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# The first interim report on the monitoring of the pre-election environment

The Georgian Young Lawyers' Association (GYLA) has released the first interim report on the monitoring of the pre-election environment. The GYLA was observing the pre-election processes through up to 20 monitors from its central office in Tbilisi and eight regional offices covering nine regions of Georgia: Adjara, Guria, Imereti, Shida Kartli, Kvemo Kartli, Kakheti, Mtskheta-Mtianeti, Samtskhe-Javakheti, and Samegrelo.

The report contains the results of the monitoring conducted from June 1 to August 1, 2017. The report also deals with facts which took place before June 1, but, in our opinion, are important for giving a full picture of the pre-election environment.

The monitoring has highlighted the following issues:

## Legal framework

Citing disagreement within the team as the reason, contrary to all expectations and to the initial version of the draft Constitution, the ruling team has postponed essential changes to the electoral system, retaining the majoritarian electoral system till 2024 and postponing the entry into force of the rule of indirect election of the President till 2023.<sup>[1]</sup> Discussions on changes to the electoral system and the position of the ruling party have further deepened political polarization in the country. At the same time, it is clear that adopting the Constitution in the absence of a broad political and social consensus is going to pose a threat to the country's democratic development.

In June 2017, several months before the local self-government elections, the Government of Georgia made a decision to strip several self-governing towns of the status of local self-governing unit, which was clearly a deviation from the declared principles of the decentralization reform.<sup>[2]</sup>

Amendments to the Election Code have changed the procedure of staffing of election commissions, which is problematic in terms of both retention of credibility of the Election Administration and ensuring an equal electoral environment for political forces. The amendments serve to strengthen the positions of the ruling party in the Election Administration. The said amendments will take effect from the day when the results of the local self-government elections are officially announced.

### **Threats, pressure, and physical retaliation**

- The reporting period has seen **2 cases of physical retaliation, 2 cases of interference with agitation, 1 case of alleged pressure on political grounds, and 1 case of alleged dismissal on political grounds.**

- The cases of violence and physical retaliation were directed against representatives of the political association United National Movement.

- There were certain risks of violence at a rally on Agmashenebeli Avenue which was organized by European Georgia on July 23, although the police ensured the safety of those present at the rally, which deserves a positive assessment.

### **Alleged use of administrative resources**

- The monitoring has revealed increases in the budgets of local self-government bodies. Granted, the electoral legislation only prohibits such changes during the 60-day period before the elections, but the mobilization of budget funds for social and infrastructural projects raises doubts that the newly initiated or broadened social projects are related to the elections.<sup>[3]</sup>

- The GYLA's monitors learned about a number of social and infrastructural projects that were carried out by central and local government bodies in the reporting period. It should be noted that such social projects are intended for a short period, coincide with the election period, and are presumably aimed to win the favor of voters.

- Majoritarian MPs of the Georgian Parliament and high-ranking local government officials actively met with the population, getting acquainted with infrastructural projects underway in the respective settlements and talking with locals about future plans. Generally, such activities do not violate the law, although we believe that majoritarian MPs and high-ranking local government officials should be in constant communication with voters, rather than becoming active in the electoral period only.

### Media environment

- The recent period has seen the unification of several large TV stations, which also affected their editorial policy. The change was followed by a negative reaction on the part of the public and various organizations, because these concrete TV stations are believed to be expressing the interests of the ruling team and their unification further deepens the doubts in this regard.<sup>[4]</sup>

- The monitoring period saw the closing of the authorship programs of Salome Asatiani and Gogi Gvakharia, which was presumably an act directed against dissenting and critical opinion.

- The dispute regarding the ownership of the Rustavi 2 TV station, which had been launched in court in 2015, ended with the plaintiff's victory at the national level, although in March 2017 the European Court of Human Rights suspended the Supreme Court's judgment until the ECHR delivers the final decision on the dispute.

### The Election Administration

- In the monitoring period, the Election Administration refused to register initiative groups in Gori, also refusing to register CSOs in Ozurgeti, because at the time of application for registration the date of the elections was not known and the relevant legal act on the appointment of the election date had not been issued. We believe that the aforementioned disputes have revealed a number of shortcomings in the legislation. These shortcomings are related to the registration of political associations and initiative groups for elections, in the former case, and to the involvement of civil society organizations in the work of the Election Administration in a non-election period, in the latter case.<sup>[5]</sup>

**In view of the problems and violations identified, we give recommendations which, in our opinion, will help those involved in electoral processes to**

**strengthen achievements and to eliminate violations:**

**The authorities:**

- Should not allow the use of administrative resources;
- Should ensure equal pre-election environment for all parties and candidates involved in the electoral process;
- Should not allow the dismissal of employees on political grounds;
- Should ensure that employees are informed of their rights and obligations.

**Political parties and candidates**

- Electoral subjects and their supporters should refrain from confrontation and violence, as well as from statements and acts that will encourage or tolerate such violence;
- Political parties should ensure that their supporters will distance themselves from meetings held by other parties and candidates; they should also prevent violence and any interference with agitation.

**Law enforcement agencies**

- Law enforcement agencies should protect persons involved in the electoral process from violence and any kind of unlawful pressure, as well as ensure the safety of the electoral environment;
- Law enforcement agencies should ensure that incidents related to elections are investigated in a timely manner, fully, and objectively;
- They should also rule out the perception of bias in relation to ongoing investigations related to politically active persons;
- Just as in the 2016 parliamentary elections, it is important that the Minister of Internal Affairs again issue an order to ensure the conduct of the elections in a free and calm environment and that police officers undergo special training with the aim of preventing offenses committed during the election period and responding to them in a timely manner. It is desirable to provide police officers with the relevant equipment

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



(including shoulder-mounted cameras).

The GYLA continues to monitor the processes before the 2017 local self-government elections, informing the public about alleged violations occurring in this process and about measures taken by the State in response to them.

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[1] <https://gyla.ge/en/post/arasamtavrobo-organizaciebi-saqartvelos-demokratiuli-ganvitareba-safrtkhesia#sthash.2g2wi5dl.dpbs>

[2] The decision concerns the municipalities of Telavi, Gori, Ozurgeti, Ambrolauri, Akhaltsikhe, Zugdidi, and Mtskheta. The GYLA has appealed the said decision in court.

[3] It is noteworthy that such practice was also observed in a number of previous elections. Unfortunately, such malpractice still continues.

[4] <https://jam-news.net/?p=11533> We mean the unification of TV stations Imedi, Maestro, and GDS.

[5] The GYLA is working on this issue and will release the legal analysis of the relevant disputes in the near future.