



**ELECTION OBSERVATION DELEGATION TO  
THE PRESIDENTIAL ELECTIONS  
IN GEORGIA**

**(27 October 2013)**

**Report by  
Krzysztof LISEK, Chair of the Delegation**

**Annexes:**

- A. Final programme (including list of participants)**
- B. Declaration of the Chair of the EP Delegation at the Press Conference of the IEOM**
- C. International Election Observation Mission Preliminary findings and conclusions**

## **Introduction**

Following an invitation sent by Maja Panjikidze, Minister of Foreign Affairs of Georgia, the Conference of Presidents of the European Parliament authorised, on 12 September 2013, the sending of an Election Observation Delegation to observe the presidential elections in Georgia scheduled on 27 October 2013.

The European Parliament Election Observation Delegation was composed of six Members: Mr Krzysztof LISEK (EPP, Poland), Mr Sławomir NITRAS (EPP, Poland), Mr Joachim ZELLER (EPP, Germany), Ms Kinga GÖNCZ (S&D, Hungary), Mr Adam BIELAN (ECR, Poland) and Mr Ryszard CZARNECKI (ECR, Poland).

Mr Krzysztof Lisek was thus elected Chair of the Delegation at the constitutive meeting of this delegation held on 3 October 2013.

The Delegation conducted its activities in Georgia from 29 September to 28 October 2012 and was integrated within the framework of the OSCE/ODIHR international election observation mission. The EP Delegation cooperated closely with the OSCE/ODIHR mission headed by Mr Matteo Mecacci (Italy), the OSCE PA Delegation headed by Mr Ilkka Kanerva (Finland), the Council of Europe PA Delegation headed by Ms. Meritxell Mateu Pi (Andorra), and the NATO PA Delegation headed by Mr Mati Raidma (Estonia). Mr Joao Soares was the Special Coordinator of the OSCE Chairmanship in Office and leader of the OSCE STOs.

The European Parliament Delegation performs election observation in accordance with the Declaration of Principles of International Election Observation and the Code of Conduct for international election observers. Members of the EP Delegation duly signed the Code of Conduct for Members of the European Parliament Election Observation Delegations, in conformity with the decision of the Conference of Presidents of 13 September 2012.

## **Programme**

Before Election Day, the four different parliamentary delegations were briefed by experts from the OSCE/ODIHR mission. Presentations were made on the political environment, the campaign activities, the media landscape and the legal framework of the parliamentary elections. The joint programme also included a series of meetings with the electoral administration, media representatives, NGOs, observer organisations and with the main five presidential candidates, out of a total of twenty-three.

A separate meeting between the EP election observation delegation and Ambassador Philip Dimitrov, Head of the EU Delegation to Georgia, as well as the EU Member States Ambassadors, also took place. M. Toivo Klaar, leading the EUMM Georgia also participated to the meeting in question. Furthermore, the EP delegation met the outgoing President, Mikheil Saakashvili.

The day after the elections most Members of the EP delegation met detained former Prime Minister of Georgia Mr. Vano Merabishvili in the Tbilisi prison.

## **Background**

The 2013 Georgian presidential elections were an important step to finalize the peaceful transfer of power after the parliamentary elections 2012.

The presidential elections of 27 October were called by President Mikheil Saakashvili on 4 July 2013, in line with legal and constitutional provisions. The constitutional amendments adopted in 2010 moving Georgian constitutional system from presidential towards more parliamentary entered into force with the swearing into office of the new President. As a result, the new

president has a considerably decreased authority to the benefit of the prime minister and the parliament; on the other hand, it is now compulsory for the Government to step down after the election of a new President and return to Parliament for a fresh vote of confidence.

Since the parliamentary elections of 1 October 2012, the political situation had been characterised by a tense cohabitation between the government and the opposition, particularly between the Prime Minister and the President. Many allegations of politically motivated prosecutions of former majority members arose in this period. Particularly problematic were the allegations of political pressure at local self-government institutions that brought to changes in power, although the local elections are due to take place only in May 2014. At the beginning of September 2013, Prime Minister Ivanishvili announced that he would resign after the elections of the president, allowing for a new Prime Minister to form his government and seek parliamentary approval.

The president is elected for a period of five-years. To be elected in the first round, the candidate must receive more than 50 per cent of the valid votes cast, otherwise a second round is held between the two candidates that received the highest number of votes. The candidate with the highest number of votes in the second round is considered elected.

The electoral legal framework provided a sound legal basis for conduct of elections. The technical amendments introduced after 2012 parliamentary elections addressed the ODIHR recommendations. However several provisions remain unclear and others lacked consistent implementation. The electoral administration enjoyed a high level of confidence from the stakeholders and administered the elections in a professional manner.

The candidates were able to campaign freely, without restrictions to their freedoms. There was a limited number of cases of harassment of party activists and intimidation of local officials. The media environment was more competitive and much less polarised than in 2012, providing a broad coverage in and inclusive, although somewhat superficial manner. Personality politics continued to dominate the debate. Despite the large number of candidates, the campaign lacked vitality, and the three main candidates were most active (Giorgi Margvelashvili, Davit Bakradze and Nino Burjanadze).

Overall the elections were considered to have been competitive, administered in an efficient and transparent manner and took place in an amicable and constructive environment, with fundamental freedoms respected and no restrictions on candidates imposed. The media was less polarised than in 2012. There were no major irregularities during the campaign; on Election Day the voters were able to express their choice freely and the assessment of the international observers was positive.

There was a high number of citizen and international observers- 19,746 citizen observers from 60 registered organisations and 1,241 international observers from 65 registered international organisations.

### **Election Day**

On the day of the elections, the EP Delegation split into five teams that were deployed in Tbilisi, Kazbegi, Gori, Rustavi and the Kakheti region. The five teams visited a significant number of polling stations from opening to the closure, and further witnessed the counting process.

Overall, Election Day was calm and peaceful and took place in an amicable environment throughout the country. The EP Delegation found that voting procedures were well followed, with polling officials administering the vote in a competent and professional manner. Women represented more than half of the polling officials.

The Central Election Commission began releasing preliminary results on election night, thus contributing to the transparency of the process.

### **Press conference and preliminary conclusions**

As usual, the draft statement of preliminary findings and conclusions was negotiated between the OSCE/ODIHR mission and the four parliamentary delegations. The negotiations took place in a constructive environment, and the perception of the parliamentary delegations on the election process reflected the overall assessment of ODIHR.

The press conference took place on 28 October and attracted significant media attention.

The joint statement recognised that the presidential elections marked an important step in consolidating the conduct of democratic elections in Georgia, confirming the historical peaceful transfer of powers that took place with the 2012 parliamentary elections. The peaceful election following a difficult political cohabitation was seen as a proof of maturing democracy in Georgia.

The Head of the EP Delegation delivered a short statement highlighting the preliminary findings and conclusions and stressing the importance of these elections in terms of the continued democratic development of Georgia, continuing in line with the exemplary elections of 2012. Furthermore he noted that the next months would be crucial for shaping Georgia's future, with the end of cohabitation, increasing powers of the Parliament and continuous challenges to its territorial integrity. It should also be reminded that the local elections due to take place in 2014 are expected to be another important test for the maturity of democracy in Georgia and perhaps, at least locally, more fiercely contested.

The Central Electoral Committee summarized and released the final election results on 12 November. The Georgian Dream candidate, Giorgi Margvelashvili won in the first round with 62.12% of the votes, followed by UNM candidate, Davit Bakradze with 21.72%. The new President was sworn into office on 17 November.

### **Final Report**

The ODIHR presented the final report on the Presidential elections in Georgia on 14 January 2014. The Report confirms the overall positive assessment of the presidential election of 27 October 2013, noting that it was efficiently administered and transparent and that the legal framework provides a sound basis for the conduct of democratic elections.

The final report also put forward a series of recommendations to further enhance electoral legislation and its implementation. The recommendations include the system of filing complaints which should be allowed for the contestants on all election-related issues and for citizens as well. Moreover, clear separation between partisan and non-partisan observation should be better secured, campaign finance legislation should be further developed, and candidate-registration provisions, particularly regarding residency and citizenship, be reconsidered.

### **Conclusions**

The Presidential election in Georgia was an important step for the maturity of democracy in Georgia. It was largely uneventful and confirmed the peaceful transfer of power that took place with the much more contested parliamentary elections of 2012. This election also ended the

difficult cohabitation period. Furthermore with the inauguration of the new president, the constitutional amendments adopted in 2010 entered into force, thus changing the Georgian constitutional system from the presidential to a parliamentary one.

With the EP EOM Delegation fully endorsing its findings, the OSCE/ODIHR long term mission remained in the country after the elections. The final report was issued on 14 January 2014, confirming the preliminary conclusions and putting forward recommendations to further improve the electoral framework.

The European Parliament Election Observation Delegation recommends that the Democracy Support and Election Coordination Group, the Foreign Affairs Committee and the Delegation to the EU-Georgia Parliamentary Cooperation Committee follow-up closely the conclusions and recommendations of this final report, particularly in view of the upcoming local elections in May 2014.

**EUROPEAN PARLIAMENT**  
**ELECTION OBSERVATION DELEGATION**  
**PRESIDENTIAL ELECTIONS IN GEORGIA**

**27 OCTOBER 2013**

**FINAL PROGRAMME**

**Members**

Mr Krzysztof LISEK, Poland, EPP (Chair)

Mr Slawomir NITRAS, Poland, EPP

Mr Joachim ZELLER, Germany, EPP

Ms Kinga GÖNCZ, Hungary, S&D

Mr Adam BIELAN, Poland, ECR

Mr Ryszard CZARNECKI, Poland, ECR

**Secretariat**

Ms Marta UDINA, Administrator

Mr Philippe KAMARIS, Administrator

Ms Françoise CLAES, Assistant

**Political Groups**

Mr Robert GOLANSKI, EPP

Mr Wojciech Jan DANECKI, ECR

## Wednesday 23 October 2013

Arrival of Secretariat

*Radisson Blu Iveria Hotel, Tbilisi*  
*Rose Revolution Square 1*  
*0108, Tbilisi, Georgia*  
*Tel: +995 32 2 402 200 Fax: +995 32 2 402 201*

## Thursday 24 October 2013

11h00-20h00 EP Secretariat:  
Different meetings to finalize the programme and the logistics

## Friday, 25 October 2013

09h00-10h30 **EP Delegation Working Breakfast** with Ambassador Philip DIMITROV, Head of the EU Delegation, the EUMS Ambassadors and the EUMM  
*Venue: Radisson Blu Hotel, Meeting room 5, ground floor*

### **JOINT BRIEFINGS WITH IEOM** (International Election Observation Mission) **Radisson Blu Hotel**

10h30-11h00 **Opening by the Heads of Parliamentary Delegations:**

- Mr Joao Soares, Special Coordinator of the OSCE CiO, leader of the OSCE STOs
- Ms. Meritxell Mateu Pi, Head of Delegation of PACE
- Mr. Krzysztof Lisek, Head of Delegation of the European Parliament
- Mr. Mati Raidma, Head of Delegation of the NATO PA
- Mr Ilkka Kanerva, Head of Delegation of the OSCE PA

11h00-13h00 **OSCE/ODIHR EOM Core Team**  
**Findings of Long Term Observers and Core Team**

- 11: 00 -11:20 – Mr Matteo Mecacci, Head of Long Term Mission
- 11:20 - 11:40 – Ms Pascale Roussy, Political Analyst
- 11:40 – 12:00 – Ms Elissavet Karagianidou, Legal Analyst
- 12:00 – 12:20 – Ms Kseniya Dashutina, Campaign Finance Analyst
- 12:20 – 12:40 – Mr Yegor Tilpunov - Media Analyst
- 12:40 – 12:45 – Mr Robin Seaward – Security Expert

▪ *Questions and Answers*

13h00-14h30 Break

14h30-15h15

**Electoral Administration**

- Ms. Tamar Zhvania, Chairperson of the Central Election Commission

15h15-16h00

**Roundtable**

- Ms. Tea Tsulukiani, Minister of Justice, Head of the Inter-Agency Commission for Free and Fair Elections
- Mr Levan Samadashvili, Chairperson of the State Service Development Agency,
- Mr Zurab Aznaurashvili, Head of Political Parties Financial Monitoring Service, State Audit Office of Georgia

16h00-17h00

**Roundtable with Georgian Observer Organisations**

- Ms Nino Lomjaria, Executive Director, International Society for Fair Elections and Democracy (ISFED)
- Mr Kakha Kozhoridze, Chairperson, Georgian Young Lawyers' Association (GYLA)
- Ms Eka Gigauri, Executive Director, Transparency International Georgia
- Mr Arnold Stepanian, Chairperson, Public Movement Multinational Georgia (PMMG)

17h00-18h00

**Roundtable with international NGO Representatives**

- Mr. Luis Navarro, Country Director, National Democratic Institute
- Ms Andrea Keerbs, Resident County Director, International Republican Institute
- Mr Nermin Nišić, Chief of Party, International Foundation for Electoral Systems (IFES)

18h00-19h00

**Roundtable with Media Representatives**

- Ms. Sopo Mosidze, Head of News Department and Mr. Goga Chartolani, Deputy Director General, Georgian Public Broadcaster
- Mr Nikolos Gvaramia, Director General, TV Rustavi 2
- Ms Baia Tsanava, Head of News Department, TV Imedi
- Ms Marina Vashakmadze, Director, Radio Free Europe / Radio Liberty
- Ms Mariam Kobaladze, Researcher, Caucasus Research Resource Centres (CRRC)
- Mr George Jologna, Head of Media Research, Caucasus Development Institute (CDI)
- Mr Mathias Hutter, Senior Media Analyst, Transparency International
- Mr Zviad Koridze, Media expert
- Ms. Shorena Shavedashvili, Editor in Chief, Magazine Liberali
- Ms Tamar Gergoleishvili, Editor in Chief, Magazine Tabula

20h30

EP Delegation:

**Meeting with H.E. President Mikhail Sakaashvili**

*Venue: Presidential Palace*



## Saturday, 26 October 2013

08h30-10h00 **EP Delegation Working Breakfast** with like-minded missions  
(Heads of Mission: Council of Europe, UNDP)  
*Venue: Radisson Blu Hotel, Meeting room 5, groundfloor*

### **JOINT BRIEFINGS WITH IEOM** (International Election Observation Mission) **Radisson Blu Hotel**

#### 10h00-13h00 **Meetings with presidential candidates**

- 10:00 – 10:30 - Mr David Bakradze, United National Movement
- 10:30 – 11:00 - Mr Giorgi Targamadze, Christian Democratic Movement
- 11:00 – 11:30 - Ms Nino Burjanadze, Democratic Movement – United Georgia

11:30 – 12:00 Coffee break

- 12:00 – 12:30 - Mr Shalva Natelashvili, Labour Party of Georgia
- 12:30 – 13:00 - Mr Giorgi Margvelashvili, Georgian Dream – Democratic Georgia

#### 13h00-13h45 **Briefing by the OSCE/ODIHR Election Observation Mission - Part II** **Observation Forms and Election Day Procedures**

- Ms Vania Anguelova, Election Analyst, training video and presentation
- Mr Anders Eriksson, Statistical Analyst and introduction to forms
  
- *Questions and Answers*

#### 13h45 **Deployment Briefing**

- Area specific briefing conducted by OSCE/ODIHR EOM LTO teams ½
- Meeting with interpreters and drivers for PA STO teams deployed outside Tbilisi

14h15 ▪ Meeting with interpreters and drivers for PA STO teams deployed **in** Tbilisi

15h00-16h00 EP Delegation:  
**Meeting with Mr Usupashvili, speaker of the Parliament of Georgia**  
*Venue: Office of Mr Usupashvili*

16h30-18h00 *Meeting of Heads of Parliamentary Delegations*

18h30-20h00 Reception hosted by **H.E. Mr Richard NORLAND**, Ambassador of the US  
*Venue: US Ambassador's residence, Digomi 9*

## Sunday, 27 October 2013 - ELECTION DAY

06h30 *Departure from the hotel to observe the opening of the polling stations*

All day Observation of Opening, Voting and Vote Count

## Monday, 28 October 2013

08h30-10h00 **Internal EP Delegation Debriefing & Working Breakfast with ODIHR election analysts**

*Venue: Radisson Blu Hotel, Meeting room 5, groundfloor*

Morning **Debriefings of PA Delegations**

14h00 **Press conference**

*Venue: Sheraton Metechi Hotel, Salkhino Conference room, 20 Telavi Street*

15h45 - 19h00 EP Secretariat: Series of meetings to finalise the administrative aspects of the mission, the logistical arrangements with ODIHR liaison office and the settlement of expenses

END OF MISSION

Tbilisi, 28 October 2013

**EP statement press conference of IEOM to Georgia**

It is my pleasure to address you as the Chair of the European Parliament delegation, part of the International Election Observation Mission.

The European Parliament fully subscribes to the statement preliminary findings and conclusions of our International Election Observation Mission, the result of the common endeavour of the long-term observation mission of the ODIHR and the short term observations of our parliamentarians.

The candidates were able to campaign freely and the campaign environment was less polarised than last year. However, the allegations of political pressure on representatives in local governments had a negative impact on the campaign environment. Yesterday, we observed a calm election day, where the election administration worked overall in a professional manner.

It was an important day for Georgia, continuing on the line of the exemplary elections of 2012 that guaranteed for the first time the peaceful transfer of power.

The next few months will shape Georgia's future, as the cohabitation ends, the Parliament gains increasing authority, the new Prime Minister is appointed, and the challenges to its territorial integrity continue. The local elections due to take place in 2014 will be another important test for the maturity of Georgia democracy.

In a month's time the Vilnius Summit will take place. It is a chance for Georgia to initial the Association Agreement with the European Union. This will be an important step on the path of European integration. It is a step that the European Parliament supports. As it supports the visa free regime for Georgia. Both were clearly stated in the recent resolution on European Neighbourhood Policy.

However, the signing of the Association Agreement should be conditioned on tangible progress by Georgia in the area of the rule of law and democracy. It has to deliver on the reforms, particularly those aimed at achieving an independent and impartial judiciary and an effective criminal justice system.

The European Parliament hopes that Georgia will continue playing a progressive and constructive role in the Eastern Partnership and remains committed to strengthening EU relations with Georgia. We have always declared our readiness to support Georgia's progress and reforms, inline with the principle of more for more.

*Krzysztof Lisek, MEP,  
on behalf of the EP delegation to IOEM Georgia*

## Annex C

### INTERNATIONAL ELECTION OBSERVATION MISSION

**Georgia — Presidential Election, 27 October 2013**

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#### STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

**Tbilisi, 28 October 2013** – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), the European Parliament (EP) and the NATO Parliamentary Assembly (NATO PA).

João Soares (Portugal) was appointed as Special Co-ordinator by the OSCE Chairperson-in-Office to lead the short-term OSCE observer mission. Meritxell Mateu Pi (Andorra) headed the PACE delegation, Krzysztof Lisek (Poland) headed the EP delegation, Mati Raidma (Estonia) headed the NATO PA delegation, and Ilkka Kanerva (Finland) headed the OSCE PA delegation. Matteo Mecacci (Italy) is the Head of the OSCE/ODIHR Election Observation Mission (EOM), deployed from 19 September 2013.

The assessment was made to determine whether the elections complied with the OSCE commitments and Council of Europe standards for democratic elections, as well as with Georgia's international obligations and domestic legislation. This statement of preliminary findings and conclusions is delivered prior to the completion of the election process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process, including the count, the tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the election process. The OSCE PA will present its report at its Standing Committee Meeting in Vienna in February 2014. The PACE delegation will present its report at its Standing Committee Session in Vienna on 22 November. The EP will present its report in the Committee on Foreign Affairs at its meeting on 4 November. The NATO PA will present its report to the Standing Committee at its next available meeting.

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#### PRELIMINARY CONCLUSIONS

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The 27 October presidential election was efficiently administered, transparent and took place in an amicable and constructive environment. Fundamental freedoms of expression, movement, and assembly were respected and candidates were able to campaign without restriction. The campaign environment was without major irregularities. The media was less polarized during this election, and presented a broad range of viewpoints. On election day, voters were able to express their choice freely.

The electoral legal framework is comprehensive and provides a sound legal basis for the conduct of democratic elections. Numerous technical amendments were made to the electoral legislation ahead of the election, which addressed the majority of OSCE/ODIHR recommendations. However, several provisions of the Election Code remain unclear and were not applied in a consistent manner.

Twenty-three presidential candidates were registered by the Central Election Commission (CEC) in a transparent and inclusive manner. Twenty-four nominees were refused registration. Four of these challenged their refusals over dual citizenship but were rejected, which may not be in keeping with international good practice.

According to OSCE/ODIHR EOM interlocutors, the campaign environment was seen through the prism of the 2012 parliamentary elections and was notably less polarized. However, it was

negatively impacted by allegations of political pressure, including on United National Movement (UNM) representatives at local-self governmental institutions. The campaign gradually evolved from a direct confrontation between the Prime Minister and the President, which had overshadowed the political scene, to a competition among the main candidates. However, personality politics continued to dominate the public debate throughout the campaign.

The CEC managed the electoral preparations in a professional, transparent, and timely manner and enjoyed a high level of stakeholder confidence. CEC sessions and meetings were open to observers, non-governmental organizations, and the media. The CEC engaged in inclusive discussions with stakeholders on various election-related matters before making decisions.

District and Precinct Election Commissions (PECs) performed in a competent manner and largely managed preparations without difficulties. However, the insufficient experience of some PEC members was noted by various stakeholders. The appointment of six commission members by the parties of the Georgian Dream (GD) coalition and only one by the UNM to all levels of the election administration raised concerns by election contestants about an over-representation of the GD coalition.

Overall, there was confidence in the quality of voter lists. In August, a number of voters were removed from the voter register on the basis of incomplete data or invalid address registration. Only a small portion of these voters re-registered and were included in voter lists.

A wide range of views and information was available to voters through talk-shows, newscasts and free airtime, providing candidates with a platform to present their programs and opinions freely. Even though equal access was guaranteed only to those candidates who qualified for free airtime, the main media outlets covered all major contestants. The OSCE/ODIHR EOM monitoring showed that candidates nominated by the parties enjoyed an advantage over independent candidates because the media outlets focused more on the activities of the main political parties, rather than on the candidates' campaigns.

Numerous complaints were filed about the appointment of key PEC positions, campaigning by public officials, defacement of posters, harassment of party activists and vote buying; most of these were rejected. Complaints were also filed with the Inter-Agency Commission for Free and Fair Elections instead of with election commissions and courts that had the authority to impose sanctions and ensure an effective adjudication of disputes in line with international commitments and good practice.

The State Audit Office is mandated to respond to violations of campaign finance regulations and to apply sanctions. However, the decision not to react to campaign finance violations until after election day resulted in limited actual oversight.

Civil society and citizen observer organizations undertook a number of activities to support the electoral process and monitor the elections. The involvement of a large number of citizen observers and groups throughout the electoral process enhanced the transparency overall.

Although there were only three female candidates, one of these featured prominently in the campaign. Overall, women were well-represented in the election administration making up some 56 per cent of District Election Commission members and 65 per cent of PEC members. Four CEC members are women, including the chairperson.

Election day was assessed as professional and transparent overall. The assessment of opening, voting, counting, and tabulation by international observers was positive. Procedures were largely followed and international observers noted a high level of transparency throughout the day. The

main concern expressed was that polling stations were overcrowded with more observers than allowed by law, and that in some cases they were observed to have interfered in the process. The CEC started announcing results on election night and posted them on its website broken down by district and precinct; this is a positive measure to further increase transparency.

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## PRELIMINARY FINDINGS

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### Background

On 4 July, in line with legal and constitutional provisions, the president called the presidential election for 27 October. Constitutional amendments that come into force upon the inauguration of the new president will considerably reduce the powers of the president in favour of the prime minister and the parliament. The current prime minister announced that he would resign from office by 24 November. In such a case, according to the Constitutional amendments, the government will be dissolved and the new president will appoint as prime minister the candidate nominated by the parliamentary majority forming the government.

Since the 2012 parliamentary elections, the atmosphere has been marked by a tense cohabitation between the governing coalition, the Georgian Dream (GD), and the parliamentary opposition party, the United National Movement (UNM), and their respective leaders. This was compounded by arrests and pre-trial detention of several UNM officials, including its Secretary General, who was responsible for running their presidential campaign and a potential presidential candidate. Moreover, major political changes have taken place at the local level.

### Electoral System and Legal Framework

The president is elected by popular vote for a five-year term. To be elected in the first round, a candidate must receive more than 50 per cent of the valid votes cast. Otherwise, a second round between the two candidates with the highest number of votes is held two weeks after the official announcement of results. The candidate who receives the most votes in the second round is deemed elected.

The electoral legal framework is comprehensive and provides a sound legal basis for the conduct of democratic elections. The presidential election is primarily regulated by the Constitution, the Election Code and the Law on Political Unions of Citizens.<sup>1</sup>

Numerous technical amendments were made to the electoral legislation in 2013 following the 2012 parliamentary elections, which addressed the majority of OSCE/ODIHR recommendations. The amendments were adopted by consensus in the parliament and incorporated most of the recommendations made by non-governmental organizations (NGOs).<sup>2</sup>

The amendments that entered into force in August this year enhanced the framework, including through clarifications and greater safeguards to prevent the abuse of administrative resources; more equitable conditions for campaigning, including an obligation for presidential candidates to resign from incompatible offices; further regulation of the formation of election commissions; and changes to the rules for campaign financing.

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<sup>1</sup> Other applicable laws include the Administrative Procedures Code, Administrative Offences Code, Criminal Code, Law on Public Assemblies, and the Law on the Constitutional Court.

<sup>2</sup> International Society for Fair Elections and Democracy (ISFED), Georgian Young Lawyers Association (GYLA) and Transparency International Georgia.

Electoral stakeholders lacked a clear understanding of several legal provisions during the campaign. This included whether attendance of a campaign event is prohibited for public officials who are not allowed to participate in and conduct campaigning. The Inter-Agency Commission for Free and Fair Elections (IAC), an extra judicial body, which was re-established for this election and was composed of deputy ministers and headed by the Minister of Justice issued a non-binding recommendation indicating that passive attendance at campaign events was not prohibited.

In addition, interlocutors were unclear as to whether police officers had the right to attend campaign events and under which conditions. Subsequently, the Ministry for Internal Affairs issued two instructions stating that police officers could not attend campaign events when they were off duty, even if they were not in uniform.<sup>3</sup>

### **Election Administration**

The election was organized by three levels of election administration: the CEC; 73 District Election Commissions (DECs); and 3,655 Precinct Election Commissions (PECs). In addition, 34 special polling stations were established in penitentiary institutions, medical facilities and military bases, and 52 polling stations were established in diplomatic and consular missions abroad for out-of-country voting.<sup>4</sup>

The CEC managed the election preparations in a professional, transparent and timely manner and enjoyed a high level of stakeholder confidence. CEC sessions and meetings were open to observers, NGOs and the media. The CEC engaged in inclusive discussions with stakeholders on various election-related matters before making decisions. The CEC promptly uploaded session minutes, decrees, ordinances and decisions on complaints on its website in Georgian and English.

Election commissions at all levels have 13 members each, seven of whom are nominated by the political parties that qualify for state funding.<sup>5</sup> Five CEC members are appointed by the parliament with additional procedure to select the chairperson. For DECs and PECs, the remaining six members, in addition to the political party nominees, are appointed by higher levels of election commissions.

DECs and PECs performed their tasks in a competent manner and election preparations were largely managed without difficulties. However, the insufficient experience of some PEC members were made by various stakeholders.

The appointment of six commission members by the parties of the GD coalition and only one by the UNM to all levels of the election administration raised concerns by election contestants about an over-representation of the GD coalition.<sup>6</sup> The PEC chairperson, deputy chairperson and secretary positions were distributed according to legal requirements, and in 2,751 PECs, the chairperson

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<sup>3</sup> Article 25 of the Constitution and Article 1.2 of the Law on Public Assemblies stipulate that members of the armed forces and the Ministry of Internal Affairs (including the police) do not have the right of assembly. In addition, Article 45.4.c of the Election Code stipulates that they are not allowed to conduct and participate in campaigning.

<sup>4</sup> No polling stations were established in the Russian Federation due to the absence of diplomatic relations between the two countries.

<sup>5</sup> Parties that received the highest amount of state funding include the United National Movement, Georgian Dream–Democratic Georgia, Conservative Party, Republican Party, Our Georgia-Free Democrats and Political Movements “Industry will save Georgia”, and National Forum.

<sup>6</sup> See paragraph 72 of the European Commission for Democracy through Law (Venice Commission), Code of Good Practice in Electoral Matters: [http://www.venice.coe.int/webforms/documents/CDL-AD\(2002\)023rev.aspx](http://www.venice.coe.int/webforms/documents/CDL-AD(2002)023rev.aspx).

positions were held by staff appointed by the DEC<sup>7</sup>. However, in precincts where the chairpersons were elected from among the political appointees, the result heavily favoured the GD coalition over the UNM. This trend was also repeated for the deputy chairperson and secretary positions.<sup>8</sup>

Four CEC members are women, including the chairperson. At lower levels, women comprised approximately 56 per cent of DEC members and held 24 per cent of the chairperson positions. Women represented some 65 per cent of PEC members, and served as chairpersons in 53 per cent of PECs.

A CEC voter information campaign with messages on different electoral aspects was broadcast on public and private media, including television (TV) information spots broadcast in minority languages and in sign language. The CEC Training Centre conducted training sessions for PEC officials, which were well attended. According to the OSCE/ODIHR EOM and attendees, the training materials were comprehensive and well written. In addition, trainings were conducted for various stakeholders, including local administration officials, the Council of National Minorities, public defender, workers in penitentiary institutions, media representatives, citizen observers, and political party representatives. These trainings were interactive and assessed positively by participants, NGOs, and the OSCE/ODIHR EOM.<sup>9</sup>

### Voter Registration

The CEC is responsible for compiling the voter lists (VLs) based on information provided by the State Services Development Agency (SSDA) within the Ministry of Justice and other relevant authorities.<sup>10</sup> The CEC announced the final number of voters at 3,537,719, including 48,458 voters registered abroad.

In August, approximately 98,000 voters were removed from the SSDA register on the basis of incomplete data or invalid address registration.<sup>11</sup> These voters needed to re-register by 10 October to be included in VLs for the election. The limited time period given to the SSDA to adequately notify and re-register these voters was inadequate. The SSDA announced that by the deadline, 9,142 deregistered voters had re-registered.

VLs were posted at PECs for public scrutiny with changes possible until 11 October. The PECs distributed two rounds of voter information cards. In some limited cases associated with internally displaced persons, PECs could not find the voters at their listed place of residence. According to the election administration, very few voters went to PECs to check their data on VLs. It was also possible to check this data on the CEC website. Overall, there was confidence in the quality of VLs.

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<sup>7</sup> The chairperson, deputy chairperson and secretary cannot be from the same “election subject”, which is defined in the Election Code as political parties, election blocs, candidates and initiative groups of voters. In 37 PECs, the results of the first sessions were cancelled due to not following this provision. Subsequently, the members for these positions were reappointed and the sessions were re-run.

<sup>8</sup> This included 873 chairpersons from the GD and 23 from the UNM; 918 deputy chairpersons from the GD and 100 from the UNM; and 742 secretaries from the GD and 164 from the UNM. For selecting the three key PEC positions, the six parties of the GD coalition were counted as one election subject.

<sup>9</sup> As reported by OSCE/ODIHR LTO teams in Samegrelo-Zemo Svaneti, Racha, Imereti, Guria, Samtskhe-Javakheti, and Kvemo Kartli.

<sup>10</sup> Ministry of Defense, Ministry of Corrections and Legal Assistance, Ministry of Internally Displaced Persons, Local self-government bodies and the Supreme Court.

<sup>11</sup> The CEC noted that after subtracting voters abroad, the actual number of de-registered voters was approximately 75,000. The de-registered voters were allowed to vote in the 2010 and 2012 elections because of special legal provisions, which were not applicable for this election according to a parliamentary decision.



## Candidate Registration

Under the Constitution, any citizen of Georgia who has the right to vote, is at least 35 years of age, has lived in Georgia for at least five years, and resided in Georgia for at least the three previous years before the election is called, may be elected as the president.<sup>12</sup> These residency requirements appear disproportionate and at odds with international standards.<sup>13</sup>

Candidate registration was overseen by the CEC and was conducted in a transparent and inclusive manner. Political parties and independent candidates submitted applications to the CEC and were then required to collect signatures of at least 0.75 per cent of registered voters (equal to 26,530 voters).<sup>14</sup> The CEC received 54 applications - 42 from independent candidates and 12 from political parties. In total, the CEC registered 23 candidates, 10 nominated by political parties and 13 independent candidates.<sup>15</sup> Three candidates were women.

Seven nominees withdrew and twenty-four nominees were refused registration, some for not fulfilling legal requirements.<sup>16</sup> Nine nominees filed complaints with the CEC. Four of these challenged their refusals over dual citizenship. All complaints were rejected by the CEC and the courts. The rejection of candidatures of dual citizens could be considered restrictive and not in keeping with international good practice.<sup>17</sup>

## Campaign Environment

Freedoms of expression, movement, and assembly were respected and candidates were able to campaign freely without restriction. According to OSCE/ODIHR EOM interlocutors, the campaign environment was seen through the prism of the 2012 parliamentary elections and notably less polarized. However, it was negatively impacted by allegations of political pressure, including on UNM representatives at local-self governmental institutions. The campaign gradually evolved from a direct confrontation between the Prime Minister and the President, which had overshadowed the political scene, to a competition among the main candidates. However, personality politics continued to dominate the public debate throughout the campaign.

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<sup>12</sup> The Constitution also includes transitional provisions allowing people who hold citizenship from a European Union Member State to stand, which will expire on 1 January 2014 (see Article 104<sup>4</sup>).

<sup>13</sup> “Persons 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”. See Paragraph 14 of General Comment No. 25 (1996) to Article 25 of the International Covenant on Civil and Political Rights (ICCPR) by the UN Human Rights Committee. See also paragraphs 26-27 of the 2011 Joint Opinion of the OSCE/ODIHR and the Venice Commission (no. 617/2011).

<sup>14</sup> Independent candidates are nominated by an initiative group made up of five voters.

<sup>15</sup> Candidates nominated by parties: Akaki Asatiani (Union of Georgian Traditionalists), Davit Bakradze (United National Movement), Nino Burjanadze (Democratic Movement–United Georgia), Koba Davitashvili (People’s Party), Sergo Javakhidze (Justice for Georgia), Zurab Kharatishvili (European Democrats), Giorgi Margvelashvili (Georgian Dream-Democratic Georgia), Teimuraz Mzhavia (Christian Democratic People’s Party), Shalva Natelashvili (Labour Party of Georgia), Giorgi Targamadze (Christian-Democratic Movement)  
Independent candidates: Nugzar Avaliani, Tamaz Bibiluri, Teimuraz Bobokhidze, Levan Chachua, Nino Chanishvili, Giorgi Chikhladze, Mamuka Chokhnelidze, Kartlos Gharibashvili, Nestan Kirtadze, Giorgi Liluashvili, Avtandil Margiani, Mamuka Melikishvili, Mikheil Saluashvili.

<sup>16</sup> Of these 24, five were rejected for holding dual citizenship, twelve for not submitting the list of supporters within the defined terms, one for submitting fewer support signatures than required, three for submitting incomplete documentation, two for not correcting inaccuracies on supporter lists, and one for termination of the Georgian citizenship. The rejected nominees with dual citizenship included Salome Zurabishvili, Taniel Khvedelidze, Merab Suliashvili, Giorgi Gakhokia and Zurab Tsitsuashvili.

<sup>17</sup> See Article 3 of the First Protocol of the European Convention on Human Rights and paragraph 1.1.b of the Venice Commission’s Code of Good Practice on Electoral Matters.

Isolated cases of harassment of party activists by rival supporters and instances of violence were noted during the campaign period.<sup>18</sup> The UNM reported a few incidents of intimidation of affiliated local officials or party representatives by authorities.<sup>19</sup> The UNM and other parties also complained about public officials campaigning, and the removal of posters; most of these were considered unfounded by the OSCE/ODIHR EOM. The misuse of administrative resources did not become a major issue during the campaign.

In spite of the large number of candidates, the campaign lacked vitality. Only Giorgi Margvelashvili (GD-DG), Davit Bakradze (UNM), Nino Burjanadze (Democratic Movement-United Georgia (DM-UG)) and to a lesser extent Koba Davitashvili (People's Party), Shalva Natelashvili (Labour Party), and Giorgi Targamadze (Christian-Democratic Movement) actively campaigned throughout the country.<sup>20</sup> Campaign methods included rallies, billboard and posters, small meetings with voters, press conferences and to a limited extent social media. Most candidates focused campaigning on door-to-door activities. The OSCE/ODIHR EOM noted that many interlocutors viewed the campaign as a run-up to the local elections due in May 2014.

The most prominent campaign message was to guarantee the respect of people's rights and protection from government abuse. Even though the president will have reduced authority to effect policy, candidates promoted a range of issues including education, employment and social welfare. Territorial integrity and relations with the Russian Federation featured prominently, and the "restoration of justice" was mentioned in several candidates' programmes, with calls for officials appointed by the previous government and its main local and national leaders to be brought to justice.

Mr. Margvelashvili's campaign was supported throughout by the GD members of parliament and members of the government, including the Prime Minister, both at rallies and in the media. During the campaign, the Prime Minister was prominent in TV appearances. A main point of the GD campaign was his donation of one billion USD to a Georgian co-investment fund (See Media Section). His announcement that he would resign and name his successor after the election also featured as a campaign issue.

## Campaign Finance

The Law on Political Unions of Citizens and the Election Code regulate public and private funding of political parties, reporting and disclosure requirements, establish ceilings on donations and campaign expenditures, and provide sanctions for violations. The legislation was amended in August 2013, following the 2012 parliamentary elections. The most recent amendments addressed the major outstanding concerns of OSCE/ODIHR EOM interlocutors and were passed by parliament in a consultative manner. The legal framework could be effective in ensuring the integrity and transparency of campaign financing, if implemented properly.

The Financial Monitoring Service for Political Finances of the State Audit Office (SAO) is mandated to respond to violations of campaign finance regulations and apply sanctions.<sup>21</sup> The law does not set the deadlines for the SAO to scrutinize the financial declarations of the contestants.

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<sup>18</sup> During the UNM primaries in July, at least 17 people were arrested for throwing objects at UNM leaders and attempting to disrupt the events. They were charged with petty hooliganism, and all but one was fined with GEL 100 each. From August to October, some fifteen other cases involving filming of activists at rallies, altercations during the posting of election materials and physical assaults were brought to the attention of the IAC and the OSCE/ODIHR EOM, by the UNM, DM-UG and Labour Party.

<sup>19</sup> In two cases the UNM filed complaints with the prosecutor's office.

<sup>20</sup> Mr. Margvelashvili was put forth by the GD coalition as its presidential candidate, although as coalitions are not permitted to nominate candidates, he was formally nominated by the GD-DG.

<sup>21</sup> Fines of GEL 2,000 were imposed in two cases for failing to notify the SAO about cash withdrawals from bank accounts.

However, in practice the SAO examined these declarations in a timely manner. Additionally, there is no deadline for the SAO to address campaign finance violations. The statute of limitations for violations of campaign finance requirements is six years. The absence of clear deadlines for addressing violations raised concerns about the effectiveness of campaign finance oversight.

The vast majority of parties and independent candidates submitted income and expenditure reports within the reporting deadline, with no action taken by the SAO for those not submitting reports. The SAO is not required to publish these reports, although to ensure a greater level of transparency the SAO made the reports publicly available on its website. Several OSCE/ODIHR EOM interlocutors expressed concerns during the campaign about the low level of oversight being exercised by the SAO. The SAO informed the OSCE/ODIHR EOM that it decided to only react to campaign finance violations after election day in order to avoid having an effect on the electoral process. This decision resulted in limited actual oversight.

Although the ban on corporate donations was lifted in 2013, no donations from legal entities were received by any candidate. Some 152 donors contributed GEL 1,791,861 to the GD and 343 donors contributed GEL 1,819,585 to DM-UG. The UNM reported receiving GEL 375,093 from 85 donors for the given period.

## Media

Interlocutors consider the media environment more open than during the 2012 elections and journalists are noted as covering major political events in a more inclusive manner. National TV remains the prime source of information for the overwhelming majority of voters. Print media outlets offer a wider spectrum of views; however, they have limited influence and are gradually being replaced by online media.

The improved media environment provided voters with a wide range of views through talk-shows, free airtime and debates. However, critical analysis and analytical reporting is still lacking. Candidates were provided with a platform to present their programs and opinions freely. Newscasts provided daily coverage of the main contestants, although they were more focused on the everyday campaign activities of the candidates rather than their respective platforms.

The law created two categories of candidates; those who qualify for free airtime and those who do not.<sup>22</sup> This distinction provided significant benefit to qualified candidates and limited the ability of non-qualified candidates to campaign on the same level. Non-qualified candidates criticized this distinction as arbitrary in the context of the presidential election and held a press conference calling for equal conditions for media coverage and state funding for all candidates.

Despite this, prominent non-qualified candidates received considerable coverage in the news and talk-shows. In a positive development, starting from 10 October, the Georgian Public Broadcaster (GPB) included Ms. Burjanadze on the list of candidates who qualified for free airtime based on public opinion polls.<sup>23</sup> By contrast, private broadcasters chose not to allocate free airtime to her. *GPB-1* organized two debates among different qualified candidates on 17 and 18 October. Ms. Burjanadze chose not to participate in debates because she was not included in the first grouping,

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<sup>22</sup> Free airtime (60 seconds per hour on public broadcasters, and 90 seconds per three hours on private broadcasters) was allocated to each political party that received either four per cent in the last parliamentary elections or three per cent in the last local elections. This included Giorgi Margvelashvili (GD-DG) Davit Bakradze (UNM), Koba Davitashvili (People's Party), Sergo Javakhidze (Movement "For Fair Georgia"), Giorgi Targamadze (Christian-Democratic Movement), Zurab Kharatishvili (European Democrats), and Teimuraz Mzhavia (Christian-Democratic People's Party).

<sup>23</sup> A political party that receives more than four per cent in an opinion poll held no later than a month before the election may be allocated free airtime.

which included the candidates Mr. Margvelashvili and Mr. Bakradze. Only Ms. Burjanadze actively purchased airtime on national TV, while Mr. Bakradze, Mr. Chikhladze, Ms. Kirtadze, and Mr. Margvelashvili purchased a limited number of advertisements. While entitled, the UNM and GD-DG did not use their allocated state funding for advertising on private TV stations.<sup>24</sup>

The OSCE/ODIHR EOM monitoring showed that media outlets focused more on the activities of the parliamentary political parties and the government than on the activities of specific candidates.<sup>25</sup> In addition, all major national TV stations broadcast live three meetings lasting over 11 hours in total between the Prime Minister and political experts and journalists. During these meetings and two lengthy interviews on *GPB-1* and *Imedi*, the Prime Minister criticized the work of the experts and journalists in covering the government and election, and openly campaigned for Mr. Margvelashvili, effectively providing him with additional airtime.

Only the *GPB-1* provided qualified candidates with equitable coverage. In its newscasts *GPB-1* provided similar proportions (from 12 to 15 per cent of election-related coverage) to Mr. Bakradze, Ms. Burjanadze, Mr. Margvelashvili and Mr. Targamadze. Mr. Davitashvili, Mr. Kharatishvili, Mr. Mzhavia and the non-qualified candidates, Ms. Kirtadze and Mr. Natelashvili each received from six to eight per cent.

The newscasts of all private broadcasters monitored by the OSCE/ODIHR EOM mainly focused on the activities of Mr. Margvelashvili and Mr. Bakradze. TV *Maestro* devoted similar proportions of coverage to both candidates, which was mainly neutral in tone. While *Rustavi 2* and *Imedi* were mainly positive and neutral when covering both candidates, they devoted more time to Mr. Bakradze. TV *Kavkasia* favored Mr. Margvelashvili both in tone and the amount of coverage. Additionally, private broadcasters provided significant coverage to Ms. Burjanadze and Mr. Targamadze, which was mainly neutral in tone.

Batumi-based TV *Adjara* focused more on regional issues, providing limited coverage of the campaign activities of the candidates. When TV *Adjara* did cover the campaign, it clearly favored Mr. Margvelashvili, who received 14 per cent of mostly positive coverage, while none of the other candidates received more than 8 per cent of similar coverage. In its newscasts, TV *Adjara* included profiles of all candidates and presented their background and main election messages.

The Georgian National Communications Commission (GNCC) is the key media regulatory body responsible for overseeing the activities of the broadcast media. The GNCC did not present any interim monitoring results and intended to release its first interim report shortly after election day. It informed the OSCE/ODIHR EOM that it did not receive any election-related complaints, but identified one minor violation related to the airing of political advertisements.

## National Minorities

National minorities enjoy full political rights under the Constitution. According to the 2002 census, they make up 16.2 per cent of the population with the most significant minority groups being Azeri (6.5 per cent) and Armenians (5.7 per cent), concentrated in border regions. Georgia has ratified the Council of Europe Framework Convention for the Protection of National Minorities.

For this election, the CEC established a special working group on ethnic minority issues, organized meetings with national minority representatives, and made visits to minority regions. The CEC

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<sup>24</sup> According to the Law on Political Unions of Citizens, extra funding for TV advertisements is awarded to parties that qualify for general state funding and have nominated a presidential candidate. The UNM and GD-DG are the only parties that meet these criteria and are entitled to GEL 600,000 and 100,000, respectively.

<sup>25</sup> The monitoring was conducted from 23 September until 26 October and focused on primetime hours (18:00 - 24:00). The media outlets monitored included: *GPB-1*, *TV Adjara*, *Rustavi-2*, *Imedi*, *Maestro*, and *Kavkasia*.

provided grants to support civic integration and increase national minority participation in the election process. They also carried out trainings, awareness-raising, and voter education projects in co-operation with several minority NGOs in minority languages and areas.

All interested presidential candidates were able to set up local election offices in national minority regions and carry out election campaigns without hindrance. The three most visible campaigns in the national minority areas were by the GD-DG, UNM and DM-UG candidates. During the pre-election period the overall situation in national minority regions was calm and no significant incidents took place. In addition to the state language, the CEC provided election-related documents in Armenian and Azeri. The CEC webpage also provided information in the Abkhaz language. During the election period, the CEC operated a hotline in minority languages.

### Complaints and Appeals

The Election Code establishes an expeditious dispute resolution process for complaints and appeals against election commission decisions with one to three calendar days allotted for appeals and decisions. All election stakeholders have the right to file complaints. In addition, election commissions may submit administrative protocols of violations to a city or district court requesting administrative sanctions. Complaints on a number of issues may be lodged directly to the courts, as well as election commissions, thus creating the potential for conflicting jurisdiction. Depending on the nature of the violation, the courts adjudicate within three to fifteen days. Appeals are made to the Court of Appeals and its decisions are final.

The deadline for the CEC and DEC to review complaints other than against lower level election commission decisions is one month. Even though the time limit does not ensure that disputes are adjudicated in a timely manner within the election period, which goes against international good practice,<sup>26</sup> the CEC and DEC decided on most such complaints before election day.

Some 100 complaints were filed with the CEC and DEC on the appointment of key PEC positions, campaigning by public officials, defacement of posters, harassment of party activists, and vote buying; most of these were rejected.<sup>27</sup> Complaints were reviewed by the CEC in open and interactive sessions where complainants had the opportunity to present the facts and their arguments. However, in a number of these cases, the person who allegedly committed the offense was not invited to the respective CEC session and thus did not have the opportunity to be heard.<sup>28</sup>

The IAC dealt with over 80 cases brought to its attention either by letter or orally at the nine sessions.<sup>29</sup> The majority of cases concerned allegations of prohibited campaigning by public officials, defacement of posters and harassment of candidate supporters. The IAC discussed almost all complaints even when they went beyond its mandate.<sup>30</sup> The IAC issued 16 recommendations to various stakeholders including recommending that state and local government bodies should issue explanatory notes to public servants on what they are permitted to do during the election period and that they refrain from dismissal of government personnel.<sup>31</sup>

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<sup>26</sup> See paragraph 95 of the Venice Commission's Code of Good Practice in Electoral Matters.

<sup>27</sup> No fines were imposed for any violations. Four cases were sent to the courts.

<sup>28</sup> This runs contrary to paragraph 5.16 of the 1990 OSCE Copenhagen Document and paragraph 100 of Venice Commission's Code of Good Electoral Practice in Electoral Matters.

<sup>29</sup> See Article 48.9 of the Election Code; it is mandated to 'prevent and respond to violations of the election legislation of Georgia by public servants' and 'to issue recommendations to any public servant, administrative body and the CEC requesting to take appropriate measures'.

<sup>30</sup> For instance, the IAC discussed the rejection of the registration of Ms. Zurabishvili, the request of free airtime by Ms. Burjanadze, and the defacement of campaign posters.

<sup>31</sup> The IAC issued recommendations to the President of Georgia, parliament, ministries and other state agencies, local authorities, CEC, courts the prosecutor's office and political parties.

The practice of filing complaints with the IAC instead of with election commissions and courts that have the authority to impose sanctions did not ensure an effective adjudication of disputes in line with international commitments and good practice.<sup>32</sup> In one instance, the IAC recommended to the prosecutor to refrain from investigations of party activists during the campaign period. Although well-intentioned, this could lead to election related violations not being investigated in a timely manner.

### **Citizen and International Observers**

The Election Code provides for observation by citizen and international observers. The CEC registered 60 citizen and 65 international organizations to observe this election. Overall, the CEC accredited approximately 19,746 citizen and 1,241 international observers. Additionally, parties and candidates nominated representatives to observe election day procedures. Civil society and citizen observer organizations undertook a number of activities to support the electoral process and monitor the elections, including observation of the pre-electoral process, deployment of observers on election day, monitoring of the work of DEC's and of the media, voter list verification, parallel vote tabulation, establishment of telephone hotlines and information websites. The involvement of a large number of citizen observers and groups throughout the electoral process enhanced the transparency overall.

### **Election Day, Counting and Tabulation of Results**

Election day took place in an amicable and constructive environment. International observers assessed the overall process positively, although some technical irregularities were noted throughout the day. The CEC started announcing results on election night and posted them on its website broken down by district and precinct; this is a positive measure to further increase transparency. The preliminary voter turnout was reported at 46.6 per cent.

International observers positively assessed opening procedures in 146 of 157 PECs observed. However, small delays in opening were observed in 43 polling stations, which did not affect voting. Candidate and party representatives were present in 148 polling stations and citizen observers in 119 polling stations observed. However, in 12 cases, they were observed directing or interfering in the work of the PECs. Minor procedural problems included not entering the number of voters and ballots in the display protocol or logbook in 20 PECs.

In a positive overall assessment of voting by international observers, they evaluated the process as good or very good in 97 per cent of observations. Observers were not obstructed and could clearly observe procedures in 99 per cent of polling stations. However, the voting process was assessed less positively in 91 cases, mostly because of PEC overcrowding due to the high number of citizen observers and candidate and party representatives present, often with multiple representatives in the polling station at the same time. In three per cent of polling stations observed, these people were noted as directing or interfering in the work of the PECs. In 13 per cent of polling stations observed, the display protocol was not filled in properly and the number of voters not recorded as required by law. The performance of the PECs and their understanding of voting procedures as well as the transparency of the process were assessed positively in 95 and 97 per cent of observations, respectively. Women served as chairpersons in 56 per cent of PECs observed.

Counting was assessed positively in 92 of 102 polling stations observed. International observers had a clear view of the counting process in 101 polling stations observed. Counting was assessed as transparent in 99 of 105 observations, however, in 18 polling stations PECs had some difficulties in filling the results protocols and in 32 cases they were not publicly posted, as required by

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<sup>32</sup> See Article 2.3c of the ICCPR, and paragraphs 92-100 of the Venice Commission's Code of Good Practice in Electoral Matters.

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law. In 13 cases the PECs did not announce the choice on every ballot aloud, which is a key measure of transparency, and did not cross-check data after counting in 15 cases.

The tabulation process was assessed as good or very good in 74 of 79 observations from 65 DEC's. International observers were generally able to follow it without restrictions. The facilities for receiving election materials were assessed as inadequate in 16 observations, and in 16 cases the high number of people present at the DEC's negatively affected the process. Candidate and party observers and citizen observers were well-represented in the DEC's observed.

*The English version of this report is the only official document.*

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#### MISSION INFORMATION & ACKNOWLEDGEMENTS

Tbilisi, 28 October 2013 - The OSCE/ODIHR EOM opened in Tbilisi on 19 September. It includes 16 experts in the capital and 28 long-term observers deployed throughout Georgia.

On election day, 401 observers from 45 countries, were deployed, including 274 long-term and short-term observers deployed by the OSCE/ODIHR, as well as 65 parliamentarians and staff from the OSCE PA, 32 from the PACE, 11 from the EP and 19 from the NATO PA. Voting was observed in 1,467 polling stations across the country. The tabulation process was observed in 65 DEC's.

The observers wish to thank the authorities of Georgia for the invitation to observe the election; the Central Election Commission for its co-operation and for providing accreditation documents, and, the Ministry of Foreign Affairs and other authorities for their assistance and co-operation. The observers also wish to express appreciation to the embassies and international organizations accredited in Georgia for their co-operation and support.

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