



Office for Democratic Institutions and Human Rights

GEORGIA

PARLIAMENTARY ELECTIONS

31 October 2020

**ODIHR Limited Election Observation Mission
Final Report**



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ODIHR Limited Election Observation Mission Final Report¹

I. EXECUTIVE SUMMARY

Following an invitation from the Ministry of Foreign Affairs of Georgia, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Observation Mission (EOM) on 25 September. However, due to the extraordinary circumstances caused by the COVID-19 pandemic and the resulting travel restrictions throughout the OSCE region, ODIHR decided to change the format of the deployed observation activity to a Limited Election Observation Mission (LEOM). The ODIHR LEOM assessed compliance of the election process with OSCE commitments and other international obligations and standards for democratic elections and with national legislation. For the short-term election observation, the ODIHR LEOM joined efforts with delegations from the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), and the NATO Parliamentary Assembly (NATO PA) to form an International Election Observation Mission (IEOM). In line with ODIHR standard methodology for LEOMs, the mission did not carry out a comprehensive or systematic observation of election-day proceedings, but visited a number of polling stations on election day.

The Statement of Preliminary Findings and Conclusions issued by the IEOM on 1 November concluded that the 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.”

On 31 October, Georgia held parliamentary elections under a revised electoral system with 120 members of parliament proportionally elected nationwide and 30 elected in single-member constituencies. The reduced threshold of one per cent for parliamentary representation increased the competitiveness of the pre-election environment, with many new parties entering the political arena. Contrary to international good practice, the boundaries for the single-member constituencies were defined solely through a political process, albeit one of consensus. The boundary delimitation resulted in the significantly unequal distribution of voters amongst the constituencies, undermining equality of the vote, which is inconsistent with the principle of equal suffrage.

The electoral legal framework overall provides a sound basis for holding democratic elections. However, despite previous ODIHR recommendations, gaps and ambiguities in the election legislation persist which, in some instances, led to an inconsistent application of the law by the election

¹ The English version of this report is the only official document. An unofficial translation is available in Georgian.

administration, courts and other relevant actors. Recent legislative amendments, adopted following an inclusive consultation process, partially addressed previous ODIHR and Council of Europe recommendations. However, a number of recommendations remain outstanding, including those related to campaigning, election administration, campaign finance, media, the complaints and appeals process, and a regulatory gap on recounts and annulments of the election results at all levels. While many stakeholders welcomed the changes, concerns were raised about a lack of effective implementation in the areas of the election administration, campaign, campaign finance, and election day procedures.

The elections were managed by three levels of election administration led by the Central Election Commission (CEC). The election administration met legal deadlines and generally managed technical aspects of the elections efficiently amid COVID-19 pandemic related adjustments. The CEC held regular sessions open to representatives of electoral subjects, observers and the media. Many important matters were not discussed by the CEC as a collegial body at open sessions, which was in line with the law but limited 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.

Voter registration is passive, continuous and centralized. Voters had a wide range of options for verifying their data and requesting corrections. For the first round of elections, the final voter list contained 3,526,023 voters, and most ODIHR LEOM interlocutors did not raise significant concerns about its accuracy. 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 48 parties and 2 election blocs, which provided voters with a wide choice. Several parties challenged their non-registration; one case was upheld. The registration process concluded 40 days after the official start of campaign, negatively affecting the equality of campaign opportunities.

The freedoms of assembly, association, and expression were mostly respected, and contestants were generally able to campaign freely and without undue restrictions. However, intimidation of party supporters and public sector employees was reported widely. The line between the ruling party and the state was often blurred, contrary to OSCE commitments and international good practice. A vibrant campaign was conducted in media and online, with many contestants turning to Facebook to connect with voters, but there was little discussion of substantive issues. Furthermore, the ODIHR LEOM noted that aspects of the legislation 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 mandate and capacity to effectively oversee the integrity of campaign financing remains limited. The overall framework for public funding of parties and campaigns, including publicly-subsidized paid political advertisements, which disproportionately favours a few parties, and the high donation and 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. While the main contestants were provided with comparable amounts of mainly neutral coverage on the public channels, the partisan editorial coverage by the

main private broadcasters, a lack of debates between the ruling party and main political opponents, and the confrontational tone of the campaign coverage significantly reduced the voters' opportunity to make an informed choice. Furthermore, in the absence of genuine investigative programmes and analytical reporting, coverage of the campaign was at times limited to reporting of daily campaign activities and accusations made by the main political parties.

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 out of 12 CEC members are women, including the chairperson. The majority of lower-level commission members and chairpersons were women. A mandatory quota for candidate lists, requiring at least every fourth candidate to be of an opposite gender was introduced, addressing a previous ODIHR recommendation. Thirty-one women (21 per cent of the parliament) were elected during these elections.

A number of national minority representatives ran as candidates on party lists, as well as in majoritarian contests mostly in minority-populated regions. The election administration provided voter information and ballot papers in minority languages. Seven candidates from national minorities were elected in these elections.

The legal framework for election dispute resolution is complex and unduly restrictive. The online, publicly accessible complaints database maintained by the CEC enhanced transparency of the process. Many ODIHR LEOM interlocutors voiced a lack of trust in the election commissions, courts, and law enforcement bodies to handle election-related complaints impartially and effectively. The vast majority of some 350 pre-election day complaints were denied admissibility or dismissed on merit, many without due consideration, undermining the right to effective legal remedy. The deliberation of some 1,660 post-election day complaints took place within a tense environment, amidst the rejection of the election results by the eight opposition parties that reached parliamentary threshold. The systemic rejection of the majority of complaints on formalistic grounds, significantly limited the opportunity to seek effective legal remedy.

In line with the ODIHR election observation methodology, the LEOM 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. The widespread presence of party coordinators and activists, often acting on behalf of the ruling party, outside of most observed polling stations was considered intimidating by a number of ODIHR LEOM interlocutors. Several citizen observer organizations conducted long-term observation and deployed short-term observers on election day, contributing to overall transparency. However, the excessive number of party representatives and party-affiliated citizen observer groups contributed to overcrowding in most polling stations visited. They also at times interfered in the election process or actively determined who should enter the voting premises. The limited number of counts observed were generally assessed as transparent, but often slow and lengthy. The turnout was announced at 56 per cent.

Shortly after preliminary results were announced, the eight opposition parties that surpassed the parliamentary threshold rejected the election results, alleging widespread electoral fraud. The parties boycotted the second round of elections and threatened not to take part in the new parliament, calling for new elections to be held under the new CEC leadership. Over the week following election day, several protests were held, including at the headquarters of the CEC. Following the conclusion of the complaints and appeals process in the commissions and courts and the rejection of challenges to the results in all districts, the CEC announced the final results for the first round of elections on 13

November. Seven parties unsuccessfully challenged the final results in court. In 17 districts, second rounds for majoritarian races were held on 21 November.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the Ministry of Foreign Affairs of Georgia, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Observation Mission (EOM) on 25 September. The ODIHR LEOM, headed by Ambassador Jillian Stirk, consisted of a 13-member core team based in Tbilisi and 27 long-term observers deployed throughout the country from 2 October. Mission members were drawn from 20 OSCE participating States. However, the extraordinary circumstances caused by the COVID-19 pandemic and the resulting travel restrictions throughout the OSCE region negatively affected the ability of the OSCE participating States to second short-term observers. Consequently, on 9 October ODIHR decided to change the format of the deployed observation activity from an EOM to a Limited Election Observation Mission (LEOM). The ODIHR LEOM remained in country to follow the post-election developments until 11 November.²

On election day, an International Election Observation Mission (IEOM) was formed as a common endeavor of the ODIHR LEOM and delegations of the OSCE Parliamentary Assembly (OSCE PA), the Council of Europe Parliamentary Assembly (PACE), and the NATO Parliamentary Assembly (NATO PA). 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. ODIHR, OSCE PA and PACE have endorsed the 2005 Declaration of Principles for International Election Observation.³

The ODIHR LEOM assessed compliance of the election process with OSCE commitments and other international obligations and standards for democratic elections, as well as with national legislation. In line with ODIHR standard methodology for LEOMs, the mission did not carry out a comprehensive or systematic observation of election-day proceedings, but visited a limited number of polling stations on election day. This final report follows a Statement of Preliminary Findings and Conclusions, which was released at a press conference in Tbilisi on 1 November 2020.⁴

The ODIHR LEOM wishes to thank the authorities of Georgia for the invitation to observe the elections, as well as the Central Election Commission (CEC) and the Ministry of Foreign Affairs (MFA) for their co-operation and assistance. It also expresses its appreciation to representatives of other national and local state institutions, candidates, political parties, public associations, civil society, media, the international community, and other interlocutors for their co-operation and for sharing their views.

III. BACKGROUND AND POLITICAL CONTEXT

The pre-electoral period was marked by increased political tension. A wave of anti-government protests demanding the resignation of the government and the conduct of early elections under a fully proportional system broke out in June 2019. Initial attempts to introduce a fully proportional system

² Due to financial and COVID-19 related constraints ODIHR did not observe the run-offs.

³ See the [2005 Declaration of Principles for International Election Observation](#).

⁴ See previous [ODIHR election observation reports on Georgia](#).

failed, fueling further protests.⁵ The 8 March 2020 Memorandum of Understanding between the main opposition parties and the ruling party led to the adoption of the constitutional amendments, and the conduct of these elections under a revised electoral system. The amendments introduced a larger proportional component 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. On 31 August, the president called parliamentary elections for 31 October.

The elections were held amid ongoing political tensions, and economic and public health challenges resulting from the COVID-19 pandemic. In line with the Constitution, these were the last parliamentary elections to be held under a mixed electoral system; a fully proportional system will be in place for future elections. Although the country elected its first female president 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.

In the last parliamentary elections held in 2016, the Georgian Dream (GD) won a constitutional majority, with 115 out of 150 members of parliament (MPs), and the largest opposition group, the United National Movement (UNM), 27 MPs. In 2017, most UNM 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 Girchi, the Labour Party and United Georgia – Democratic Movement. Although in Tbilisi some opposition parties cooperated by presenting joint candidates, the opposition appeared largely disunited prior to election day.

IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

Under the revised mixed electoral system, the 150 MPs are elected for four-year terms, with 120 proportionally elected in a single nationwide constituency, through closed party lists, and 30 in single-member constituencies.⁶ For these elections, the party threshold in the proportional contest was temporarily reduced from five to one per cent of valid votes cast.⁷ In the majoritarian contests, candidates had to obtain an absolute majority of valid votes cast to be elected; in those constituencies where no candidate receives the required number of votes, a second round should be held between the top two candidates, on the third Saturday from election day.

Following the recent constitutional change to the election system, the boundaries of the 30 single-mandate constituencies were established by amendments to the Constitution and Election Code only through a political process, albeit one of consensus.⁸ While the legislation provides that, to the extent

⁵ The ruling party Georgian Dream (GD) initiated draft constitutional amendments following its statement of 28 June 2019 to introduce a fully proportional electoral system for the 2020 elections. However, a constitutional majority to pass these was not reached. On 4 December, a group of 29 parliamentarians initiated amendments to the Election Code which gained insufficient support in parliament to pass.

⁶ Previously, 77 MPs were elected proportionally and 73 in single-member constituencies.

⁷ 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.

⁸ Guideline I.2.2.vii of the [Council of Europe's European Commission for Democracy Through Law \(Venice Commission\)' Code of Good Practice in Electoral Matters](#) (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

possible, boundary delimitation should ensure the equal distribution of voters, it lacks specific criteria for determining constituency boundaries.⁹ Of the 30 constituencies, 18 deviate by more than 15 per cent from the average number of voters.¹⁰ In addition, the merger of the electoral districts of Marneuli and parts of Gardabani reduced the potential for national minority representation in parliament.¹¹

The significantly unequal distribution of registered voters amongst the constituencies contradicts domestic law and is at odds with the principle of equal suffrage.¹² Previous ODIHR and Venice Commission recommendations to regulate sufficiently the boundary delimitation process to ensure the equality of the vote and better guarantee political representation for national minorities have not been addressed.¹³

The constituency delimitation process should guarantee the equality of the vote and protect the national minority vote in line with previous ODIHR recommendations and international standards and good practice.

The parliamentary elections are primarily regulated by the 1995 Constitution, 2011 Election Code, 1997 Law on Political Unions of Citizens, and regulations adopted by the Central Election Commission (CEC).¹⁴ Georgia is party to major international and regional instruments related to the holding of democratic elections.¹⁵ The Constitution guarantees fundamental rights and freedoms that underpin a democratic election process, and the electoral legal framework overall provides a sound basis for holding democratic elections. However, gaps and ambiguities persist, which in some instances led to inconsistent application of the law by the election administration, courts and other relevant actors.

a geographer, a sociologist and a balanced representation of the parties and, if necessary, representatives of national minorities”.

⁹ 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.

¹⁰ 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.

¹¹ The recent redrawing of boundaries made some use of exceptions in the interest of encouraging the representation of ethnic minorities, namely by retaining the Akhalkalaki-Ninotsminda district; however, these two electoral districts had been merged already ahead of the 2016 elections, reducing the parliamentary representation of ethnic Armenians. Other national minority populated districts, such as Bolnisi, were merged into larger electoral districts.

¹² A 2015 Constitutional Court decision requires that any deviation follows the [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...”

¹³ See the ODIHR and Venice Commission [Joint Opinion on Amendments to the Election Code of Georgia](#), 14 March 2016.

¹⁴ Other relevant laws include the 2004 Law on Broadcasting, 2008 Law on the State Audit Office, 1999 Criminal Code, 1984 Administrative Offences Code, 1999 Code of Administrative Procedure, and 1999 General Administrative Code.

¹⁵ Including the [1966 International Covenant on Civil and Political Rights](#), [1979 Convention on the Elimination of All Forms of Discrimination Against Women](#), [1965 International Convention on the Elimination of All Forms of Racial Discrimination](#), [2003 Convention against Corruption](#), [2006 Convention on the Rights of Persons with Disabilities](#), the [1950 European Convention on Human Rights](#).

The electoral legal framework underwent significant amendments in June, July and September 2020.¹⁶ This was preceded by a year-long, broad and inclusive consultation process.¹⁷ However, the timing of the electoral system reform and legislative changes, shortly before the call of the elections, was at odds with international good practice.¹⁸ Some ODIHR recommendations were discussed in the amendment process and some were addressed, in whole or in part.¹⁹ While many stakeholders welcomed the changes as offering a level of improvement and expressed general satisfaction with the framework, concerns were raised about a lack of its effective implementation and enforcement, particularly in the areas of the election administration, campaign and campaign finance, and on election day procedures.

The amendments applied to various aspects of the electoral process.²⁰ A number of previous ODIHR and Venice Commission recommendations have not been addressed, including those related to legal provisions on campaigning, election administration, campaign finance, media, and complaints and appeals process, and a regulatory gap on recounts and annulments of the election results at all levels. The manner in which the amendments were technically incorporated into the legislation and the repetitive and transitory nature of many of the provisions, led to substantial incoherence and instability in the revised legal framework.²¹

To ensure a coherent and stable electoral framework, the legislation should be reviewed to bring it further in line with OSCE commitments, international standards and good practice, well in advance of the next election period and on the basis of an inclusive consultation process.

V. ELECTION ADMINISTRATION

The elections were managed by three levels of election administration comprising the CEC, 73 District Election Commissions (DECs) and 3,657 Precinct Election Commissions (PECs).²² In addition, 127 special PECs were set up for voters in quarantine. Elections were not organized in Abkhazia and South Ossetia. Voting abroad was held in 38 countries for the proportional component of the elections.²³

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

¹⁶ Amendments were primarily to the Constitution, the Election Code and the Law on Political Unions of Citizens.

¹⁷ Stakeholder proposals were considered and some adopted, although concerns were raised by ODIHR LEOM interlocutors that some agreed changes were not reflected in the final draft. The parliamentary vote was boycotted by EG and UNM; two-thirds of MPs voted.

¹⁸ Guideline II 2b of the [Code of Good Practice](#) states, in part, that “the fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election”.

¹⁹ Recommendations from ODIHR’s observation of the 2018 presidential election were discussed, however, recommendations from earlier observation reports were not considered.

²⁰ These included election administration, party and candidate registration, campaigning and campaign finance, campaign in media, election observers, and electoral disputes and offences, and regulation of the second round period.

²¹ In addition, many of the amendments have a temporary application for one or more parliamentary elections, up to and including the 2032 elections, or have a first-time future application as late as the 2028 parliamentary elections.

²² With the reduced number of majoritarian districts, 30 DECs retained their full powers, and 43 DECs were made subsidiary and played a supporting role with limited powers.

²³ In addition, two PECs were established for Georgian troops deployed in Afghanistan, ten special PECs in penitentiary institutions and one in a mental health institution. Due to the worsened pandemic situation, five of the previously foreseen PECs for out-of-country voting did not open, three in Azerbaijan and two in Greece.

president.²⁴ In addition, the CEC chairperson is elected with a two-thirds majority of the CEC members, from among three candidates proposed by the president. Non-partisan members of DEC members and PECs are elected by a majority of the total number of CEC and DEC members, respectively. Three CEC members were women, including the chairperson. Since 2017, parties with parliamentary factions 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 the election commissions.²⁵ This negatively impacted the public perception of the impartiality and independence of election commissions, required by the Election Code, international standards and good practice.²⁶

The composition of the election administration could be reconsidered to increase its impartiality and independence. The appointment formula could be revised to ensure more balanced political representation and to prevent factual dominance of a single political party.

All 73 DEC members were constituted by the legal deadline.²⁷ By law, parties are free to replace their appointees at DEC members at any time except on election day, a practice which may undermine the independence and stability of these bodies.²⁸ While more than half of the permanent, non-partisan DEC members served their second or third term, some 18 per cent of party-appointed DEC members were replaced between their appointment in early September and election day.²⁹ Women comprised 66 per cent of members in DEC members and over 74 per cent in PECs; 60 per cent of DEC chairpersons, and over 65 per cent of PEC chairpersons were women.

To ensure stability and independence of the District Election Commissions, the tenure of their members could be better protected against arbitrary replacement during a reasonable time prior to election day.

The recent amendments aimed to increase transparency and prevent conflict of interest in the election administration; however, most ODIHR LEOM interlocutors stated that these largely did not enhance the credibility of the selection process of non-partisan PEC members.³⁰ The compressed selection

²⁴ The president has to present two candidates for each vacancy based on the recommendation of a competition commission. By law, half of the competition commission members should be representatives of civil society organizations.

²⁵ 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. Following these elections, GD and UNM may obtain three seats each in commissions, as no other party could create a faction and no party is allowed to have more than three seats in commissions.

²⁶ Under Article 8.21 of Election Code an “election commission member is not the representative of his/her appointer/voter. An election commission member shall be independent in his/her activities and shall act only according to the Constitution of Georgia, law, and respective subordinate acts.” 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](#) underlines that “an impartial body must be in charge of applying electoral law”.

²⁷ DEC members have five permanent non-partisan permanent members; the other seven members (including one non-partisan) are appointed for the election period no later than 53 days before election day.

²⁸ Guideline II.3.1.77 and paragraph 77 of the [Code of Good Practice](#) recommend 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.

²⁹ Out of their 73 DEC members UNM replaced 35, EG 14 and APG 11, while GD substituted 20 of its 219 commissioners. UNM changed its DEC member in Tsalka 10 times, rotating 5 different persons.

³⁰ The new provisions disqualify party nominees who served as commissioners for the last general election to be non-partisan appointees, require DEC members to refrain from participating in the selection of 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 interpretation of the term by the CEC appeared

deadlines set by the Election Code in practice left five days for the submission of applications and another five days for the DEC to review applications and select 21,942 members.³¹ This resulted in a low number of applications that in most cases virtually prevented any meaningful competition.³² The CEC issued a non-binding recommendation for DEC to consider applicants with previous election experience and those who participated in the CEC-run electoral education programmes and to refrain from selecting applicants with multiple disciplinary sanctions in the past two years.

While most PEC chairpersons were non-partisan members, all 455 chairpersons elected from among party-nominated members represented the GD.³³ In some instances, the selection of non-partisan PEC members and the election of PEC leadership resulted in many 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.³⁴ In protest, in many districts, UNM and EG members of DEC and PEC refused to sign the CEC Code of Ethics for Election Administration.

The timeframes for submission and review of applications for Precinct Election Commission (PEC) membership could be extended to ensure meaningful competition. The selection procedures and criteria for the recruitment of PEC staff could be further elaborated to guarantee a more open and inclusive process.

The election administration met all legal deadlines and generally managed technical aspects of the elections efficiently, amid adjustments in response to the COVID-19 pandemic. The CEC and DEC held regular sessions open to representatives of electoral subjects, observers and the media. By law, some important matters fall exclusively under the purview of the chairpersons and were not dealt with by the CEC and DEC as collegial bodies at open sessions.³⁵ At odds with previous ODIHR recommendation, sessions held often lacked substantive discussion, which took place at internal working meetings, limiting transparency of the election administration.

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. Decrees, ordinances, decisions on complaints and session minutes of the CEC and DEC were publicly available online, contributing to

³¹ inconsistent. 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 applicants. The Election Code mandates DEC to select PEC members not earlier than 50 and no later than 46 days before election day, even though the first session of PEC should only be held no later than 30 days before election day. Due to this early deadline, the call for applicants was organized solely by permanent non-partisan members without participation or supervision of partisan members.

³² According to the CEC, for the six non-partisan positions 18 PECs had 5 or fewer applicants, 1,878 had 6 applicants, 955 had 7, and for 806 PECs there were 8 or more applicants.

³³ GD nominees held almost 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.

³⁴ Twenty-four complaints were lodged against PEC members, both non-partisan and partisan, for allegedly openly supporting parties' campaigns, including in social media, mostly in favour of the GD, and five against DEC members for participation in opposition campaigns. All adjudicated cases were dismissed without sound reasoning, while one DEC member was ordered by a court to pay a fine. Two DEC members acknowledged having campaigned for GD on their *Facebook* accounts, as alleged in complaints, based on the incorrect understanding that it was allowed during non-working hours or on private accounts.

³⁵ 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 the Election Code.

transparency of the process. The CEC enhanced the protection of its server infrastructure against cyberattacks and established a unit for combatting disinformation about the election administration.³⁶

To further increase transparency and confidence in the election administration, the Central and District Election Commissions should consider discussing all substantive matters collegially and in public sessions.

In response to the COVID-19 pandemic, the CEC in consultation with civil society and party representatives developed an epidemiological safety protocol for voting. The CEC also approved the possibility to hold its and DEC's sessions online, and for PECs to create 'special groups' and operate with fewer than the legally required quorum of seven members on election day.³⁷ The rules for quarantined voters were adopted close to election day, which left uncertainty for most of the pre-election process on how these voters would be able to cast their vote. Voters in quarantine facilities were automatically included in the CEC's special voter lists and the CEC established a call center for self-isolated voters to request homebound voting.³⁸ The CEC received almost 10,000 phone requests, but included only 3,695 officially self-isolated voters in the special list, offering most of the rest other ways to cast ballots.³⁹

The CEC's training center implemented comprehensive educational programmes for various stakeholders including election officials, observers, female candidates, and for prospective polling staff.⁴⁰ ODIHR LEOM observers assessed training sessions of PEC members as well-organized and interactive. Voter education was provided by the CEC through television and radio spots, focusing on voting procedures, COVID-19 protection measures at polling stations and secrecy of the vote. DEC's held public events to explain changes in the electoral system and possibilities to verify voter registration data. Some civil society organizations focused on first-time voters or potentially vulnerable groups providing voter education also in ethnic minority languages.

In line with a previous ODIHR recommendation to enhance accessibility of the polling stations, the CEC adapted 1,134 polling stations (31 per cent) for wheelchair users who could request a transfer of their registration to any of these polling stations within their electoral district.⁴¹ ODIHR LEOM observers noted, however, that some of the adapted polling stations were insufficiently accessible. The CEC website featured interface for voters with visual or hearing impairments. Polling stations were equipped with magnifying glasses and tactile frames for visually impaired voters. Homebound voting was available for those unable to leave their homes.⁴²

³⁶ In March 2020 there was a large-scale hacker attack on state institutions leaking personal data of citizens. Georgian media pointed at the CEC as a possible source of the leakage, which was denied by the CEC. No attacks were reported during these elections.

³⁷ The CEC Decree adopted on 21 October provided that if the minimal number of PEC members cannot be ensured, such PEC is regarded as a "special group" as defined by law.

³⁸ The relevant CEC decree established the 26 October deadline for voters in self-isolation to register on a 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 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 an additional four hours.

³⁹ Some 7,150 voters and medical staff in hospitals and quarantine centers, as well as 1,917 PEC members, party representatives and observers were included in voter lists of 127 special PECs offering voting exclusively through a mobile box procedure.

⁴⁰ Over 7,100 interested persons took part in courses for potential PEC members conducted by the training center in July in all 64 municipalities.

⁴¹ PECs only received a total of only 14 requests.

⁴² The CEC received 76,754 requests for homebound voting.

The authorities should continue their efforts to create an enabling and inclusive environment and further facilitate access to the election process for persons with disabilities.

VI. VOTER REGISTRATION

Citizens that are 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.⁴³ The denial of the right to vote for persons declared legally incompetent by a court on the basis of a disability is at odds with international standards.⁴⁴

Persons who are recognized by a court to lack legal capacity on the grounds of intellectual or psychosocial disability and those who require inpatient care should be allowed to vote, in line with international standards.

Voter registration is passive, continuous and centralized. The CEC compiles the voter list based on data from the civil register maintained by the Public Service Development Agency (PSDA), and on data from a number of other state institutions. Based on a transitory provision of the Election Code, voters with valid identification documents are automatically included in the voter list according to their actual or previously registered address.⁴⁵ In a continuous effort, the PSDA proactively contacted persons with irregularities or omissions in their records to enable inclusion of voters. A previous ODIHR recommendation to allow for a temporary transfer of voting location was not addressed.

Consideration could be given to introducing a secure mechanism to permit voters who are away from their official address of registration on election day to vote.

Voters had a range of options for verifying their registration data and requesting corrections.⁴⁶ 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.⁴⁷ In line with the law, seven political parties and two civil society organizations requested and received an electronic version of the voter list. Most ODIHR LEOM 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.

⁴³ 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.

⁴⁴ 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 a “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...” According to the CEC, such disenfranchisement affected 244 persons.

⁴⁵ The Election Code provides for an automatic inclusion until July 2023. This concerned mainly the internally displaced persons. According to the CEC the majority of persons in such situation was registered according to their actual address before the 2018 election.

⁴⁶ Voters were able to confirm their data at DECAs, online, through a mobile application or at some 11,500 payment terminals nationwide. The CEC website offered a dedicated interface for voters with visual or hearing impairments.

⁴⁷ Of those registered for voting abroad, 51,166 also had a valid address in Georgia; therefore, their entries in the unified voter lists in PECs at their permanent address were marked as “registered abroad”.

VII. PARTY AND CANDIDATE REGISTRATION

The 2017 constitutional amendments revised the eligibility requirements for parliamentary candidates. To stand, the eligible age was increased from 21 to 25 years of age and the residency requirement was increased from 2 to 10 years, at odds with international standards and good practice.⁴⁸ In line with previous ODIHR recommendations, the amendments abolished the state language proficiency requirement.

The residency requirement for candidates should be significantly reduced or removed, to ensure compliance with international standards.

A mandatory quota for candidate lists, requiring at least every fourth candidate to be of the opposite gender was introduced, addressing a previous ODIHR recommendation.⁴⁹ Additionally, parties eligible for public funding receive an increase of 30 per cent in funding if they include at least one of each gender within every three candidates on their lists.⁵⁰ Women represented an overall 44.3 per cent of party list candidates, and 31 women, including one majoritarian candidate, were elected during these elections.

Several parties suggested that the lower number of female majoritarian candidates may be due to concerns about online or other attacks on women's personal lives. A previous ODIHR recommendation to extend the funding incentive to the parties' nomination of women majoritarian candidates was not addressed.

To promote balanced gender representation, parties could enhance internal party policies to encourage women's participation, including increasing the number of women candidates among majoritarian candidates.

Candidate and party registration was generally inclusive; however, by law, the process extends well into the official campaign period. To participate in elections, parties had to pre-register with the CEC as electoral subjects to afterwards submit candidate lists.⁵¹ The registration concluded, as required by the law, 20 days before election day, after the expiration of the legal period for review and corrections of possible irregularities in candidate lists. Hence, the process was completed 40 days after the official start of the campaign period, at odds with the international good practice.⁵²

To ensure a level playing field, consideration could be given to adjusting the legal deadlines for party and candidate registration to prevent overlapping with the election campaign period.

⁴⁸ [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 of the [Code of Good Practice](#) states that “a length of residence requirement may be imposed on nationals solely for local or regional elections”.

⁴⁹ 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, following a case lodged by a political party attempting to overturn the gender quota.

⁵⁰ This enhanced the previous requirement of 3 in every 10. According to the CEC, a total of 22 parties met this condition. None of the largest parties fulfilled the additional quota. The recent amendments oblige parties to spend the additional funds on political activities of the women's wing of the party.

⁵¹ The lists must contain from 120 to 200 candidates.

⁵² The Guideline I.1.3.8. of the [Code of Good Practice](#) recommends: “In all cases candidatures must be validated by the start of the election campaign, because late validation places some parties and candidates at a disadvantage in the campaign”.

For these elections, the recent amendments decreased the number of required supporting signatures for parties from 25,000 to 5,000 and the obligation for candidates to take a drug test was temporarily suspended.⁵³ Some political parties enjoyed a number of legal advantages, such as a later registration deadline, exemption from the obligation to collect supporting signatures and the possibility to keep the electoral number used in previous elections.⁵⁴ Various contestants 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.⁵⁵

The CEC registered 50 electoral subjects (48 parties and 2 election blocs together comprising 7 parties). Out of 78 applicant parties, 5 withdrew and 19 were rejected by the CEC.⁵⁶ Four parties denied registration appealed the CEC decisions in court; one party was allowed by court decision to run.⁵⁷ In addition, one party's registration was unsuccessfully challenged in court by another party. Two parties that were deregistered for failing to correct irregularities in the candidate lists unsuccessfully appealed the decision.⁵⁸ 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. By law, most high-level public officials had to resign within two days of their nomination.

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 (22 per cent) were women. In total, 28 majoritarian applicants were rejected for failing to correct irregularities within legal deadlines and two were withdrawn by their nominating parties. The legislation permits candidates to run both in the proportional and majoritarian elections.⁵⁹

⁵³ The recent amendment of the Election Code introduced a new provision setting a personal responsibility of the person collecting signatures for the authenticity of the signatures and information on the relevant form. In lieu of the temporary repeal, elected MPs must provide a drug test certificate within seven days of election day.

⁵⁴ Parties that had an MP at the time of calling elections had to submit their application no later than 57 days before election day (i.e. 4 September), instead of 15 July, applicable for other parties. Moreover, the "qualified" electoral subjects (i.e. those that received at least three per cent of votes in the last parliamentary or local elections), and those electoral subjects that obtained at least 15,000 votes in at least one election held under proportional system, or in the last presidential election, were exempt from the obligation to collect supporting signatures.

⁵⁵ 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.

⁵⁶ The reasons for rejection included submission of the application by an unauthorized person (6), failure to meet deadlines (4), fix inaccuracies (1), or submit or rectify candidate lists (8).

⁵⁷ 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.

⁵⁸ 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.

⁵⁹ If a candidate is elected in both elections, the majoritarian seat takes precedence.

VIII. ELECTION CAMPAIGN

The election campaign officially began on 1 September, 60 days prior to election day. The campaign was largely competitive with a range of contestants representing different views. Although centred on personalities, the main issues included a discussion of the economic situation, and the government's response to COVID-19. Campaign activities intensified in the last week before election day, as did allegations of intimidation. The freedoms of assembly, association, and expression were largely respected, and contestants were generally able to campaign freely and without undue restrictions. However, isolated politically-motivated incidents of violence took place during the campaign.⁶⁰

The law does not establish a campaign silence period immediately prior to and on election day.⁶¹ The law generally provides for equitable campaign conditions for all contestants. Recent amendments enhanced the campaign legal framework addressing, in part, previous ODIHR recommendations. They introduced campaign-related restrictions on election day, added provisions to prevent the misuse of administrative resources, criminalized coercion and intimidation of voters, and strengthened the provisions for vote-buying.⁶² However, shortcomings in the campaign framework remain, including those addressed by previous 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.⁶³ During this campaign, various complaints of campaign-related misconduct were lodged, including on the misuse of administrative resources, but few corrective or disciplinary actions were taken.⁶⁴

The line between the ruling party and the state was often blurred, contrary to OSCE commitments and good practice.⁶⁵ GD representatives made a number of announcements during the campaign,

⁶⁰ 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 would exclude the suspects affiliated with the GD from further campaign activity; a GD representative in Marneuli stated to the ODIHR LEOM that he was not informed of such measures. On 13 October, a Lelo party member was assaulted in Kutaisi and hospitalized. 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.

⁶¹ With the exception of campaigning in the media, which is banned starting at midnight prior the election day.

⁶² 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, although the latter is not subject to sanction. 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 and planned work.

⁶³ Shortcomings include a legal provision that allows unrestricted 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](#).

⁶⁴ 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 schoolteachers, and the misuse of administrative resources, in favour of the ruling party.

⁶⁵ Paragraph 5.4 of the [1990 OSCE Copenhagen Document](#) provides for "a clear separation between State and political parties". 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

which contributed to this impression, and was widely perceived as vote-buying by ODIHR LEOM interlocutors.⁶⁶ Although not legally prohibited, campaigning by mayors on behalf of candidates of the ruling party was frequently observed.⁶⁷

As required by law, the Interagency Task Force for Free and Fair Elections (IATF) was established on 30 June.⁶⁸ Major opposition parties and some civil society groups boycotted sessions of the IATF due to their perceptions of its political bias and ineffectiveness. The 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.⁶⁹

The legal and institutional framework should be strengthened to effectively combat the misuse of administrative resources. Campaigning by high-level officials, including mayors, should be strictly regulated.

The campaign was visually dominated by the GD, and the UNM, EG, Lelo, APG and SA were also prominent. While political activities were not restricted by the government's COVID-19 regulations, many parties reported reducing public campaign activities due to health-related concerns; few large public rallies were held, and some parties were heavily criticized for encouraging large gatherings.⁷⁰ Most campaigning was conducted through billboards, posters, door-to-door canvassing, and some small-scale rallies. A vibrant campaign was conducted in the media and online, with most contestants turning to *Facebook* to connect with voters.⁷¹ Several cases of intolerant rhetoric were observed on

official public events for electoral campaigning purposes, including charitable events, or events that favour or disfavour any political party or candidate”.

⁶⁶ 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 chairperson 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.

⁶⁷ In the 2018 [Second Addendum to the Second Compliance Report on Georgia](#), GRECO stated that it “considers the deletion of the provision allowing for the unlimited campaigning by high-level public officials long overdue”. See also the [2016 ODIHR and Venice Commission's Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#) which 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”.

⁶⁸ 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 the 31 October election day, 10 sessions were held.

⁶⁹ 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; at the same time stakeholders raised issues that were refused consideration for lack of mandate. Based on discussion of some 50 varied issues, the IATF issued 3 non-binding general recommendations calling on public servants, school teachers, and political actors to prevent, and refrain from, the misuse of official position, abuse of state resources, and campaign violence.

⁷⁰ 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. At most campaign events observed by the ODIHR LEOM social distancing was not respected.

⁷¹ The legal framework does not regulate campaigning on social networks. 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” and sharing disinformation about Georgia's domestic politics and the COVID-19 outbreak. From August 2020, Facebook required 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.

social networks, and content widely considered as manipulative by electoral stakeholders. The ODIHR LEOM noted the use of official social networks profiles of public officials, including those of the prime minister and mayor of Tbilisi, for campaign purposes.⁷²

Women were usually underrepresented at some 60 campaign events observed by the ODIHR LEOM, and gender equality issues were almost entirely absent from the campaign.⁷³ Several parties and civil society groups noted their concerns that women candidates would be specifically targeted during the electoral campaign by their opponents, and that even the potential of the threat discouraged women's participation in the electoral process.

Many opposition parties alleged that their supporters and staff were subject to pressure, often by local authorities and the State Security Service (SSS).⁷⁴ On 6 November, the SSS announced that it had opened an investigation on 1 October, which was explicitly linked to the campaign and electoral process.⁷⁵

Negative campaigning was frequent and at times took a confrontational tone, which did not comply with the Code of Conduct signed by most political parties at the start of the campaign. The 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.⁷⁶ Minor damage to campaign materials was widespread, and the ODIHR LEOM received some reports of damage to campaign offices, and cases of obstruction from placing campaign materials.⁷⁷

To ensure public confidence in the electoral process and protect fundamental rights, the relevant authorities should take prompt and effective steps to properly investigate allegations of voter intimidation.

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.⁷⁸

⁷² Furthermore, the ODIHR LEOM observed a number of social network profiles, which, while not directly affiliated with contestants, used paid promotion to campaign for individual candidates or parties, or engage in negative campaigning against contestants.

⁷³ The ODIHR LEOM observed rallies in rural and urban areas in 9 of the 11 regions of Georgia.

⁷⁴ The leaders of the Democratic Movement – United Georgia, Free Democrats, Girchi and UNM parties alleged that they were followed by the SSS at several campaign events. SA expressed their discontent with the fines from the Tbilisi municipality for placement of its tents outside Tbilisi City Hall during the campaign period, and asserted these fines were excessive and restricted the party's right of free assembly. The Tribune party and EG reported difficulties renting campaign offices for political reasons.

⁷⁵ According to its [statement](#), the SSS launched an investigation based on information that certain individuals, in the case of an unfavourable result in the parliamentary elections, planned to overthrow the government by force.

⁷⁶ On 8 October, 50 doctors in Gurjaani were invited to meet with the GD majoritarian candidate during working hours. On 22 October, the ODIHR LEOM was informed of the possibly politically motivated dismissal of a headteacher in Mtskheta. EG alleged that a number of teachers and school principals in Tbilisi were dismissed for opposition political activity. The mayor of Dmanisi complained that GD used the management of a large local business to pressure their staff to vote for GD.

⁷⁷ On 13 October, a brick was thrown at the EG office in Kutaisi. On 16 October, the Ministry of Internal Affairs issued a warning for damage to an EG poster in Kutaisi. A UNM majoritarian candidate alleged that her office had been entered on 18 October by an unknown person; the Ministry of Internal Affairs initiated an investigation.

⁷⁸ The ODIHR LEOM observed that bishops attended GD campaign events in Uplistsikhe on 2 September and in Kashuri on 3 September.

IX. CAMPAIGN FINANCE

Campaign finance is regulated by the Election Code, the Law on Political Unions of Citizens, and the Law on the State Audit Office and related regulations. The recent amendments to the legal framework for campaign finance addressed some previous recommendations by ODIHR and GRECO.⁷⁹ These include further development of a uniform and consistent framework, the extension of campaign finance regulations to independent candidates, a legal requirement for the publication of campaign finance reports, significant increases in fines for non-reporting of violations, and the introduction of sanctions for third-party spending. Overall, the remaining shortcomings, including the need for explicit regulations on reporting third-party campaign spending and limited enforcement, diminish transparency and effectiveness of the campaign finance framework.

To enhance the transparency and oversight of campaign finance, the legislation should be further reviewed to address previously identified gaps and ODIHR and GRECO recommendations, including those concerning regulation of third party activities.

Eligible political parties receive annual public funding.⁸⁰ These funds can be spent on election campaigns, including for the parties' majoritarian nominees. Electoral subjects that reach a five per cent threshold are reimbursed for campaign expenses proportionate to votes received, up to GEL one million. Parties and independent candidates are subject to annual and campaign spending limits, respectively, which are particularly high and favor party-nominated candidates.⁸¹ Citizens and legal entities may annually donate up to GEL 60,000 and GEL 120,000, respectively, to one or more parties or independent candidates.⁸² Electoral subjects can take out loans of up to GEL one million to fund their campaign. The overall framework for public funding of parties and campaigns disproportionately favours larger parties, and does not contribute to a level playing field.⁸³

To contribute to a level playing field for parties and candidates, the campaign finance legal framework could be reviewed to bring limits on donations and spending further in line with international good practice.

The State Audit Office (SAO) is mandated to exercise party and campaign finance oversight. Its effectiveness to oversee campaign finances was challenged by the limited mandate and authority to investigate and sanction infringements on a timely basis, leaving long-standing ODIHR and GRECO recommendations unaddressed. According to SAO, its oversight activities are generally limited to identifying easily observable donation and spending violations, as its powers do not allow for

⁷⁹ See the 2018 GRECO [Second Addendum to the Second Compliance Report on Georgia](#).

⁸⁰ 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. The recent amendments broadened eligibility for parties to receive annual state funding after the 2020 elections, reducing the threshold to one per cent, and simplified the allocation formula, with GEL 15 for each vote up to 50,000 and GEL 5 for each additional vote.

⁸¹ Parties are subject to a fluctuating annual spending limit, including campaign expenditures of their candidates, equal to 0.1 per cent of GDP for the previous year. The annual spending limit in 2020 amounted to GEL 50 million; independent majoritarian candidates could spend a portion of that amount, proportionate to the number of registered voters in the respective constituency. Party-nominated majoritarian candidates are not subject to a spending limit separate from their nominating parties.

⁸² Donations from foreign, public-funded, religious, and anonymous sources are prohibited. Recent amendments broadened the bans on donations from foreign- or public-related monies and introduced a ban on donations from unsubstantiated sources. In-kind donations (goods and services) are to be declared at market value.

⁸³ [General Comment 25](#) to the ICCPR underlines the that "Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party." Also, see Paragraph 248 of the [ODIHR and Venice Commission Guidelines on Political Party Regulation](#).

investigations into potentially serious and systemic abuses in campaign finance.⁸⁴ Recent increase in the number of parties posed additional challenges for SAO to conduct meaningful and comprehensive oversight.⁸⁵ The election law does not provide deadlines for SAO to address campaign finance violations. The lack of deadlines for the SAO to address campaign finance violations further weakened the effectiveness of the oversight process. The SAO's position that it is not a suitable body to conduct party and campaign finance oversight may have undermined its efforts to effectively fulfill its mandate.⁸⁶

Political parties and initiative groups that nominate independent candidates must open dedicated bank accounts for all donations and expenditures. Party-nominated candidates are not subject to reporting requirements separate from their parties. Most contestants reported donations within five days of receipt as required by law and submitted the obligatory periodic campaign finance reports.⁸⁷ The SAO published donation data in a timely manner.⁸⁸ The second interim reporting period ended more than two weeks prior to election day, leaving a significant portion of campaign spending publicly disclosed only after election day.

Pursuant to a recent amendment, the SAO is required to publish the interim reports within five days of receipt, which some ODIHR LEOM interlocutors considered unnecessarily long.⁸⁹ There are no legal provisions requiring the SAO to verify campaign finance reports or publish its conclusions before election day, which limits the transparency and impacts voters' ability to make an informed choice. The SAO released a report on its findings on the first interim reports on 23 October, but did not release its findings on the second interim report prior to the election day. These factors limited voters' access to timely information on contestants' campaign finances.

To ensure that voters have timely and substantive information on campaign finance, consideration could be given to prompt publication of findings on interim reports prior to election day.

The SAO did not take action to impose fines for the many late filed interim campaign finance reports, reports not submitted in the required template, or reports not properly completed or detailed according to the template.⁹⁰ Inquiries into more than 1,000 questionable donations were launched by the SAO.⁹¹ These investigations required court permission to obtain donors' financial documents. According to the SAO, it requires up to six weeks to complete investigations as delays are caused by the reliance

⁸⁴ The SAO identifies potential violations through reviewing campaign bank account transactions and campaign finance reports, monitoring the campaign in the media, including social networks, field visits, and receiving complaints. For these elections, it was unable to conduct field visits due to the pandemic. The SAO's powers to summon witnesses, obtain documentation, and otherwise investigate potential violations, and to impose warnings or fines are limited, requiring court approval at each step.

⁸⁵ The SAO's political finance unit has eight regular staff and an additional four assigned for the election period.

⁸⁶ According to SAO, its mandate to oversee party/campaign finances amounts to a conflict of interest as the parties that it can sanction may have the power to approve the SAO's budget following elections.

⁸⁷ By law, interim campaign finance reports must be submitted to the SAO every three weeks from the call of the elections. The SAO set the reporting period for the first interim report as 1-21 September and the second reporting period 22 September-12 October and extended the legal submission deadline by three days (24 September and 15 October, respectively). A third periodic report was required to be submitted by 5 November, after election day. Electoral subjects must submit an audited final report after announcement of final results.

⁸⁸ The SAO is required to publish disclosed donations every 30 days. In practice, it published the data on an ongoing basis.

⁸⁹ The SAO published the reports within the legal deadline but prolonged the publication until the final deadline day.

⁹⁰ Fourteen parties and four candidates submitted the first interim report past the legal deadline and fourteen and two, respectively, submitted the second interim report late, up to 20 days past the deadline. Some 15 reports were submitted too early, failing to cover the whole reporting period.

⁹¹ Most of the inquiries related to donations to the APG based on a complaint alleging foreign funding; others related to GD, Lelo and Social Democrats for Development of Georgia.

on courts and other agencies to obtain the necessary financial documents of individuals and companies. The SAO does not have the power to compel interviews and faced difficulties to meet with summoned donors. Prior to election day, most investigations were still ongoing.⁹² Based on several complaints and review of the reported donations, the SAO requested to impose fines in ten cases of unauthorized or excess donations and undisclosed in-kind donations. In some cases, the court issued remarks or warnings instead of fines; two fines were issued.⁹³

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.⁹⁴ The ruling party received significantly more donations equalling to the legally prescribed maximum amount than any other party.⁹⁵ The campaign finance reports of some major parties at times did not accurately report the true expenses incurred, nor were expenses incurred by party candidates always included in parties' reports.⁹⁶ Despite acknowledging their significant campaign staff to the ODIHR LEOM, EG, GD and UNM reported paying few staff salaries or volunteer allowances.⁹⁷ Significant spending for online advertising was incurred, including by third parties, although in some cases, the expenses declared appeared to be lower.⁹⁸

The State Audit Office should systematically identify all technical breaches of the rules and reporting obligations, including late filing and improper completion. Further legislative measures could be taken to ensure that all campaign donations and expenditures, including by third parties and online, are disclosed and investigated in a timely manner. Proportionate and dissuasive sanctions should be promptly initiated and imposed for all violations.

⁹² By 23 October, the SAO was able to obtain documentation in only some 40 cases and to interview a fraction of those summoned.

⁹³ The court did not impose fines for donations in excess of the limit or from unauthorized donors. APG and Girchi were fined double the value of illegally donated free campaign spots on private TV stations.

⁹⁴ Parties and blocs declared a total of GEL 34,826,235 in donations, both monetary and in-kind, with the largest amount of GEL 14,543,797 to the GD, which was more than what the three next parties received combined. In the period of 1 September-31 October, declared donations to Lelo were GEL 5,999,459, UNM 4,784,436, SA GEL 2,464,066, EG GEL 2,414,206, and the APG GEL 1,886,805. Some electoral contestants reported zero donations and expenditures: in the first reporting period, 16 parties and blocs, and 4 independent candidates; in the second reporting period, 13 parties and blocs, and 2 independent candidates; and in the third reporting period, 7 parties and blocs, and 3 independent candidates.

⁹⁵ Out of 577 GD donors, 119 contributed the maximum allowable donation, compared with 40 of the 153 donors to Lelo; 20 of the 361 donors to the UNM; 17 of the 43 donors to the APG; 16 of the 73 donors to SA; and 5 of the 340 donors to EG.

⁹⁶ For the period of 1 September-31 October, the GD declared campaign expenses of GEL 16,164,358, Lelo GEL 5,979,269, UNM GEL 5,159,435, EG GEL 3,191,748, SA GEL 2,494,696, and the APG GEL 2,240,953. The Girchi party publicly stated that it received unauthorized donations from foreign sources and circumvented disclosure of its funding and expenditures through the use of personal bank accounts and cryptocurrency. The party declared no campaign donations and expenditures to the SAO.

⁹⁷ Lelo reported salary expenses of GEL 364,319 to 347 staff during the campaign; the APG reported paying GEL 110,594 to 94 staff and GEL 46,650 to 460 party activists, the UNM GEL 22,494 to 21 staff and GEL 355,283 to 1,200 party activists, and the SA 6 staff a total of GEL 7,146. From 1-21 September, neither GD nor EG reported any staff salaries; from 22 September-31 October, the GD reported 17 staff salaries totalling GEL 79,776 and payments to activists of GEL 592,298; the EG paid GEL 28,764 to 21 staff. A 2016 decree requires that the estimated market value of professional volunteers be declared in campaign finance reports.

⁹⁸ Between 1 September and 31 October, [Facebook reported](#) that EG and its leading candidates collectively spent at least EUR 154,840 on Facebook advertising, Lelo at least EUR 120,868, the UNM at least EUR 112,545, GD at least EUR 102,839, SA at least EUR 71,049, and the APG at least EUR 3,217. For the period of 1 September-31 October, EG declared spending GEL 559,303 (EUR 139,352) on Facebook, Lelo GEL 50,977 (EUR 12,700), the UNM GEL 295,004 (EUR 73,496), GD GEL 210,454 (EUR 52,431), SA GEL 279,924 (EUR 69,737), and APG GEL 18,087 (EUR 4,506).

X. MEDIA

A. MEDIA ENVIRONMENT

The diverse and pluralistic media were polarized along political lines and business interests. Television served as the main source of information for the overwhelming majority of the population.⁹⁹ The limited advertising market, which further declined during the COVID-19 pandemic, appeared unable to support the increasingly large number of media outlets, and most private broadcasters met by the ODIHR LEOM reported operating at a financial loss.¹⁰⁰ This challenges the sustainability of the media, and thus increases their dependence on the owners. Furthermore, in the absence of effective self-regulation, media outlets are increasingly used as a tool in divisive political campaigns. Although attacks on media representatives are usually swiftly investigated, journalists who work in tense environments, such as when covering protest rallies, at times became a target of verbal or physical abuse.¹⁰¹

The state-funded Georgian Public Broadcaster's (GPB) annual budget is tied to the state's GDP figure and is comparable to the advertising revenues of all TV channels combined.¹⁰² Despite significant funding and an increased focus on entertainment programmes in recent years, the GPB had limited viewership. The new GPB director was appointed on 25 September, after the previous director resigned in August.¹⁰³ The general director of Batumi-based public *Adjara TV* was dismissed by the supervisory board in 2019. Following the appointment of a new director, a number of managers and journalists left *Adjara TV* citing pressure from the new management.¹⁰⁴ 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.¹⁰⁵

The regional media advertisement market remains underdeveloped, which significantly affects production opportunities and the quality of programmes. Many regional and local media rely on the support of local authorities or international donor organizations. As a result of donors' support, some local media outlets provided coverage of main regional events in the languages of national minorities.

⁹⁹ According to the Communications Commission (CC) annual report, in 2019 on average Georgians spent 412 minutes watching television daily.

¹⁰⁰ 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.

¹⁰¹ On 29 September a journalist and a cameraman were beaten while covering the clashes between UNM and GD activists in Marneuli. On election day two journalists were injured during clashes near the polling station in Gldani. On 8 November, one journalist and three cameramen were injured by the police during the dispersal of the protest rally near the CEC.

¹⁰² According to the media regulator, 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. In addition, some GEL 44 million was allocated for the construction of the new building of the GPB.

¹⁰³ The former GPB director [explained](#) that he had resigned in order to avoid allegations of lacking impartiality during the campaign due to his previous involvement with two television channels affiliated with GD.

¹⁰⁴ 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 on the Prosecutor General to launch an investigation into the alleged persecution of the employees of *Adjara TV*.

¹⁰⁵ In July 2019, the European Court of Human Rights dismissed the case of [Rustavi 2 Broadcasting Company LTD and others vs. Georgia](#) filed by the owners of a Georgian pro-opposition television channel *Rustavi 2*, accusing Georgia's Supreme Court of bias.

B. LEGAL FRAMEWORK

The legal framework for the media provides for freedom of expression and prohibits censorship. It also requires the broadcast media to ensure accurate and fair coverage of facts, to present different opinions in news programmes, and to provide fair and impartial coverage of the campaign. The print and online media are largely unregulated. Contrary to international good practice, the silence period covered only the election day from midnight until the end of the polling.¹⁰⁶ The only exception is the publication of the opinion polls, which cannot be published within 48 hours of election day and until the close of the polls stations on election day. The broadcast media regulatory body, the Communications Commission (CC), identified that four broadcasters had published opinion polls after the allowed period and these broadcasters were subsequently fined by the Tbilisi City Court.

In line with the Election Code, extensive free air-time was provided and participation in debates was guaranteed on public and private national broadcasters only to the 18 political parties that qualified for public funding.¹⁰⁷ Based on their previous local election results, eight political parties also received state funding exclusively for paid political advertisements.¹⁰⁸ Political parties that were not entitled to public funding received substantially less free air-time and only on the public media. The existing system for allocation of free air-time unduly limited campaign opportunities for smaller parties which is at odds with OSCE commitments.¹⁰⁹ 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 in form of an interview within their main newscasts; this was used by most contestants.

The existing system for the allocation of free air-time and disbursement of funds for advertising should be reviewed to provide equal campaign opportunities to all contestants.

Regional broadcasters were obliged to allocate free time only if they sold air-time for paid political advertisements.¹¹⁰ The Election Code did not clearly regulate who should be the recipient of such free time, and the regional broadcasters interpreted that free air-time should only be allotted to contestants that purchased time on the respective broadcaster.¹¹¹

Consideration could be given to extending the requirements of the exact procedure for the allocation of free air-time on regional and local broadcasters to all upcoming elections.

Broadcasters were not liable for the content of political advertisements, but only for the compliance with the technical requirements.¹¹² While the law does not require the content verification, some

¹⁰⁶ Paragraph 9 of part I of [Recommendation CM/Rec \(2007\)15](#) of the Council of Europe Committee of Ministers advises the member states to consider “including a provision in their regulatory frameworks to prohibit the dissemination of partisan electoral messages on the day preceding voting.”

¹⁰⁷ Political parties that qualified for public funding received a combined total of 5 minutes per hour of free air-time on the public broadcaster, and 7.5 minutes per 3 hours of broadcast of free time on private national media.

¹⁰⁸ 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.

¹⁰⁹ Paragraph 7.8 of the 1990 [OSCE Copenhagen Document](#) requires participating States to “provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process.”

¹¹⁰ According to the media regulator 26 regional broadcasters allocated free time.

¹¹¹ The Election Code contains clearer provisions for regional broadcasters which will be applicable only after next parliamentary elections in 2024.

¹¹² 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.

broadcasters attempted to do so, but the process lacked uniformity. Some broadcasters only verified compliance with technical requirements, others restricted the distribution of the advertisements or requested their modification based on content.¹¹³ During the campaign, the CC requested the court to fine *Pirveli* and *Formula* TV stations for violating the technical requirements for airing political advertisements; the sanctions were approved by the Tbilisi City Court.

During the campaign period, the CC monitored 49 broadcasters for their compliance with the legislation and conducted quantitative and qualitative monitoring of the prime time coverage on 6 broadcasters. The CC had no authority over the content of the media coverage, as according to the Law on Broadcasting, such cases can only be reviewed by the self-regulatory bodies of the respective broadcasters.

C. MEDIA MONITORING FINDINGS

[Click Here to Read Media Monitoring Results](#)



ODIHR LEOM media monitoring findings showed that multiple opportunities were available for the major contestants to present their views through the media in various formats.¹¹⁴ However, partisan editorial coverage of the main national private broadcasters, lack of debates between the ruling party and main opponents, and the confrontational tone of the campaign coverage significantly reduced the voters' opportunity to make an informed choice. 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 of accusations made by the main political parties.¹¹⁵

Both public channels *GPB* and *Adjara TV* provided the main contestants with comparable amounts of mainly neutral coverage. In particular, the GD received 18 and 17 percent, the UNM-led coalition 13 and 13 percent, EG 8 and 6 percent and Lelo 4 and 4 percent of their total monitored coverage, respectively. However, both broadcasters provided broad coverage to the activities of the government, some 22 and 18 per cent, respectively. While newscasts of the GPB also provided notable coverage, some 24 per cent combined, to the other contestants, *Adjara TV* focused mainly on local events and offered only limited coverage of the campaign, providing some 18 per cent to the Adjara local government.

In their daily news, 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 between 11 and 16 per cent of largely negative prime-time news coverage, respectively.¹¹⁶ 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

¹¹³ 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 the advertisement, TV *Imedi* did not, resulting in the administrative procedures initiated by the CC.

¹¹⁴ 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.

¹¹⁵ Paragraph 2 of part II of the [Recommendation](#) CM/Rec(2007)15 of the Council of Europe Committee of Ministers calls on 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.”

¹¹⁶ 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 and was featured in the political advertisements. The LEOM media monitoring identified some 50 instances of the political advertisement focused on her aired by the channel.

per cent of exclusively negative coverage. Other contestants received a combined total of three percent. The news coverage of *Rustavi 2* of all major contestants was mainly neutral, however 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.

Broadcasters that chose to cover the elections were obliged to organize debates with the participation of political parties that qualified for public funding. The GPB organized, in addition to four debates scheduled for such parties, another four debates to cover other contestants. However, most private national and regional broadcasters saw such requirement as burdensome, claiming that the decision of the ruling party not to debate, and subsequent indifference to such debates from the main opposition parties would result in low viewership. Instead most broadcasters focused on organizing numerous talk-shows, current affairs programmes and interviews that featured interviews and presentations of the contestants, largely serving as a platform to campaign. Many regional broadcasters informed the ODIHR LEOM that they chose to offer interviews to contestants, as debates were seen as unfeasible in the absence of the main contestants.

The GPB complied with the legal requirements to provide for sign language interpretation of all election-related programmes, giving an opportunity for voters with hearing impairments to receive election-related information. Other broadcasters, including public *Adjara TV*, as a general practice, did not use subtitles or sign language in their editorial programmes. All election contestants provided for sign language interpretation of their paid political advertisements, as required by the Election Code.

The media coverage of women politicians reflected their limited role within parties and governmental structures. The ODIHR LEOM media monitoring showed that on *Imedi TV* women politicians received 11 per cent of coverage, on the GPB 15 per cent, some 19 per cent on *Adjara*, *Pirveli* and *Formula* and 24 per cent on *Rustavi 2* and *Mtavari Arkhi*. There were no programmes specifically devoted to gender equality issues, and women candidates were at times stereotypically presented as successful mothers.

XI. COMPLAINTS AND APPEALS

The legal framework for election dispute resolution is complex and unduly restrictive. While registered contestants and accredited observer groups have the right to lodge complaints against decisions of election commissions and violations of election legislation, voters do not have broad standing to protect their rights in the electoral process, contrary to OSCE commitments, international standards and good practice.¹¹⁷ The recent legislative amendments did not address long-standing ODIHR recommendations to simplify the election dispute resolution system and broaden the rules on legal standing.¹¹⁸ Moreover, many eligible complainants faced technical obstacles to lodge complaints.¹¹⁹

¹¹⁷ 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”.

¹¹⁸ See the 2011 ODIHR and Venice Commission [Joint Opinion](#) on the Draft Electoral Code of Georgia.

¹¹⁹ Section II.3.3b of the [Code of Good Practice](#) recommends that “the procedure must be simple and devoid from formalism, in particular concerning the admissibility of appeals”.

The electoral dispute resolution framework should be reviewed to simplify the process and broaden legal standing to ensure that citizens whose electoral rights are violated are entitled to lodge a complaint to seek legal remedy.

Many ODIHR LEOM interlocutors expressed a lack of trust in the election commissions, courts, and law enforcement bodies to handle election-related complaints impartially and effectively.¹²⁰ Decisions of an election commission can be appealed to the respective higher-level commission and further to the district or city court, with the courts of appeal as the final instance.¹²¹ The CEC or DEC chairperson can deny consideration of any complaint on technical grounds without review by the commission. 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.¹²² The CEC and DEC denied consideration of various complaints on grounds of late submission.¹²³

Violations of election legislation, such as breaches of campaign rules, including the ban on misuse of administrative resources, and violations committed by commission members, fall under general administrative procedures. By law, these complaints are to be reviewed by the CEC or DEC chairperson or their deputies and a unilateral decision made whether or not to submit an administrative offence protocol to a city or district court to request a sanction.¹²⁴ While the recent amendments addressed a previous ODIHR recommendation for a more expeditious process to handle complaints on violations of election law, the revised timeframes of up to ten days remain unduly long.¹²⁵ In practice, complaints seeking administrative sanctions generally did not receive timely consideration, with most decisions made on the deadline date despite lack of effective investigation, and with some cases left pending prior to election day.

Legal deadlines for submission and adjudication of all complaints, including post election day, should be revised to ensure that they allow for sufficient time to effectively prepare and adjudicate cases and, at the same time, provide for duly expedited resolution.

As various types of decisions on complaints fall under the powers of the CEC and DEC chairpersons and their deputies rather than the authority of the election commission, this weakens the status of commissions as collegial bodies and limits transparency in the handling of disputes. Virtually all complaints lodged with the election commissions were decided by the CEC or DEC chairperson, without review in open sessions. Furthermore, the CEC and DEC chairperson's decisions not to seek

¹²⁰ Election commissions and courts have jurisdiction over various election-related complaints and violations; police and prosecutors handle election-related criminal matters.

¹²¹ DEC decisions rejecting changes in voter lists or on observer registration are to be directly appealed to court. CEC decisions as a collegial body and certain decisions of the CEC chair are appealable to the Tbilisi City Court.

¹²² 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)”.

¹²³ The CEC and various DEC generally did not exercise their broad power under Articles 14 and 21 of the Election Code to consider and remedy serious allegations raised in complaints that were deemed inadmissible and, in some cases, did so on an inconsistent basis.

¹²⁴ The CC, SAO, and local executive bodies have authority to draw up administrative protocols for violations by media organizations, campaign finance violations, and posting material misdemeanors, respectively.

¹²⁵ The 30-day deadline for an election commission to draw up an administrative offence protocol and the 15-day deadline for the court to adjudicate the case have been reduced to 2-10 days depending on the offence. For instance, election commissions have 10 days to draw up protocols on misuse of administrative resources.

sanctions for alleged electoral offences are not subject to judicial appeal.¹²⁶ This limits the right to an effective legal remedy, at odds with OSCE commitments and international good practice.¹²⁷ In April 2020, a petition was lodged by a civil society group to the Constitutional Court challenging the lack of a right to appeal, referring to a previous ODIHR recommendation on the matter; the case is pending decision.¹²⁸

To further increase transparency and confidence in election dispute resolution, all election disputes should be handled by commissions collegially and in open sessions. To guarantee an effective remedy for election disputes, the law should provide for the right to seek judicial review of all decisions and (in)actions of election bodies and their officials.

The CEC maintains an online publicly accessible register of complaints filed with election commissions and courts, and the related decisions, which enhanced transparency in the election dispute resolution process.¹²⁹ Prior to the 31 October election day, some 350 complaints were submitted to the CEC and DEC and 14 cases to courts, the vast majority lodged by opposition or observer groups.¹³⁰ Most disputes related to appointments of DEC and PEC members, selection of PEC executive positions, hindrance of stakeholders' rights at DEC and PEC sessions, and procedural irregularities at PECs, as well as misuse of administrative resources, public servants campaigning during work hours, including on social media, and campaigning by unauthorized persons in favour of the ruling party. While working within legal deadlines, the vast majority of complaints were denied consideration by the CEC or DEC on technical grounds or dismissed on merit, many without adequate investigation, which undermined the right to effective legal remedy.¹³¹ Some court decisions provided inconsistent or questionable interpretations of the law, in part, due to ambiguities in the legislation.¹³²

To ensure effective remedy, election commissions should give due consideration to all complaints, taking into account facts gathered by way of thorough investigations and applying sound interpretation of the law.

¹²⁶ During previous elections the courts consistently ruled that the CEC chairperson's denial of a complaint requesting an administrative offence protocol is not subject to judicial review as per administrative law. In these elections, one complainant unsuccessfully attempted to seek judicial review against the CEC's refusal to seek sanction for alleged misconduct of a DEC member.

¹²⁷ Paragraph 5.10 of the [1990 OSCE Copenhagen Document](#). Guideline II. 3.3 of the [Code of Good Practice](#) 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".

¹²⁸ Article 60(6) of the Constitution provides that electoral norms adopted more than 15 months prior to an election cannot be deemed unconstitutional by the Constitutional Court in the respective election year.

¹²⁹ The database included complaints lodged as of 1 September, after the election was called; it does not include complaints related to registration of political parties in the elections. In addition to uploading CEC complaints and related decisions within one day, complaints to the DEC and related decisions must also be uploaded to the database. Court decisions in which commissions are parties are not required to be uploaded, but in practice are entered in the database; court decisions that deny admissibility are however not posted.

¹³⁰ Some 225 complaints to the CEC and DEC challenged DEC or PEC decisions and actions; the remainder of complaints alleged misconduct in the election administration and/or campaign process and sought sanctions. Few complaints were lodged in court against CEC decisions, most relating to registration of parties to participate in the election.

¹³¹ The CEC refused to draw up administrative offence protocols in 23 out of 26 cases, and the DEC 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 and PEC members' participation in campaign activities, which is prohibited by law, were dismissed by CEC or DEC on grounds that the commission's first session had not yet been held and/or that the candidate had not yet been formally registered.

¹³² 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.

In the pre-election period, the Prosecutor's Office received 36 vote-buying reports, with four investigations launched.¹³³ The Ministry of Internal Affairs launched 78 investigations concerning election-related violence, threats, and property damage, and 16 persons were charged for violence in 12 election-related incidents.

XII. CITIZEN AND INTERNATIONAL OBSERVERS

The election legislation provides for observation by citizen and international observers, as well as by representatives of contestants.¹³⁴ 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. Citizen observer organizations deployed short-term observers on election day and the more established organizations, such as the International Society for Fair Elections and Democracy (ISFED), the Georgian Young Lawyers Association (GYLA), Transparency International Georgia (TI) and Public Movement Multinational Georgia (PMMG) also conducted long-term observation, contributing to overall transparency of the process.¹³⁵ Many ODIHR LEOM interlocutors expressed concerns about a vast number of civil society organizations being linked to either the ruling or opposition parties.

XIII. 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).¹³⁶ National minorities enjoy full political rights under the Constitution. It prohibits discrimination on national, ethnic, religious or linguistic grounds, the formation of political parties propagating ethnic strife, and the creation of political parties based on the territorial principle. 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.¹³⁷ National minority candidates ran for majoritarian races in two of the national minority-populated election districts.¹³⁸ Contestants were able to campaign freely, using minority languages. During the campaign there were occasional instances of ethnicity being used as a polarising or mobilising factor.¹³⁹ Ethnic Armenians were well represented in DEC and PEC in Armenian populated areas. Ethnic Azerbaijanis were not represented at all in DEC, but were

¹³³ The other cases were closed due to determinations of insufficient evidence to warrant full investigation.

¹³⁴ Qualified electoral subjects were entitled to receive state funding for their representatives at each DEC and PEC.

¹³⁵ ISFED also conducted a parallel vote tabulation. Most citizen observer organizations adjusted their observation plans due to the worsening epidemiological situation.

¹³⁶ 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 (2014 census).

¹³⁷ According to the CEC: 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.

¹³⁸ Ten ethnic Azerbaijani candidates ran in election district No. 13 and 7 ethnic Armenian candidates in district No. 18; but none in other ethnic minority populated areas, such as districts No. 14 and No. 17, nor in Tbilisi.

¹³⁹ For example, several days before the elections, rumours were disseminated on social media in the Azerbaijani language that the UNM candidate in district No. 14, an ethnic Georgian, was actually an ethnic Armenian and that he had donated funds to Armenia's defence ministry. The candidate denied these rumours as fabricated.

represented in PECs in Azerbaijani populated areas, albeit lacking gender balance as they were predominantly male.¹⁴⁰

The Election Code provides for translation of voter lists, ballots and summary results protocols in minority languages. The CEC established 348 PECs in electoral districts densely populated with ethnic minorities.¹⁴¹ The CEC conducted voter information and provided election materials as well as training to PECs in the Armenian and Azerbaijani languages. Furthermore, local media outlets in national minority populated areas complemented voter information efforts in minority languages.

In the outgoing parliament, 11 members out of 150 were from national minorities. Only six candidates from national minorities were elected during these elections.¹⁴²

Electoral contestants could consider proactively incorporating inclusion agendas in their electoral platforms and improve representation of national minorities in their candidate lists, in electable positions.

XIV. ELECTION DAY

In accordance with ODIHR standard methodology, 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, and in a few cases voters were not properly checked for traces of ink. Preventive measures against COVID-19 were in place but not followed consistently in some polling stations visited. Social distancing was rarely respected or possible outside and inside polling stations.

An 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 a PEC in the Gldani district of Tbilisi, resulting in six arrests. The secrecy of the vote inside the voting booth was mostly respected; however, video recording or photographing of voters casting their ballots without their consent, contributed to a potentially intimidating environment in the majority of visited polling stations.¹⁴³ IEOM observers noted that the identity of those who installed video cameras was usually not known. Such recordings constituted another means of tracking voters, which could potentially be misused by political stakeholders after election day.

The use of video cameras in polling stations should be regulated to avoid any intimidating effect and risk of control of or repercussions on voters. To ensure that voters are able to cast their votes free of pressure and undue influence, the legally established perimeter around polling stations should be free of any canvassing and contestants' representatives.

¹⁴⁰ According to the CEC, there were 22 Armenian speakers in DECs. In 12 election districts densely populated by national minorities, there were 718 Azerbaijani speaking PEC members and 861 Armenian speaking PEC members.

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

¹⁴² According to the CEC: GD – 1 ethnic Armenian, 1 ethnic Azerbaijani, and 1 ethnic Kurd/Yazidi elected from the party list, 1 ethnic Armenian elected in district No. 17, and 1 ethnic Azerbaijani elected in district No. 13, UNM – 1 ethnic Azerbaijani elected from the list.

¹⁴³ 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.

The excessive number of party representatives and citizen observers contributed to overcrowding of most visited polling locations.¹⁴⁴ Apart from the well-established citizen observer organizations, a number of new observer groups, apparently operating as party proxies, mainly for the GD, UNM and EG, were present. In some instances, these observers were seen as interfering with the work of PEC members or actively controlling entry to the voting premises.

To prevent the misuse of citizen observation, political parties, candidates and citizen observer organizations should respect a clear separation of partisan and non-partisan observation.

Some 430 complaints were lodged with DEC's on election day, alleging procedural irregularities and misconduct in and around polling stations, all submitted by opposition parties and observer groups.¹⁴⁵ Two complaints alleged ballot stuffing, one during a vote and one at a count.¹⁴⁶ 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 limited number of counts observed were generally assessed as transparent, but often slow and lengthy; procedures were largely followed with some minor inconsistencies, such as invalidating unused ballots only after opening ballot boxes. There were several instances of party affiliated observers interfering with the work of the polling staff, as observed in Marneuli, Ozurgeti, Gori and Gurjaani. Photocopies of results protocols were generally distributed to party representatives and citizen observers, and in most cases also posted outside.

The initial stages of district tabulation, where observed, were well-organized and transparent with PEC results read aloud and, in many DEC's, spreadsheets with tabulated results projected on the wall. The PEC results protocols were checked and subsequently scanned and uploaded in the CEC's electronic filing system. In line with the Election Code, potential discrepancies or omissions were corrected by PEC members on election day or the following day when prompted by the corresponding DEC; subsequently amendment protocols were drafted and attached to the results protocol. Procedures allow for corrections based solely on explanatory notes written by the PEC members describing the reasons for mistakes, without a proper investigation by the DEC.¹⁴⁷ According to the CEC, results protocols were amended by 507 PECs (13.2 per cent) in the proportional race and 584 PECs (15.4 per cent) in the majoritarian races. This was a notable increase compared to past elections, which the CEC explained by a higher number of electoral subjects on the ballot and over 600 PEC members replaced late in the process, as a result of the COVID-19 pandemic, who were not fully trained.

The election administration could consider establishing a reserve pool of trained Precinct Election Commission (PEC) members in each district to ensure a smooth replacement of PEC members and a professional conduct of voting and counting procedures.

¹⁴⁴ There were on average 20 representatives of electoral subjects and over 12 citizen observers accredited per polling station.

¹⁴⁵ These mostly related to distribution of PEC's members' roles, failure to check ink on voters' fingers or identification documents, violation of the secrecy of the vote, unstamped or unsigned ballot papers, pressure on PEC members, unsecured ballot boxes, hindering the observers' rights, interference in the PEC work by party representatives, campaigning around polling stations, and violation of COVID-19 safety protocols.

¹⁴⁶ The majority of the complaints requested disciplinary sanctions against PEC members. Of those, some 120 resulted in sanctions, almost all in the form of remarks, and in a few cases, written warnings ones.

¹⁴⁷ According to the CEC, explanatory notes were drafted in 615 PECs (16 per cent).

DECs made corrections to 70 PEC results protocols in the proportional race and to 135 protocols in the majoritarian races, based on complaints or on their own initiative. As reported by ODIHR LEOM observers, DECs usually avoided initiating recounts of ballots and largely relied on the explanatory notes and amendment protocols provided by PECs.¹⁴⁸

On election night, the CEC digitized the scanned PEC results protocols of all elections in a double-entry procedure. Based on the centrally tabulated results, the CEC started to announce provisional results disaggregated by polling stations, some 7 hours after the closure of polls.¹⁴⁹ These preliminary results were gradually adjusted in the following days to reflect amendments to results protocols introduced by DECs. The published results did not contain some key information, such as the number of registered voters, the number of those who voted or the number of invalid votes, which could facilitate the verification of the results by stakeholders.

Throughout the day, the CEC regularly published information on turnout by region and electoral district. At the end of polling, the CEC announced preliminary voter turnout at 56 per cent.

XV. POST ELECTION DEVELOPMENTS

Shortly after preliminary results were announced, the eight opposition parties that reached the parliamentary threshold rejected the election results, alleging widespread electoral fraud. The parties boycotted the second round of elections and threatened not to take part in the new parliament, calling instead for new elections to be held under a new CEC leadership. Several opposition parties and civil society groups claimed that many results protocols did not reconcile, to which the CEC offered some justificatory explanations, including human error, that some amendment protocols had been omitted, and that some voters were only eligible to vote in the proportional representation contest. On 3 November, the CEC convened a meeting with national and international organizations to provide explanations for the widespread occurrence of discrepancies.

Over the week following election day, several protests were held, including at the headquarters of the CEC. The response of the authorities to the protests resulted in injuries to both protesters and journalists who required hospital treatment. The Public Defender expressed concern about the possible use of excessive force at the demonstration held outside the CEC, while the government argued its actions were proportionate and necessary.¹⁵⁰ Protests were also held outside several DECs. A number of arrests were made during these protests.¹⁵¹

A number of other violent incidents occurred after election day. On 15 November, the Batumi office of the UNM was vandalized by unknown persons, leaving several windows broken. On 16 November, a serious fire occurred at the office of UNM majoritarian candidate for Gldani, in an alleged case of arson.

¹⁴⁸ According to the CEC, six recounts were conducted by DECS on their own initiative.

¹⁴⁹ The first CEC announcement of the summary and disaggregated results contained data from 1,085 PECs (28.2 per cent), although the scanned results protocols of individual PECs were published almost immediately.

¹⁵⁰ On 8 November, the Public Defender called on the police “not to use disproportionate force against the protesters.” On 9 November, the Ministry of Internal Affairs called a press conference to defend the actions of police against protesters as a necessary response to an immediate threat.

¹⁵¹ On 8 November, 19 persons were arrested for hooliganism during the protests at CEC headquarters, and 5 persons were arrested for hooliganism during protests in Tbilisi city centre. Additionally, at least 12 people were arrested during protests outside various DECs.

Following the conclusion of the post-election complaints process, the CEC announced the final results of the first round of elections on 13 November. Second rounds for majoritarian races were held on 21 November in 17 districts.

XVI. POST ELECTION COMPLAINTS

Following the election day, some 1,660 complaints were lodged with DEC's by opposition parties and observer organizations.¹⁵² Most concerned irregularities in PEC results protocols.¹⁵³ These mostly related to protocols that did not reconcile, as well as other procedural irregularities that potentially affected the results.¹⁵⁴ Many of the imbalances related to deficits in the number of recorded ballots, while some noted surpluses.¹⁵⁵ Various complaints challenged serious numerical irregularities, although many discrepancies in the reconciliations were of a minor nature.¹⁵⁶ The deliberation of complaints took place within a tense post-election environment. The CEC stated that the process was being used by stakeholders as a political tool to undermine public trust in the validity of the election results.

Most complaints requested recounts and/or invalidation of PEC results protocols.¹⁵⁷ Many additionally or exclusively requested the imposition of disciplinary sanctions or administrative offence penalties against PEC members, particularly chairpersons, for malfeasance.¹⁵⁸ Complaints submitted electronically were deemed inadmissible.¹⁵⁹ Prior to the holding of open DEC deliberative sessions, some two-thirds of the complaints were unilaterally denied consideration by DEC chairpersons, mainly on grounds that the claimant had not submitted authorization papers.¹⁶⁰ In some cases, DEC's made inconsistent decisions on legal standing.¹⁶¹ Moreover, DEC's generally did not invoke their broad authority to ensure the legality of the election process as a means to consider the

¹⁵² Some three-quarters were lodged by parties, mostly UNM, the remainder by observer groups, mainly GYLA, ISFED and Transparency International. A few were lodged by initiative groups.

¹⁵³ Some complaints concerned multiple protocols; in some cases, the same protocol was challenged by several complainants.

¹⁵⁴ Other claims related to protocols corrected after election day without review of voting materials or recounts of ballots or signatures, results protocols revised without an amendment protocol, unstamped and unsigned ballot papers, lack of proper seals on ballot boxes, improperly determined invalid ballots, cases of ballot stuffing, irregularities in mobile ballot boxes, and results protocols with missing signatures and stamps.

¹⁵⁵ According to the CEC, the apparent deficits were, in part, attributed to voters in quarantine and prisons who are allowed to vote in majoritarian contests only if housed in the constituency in which they are registered to vote.

¹⁵⁶ PEC results protocols did not require to specify the total number of valid votes, which made the reconciliation of ballots more difficult.

¹⁵⁷ Some 450 complaints requested recounts and some 950 sought invalidations of results protocols; some 25 complaints requested invalidation of mobile ballot boxes. Altogether results in 39 precincts were recounted.

¹⁵⁸ Some 860 disciplinary sanctions and some 30 administrative offence penalties were sought by complainants.

¹⁵⁹ GYLA reported that its electronic complaints were denied consideration; ISFED informed the ODIHR LEOM that, as a matter of accessibility, it preferred the option to lodge complaints through an online system.

¹⁶⁰ The Election Code is not sufficiently clear on the legal standing of registered party representatives and accredited observers in the post-election complaints process. They were generally prohibited from lodging complaints to DEC's unless an authorization letter from their organizations' headquarters was presented. Moreover, some claimants reported that DEC chairpersons denied legal standing without requesting claimants to submit authorization papers, which they had brought with them. 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. Section 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".

¹⁶¹ Some DEC's substantively considered cases lodged by accredited observers without authorization letter from their headquarters while other DEC's refused to consider such complaints.

substance of complaints that were denied consideration on technical grounds.¹⁶² The systemic rejection of complaints significantly limited the opportunity to seek effective legal remedy.¹⁶³

Election commissions should refrain from overly strict application of rules on complaint admissibility with the aim to assure substantive consideration of all complaints. To further enhance accessibility, the Central Election Commission could consider setting up an online system for submission of complaints to election commissions.

The Election Code lacks criteria for when recounts and annulment of polling results should be ordered, leaving a long-standing ODIHR recommendation unaddressed. In light of this, DEC's held unfettered discretion in the handling of complaints requesting recounts and/or invalidation of PEC protocols, which contributed to insufficient and inconsistent adjudication of these complaints.¹⁶⁴ Handling of the post-election complaints was largely a superficial process, lacking substantive consideration and investigation of discrepancies and credible bases for decisions.¹⁶⁵ Stakeholders reportedly faced obstacles accessing DEC sessions and a non-professional approach during deliberations, which undermined transparency and the credibility of the proceedings.¹⁶⁶

To ensure transparent, fair and uniform practice in handling post-election complaints, the Election Code should specify clear, objective criteria for granting and conducting recounts and annulments of results. District Election Commissions should be sufficiently staffed and trained to effectively handle complaints and conduct thorough investigations of all irregularities raised.

Most complaints considered by DEC's on merits were dismissed.¹⁶⁷ In the majority of satisfied complaints, PEC members were issued a remark, and in a few cases a written warning, for not properly fulfilling their duties; in a few cases administrative sanctions were initiated for gross violations. The DEC's inconsistently applied disciplinary measures in response to complaints, with many instances of improper execution of duties left unaddressed. The vast majority of recount requests were denied, with 14 recounts granted. According to the CEC, the majority led to no or minor changes in the protocols, and in some cases multiple changes to vote tallies; some triggered significant revisions.¹⁶⁸ One PEC protocol was annulled by a DEC, based on a complaint, which triggered a second-round election.¹⁶⁹ Ten mobile ballot boxes were invalidated, most due to complaints.

¹⁶² For instance, in Marneuli district a complaint with eyewitness testimony to a ballot stuffing at the start of a count when a large number of pre-marked ballots were surreptitiously added to the pile of ballots was left unconsidered.

¹⁶³ Section II.3.3b of the [Code of Good Practice](#) recommends that “the procedure must be simple and devoid from formalism, in particular concerning the admissibility of appeals.” The Explanatory Report of the [Code of Good Practice](#) notes that this applies especially in politically sensitive cases.

¹⁶⁴ On 4 November, while the complaints adjudication process was ongoing, the CEC issued a statement that it had informed DEC's “of its unequivocal position that summary protocols about which reasonable claims and substantiated circumstances may exist shall be opened and recounted by them”.

¹⁶⁵ In deliberating complaints, DEC's generally relied exclusively on the explanations of discrepancies provided by PEC members or on amendment protocols drawn up following the election day as a basis to reconcile the protocols, rather than verification of results through review of voting materials and counting of ballots and/or voter signatures.

¹⁶⁶ Complainants reported to ODIHR LTOs a lack of information on the time of sessions, deliberations held during late night hours, and being denied entry to sessions. Section II 3.3(h) of the [Code of Good Practice](#) states that the right of both parties to participate in hearings must be protected. On 3 November, the Public Defender issued a public statement condemning the DEC's hostile attitude toward accredited observers present at sessions during which complaints were handled.

¹⁶⁷ A total of 331 cases were dismissed, 128 partially satisfied, and 75 satisfied.

¹⁶⁸ There were cases of recorded ballots for a political party wrongly noted as zero, missing a digit, with reversed digits, or wrong digits; some recounts remedied such numerical errors. One complaint led to a revision of 300 ballots for one political party after review of the voting materials.

¹⁶⁹ The majoritarian results in the special polling station at the prison in Ksani, Mtskheta prison were annulled on grounds that some 500 prisoners registered to vote in another constituency were unlawfully permitted to vote in

Decisions to dismiss complaints were not always well-reasoned, limiting effectiveness of the complaints process.¹⁷⁰

Some 250 DEC decisions that denied consideration or dismissed complaints were challenged in district/city courts.¹⁷¹ Some claimants noted that the tight two-day deadline and lack of resources prevented them from lodging court appeals in all cases.¹⁷² The courts considered in substance some cases denied consideration by the DEC, but the vast majority of all cases were denied consideration or dismissed by the courts, and one protocol was annulled.¹⁷³ The courts ordered recounts in 19 cases, some granted at the court of appeal level following denials by first instance courts.¹⁷⁴ In similar cases, court judgments were inconsistent in the granting of recounts. A well-documented case of ballot stuffing in a PEC in Marneuli was not satisfactorily remedied by the courts.¹⁷⁵ Courts observed the two-day adjudication deadline under unnecessarily strained conditions.¹⁷⁶ Many of the appeal level cases were adjudicated without oral hearing.¹⁷⁷ Court decisions at both levels were generally not well-reasoned.

Complaints calling for annulment of DEC results protocols and, in some cases, recounts, relating to all 30 majoritarian constituencies and the proportional elections, were lodged with the CEC by 6 opposition parties and one observer organization.¹⁷⁸ All cases were dismissed by the CEC in a single decision based on lack of legal and factual grounds; five complainants unsuccessfully appealed the decision in court. Seven opposition parties unsuccessfully challenged in court the CEC's final results protocols.¹⁷⁹

the majoritarian election. Due to the close results, the annulment brought the apparent winning candidate in the constituency of Mtskheta-Mtianeti below 50 per cent, resulting in the call of a second round.

¹⁷⁰ Paragraph 5.11 of the [1990 OSCE Copenhagen Document](#) provides “administrative decisions against a person must be fully justifiable”.

¹⁷¹ A number of cases were merged by complainants mainly to save on court-filing fees. In total, some 100 court cases were lodged with district/city courts and some 70 first instance decisions were appealed to a court of appeal.

¹⁷² For instance, GYLA reported that it was able to lodge court appeals against less than half of its 79 dismissed complaints and opposition parties informed the ODIHR LEOM that they co-ordinated with each other to avoid challenging the same results protocols. The court-filing fee for legal entities is GEL 100 in the first instance and GEL 150 on appeal. A number of appeal court decisions overturned first instance decisions that imposed unlawful court fees; for instance, in one case the court overturned a fee of GEL 1800 imposed on a party for making multiple requests.

¹⁷³ Based on the same interpretation of the law as applied by the DEC, the courts considered the cases provided that authorization papers from the political party or observer organization were presented to the court; however, many cases were denied consideration by the courts on such grounds.

¹⁷⁴ Recounts conducted under court order led to corrections in some results protocols. A protocol that had been amended with correction fluid by a PEC was annulled by a court and no recount was ordered.

¹⁷⁵ The Tbilisi Court of Appeal acknowledged that a video showed a voter voting multiple times (with multiple ballots). However, the court ordered a recount rather than annulment on grounds that it could not determine that the voter was actually inserting ballots into the box. Based on the recount that revealed that the box included only ballots, the claimant appealed to the higher court, which despite acknowledging all the facts of ballot stuffing dismissed the case.

¹⁷⁶ The [Code of Good Practice](#) suggests that timelines for post-election appeal proceedings can be longer than for adjudication of pre-election complaints, which reasonably can be 3-5 days.

¹⁷⁷ Article 34.1(2) of the Administrative Procedure Code permits adjudication without an oral hearing only for cases of a legal but not factual nature or with certain absolute obvious grounds for satisfaction of the case. However, almost all cases heard without oral hearing were of a factual nature and were finally not satisfied by the appeal court.

¹⁷⁸ In total, 110 complaints were lodged by UNM, EG, United Georgia – Democratic Movement, APG, For Justice, SA, and GYLA, each concerning one or multiple protocols.

¹⁷⁹ UNM, EG, Labor Party, APG, For Justice, United Georgia, and SA.

XVII. RECOMMENDATIONS

These recommendations, as contained throughout the text, are offered with a view to enhance the conduct of elections in Georgia and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with prior ODIHR recommendations, which remain to be addressed.¹⁸⁰ ODIHR stands ready to assist the authorities of Georgia to further improve the electoral process and to address the recommendations contained in this and previous reports.

A. PRIORITY RECOMMENDATIONS

1. To ensure a coherent and stable electoral framework, the legislation should be reviewed to bring it further in line with OSCE commitments, international standards and good practices, well in advance of the next election period and within an inclusive consultation process.
2. The composition of the election administration could be reconsidered to increase its impartiality and independence. The appointment formula could be revised to ensure more balanced political representation and to prevent factual dominance of a single political parties.
3. To further increase transparency and confidence in the election administration, the Central and District Election Commissions should consider discussing all substantive matters collegially and in public sessions.
4. To ensure public confidence in the electoral process and the protection of fundamental rights, the relevant authorities should take prompt and effective steps to properly investigate allegations of voter and campaign staff intimidation.
5. The electoral dispute resolution framework should be reviewed to simplify the process and broaden legal standing to ensure that citizens whose electoral rights are violated are entitled to lodge a complaint to seek legal remedy.
6. To further increase transparency and confidence in election dispute resolution, all election disputes should be handled by commissions collegially and in open sessions. To guarantee an effective remedy for election disputes, the law should provide for the right to seek judicial review of all decisions and (in)actions of election bodies and their officials.
7. To ensure transparent, fair and uniform practice in handling post-election complaints, the Election Code should specify clear, objective criteria for granting and conducting recounts and annulments of results. District Election Commissions should be sufficiently staffed and trained to effectively handle complaints and conduct thorough investigations of all irregularities raised.

¹⁸⁰ In paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. The follow-up of prior recommendations is assessed by the ODIHR LEOM as follows: recommendation 6 from the final report on the 2018 presidential election is fully implemented. The recommendations 8, 11, 13, 14, 16 and 24 from the final report on the 2016 parliamentary elections, 10, 21 and 25 from the final report on the 2018 presidential election, and 4, 10, 14 and 15 from the final report on the 2017 local elections are mostly implemented. The recommendations 1, 2, 3, 4, 7, 12, 18, 20, 21, 28, 30, 32 and 35 from the final report on the 2016 parliamentary elections, 1, 9, 11, 15, 16, 17, 18, 19, 23 and 24 from the final report on the 2018 presidential election, and 1, 3, 6, 7, 11, 12, 13, 20, 21, 24, 25, 26 and 31 from the final report on the 2017 local elections are partially implemented. See also the [ODIHR electoral recommendations database](#).

8. The existing system for the allocation of free air-time and disbursement of funds for advertising should be reviewed to provide equal campaign opportunities to all contestants.

B. OTHER RECOMMENDATIONS

Legal Framework

9. The constituency delimitation process should guarantee the equality of the vote and protect the national minority vote in line with previous ODIHR recommendations and international standards and good practices.

Election Administration

10. To ensure stability and independence of DEC's, the tenure of their members could be better protected against arbitrary replacement by their nominating parties in a reasonably long period prior to election day.
11. The timeframes for submission and review of applications for Precinct Election Commission (PEC) membership could be extended to ensure meaningful competition. The selection procedures and criteria for the recruitment of PEC staff could be further elaborated to guarantee a more open and inclusive process.
12. The authorities should continue their efforts to create an enabling and inclusive environment and further facilitate access to the election process for persons with disabilities.

Voter Registration

13. Persons who are recognized by a court to lack legal capacity on the grounds of intellectual or psychosocial disability and those who require inpatient care should be allowed to vote, in line with international standards.
14. Consideration could be given to introducing a secure mechanism to permit voters who are away from their official address of registration on election day to vote.

Candidate Registration

15. The residency requirement for candidates should be significantly reduced or removed, to ensure compliance with international standards.
16. To ensure a level playing field, consideration could be given to adjusting the legal deadlines for party and candidate registration to prevent overlapping with the election campaign period.

Election Campaign

17. The legal and institutional framework should be strengthened to effectively combat the misuse of administrative resources. Campaigning by high-level officials, including mayors, should be strictly regulated.
18. To promote balanced gender representation, parties could enhance internal party policies to encourage women's participation, including increasing the number of women candidates among majoritarian candidates.

Campaign Finance

19. To enhance the transparency and oversight of campaign finance, the legislation should be further reviewed to address previously identified gaps and ODIHR and GRECO recommendations, including those concerning regulation of third party activities.
20. To contribute to a level playing field for parties and candidates, the campaign finance legal framework could be reviewed to bring limits on donations and spending further in line with international good practices.
21. To ensure that voters have timely and substantive information on campaign finance, consideration could be given to prompt publication of findings on interim reports prior to election day.
22. The State Audit Office should systematically identify all technical breaches of the rules and reporting obligations, including late filing and improper completion. Further legislative measures could be taken to ensure that all campaign donations and expenditures, including by third parties and online, are disclosed and investigated in a timely manner. Proportionate and dissuasive sanctions should be promptly initiated and imposed for all violations.

Media

23. Consideration could be given to extending the requirements of the exact procedure for the allocation of free air-time on regional and local broadcasters to all upcoming elections.

Complaints and appeals

24. Legal deadlines for submission and adjudication of all complaints, including post-election day, should be revised to ensure that they allow for sufficient time to effectively prepare and adjudicate cases and, at the same time, provide for duly expedited resolution.
25. Election commissions should refrain from overly strict application of rules on complaint admissibility with the aim to assure substantive consideration of all complaints. To further enhance accessibility, the Central Election Commission could consider setting up an online system for submission of complaints to election commissions.
26. To ensure effective remedy, election commissions should give due consideration to all complaints, taking into account facts gathered by way of thorough investigations and applying sound interpretation of the law.

Participation of National Minorities

27. Electoral contestants could consider proactively incorporating inclusion agendas in their electoral platforms and improve representation of national minorities in their candidate lists, in electable positions.

Election Day

28. The use of video cameras in polling stations should be regulated to avoid any intimidating effect and risk of control of or repercussions on voters. To ensure that voters are able to cast their votes

free of pressure and undue influence, the legally established perimeter around polling stations should be free of any canvassing and contestants' representatives.

29. To prevent the misuse of citizen observation, political parties, candidates and citizen observer organizations should respect a clear separation of partisan and non-partisan observation.
30. The election administration could consider establishing a reserve pool of trained PEC members in each district to ensure a smooth replacement of Precinct Election Commission (PEC) members and a professional conduct of voting and counting procedures.

ANNEX I: FINAL RESULTS

Registered Voters		3,526,023	100			
Turnout		1,992,891	56,52 per cent			
Valid Votes		1,924,395	96,56 per cent			
Invalid Ballots		65,434	3,28 per cent			
Votes for parties receiving less than 1 per cent		117,995	6.13 per cent			
Missing Ballots		3,062	0,15 per cent			
	Name of Party/Electoral Bloc	Votes	Percentage	Number of Seats in Parliament		
		Prop.	Prop.	Prop.	Major.	Total
41	Georgian Dream – Democratic Georgia	928,004	48.22	60	30	91
5	Election Bloc - United National Movement - United Opposition Strength is in Unity	523,127	27.18	36		35
2	Bakradze, Ugulava, Bokeria - European Georgia - Movement for Liberty	72,986	3.79	5		5
56	Lelo - Mamuka Khazaradze	60,712	3.15	4		4
27	Election Bloc - Giorgi Vashadze-Strategy Aghmashenebeli	60,671	3.15	4		4
8	Davit Tarkhan-Mouravi, Irma Inashvili - Alliance of Patriots of Georgia	60,480	3.14	4		4
36	Girchi	55,598	2.89	4		4
24	Aleko Elisashvili - Citizens	25,508	1.33	2		2
10	Shalva Natelashvili - Georgian Labour Party	19,314	1.00	1		1
3	Nino Burjanadze - United Georgia - Democratic Movement	16,286	0.85			
	Davit Chichinadze-Tribuna - CDM	9,896	0.51			
19	Political Union of Citizens Our Georgia - Solidarity Alliance of Georgia	8,335	0.43			
44	Levan Chachua, Guram Palavandishvili Georgian Idea	8,263	0.43			
21	Free Georgia (Kakha Kukava, Giorgi Tsulaia)	6,393	0.33			
25	Free Democrats	5,188	0.27			
45	National Democratic Movement	4,850	0.25			
55	Georgian March - National Movement	4,753	0.25			
46	Gia Zhorzholiani Social - Democrats for Development of Georgia	4,413	0.23			
17	Irakli Okruashvili - Victorious Georgia	3,750	0.19			
51	Political Movement of Armed Veterans and Patriots of Georgia	3,245	0.17			
47	Zviad Dzidziguri - Conservative Party of Georgia	3,124	0.16			
34	For Social Justice	2,885	0.15			
31	Tavisupleba - Zviad Gamsakhurdias Gza	2,841	0.15			
	27 parties receiving less than 0.15 per cent	33,773	1.75			

ANNEX II: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION

OSCE PARLIAMENTARY ASSEMBLY

Elona	Hoxha-Gjebrea	Special Co-ordinator	Albania
Pia	Kauma	Head of Delegation	Finland
Antonela	Veshi	Staff of Delegation	Albania
Leterrije	Lleshi	Staff of Delegation	Albania
Hamazasp	Danielyan	MP	Armenia
Andreas	Minnich	MP	Austria
Axel	Kassegger	MP	Austria
Josef	Hajek	MP	Czech Republic
Kristyna	Harakova	MP	Czech Republic
Søren	Søndergaard	MP	Denmark
Inka	Hopsu	MP	Finland
Tim	Knoblau	OSCE PA Secretariat	Germany
Freyja	Koci	OSCE PA Secretariat	Germany
Zsolt	Csenger-Zalan	MP	Hungary
Francesco	Pagani	OSCE PA Secretariat	Italy
Anna	Di Domenico	OSCE PA Secretariat	Italy
Roberto	Montella	OSCE PA Secretariat	Italy
Mukhtar	Yerman	MP	Kazakhstan
Gumar	Dyussebayev	MP	Kazakhstan
Antonio	Malo De Abreu	MP	Portugal
Dag	Larsson	MP	Sweden
Jasenko	Omanovic	MP	Sweden
Yasmine	Posio	MP	Sweden
Björn	Söder	MP	Sweden
Fredrik	Svensson	Staff of Delegation	Sweden

PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE

Tiny	Kox	Head of Delegation	Netherlands
Hovannes	Igityan	MP	Armenia
Reinhold	Lopatka	MP	Austria
Petra	Bayr	MP	Austria
Ulrich	Oehme	MP	Germany
Georgios	Katrougkalos	MP	Greece
Alberto	Ribolla	MP	Italy
Roberto	Rampi	MP	Italy
Jette	Christenssen	MP	Norway
Gaël	Martin-Micallef	Venice Commission	
Bogdan	Torcatoriu	PACE Secretariat	

NATO PARLIAMENTARY ASSEMBLY

Osman Askin	Bak	Head of Delegation	Turkey
Pavel	Zacek	MP	Czech Republic
Jan	Lipavsky	MP	Czech Republic
Nathan	Grison	MP	France
Sonia	Krimi	MP	France
Valérie	Geffroy	MP	France
Adriano	Paroli	MP	Italy
Michele	Sodano	MP	Italy
Andrea	Orsini	MP	Italy
Andrea	Gangini	MP	Italy
Hikmet	Iren	MP	Turkey
Mevlut	Karakaya	MP	Turkey
Ahmet Berat	Conkar	MP	Turkey

ODIHR LEOM Long-Term Observers

Olga	Svepesova Blatakova	Czech Republic
Mashu	Poulsen	Denmark
Kira	Kaurinkoski	Finland
Matti	Heinonen	Finland
Alexandre	Benz	France
Stephanie	Marsal	France
Anne	Uhlig	Germany
Simone	Brocchi	Italy
Justina	Tylaite	Lithuania
Milda	Gostautaite	Lithuania
Eldrid	Roeine	Norway
Narve	Rio	Norway
Thomas	Hug	Norway
Bartlomiej	Krzyszczan	Poland
Paulina	Czarnecka	Poland
Bjorn	Tedeman	Sweden
Mats	Ekholm	Sweden
Rebecca	Palmer	Sweden
Annina	Schneider	Switzerland
Loic Alexis	Degen	Switzerland
Roman	Enzler	Switzerland
Joseph	Worrall	United Kingdom
Mark	Waller	United Kingdom
Melanie	Leathers	United Kingdom
Cara	Stern	United States of America
Daniel	Drigot	United States of America
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ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).