or confirm their support, and allegations of withdrawing state assistance in case of support to the opposition.⁴⁵ Minor damage to campaign materials was widespread, and the ODIHR LEOM received some reports of damage of campaign offices, and cases of obstruction from placing campaign materials.⁴⁶ The Code of Conduct for Political Parties, a declaration of commitments facilitated by the CEC, was signed by 40 parties.⁴⁷

The line between the ruling party and the state was often blurred, contrary to OSCE commitments and good practice.⁴⁸ GD representatives made a number of announcements during the campaign, which contributed to this impression, and was widely perceived as vote-buying.⁴⁹ Although not legally prohibited, campaigning by mayors on behalf of candidates of the ruling party was frequently observed. Various complaints of campaign-related misconduct were lodged resulting in some corrective or disciplinary actions.⁵⁰ (See also *Complaints and Appeals* section.)

While the Constitution prescribes the separation of church and state and the Election Code forbids campaigning by religious organizations, the ruling party invoked religious imagery in its appeal to voters in some of its campaign advertising, and some clergy of the Georgian Orthodox Church were observed in attendance at campaign events.⁵¹

⁴⁴ The leaders of the Democratic Movement – United Georgia, Free Democrats, Girchi and UNM parties alleged being followed by the State Security Service at several campaign events. SA declared their discontent with the fines from the Tbilisi municipality for placement of its tents outside Tbilisi City Hall during the campaign period, and asserted it restricted its right of free assembly. The Tribune party and EG reported difficulties renting campaign offices for political reasons.

⁴⁵ EG alleged that a number of teachers and school principals in Tbilisi were dismissed for opposition political activity. On 22 October, the ODIHR LEOM was informed of the possibly politically motivated dismissal of a headteacher in Mtskheta. On 8 October, 50 doctors in Gurjaani were invited to meet with the GD majoritarian candidate during working hours. The mayor of Dmanisi complained that GD used the management of a large local business to pressure their staff to vote for GD.

⁴⁶ On 13 October, a brick was thrown at the EG office in Kutaisi. UNM majoritarian candidate alleged that her office had been entered on 18 October by an unknown person. The Ministry of Internal Affairs has initiated an investigation. On 16 October, MIA issued a warning for damage to an EG poster in Kutaisi.

⁴⁷ Among others, the candidates committed to respect the rule of law and refrain from violence, hate speech, xenophobia, abuse of administrative resources, voter intimidation, discrimination, spreading fake news and humiliating others.

⁴⁸ Paragraph 5.4 of the [1990 OSCE Copenhagen Document](#) provides for “a clear separation between State and political parties”. See Guideline II. B. 1.1 of the [2016 ODIHR and Venice Commission's Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#) states that “the legal framework should provide effective mechanisms for prohibiting public authorities from taking unfair advantages of their positions by holding official public events for electoral campaigning purposes, including charitable events, or events that favour or disfavour any political party or candidate”.

⁴⁹ On 6 October, the Kartu Foundation of Bidzina Ivanishvili, the GD chairman, announced its donation of a 36-hectare park to the city of Tbilisi. On 21 October, the GD chairman opened the new campus of Kutaisi International University. In its campaigning advertising, the GD promised to build a football academy in Kutaisi, irrigate 40,000 hectares of land, and permit ownership registration of 1,200,000 hectares of land under state control to private owners. On 26 October, the GD mayor of Tbilisi announced the completion of the rehabilitation of Queen Darejan's Palace Monastery Complex. On 27 October, the prime minister opened a new football stadium in Batumi.

⁵⁰ APG was fined GEL 2,000 (1 EUR is GEL 3.8) for a video found to be in violation of a ban on campaign advertising that propagates religious or ethnic confrontation, for its anti-Turkish content. APG was also criticized for displaying a billboard with anti-Turkish messaging. The city council of Kaspi was fined GEL 2,000 for posting GD campaign materials on its Facebook profile and the municipality of Zugdidi was also found to have displayed GD campaign materials on its Facebook profile. Over 35 complaints alleged unauthorized campaigning by civil servants, public officials, and school teachers, and misuse of administrative resources, in favour of the ruling party.

⁵¹ The ODIHR LEOM observed that bishops attended GD campaign events in Uplistsikhe on 2 September; and in Kashuri on 3 September.

Campaign Finance

The recent amendments to the campaign finance legal framework addressed some previous recommendations put forward by ODIHR and GRECO, bringing it more in line with international good practice.⁵² These include further development of a uniform and consistent framework, the extension of campaign finance regulations to independent candidates, a legal requirement for publication of campaign finance reports, significant increases in fines for reporting violations, and the introduction of sanctions for third-party spending. Nevertheless, remaining shortcomings and limited enforcement diminish transparency and effectiveness of the campaign finance framework.⁵³

Eligible parties receive annual public funding, while majoritarian candidates not nominated by these parties do not have similar opportunity to access such public funds.⁵⁴ Electoral subjects that reach a five per cent threshold in these elections will be reimbursed for campaign expenditures up to GEL 1 million, proportionate to votes received. Unauthorized donors and donation limits are established by law, and a ban on donations of untraceable origin was introduced by the recent amendments. Parties and independent majoritarian candidates are subject to an annual and campaign spending limit, respectively.⁵⁵ The overall framework for public funding of parties and election campaigns, including publicly-subsidized paid political advertisements, which disproportionately favours a select few parties, and the high spending limits, significantly contributed to an uneven playing field.

The effectiveness of the State Audit Office (SAO), a body mandated to exercise party and campaign finance oversight, was challenged by its limited mandate and authority to investigate and sanction campaign finance infringements on a timely basis, leaving long-standing ODIHR and GRECO recommendations unaddressed. While the SAO's budget has been considerably enlarged in recent years, the significant increase in the number of parties participating in these elections has tested its capacity to provide effective supervision. According to the SAO, its oversight activities are generally limited to identifying easily observable violations, as its powers do not allow for investigations into potentially serious and systemic abuses in campaign finance. The lack of expedited deadlines for the SAO to address campaign finance violations further weakened the effectiveness of the oversight process.

Most contestants reported donations within five days of receipt and submitted periodic campaign finance reports.⁵⁶ The SAO did not take action to impose fines for late filing of reports; and many were not submitted in the required template, or properly completed.⁵⁷ The SAO uploaded the donations and reports on its website, as required by law. Inquiries into more than 1,000 questionable donations were launched by the SAO; requiring court permission to obtain donors' financial documents.⁵⁸ Prior to election day, most investigations were still ongoing.⁵⁹ Based on complaints and examination of the first interim reports, the SAO requested to impose fines in ten cases; the court issued remarks, warnings and two fines.⁶⁰ While the

⁵² See the 2018 GRECO [Second Addendum to the Second Compliance Report on Georgia](#).

⁵³ Paragraph 194 of the [ODIHR and Venice Commission Guidelines on Political Party Regulation](#) state that “transparency is also important because the public has the right to receive relevant information and to be informed. Voters must have relevant information as to the financial support given to political parties in order to hold parties accountable”.

⁵⁴ For 2020, parliamentary parties in factions and those parties that reached a three per cent threshold in the last parliamentary or local elections were eligible for public funding.

⁵⁵ The spending limit amounted to GEL 50 million for parties; independent majoritarian candidates could spend a portion of that amount, proportionate to the number of registered voters in the respective constituency.

⁵⁶ Interim campaign finance reports must be submitted to the SAO every three weeks from the call of the elections.

⁵⁷ Parties/candidates submitted campaign finance reports past the legal deadline, with some up to 20 days late.

⁵⁸ Most of the inquiries related to donations to the APG were based on a complaint alleging funding by foreign (Russian) monies; others related to GD, Lelo and Social Democrats for Georgian Development.

⁵⁹ According to the SAO, it requires up to six weeks to complete investigations as it relies on the courts and other agencies to obtain the necessary financial documents of individuals and companies.

⁶⁰ The court did not impose fines for donations in excess of the limit or from unauthorized donors. APG and Girchi were fined double the amount of an illegal donation for failure to disclose in-kind donations of free campaign spots on private TV stations. As of election day, four of the ten cases were pending court decision.

SAO is not required to publish its interim monitoring findings on a timely basis, it released a report on 23 October, on its own initiative.

Most political actors and civil society groups voiced concerns that the campaign finance reports did not reflect the true extent of campaign donations and spending. Parties and blocs declared a total of GEL 602,245 from donations, both monetary and in-kind, with the largest amount of GEL 10,138,929 to the GD.⁶¹ Most reported individual donations were much lower than the maximum GEL 60,000, but the ruling party received significantly more maximum individual donations than any other party.⁶² The campaign finance reports of some major parties at times did not accurately report the true expenses incurred.⁶³ For example, despite acknowledging their significant campaign staff to the ODIHR LEOM, EG, GD and UNM reported paying few salaries to campaign staff or allowances to volunteers.⁶⁴ Significant spending for online advertising was incurred, although in some cases, the expenses declared appeared to be lower.⁶⁵

Media

The diverse and pluralistic media environment was polarized along political lines and business interests. Television served as the main source of information for the overwhelming majority of the population.⁶⁶ The limited advertising market, which further declined during the COVID-19 pandemic, appeared unable to support the increasingly large number of media outlets, as most private broadcasters met by the ODIHR LEOM reported operating at a financial loss.⁶⁷ This challenges the sustainability of the media, and thus increases their dependence on the owners.

The broadcast market realigned in 2019, after the transfer of ownership of the most watched opposition television channel *Rustavi 2*. Its former managers subsequently established *Mtavari Arkhi* and *Formula* channels, employing the majority of the *Rustavi 2* journalists.⁶⁸ The state-funded Georgian Public Broadcaster's (GPB) annual budget is tied to the state's GDP figure and is comparable to the advertisement revenues of all TV channels combined.⁶⁹ The appointment of a director of Batumi-based public *Adjara TV*

⁶¹ Declared donations to Lelo were GEL 2,857,812; to UNM GEL 2,296,509; to SA GEL 2,015,505; to APG GEL 1,886,805 and to EG GEL 1,646,295. For the first reporting period, 16 parties and blocs, and 4 independent candidates reported zero donations and expenditures; for the second reporting period, 13 parties and blocs, and 2 independent candidates.

⁶² Out of 393 GD donors, 84 contributed the maximum allowed donation; compared with 3 of the 250 donors to EG; 13 of the 174 donors to the UNM; 16 of the 81 donors to Lelo; 15 of the 54 donors to SA; and 17 of the 43 donors to the APG.

⁶³ The GD declared campaign expenses of GEL 10,612,565; Lelo GEL 2,824,332; the UNM GEL 2,230,757; SA GEL 1,856,468, and the APG GEL 1,242,466.

⁶⁴ Lelo reported salary expenses of GEL 254,772 to 310 staff during the campaign; the APG reported paying GEL 55,146 to 90 staff; the UNM GEL 9,243 to 18 staff and the SA six staff a total of GEL 3,577. From 1-21 September, neither GD nor EG reported any staff expenses; from 22 September to 12 October, the GD reported staff expenses of GEL 39,888 and the EG GEL 14,694. Girchi party publicly stated that it receives unauthorized donations from foreign sources and circumvents disclosure of its funding and expenditures through use of personal bank accounts and cryptocurrency. The party informed the SAO of zero campaign donations and expenditures.

⁶⁵ Between 6 September and 19 October, [Facebook reported](#) that EG and its leading candidates collectively spent at least EUR 100,960 on Facebook advertising; Lelo at least EUR 65,412; the UNM at least EUR 54,086; SA at least EUR 44,869; and the GD at least EUR 39,588. For the period of 1 September to 12 October, EG declared spending GEL 346,535 (EUR 91,194) on Facebook; GD GEL 131,190 (EUR 34,523); SA GEL 91,596 (EUR 24,104); the UNM GEL 69,950 (18,407.92); Lelo GEL 34,639 (EUR 9,116).

⁶⁶ According to the Communications Commission (CC) [annual report](#), in 2019 on average Georgians spent 412 minutes watching television daily.

⁶⁷ In 2019, the Ministry of Finance reported that since 2016 *Imedi TV* had accumulated debt in unpaid taxes of some GEL 19 million and *Rustavi 2* some GEL 28 million.

⁶⁸ In July 2019, the European Court of Human Rights dismissed the case [Rustavi 2 Broadcasting Company LTD and others vs. Georgia](#) filed by the owners of pro-opposition channel *Rustavi 2* accusing Georgia's Supreme Court of bias.

⁶⁹ According to the CC, in 2019 the total advertisement revenue of all TV channels was some GEL 68 million. The annual budget for the GPB for 2020 was approved by the parliament at GEL 68.7 million.

resulted in a number of managers and journalists leaving *Adjara TV* citing pressure from the new management.⁷⁰

The results of the ODIHR LEOM media monitoring show that all monitored private broadcasters were visibly partisan.⁷¹ Furthermore, in the absence of genuine investigative programmes and analytical reporting, coverage of the campaign was at times limited to superficial reporting of daily campaign activities and mutual accusations between main political parties. While there were only a few debates among representatives of major political parties, numerous talk shows served as a platform for contestants to present their views and opinions and sharply criticize their opponents.⁷²

In line with the Election Code, extensive free air-time was provided on public and private national TV stations to the 18 political parties that qualified for public funding.⁷³ Based on their previous local election results, eight political parties also received state funding exclusively for paid political advertisements.⁷⁴ Political parties that were not entitled to public funding received substantially less free air-time and only on the public media, resulting in an uneven playing field. At their own initiative, the *GPB* and *Adjara TV* decided to provide five and six minutes of free time respectively to each party or bloc participating in the elections as an interview within their main newscasts.

Broadcasters were not liable for the content of political advertisements, but only for the compliance with the technical requirements.⁷⁵ While the law does not require content verification of political ads, some broadcasters attempted to do so but the process lacked uniformity. Some broadcasters only verified the compliance with technical requirements, others restricted the distribution of the advertisements, or requested their modification based on content.⁷⁶ On 1 October, the broadcast media regulatory body, the Communications Commission (CC), requested the court to fine *Pirveli* and *Formula TV* stations for violating the requirements for airing political advertisements; the sanctions were approved by the Tbilisi City Court.⁷⁷

Broadcasters that covered the elections were legally obliged to organize debates inviting all political parties qualified for public funding. The *GPB*, in addition to four debates scheduled for such parties, organized four

⁷⁰ On 10 March 2020, the OSCE Representative on Freedom of the Media [raised](#) concerns about dismissals and resignations of some *Adjara TV* and Radio key staff, and about management's reported interference in its editorial policy. On 21 October 2020, the Public Defender [called](#) the Prosecutor General to launch an investigation into the alleged persecution of the employees of *Adjara TV*.

⁷¹ From 28 September until the end of the campaign period on 30 October, the ODIHR LEOM monitored prime time (from 18:00 until 00:00) coverage of two public (*GPB* and *Adjara TV*) and five private (*Formula*, *Imedi*, *Mtavari*, *Pirveli* and *Rustavi 2*) national TV channels.

⁷² Paragraph 2 of part II of the [Recommendation](#) CM/Rec(2007)15 of the Council of Europe Committee of Ministers calls the member states to "adopt measures whereby public service media and private broadcasters, during the election period, should in particular be fair, balanced and impartial in their news and current affairs programmes, including discussion programmes such as interviews or debates".

⁷³ The regional broadcasters were obliged to allocate free time only if they sell air-time for paid political advertisements and only to those qualified contestants that purchased time on respective broadcaster. A total of 26 regional broadcasters had reported to the CC on their intention on allocation of free time to eight parties.

⁷⁴ The Election Code provides for public funding of paid political advertisements based on the results of the previous general elections. The CEC used the results of the 2017 local elections as a basis to provide 8 parties with up to GEL 600,000. One party that did not participate in the 2017 local elections, but participated in the 2016 parliamentary elections, contested the CEC's legal interpretation that deprived it of this public funding. On 15 October, the Tbilisi City Court upheld the CEC decision.

⁷⁵ These included ensuring that every advertisement submitted by the contestants had sign language interpretation and contained the name and number of the party of sufficient size within the advertisement.

⁷⁶ TV *Imedi* requested the Free Georgia party to alter the negative language in their advertisement targeting Lelo, while a number of broadcasters aired the ad unmodified. A complaint filed by Lelo to the CC was not satisfied. In another case, *Mtavari Arkhi* and TV *Imedi* temporarily refused to air paid political advertisements of EG that featured UNM leader Mikheil Saakashvili as he is not a Georgian citizen. While *Mtavari Arkhi* reversed their approach later by accepting advertisement, TV *Imedi* did not, resulting in the administrative procedures by initiated by the CC.

⁷⁷ During the campaign the CC monitored some 49 broadcasters for compliance with the legislation.

more debates for other electoral subjects. The GD reduced its participation in the debates to a handful of programmes, which may have limited the opportunity for voters to see major contestants debating.

Three private broadcasters, *Mtavari Arkhi*, *Pirveli* and *Formula*, displayed a clear bias against the ruling party and the government by allocating them between 29 and 35 and 11 and 16 per cent of largely negative prime-time news coverage.⁷⁸ By contrast, *Imedi* television provided 45 and 24 per cent of overwhelmingly positive and neutral coverage to the GD and the government, respectively, whereas the UNM-led coalition and EG received about 14 and 2 per cent of mostly negative coverage. Other contestants received a combined total of three per cent. The news coverage of *Rustavi 2* of all major contestants was mainly neutral; the broadcaster gave extensive coverage, some 27 per cent and 15 per cent to GD and the government respectively, while the UNM-led coalition, EG and Lelo received some 14, 9 and 6 per cent of coverage. *Adjara TV* focused mainly on local events and offered only limited coverage of the campaign; 18 per cent of coverage was provided to the Adjara local government. While both public TV stations *GPB* and *Adjara TV* provided the main contestants comparable amounts of largely neutral coverage, activities of the government were covered broadly.⁷⁹

Complaints and Appeals

The recent legislative amendments did not address longstanding ODIHR and Venice Commission recommendations to simplify the electoral dispute resolution process and broaden the rules on legal standing.⁸⁰ While registered contestants and accredited observer groups have the right to file complaints against decisions of election commissions and violations of election legislation, voters do not have broad standing to protect their rights in an electoral process, contrary to OSCE commitments and international standards and obligations.⁸¹ Many ODIHR LEOM interlocutors expressed a lack of trust in the election commissions, courts, and law enforcement bodies to impartially and effectively handle election-related complaints.⁸²

The one and two-day deadlines for filing and adjudication of complaints against decisions of election commissions are unduly short, according to international good practice, unnecessarily hindering the preparation, investigation, and adjudication of complaints.⁸³ Positively, the recent amendments reduced the lengthy deadlines for election commissions to submit administrative offence protocols to the courts and for their adjudication. While this addressed a previous ODIHR recommendation for a more expeditious process to handle violations of election legislation, the revised timeframes of up to ten days remain lengthy.⁸⁴

⁷⁸ The host of the popular social affairs talk-show on *Mtavari Arkhi* was also a majoritarian candidate. Despite her engagement in the electoral campaign, she continued to host her weekly show.

⁷⁹ In particular, the GD received 18 and 17 percent, the UNM-led coalition 13 and 13 percent, EG 8 and 6 per cent and Lelo 4 and 4 per cent accordingly. Activities of the government took 22 and 18 per cent of coverage on *GPB* and *Adjara TV*, accordingly. News casts of the *GPB* also provided notable coverage, some 24 per cent combined, to the other contestants.

⁸⁰ See the 2011 ODIHR and Venice Commission [Joint Opinion](#) on the Draft Electoral Code of Georgia.

⁸¹ Voters may only lodge complaints on non-inclusion on a voter list. Paragraph 5.10 of the [1990 OSCE Copenhagen Document](#) states that everyone shall have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity. Article 2.3(a) of the [ICCPR](#) states that “any person whose rights or freedoms as herein recognized are violated shall have an effective remedy...”. Guideline II.3.3.3.f of the [Code of Good Practice](#) provides that “all candidates and all voters registered in the constituency concerned must be entitled to appeal”.

⁸² Election commissions and courts have jurisdiction over various election-related complaints and violations. The CC, SAO, and municipalities have authority over violations by media organizations, campaign finance violations, and posting material misdemeanors, respectively. Police and prosecutors handle election-related criminal matters.

⁸³ The CEC and DEC denied consideration of various complaints on grounds of late submission. Guideline II.3.3.g of the [Code of Good Practice](#) provides that “time-limits for lodging and deciding on appeals must be short (three to five days for each at first instance)”.

⁸⁴ In practice, complaints seeking sanctions for violations generally did not receive timely consideration, with most decisions made on the deadline date despite lack of effective investigation.

Many decisions on complaints fall under the powers of the CEC/DEC chairs and their deputies rather than the election commission, weakening its status as a collegial body and limiting transparency in the handling of complaints.⁸⁵ Virtually all complaints lodged with the commissions were handled by the CEC/DEC chair, without review in open sessions. Furthermore, the CEC chair's decisions not to seek sanctions for alleged electoral offences are not subject to appeal, which limits the right to an effective remedy, at odds with OSCE commitments and international standards.⁸⁶

The online database maintained by the CEC enhanced transparency of the complaint resolution process.⁸⁷ Some 300 complaints were submitted to the CEC/DECs and 13 cases to courts, the vast majority was lodged by opposition parties/affiliates or observer groups.⁸⁸ Most disputes related to appointments of DEC/PEC members, hindrance of stakeholders' rights at DEC/PEC sessions, and procedural irregularities at PECs, as well as misuse of administrative resources, public servants campaigning during work hours, and campaigning by unauthorized persons in favor of the ruling party. The vast majority of complaints to CEC/DECs were denied consideration on technical grounds or dismissed on merits, many without adequate investigation or based on questionable interpretation of the law, undermining the right to effective legal remedy.⁸⁹ Some court decisions exposed ambiguities in the legislation that led to inconsistent interpretations.⁹⁰

Major opposition parties and some civil society groups boycotted sessions of the Inter-Agency Task Force on Free and Fair Elections (IATF) due to their perceptions of political bias and ineffectiveness.⁹¹ Lack of a clear mandate and limited participation by external actors raised questions about the IATF's added value to ensuring the integrity of the electoral process and building stakeholder trust.⁹² The Prosecutor's Office received 35 vote-buying reports, with three investigations launched. The Ministry of Interior launched 78 investigations concerning election-related violence and property damage, and 16 persons were charged for election-related violence in 12 incidents.

⁸⁵ The CEC chair can deny consideration of any complaint without review by the commission and any complaints concerning violations of the election legislation, including campaign regulations, are adjudicated by the CEC/DEC chair or their deputy.

⁸⁶ Guideline II. 3.3 of the Code of Good Practice in Electoral Matters provides that "the appeal body in electoral matters should be either an electoral commission or a court... In any case, final appeal to a court must be possible." The law does not specifically state that CEC chair decisions refusing to draw up an offence protocol are not subject to appeal; however, previous court decisions have ruled no right to appeal in such cases. In April 2020, a Constitutional Court petition was lodged by a civil society group challenging the lack of a right to appeal; the case is pending decision. In one case, the Tbilisi Court of Appeal deemed that the CEC chair's denial of a complaint requesting an administrative offence protocol for alleged misconduct of a DEC member was not subject to judicial review.

⁸⁷ The CEC is obliged to upload complaints submitted to the CEC/DECs and related decisions within one day of receipt. Court decisions in which commissions are parties are not required to be uploaded although, in practice are entered in the database.

⁸⁸ Some 225 complaints to the CEC/DECs challenged DEC/PEC decisions and actions; the remainder of complaints alleged misconduct in the election administration and/or campaign process. Few complaints were lodged in court against CEC decisions, most relating to registration of parties to participate in the election.

⁸⁹ The CEC refused to draw up administrative offence protocols in 23 out of 26 cases, and the DEC members in 42 out of 44 cases. Many complaints were dismissed based only on the denial or response of the alleged violator; and at times on dubious evidence, including a public servant justifying his official car was at a campaign rally as it broke down near the event; other cases were dismissed without clear basis. Cases against DEC/PEC members' participation in campaign activities, which is prohibited by law, were dismissed by CEC/DECs on grounds that the commission's first session had not yet been held and/or that the candidate had not yet been formally registered.

⁹⁰ One court case related to the application of the later deadline for submission of registration documents for parties and another case to entitlement to the public subsidy for paid political ads.

⁹¹ The IATF is composed of high-level officials from various ministries and agencies, headed by the Ministry of Justice; political parties and accredited observer groups are entitled to participate in the sessions. Prior to election day, 10 sessions were held.

⁹² Under the Election Code, the IATF's mandate is to discuss facts of election-related violations in relation to public officials, identified through media and other sources. However, in practice, a broader range of issues were initiated and discussed, while at the same time stakeholders raised issues that were refused consideration for lack of mandate. The IATF issued two non-binding general recommendations essentially calling on public officials and political actors to refrain from campaign misconduct.

Citizen and International Observers

The election legislation provides for observation by national and international observers, as well as by representatives of contestants.⁹³ The Election Code contains detailed provisions on the rights and responsibilities of observers and grants them unhindered access to all stages of the electoral process. In an inclusive procedure the CEC registered 132 citizen observer organizations with over 47,000 observers, 48 international organizations and 118 local media with some 6,000 journalists. Several citizen observer organizations conducted long-term observation, and deployed short-term observers on election day, contributing to overall transparency of the process.⁹⁴

Participation of National Minorities

According to the last census, 13.2 per cent of the population are national minorities; the most sizeable ethnic minority groups are Azerbaijanis (6.3 per cent) and Armenians (4.5 per cent).⁹⁵ The Constitution grants national minorities full political rights.⁹⁶ The Election Code provides that electoral platforms must not incite ethnic confrontation.

Several electoral subjects included persons belonging to national minorities in their candidate lists, but few in electable positions.⁹⁷ National minority candidates ran for majoritarian races mostly in two of the national minority-populated election districts.⁹⁸ Candidates were able to campaign in minority languages. Ethnic Armenians were well represented in DEC and PEC in Armenian populated areas. Ethnic Azerbaijanis were not represented at all in DEC, but were represented in some PECs in Azerbaijani populated areas, albeit lacking gender balance as they were predominantly male.⁹⁹

The Election Code provides for the translation of voter lists and ballots in minority languages. The CEC established 348 PECs in electoral districts densely populated with ethnic minorities.¹⁰⁰ The CEC conducted voter information and provided election materials to PECs in Armenian and Azerbaijani languages. Furthermore, local media outlets in minority-populated areas complemented voter information efforts in minority languages.

Election Day

The IEOM did not observe election day proceedings in a systematic or comprehensive manner, and mission members visited a limited number of polling stations in 28 of the 64 municipalities. In the polling stations visited the voting process was transparent and procedures were mostly followed; but occasionally voters' identity was verified without removing face masks. Preventive measures against COVID-19 were in place but not followed consistently in most polling stations visited; social distancing was rarely respected or

⁹³ Qualified electoral subjects were entitled to receive state funding for their representatives at each DEC and PEC.

⁹⁴ The largest citizen observation efforts were carried out by International Society for Fair Elections and Democracy (ISFED), the Georgian Young Lawyers Association (GYLA), Transparency International Georgia. Most citizen observer organizations adjusted their observation plans due to worsening epidemiological situation.

⁹⁵ Followed by Russians 0.7 per cent, Ossetians 0.4, Yazidis 0.3, Ukrainians 0.2, Kists 0.2, Greeks 0.1, Assyrians 0.1, and other groups 0.4.

⁹⁶ This includes the right to use their mother tongue in private and public. The Constitution prohibits discrimination on national, ethnic, religious or linguistic grounds, as well as the formation of political parties propagating ethnic strife. It bans the creation of political parties based on the territorial principle.

⁹⁷ According to ODIHR LEOM analysis: GD – 5 of 150 candidates; UNM – 5 of 177; EG – 6 of 150; Lelo – 6 of 139; APG – 8 of 132; SA – 12 of 151; LP – 8 of 169; Traditionalists – 45 of 128; Tribune 15 of 167 and For Justice – 26 of 125.

⁹⁸ Ten ethnic Azerbaijani candidates ran in the majoritarian election district No. 13 and 7 ethnic Armenian candidates in the district No. 18.

⁹⁹ According to the CEC, there were 22 Armenian speakers in DEC. In 12 election districts densely populated by national minorities, there were 710 Azerbaijani speaker PEC members and 840 Armenian speaker PEC members.

¹⁰⁰ 211 Georgian-Azerbaijani, 133 Georgian-Armenian, and 4 Georgian-Azerbaijani-Armenian PECs.

possible outside and inside polling stations. Women constituted an overwhelming majority of commission members at the polling stations visited.

The secrecy of the vote inside the voting booth was mostly respected; however, permanent video recording or photographing of voters casting their ballots, contributed to a potentially intimidating environment in a number of observed polling stations.¹⁰¹ The excessive number of party representatives and citizen observers contributed to overcrowding of most visited polling locations. Apart from the well-established citizen observer groups, a number of new observer organizations, apparently operating as party proxies, mainly for the ruling party, were present. In some instances, these observers were seen as interfering with the work of PEC members or actively determining who should enter the voting premises. Intimidating presence of party coordinators and activists, often tracking voters, was observed outside most polling stations visited. Some incidents of violence were reported, including a clash between several dozen GD and UNM activists near the PEC in the Gldani district of Tbilisi, resulting in six arrests.

On election day, the Ministry of Internal Affairs launched criminal investigations into 12 violent incidents. In addition, nine persons were arrested for election-related hooliganism. The Prosecutor's Office launched one investigation into vote-buying filed on election day. The CEC has uploaded on its database some 380 complaints lodged with DEC's, mostly relating to distribution of roles during opening, hindering the observer's rights, violation of the secrecy of the vote and interference in the PEC work by party representatives.

The limited number of counts observed were generally assessed as transparent, but often slow and lengthy; procedures were largely followed with some minor inconsistencies. There were several instances of party-linked observers interfering with the work of the polling staff. The initial stages of district tabulation, when observed, were well-organized and transparent. The ODIHR LEOM will continue observing the tabulation process in the coming days. The CEC announced preliminary voter turnout at 56 per cent.

***The English version of this report is the only official document.
An unofficial translation is available in Georgian.***

MISSION INFORMATION & ACKNOWLEDGEMENTS

Tbilisi, 1 November 2020 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), and the NATO Parliamentary Assembly (NATO PA). The assessment was made to determine whether the elections complied with OSCE commitments, Council of Europe standards, other international obligations and standards for democratic elections and with national legislation.

Elona Hoxha-Gjebrea was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the OSCE short-term observers. Pia Kauma headed the OSCE PA delegation. Tiny Kox headed the PACE delegation. Osman Askin Bak headed the NATO PA delegation. The ODIHR LEOM, deployed from 25 September, is headed by Jillian Stirk.

The ODIHR LEOM includes 14 experts in the capital and 27 long-term observers deployed throughout the country. The OSCE PA delegation includes 25 observers, the PACE delegation includes 13 observers, and the NATO PA delegation 12 observers.

¹⁰¹ The Election Code allows the persons authorized to be in polling stations to take pictures and record videos of the election processes, provided that the secrecy of the vote and personal data is not compromised.

ODIHR, OSCE PA and PACE have endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process. The OSCE PA will present its report at its next Standing Committee meeting. PACE will present its report at its next plenary session. The NATO PA Head of Delegation will report back to the Standing Committee during the online Annual Session on 22 November 2020.

The observers wish to thank the authorities for their invitation to observe the elections, and the Central Election Commission and the Ministry of Foreign Affairs for the assistance. They also express their appreciation to other state institutions, political parties and civil society organizations and the international community representatives for their co-operation.

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