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Observation of the presidential election in Georgia (27 October 2013)

Election observation report

Ad hoc Committee of the Bureau

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1. Introduction

1. At its meeting on 30 May 2013, the Bureau of the Parliamentary Assembly decided to observe the presidential election in Georgia (subject to receiving an invitation and confirmation of the date) and to this end set up an ad hoc committee comprising 30 members and the two co-rapporteurs of the Committee on the Honouring of Commitments and Obligations by Member States of the Council of Europe (Monitoring Committee). The Bureau also authorised a pre-electoral mission comprising seven members (one from each political group and the two co-rapporteurs of the Monitoring Committee). At its meeting on 28 June, the Bureau appointed Ms Meritxell Mateu Pi Chair of the ad hoc committee. On 16 July, the Assembly received a letter from the President of the Georgian Parliament inviting it to observe the presidential election on 27 October. The Bureau took note of the declarations on absence of conflict of interests of candidates for the observation mission and approved the composition of the ad hoc committee (see Appendix 1).

2. On 4 October 2004, the Parliamentary Assembly and the European Commission for Democracy through Law (the “Venice Commission”) signed a co-operation agreement. In accordance with Article 15 of that agreement, stipulating that “[w]hen the Bureau of the Assembly decides to observe an election in a country in which electoral legislation was previously examined by the Venice Commission, one of the rapporteurs of the Venice Commission on this issue may be invited to join the Assembly's election observation mission as legal adviser”, the Bureau invited an expert from the Venice Commission to join the ad hoc committee as an adviser, assisted by a member of the Venice Commission secretariat.

3. The Bureau sent a pre-electoral delegation to Georgia from on 24 and 25 September 2013 to evaluate the state of preparations and the political climate in the run-up to the elections. The multiparty delegation was made up of Meritxell Mateu Pi (Andorra, ALDE), Head of Delegation, Anders Herkel (Estonia, EPP/CD), Lord Tomlinson (United Kingdom, SOC) and Boriss Cilevičs (Latvia, SOC), co-rapporteur on the monitoring of Georgia. Besides Mr Vassily Likhachev (Russian Federation), whose case is explained below, two other members of the pre-electoral delegation, Mr Chope and Mr Jensen, were unable to take part in the visit.

4. Some days before the beginning of the pre-electoral visit to Georgia, on 20 September, the Georgian protocol services informed the Assembly Secretariat that Mr Likhachev, member of pre-electoral delegation appointed by the Group of the Unified European Left, would not be allowed to enter Georgian territory, owing to his previous visit to Abkhazia, Georgia, when he had entered this territory by one of the passing points forbidden by the Georgian law on the occupied territories, enacted in 2008.¹ On 22 September, the Georgian authorities confirmed that “if Mr Vassily Likhachev or other members of the Assembly had entered the occupied regions of Georgia without prior authorisation from the Georgian Government, they were liable to criminal punishment – a fine and/or a prison sentence”. The Assembly Secretariat forwarded this information to the Russian Delegation. Mr Likhachev was therefore unable to take part in the pre-electoral visit to Georgia. On 30 September, the Bureau considered the case of Mr Likhachev, who had been prevented from taking part in the pre-electoral visit, and decided to seek the opinion of the Committee on Rules of Procedure, Immunities and Institutional Affairs on this matter, so as to be able to take a decision at its meeting in Vienna on 21 November 2013. Another member of the delegation of the Russian Federation, Mr Sergey Kalashnikov, who had been appointed by the European Democrat Group, did not take part in the election observation mission for the same reasons.

5. During the election observation mission, the Georgian authorities informed the Chair of the ad hoc committee that an amendment to the law on the occupied territories was being drafted to make it more flexible and that the political context of the election campaign meant that it could not be enacted within the fixed time-limit. The draft amendment would be sent to the Venice Commission for opinion in November.

6. During the pre-electoral visit to Georgia, the delegation met the main candidates standing for election, the Prime Minister, the President of the Parliament, the Minister of Justice, the Secretary of the National Security Council, the Chair of the Central Electoral Commission, the Head of the delegation of the Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE/ODIHR) and the members of his team, representatives of non-governmental organisations (NGOs) and the media and members of the diplomatic community. The delegation was not able to meet the incumbent President, Mr Mikheil Saakashvili, who was visiting the United States. The programme of the pre-electoral mission is set out in Appendix 2.

7. At the end of its two-day visit to Georgia, the pre-electoral delegation found, in the light of the statements by most of the persons interviewed, that “there was currently a more open, and equally competitive, electoral environment compared to other recent elections. Georgia has the possibility to conduct a presidential election which enjoys its citizens’ confidence and meets Council of Europe standards. This would be a remarkable achievement for the country and the region”. But to achieve this, “cases of politically motivated violence and intimidation of opposition supporters, pressure on officials to resign prematurely from their elected or appointed positions, and undue interference of local officials in the election process must be excluded during the election campaign. The relevant authorities should investigate any allegations of election campaign violations, firm and proportional sanctions should be applied in order to avoid violations in the future, and the public should be informed about measures undertaken”. The declaration by the pre-electoral delegation at the end of its visit is set out in Appendix 3.

8. The ad hoc committee was part of the international election observation mission (IEOM), which also included delegations from the Parliamentary Assembly of the OSCE (PA-OSCE), the European Parliament, the Parliamentary Assembly of the North Atlantic Treaty Organisation (PA-NATO) and the election observation mission of the OSCE/ODIHR.

9. The ad hoc committee met in Tbilisi from 25 to 28 October 2013 where, among other things, it met the main candidates running for election, the Chair of the Central Electoral Commission (CEC), the Head of the OSCE/ODIHR observation election mission and the members of his team, and representatives of civil society and the media. The programme of the ad hoc committee’s meetings is set out in Appendix 4.

1. See, in this connection, the opinion of the Venice Commission on the draft amendments to the Law on the occupied territories of Georgia (adopted on 11-12 December 2009, document CDL-AD(2009)051).

10. The international election mission observing the presidential election concluded that “the 27 October presidential election in Georgia 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. Just one year after the parliamentary elections, Georgia’s citizens have again demonstrated their political maturity in this presidential election, in a peaceful climate and with an inclusive process, thanks to the election administration. These elections are an important achievement for the country and for the entire South Caucasus region”. The IEOM press release is set out in Appendix 5.

11. The election observation mission wishes to thank Ms Caterina Bolognese, Head of the Council of Europe Office in Georgia, and her staff for their help in preparing and organising the pre-electoral visit as well as the mission for the observation of the presidential election.

2. Legal context and new amendments to the Electoral Code adopted in 2013

12. The main legislative text governing the presidential election of 27 October 2013 is the Electoral Code, adopted on 27 December 2011 and amended in July and September 2013. The other relevant legislative texts include the Constitution, the Organic Law on Political Unions of Citizens, which concerns the funding of political parties and election campaigns, and the orders and decrees of the CEC.²

13. There were careful discussions on the electoral reform and the amendment of the Organic Law on Political Unions of Citizens. The Venice Commission was closely involved in the reform process in Georgia and studied the draft new Electoral Code and the draft revised Organic Law on Political Unions of Citizens.³

14. The 2010 constitutional reform transferred a considerable number of powers from the Head of State to the Prime Minister and the parliament. The newly elected President of the Republic will not have the authority to dissolve the government and form a new cabinet without the approval of the parliament. It is the Prime Minister who will appoint the governors of the regions, who were previously appointed by the President of the Republic. The constitutional reform, amending the powers of the Head of State, was unanimously approved by the members of the Georgian Parliament present at the vote on 21 March 2010.

15. The latest opinions issued by the Venice Commission and the OSCE/ODIHR on electoral issues are the joint opinion on amendments and additions to the Organic Law on Political Unions of Citizens⁴ and the joint opinion on the new draft Electoral Code of Georgia.⁵ The conclusions of the appraisal of the Electoral Code are on the whole positive, although some concerns were expressed with regard to the following points:

- a. The formation of electoral districts that undermine the principle of equality of suffrage;
- b. The need to protect election commission members from arbitrary removal by setting out the grounds on which removal is justified compared to the grounds requiring a lesser sanction;
- c. The restrictions on the right to stand for election, including the excessively long residency requirement for candidates;
- d. The restrictions on the right to vote of citizens in penitentiary institutions and of military staff;
- e. In its opinion, the Venice Commission recommended that further measures be taken to prevent the misuse of all types of administrative resources in election campaigns;
- f. Lack of effective mechanisms to facilitate the participation of women in elections;
- g. Continued inconsistencies in regulations concerning the funding of political parties and election campaigns;

2. These texts can be consulted at the following address: www.cec.gov.ge/index.php?sec_id=27&lang_id=ENG.

3. See the opinions of the Venice Commission on these two texts:

Joint opinion on the draft Electoral Code of Georgia (Venice, 16-17 December 2011, CDL-AD(2011)043), [www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2011\)043-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2011)043-e).

Joint opinion on the draft law on amendments and additions to the Organic Law of Georgia on political unions of citizens (Venice, 16-17 December 2011, CDL-AD(2011)044rev):

[www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2011\)044rev-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2011)044rev-e).

4. Ibid., document CDL-AD(2011)044rev.

5. Ibid., document CDL-AD(2011)043.

- h. The need to specify the procedures to be used during the recount;
- i. Inconsistencies in the procedure for the resolution of electoral appeals.

16. Most of the amendments to the Electoral Code adopted in 2013 concern the use of administrative resources, the voters list, biometric registration and the funding of candidates. They do not concern special regulations for the registration of presidential candidates. Amendments to the Law on Political Unions of Citizens concerning party funding were adopted on 24 July and 7 August 2013 by the Georgian Parliament:

- a. Up to one million lari (GEL 1 million)⁶ of the campaign expenses of any presidential candidate who has secured at least 10% of the votes will be refunded. This is a very large sum for a country in transition such as Georgia;
- b. Georgian business enterprises and legal entities may make donations to political parties of up to GEL 120 000 per company and per year. Only companies registered in Georgia, whose owners are Georgian, and not more than 15% of whose income for the previous year came from public contracts under simplified procurement procedures, are allowed to make donations;
- c. The basic funding of parties which have exceeded the minimum requirements for funding has been increased from GEL 150 000 to GEL 300 000 per year (the amount per seat and the amount per vote remains the same). The minimum requirement was also reduced from 4% to 3% of the votes at the last legislative elections (and to 3% at the last municipal elections, as in the past). Moreover, the parties or electoral blocs which secured 6% of the votes at the last legislative or municipal receive twice the basic funding (in other words GEL 600 000);
- d. By way of exception, public funds may be used to refund a number of non-parliamentary parties. According to this amendment, GEL 150 000 will be paid out to the seven non-parliamentary parties which secured the best results at the last legislative elections (without having secured any seats in parliament), if they submit their request to the Court of Auditors within a month after the ballot. This amendment was made as part of a compromise following the strong protests by the non-parliamentary opposition against the increase in public funding of the parties represented in parliament;
- e. The annual ceiling for spending by political parties and other candidates has been reduced from 0.2% to 0.1% of Georgian gross domestic product (GDP). The ceiling on expenditure, in other words the annual amount that parties and other candidates can legally spend on the election campaign has been reduced by half and now represents some GEL 26.1 million. This amount is, however, still very considerable for a country such as Georgia.
- f. Experts had recommended that the amount should not be linked to the GDP and that a realistic ceiling should be fixed taking account of the size of the population and the campaign tools available;
- g. The amendment concerning the activities of third parties is aimed at regulating such activities in the context of an election campaign by defining electoral objectives which require that persons should provide evidence of their commitment to coming to power by taking part in elections. The aim is to rule out the possibility that natural or legal persons might use financial or material resources for or against a party or candidate by giving the latter an unfair advantage or, in the event of a smear campaign, by placing them at a disadvantage. With regard to this amendment, the experts recommended that this article be replaced by a clearer definition and clearer regulation of the activities of third parties;
- h. The Law on Political Unions of Citizens has been amended to ensure that more proportionate sanctions are applied in cases of illegal donations and to improve procedures;
- i. Parties with an annual budget of less than or equal to GEL 10 000 will no longer be obliged to submit a financial report to the Court of Auditors along with their financial declaration.

17. Generally speaking, with regard to the recent amendments to the legislation aimed at increasing the funding of political parties, the question is whether this provision will really help to set up a multiparty system or simply lead to a further increase in election expenditure.

18. The following amendments concerning voting operations on polling day were adopted:

- a. All paid or free-of-charge pre-electoral advertising on television channels or radio stations is forbidden;

6. 1 lari equals approximately 0.5 euros

- b. The publication of the results of opinion polls, with the exception of those concerning potential turnout and actual turnout on polling day, is prohibited until 8 p.m. on polling day;
- c. It is forbidden to take photographs or to film in the polling booths to guarantee secrecy;
- d. The persons authorised to be present in the polling station may take photographs or film the polling station, with the exception of the polling booths and provided they do not disrupt the work of the commission.

3. Administration of the presidential election

19. The presidential election was organised by a three-tier electoral administration, comprising the Central Electoral Commission (CEC), 73 district electoral commissions (DECs) and 3 655 precinct electoral commissions (PECs). Thirty-four special polling stations were set up in hospitals, military bases, prisons and detention centres and 52 others in consular representations abroad.

20. All of the above commissions comprised 13 members, seven of whom had been appointed by qualifying political parties. According to Georgian legal provisions, “qualifying parties” are parties that received at least 4% of the votes in the previous parliamentary elections or at least 3% of the votes in the previous local elections. For the CEC, the Chair and the five remaining members are appointed by parliament. For the DECs and PECs, the remaining six members are appointed by the higher level election commissions. As a result of this appointment system, the “Georgian Dream” coalition had a *de facto* majority on all election commissions.

21. In this connection, the Assembly’s pre-electoral delegation drew the Georgian authorities’ attention to the need to make further improvements to the legislation to increase the representation of political parties at all levels of the electoral commissions. This question of the almost exclusive presence of representatives of the two main political formations – “Georgian Dream” and United National Movement (UNM) – at all levels of the electoral commissions was criticised by some presidential candidates, with the exception of the candidates from these formations who, as a result, benefited from the advantages of public funding.

22. On 12 August, Zurab Kharatishvili, Chair of the CEC, handed in his resignation, 11 weeks before the presidential election. Mr Kharatishvili had been elected by the previous parliament in January 2010 for a five-year term of office. The European Democrats of Georgia subsequently put forward his name as their presidential candidate and he was accordingly registered by the CEC.

23. In accordance with the Electoral Code, incumbent President Saakashvili submitted three candidatures for chairmanship of the CEC, including Ms Tamar Zhvania, former leader of an election observation group based in Tbilisi. Under the relevant procedure, it was subsequently up to the members of the CEC appointed by the political parties, with the exception of the member of the opposition appointed by the UNM, to choose one of the three candidates. On 11 September, the six representatives of the “Georgian Dream” coalition on the CEC voted for Ms Zhvania, who was consequently given a five-year term of office as Chair of the Central Electoral Commission with the approval of the main political forces and civil society groups. The general opinion is that the CEC managed these elections in a transparent and efficient manner.

24. In July 2013, the parliament adopted amendments to the Electoral Code making the Inter-Agency Task Force for Free and Fair Elections (IATF) answerable to the Ministry of Justice rather than to the National Security Council. According to the Electoral Code, the aim of the IATF was to “prevent infringements of electoral legislation by public officials and to respond to any such infringements”. Political parties had the right to take part in IATF meetings and representatives of local and international organisations for the observation of elections could also be invited to take part. Although the work of the IATF proved useful during the election campaign, the role of this body in relation to the electoral administration needs to be clarified.

4. Registration of candidates and voters

25. The CEC informed the delegation that 54 candidates had submitted their candidatures. All presidential candidates must be at least 35 years of age and have lived in the country for at least five years. The lists of signatures in support of presidential candidates were submitted to the CEC on 17 September. Before this date the candidates had to submit to the CEC at least 26 530 signatures (0.75% of the total number of voters registered on the polling lists) in order for their candidature to be validated. 27 September was the deadline for

the registration of presidential candidates by the CEC. At that date, the CEC had registered 23 presidential candidates who met all the conditions required by the relevant legislation: 10 had been nominated or elected in political party primary elections, while 13 candidates had been nominated by initiative groups.

26. Ms Salome Zurabishvili, former Georgian Minister for Foreign Affairs, had also put forward her candidature but had come up against legal problems because of her dual French and Georgian nationality. Three other candidates had come up against the same problem and their candidatures had been rejected by the CEC.

27. The Georgian Constitution stipulates that people with dual nationality who were not born in Georgia cannot become President. Ms Zurabishvili argued that although the Constitution undeniably forbade people with dual nationality from becoming President, it did not forbid them from standing for election. The CEC had already refused to register other binational candidates. On 10 September, the Tbilisi Court of Appeal confirmed the CEC's decision to refuse to register Salome Zurabishvili's application to stand for the presidential election of 27 October on grounds of her dual nationality.

28. According to the CEC, 3 537 719 Georgians were registered on the voter lists, including 48 458 who were registered on voter lists abroad. Some presidential candidates said that they had doubts as to the accuracy of the voter lists, claiming that hundreds of thousands of Georgians had been absent from Georgia for long periods of time but that their names were still on the lists.

29. The CEC noted that some 98 000 voters had an address on their identity card which was not their real address. In August this year, some 98 000 voters, around 70 000 of whom resided in Tbilisi, were excluded from the voter lists. The CEC explained that for the sake of transparency in order to check voter lists, it had changed the criteria: it therefore invited all Georgian citizens who had the right to vote to acquire a new identity card with their correct address to ensure that they could exercise their right to vote.

30. When certain addresses were checked, the authorities concerned discovered that the tenants and the owners of the property in question were different people. The Assembly delegation was informed that there could be many reasons for this, such as embargos (seizures of property), property sold, unannounced departures, or even deaths. The CEC and the Inter-Agency Task Force for Free and Fair Elections had launched a campaign so that this category of voters could be registered. The campaign had been accompanied by adverts in the different media, by direct access to a web page set up for this purpose, by information material and non-coercive measures – given that the obtention of the identity card would be free of charge until 27 September or even beyond if the objectives set were not reached; in other words if only a small number of Georgians requested an identity card. At the end of the campaign only 9 142 voters had been reregistered on the voter lists. Generally speaking, with regard to voter lists, the Assembly delegation pointed out that the accuracy of voter lists needed to be guaranteed to give citizens more confidence in the entire election procedure and make sure that Georgian citizens who were entitled to vote were not deprived of that right for administrative reasons.

5. Election campaign and media environment

31. In keeping with the Constitution, the outgoing President, Mikhail Saakashvili, did not put forward his candidature for the presidential election of 27 October, as he had already completed two terms of office. The previous presidential election had taken place on 5 January 2008.

32. On 1 July 2013, President Saakashvili decided to hold the presidential election on 27 October 2013. It was the sixth election since Georgia became independent in 1991. However, this is the first time since Georgia became independent 22 years ago that a democratically elected President completed his term of office. The two previous Presidents, Zviad Gamsakhurdia and Eduard Shevardnadze, had been obliged to step down from office before the end of their mandate.

33. The President is elected for a five-year term of office.⁷ To be elected in the first ballot, a candidate must obtain the absolute majority of the votes cast. Otherwise, a second ballot, in which the two candidates who obtained the best results in the first ballot will compete, must be held within two weeks of the official announcement of the outcome of the first ballot.⁸

7. Article 70 of the Constitution of Georgia and Article 94 of the Electoral Code, which can be consulted at the following addresses: www.parliament.ge/files/68_1944_951190_CONSTIT_27_12.06.pdf and http://cesko.ge/files/2013/Election_Code_of_Georgia_-_Incorporated_04_10_2013.pdf.

34. Numerous people to whom the ad hoc committee spoke said that the legislative elections in October 2012 had been the first time there had been a peaceful change in the parliamentary majority. The presidential election on 27 October 2013 therefore offered Georgia a genuine opportunity to strengthen the pluralist and democratic nature of its electoral process. In its declaration on 25 September, the Assembly's pre-electoral delegation stated that "Georgia has the possibility to conduct a Presidential election which enjoys its citizens' confidence and meets Council of Europe standards" and that "this would be a remarkable achievement for the country and the region".

35. The members of the ad hoc committee and the pre-electoral delegation met the main presidential candidates. Giorgi Margvelashvili had been appointed presidential candidate by the "Georgian Dream" coalition on 11 May 2013. His candidature had been endorsed by Prime Minister Bidzina Ivanishvili. The priorities of the coalition candidate were the economic and social development of Georgia, the normalisation of relations with Russia, at least from the standpoint of trade relations, the country's security, which should be consolidated now that it belonged to the free world, and its gradual integration into the European Union. In this connection, Georgia is expected to sign the Association Agreement with the European Union in Vilnius in November 2013; this will mark the beginning of a genuine process of European integration and will also help Georgia in its accession to NATO.

36. On 28 June 2013, Davit Bakradze was appointed presidential candidate of the United National Movement following the party's primary election. He was President of the Georgian Parliament from 2008 to 2012. When he met the Assembly delegation, he said that his main priority was Georgia's integration into the European Union and NATO. According to the UNM candidate, he and his supporters had been subjected to pressure and intimidated during the electoral events held by his party at the beginning of the campaign, particularly in the regions. For example, he mentioned the violent incidents that took place on 20 July between the supporters of the Prime Minister and supporters of the United National Movement in Zugdidi Theatre. According to the information received by the delegation, 12 people presumed to be responsible for the incidents were sent to prison in late July and the Prime Minister unreservedly condemned the violence.

37. The third presidential candidate was Nino Burjanadze, former President of the Georgian Parliament. Her candidature had been put forward by "Democratic Movement – United Georgia" (DMUG). She was in favour of more balanced relations with Russia so as to find a peaceful solution with regard to Abkhazia and Southern Ossetia. She told the members of the delegation that she did not believe that it would really be possible for Georgia to integrate the European Union or NATO in the foreseeable future. She pointed out that NATO's statutes made it impossible for her country to become a member given the situation with regard to Abkhazia and South Ossetia. She advocated closer relations with Georgia's closest neighbours, including Russia.

38. During the pre-electoral visit, some NGO representatives told the members of the delegation that Ms Burjanadze's party had reportedly declared that it had opened only one office to run its election campaign. On 25 September, the National Audit Department, responsible for checking the funding of candidates' election campaigns, declared that Ms Burjanadze had at least nine campaign offices throughout Georgia. After the Audit Department had launched the administrative procedure for checking the funding sources of these offices, the DMUG rectified the information and said that it had 72 offices in operation. In this connection and, generally speaking with regard to the funding of the election campaign, the pre-electoral delegation of the Assembly asked the Georgian authorities to "improve the transparency and verification of sources of funding and expenditure of political parties and candidates".

39. The pre-electoral delegation and the main election observation mission also met the presidential candidates Mr Shalva Natelashvili of the Georgian Labour Party and Mr Giorgi Targamadze, the candidate representing the Christian-Democratic Movement of Georgia.

40. During the election campaign, the Prime Minister and the candidate of the "Georgian Dream" coalition, Mr Giorgi Margvelashvili, declared that if the candidate of the "Georgian Dream" coalition did not obtain at least 60% of the votes on the first ballot, the "Georgian Dream" candidate would withdraw his candidature before the second ballot. According to the leaders of the ruling coalition, the aim of this declaration was to encourage its voters to take a more active part in the poll on 27 October. The opposition candidates and some representatives of NGOs and the media thought that this declaration could be considered to be pressure by the government on representatives of local authorities and electoral commissions to ensure that the figure

8. Articles 105 and 106 of the Electoral Code.

declared was achieved. According to them, when it came to election practices, there were still some bad habits. The Assembly's ad hoc committee believes that this sort of declaration should not have been made in order to ensure that voters' still fragile confidence in the electoral process was not undermined.

41. Representatives of NGOs, the media and some presidential candidates drew the attention of the members of the pre-electoral delegation to the fact that between October 2012 and March 2013 some 5 000 public officials, at different levels of the public authorities, had resigned or had been removed from office. Prior to the legislative elections on 1 October 2012, the UNM in power held the majority of seats in all Georgian municipalities. Following the victory of the "Georgian Dream" coalition, the vast majority of the leaders of municipal authorities had been replaced by people nominated by the coalition; in other cases the leaders had changed political parties.

42. The representatives of the opposition candidates, NGOs, the media and the long-term observers of the OSCE/ODIHR spoke of cases of intimidation or violence against opposition candidates, particularly during events organised by the UNM candidate. On 4 September, with a view to avoiding allegations concerning cases of intimidation of supporters of the opposition, the Minister of Justice drew attention to the TFIA's recommendation that investigations into allegations of misconduct by local leaders and political party supporters be suspended during the election campaign. However, this recommendation has not always been followed in some localities.

43. On 10 July, Bidzina Ivanishvili, the Georgian Prime Minister, declared that his government had the "ambition and desire" to hold an "exemplary, free and fair" presidential election. When he met the pre-electoral delegation on 24 September, he reaffirmed his government's wish to put an end to the "shameful practice" whereby the party in power used all available public resources to counter the opposition. During the same meeting, the Prime Minister confirmed the statement he had made on 2 September concerning his resignation after the presidential election to devote himself to the development of civil society in Georgia.

44. On 29 August, a group of eight civil society organisations asked the Prosecutor's Office to investigate the illegal demolition, on 26 August, of the minaret of a mosque in the village of Chela, which, it claimed, infringed the right to ownership and the rights of the local Moslem community to practise their religion. On 2 September, in a speech made at the annual meeting of Georgian ambassadors, the Prime Minister said that the minaret had been demolished because it had been built illegally; however he also said that the authorities should be "more careful" when dealing with potentially sensitive issues, such as those relating to religion. All the candidates met by the Assembly delegation underlined the need to respect the religious feelings of the different communities.

45. Some NGOs said that during the election campaign, the representatives of the opposition had had free access to conduct the election campaign in regions inhabited by national minorities, which had apparently not been the case at the previous elections. The CEC had published election material in the languages of the national minorities. The Assembly delegation underlined the need to create equal conditions for all Georgian citizens, irrespective of their ethnic or religious origin. At the end of the pre-electoral visit to Tbilisi, it declared that "it finds any political exploitation of sensitive ethnic and religious issues for electoral purposes unacceptable, all the more so in a multi-ethnic society such as Georgia".

46. The amended Electoral Code differentiates between "qualified" candidates (those who have the backing of parties which received at least 4% of the votes cast at the previous legislative elections or 3% of the votes at the previous local elections) and "non-qualified" candidates. This provision of the Electoral Code may make it difficult for "non-qualified" candidates to gain access to the media, in particular the private radio broadcasters. The so-called "non-qualified" candidates claimed that this provision discriminated against them. On 10 October, the Georgian Public Broadcasting Company included Ms Burdjanadze on the list of candidates entitled to free airtime on the basis of the outcome of public opinion polls. Nevertheless, the private media chose not to give her any free airtime. The GPB-1 channel held two televised debates between the different candidates on 17 and 18 October. Ms Burdjanadze decided not to take part in the debate as she had not been chosen to take part in the first debate between the main candidates, with Mr Margvelashvili and Mr Bakradze.

47. The long-term observers of the OSCE/ODIHR noted that the main television channels devoted 11 hours of airtime to the Prime Minister's three meetings with experts and journalists, during which he openly advocated voting for Margvelashvili.

48. With regard to coverage of the election campaign, the delegation said during its visit to Tbilisi that it regretted the conflict concerning the Georgian Public Broadcasting Company since January 2013. Generally speaking, the media coverage of the election campaign in Georgia was more open and diversified, giving Georgian citizens access to a broad range of political views.

6. Polling day

49. On polling day, the ad hoc committee divided into 14 teams which observed the election in Batumi, Goris, Kutaisi, Mtskheta, Sarajego, Dusheti, Rustavi, Tbilisi and their surrounding areas. The members of the ad hoc committee noted that turnout was very low in all the polling stations they visited. They found that voting took place in an orderly fashion and that the voting and counting operations were generally carried out in a professional and serene manner.

50. However, the members of the ad hoc committee identified a number of technical problems in the polling stations they visited:

- cases of unintentional failure to comply with procedures for the counting and tabulation of results in some of the polling stations visited, in particular in rural areas;
- cases of unauthorised interference by local observers or political parties in the work of the precinct electoral commissions;
- a problem of access for people with reduced mobility in quite a large number of polling stations;
- the polling stations were sometimes too small given the number of members of precinct electoral commissions (13) and the large number of local observers. If turnout had been higher, this might have caused serious problems in managing the voting operation;
- the rule concerning invisible ink was not always strictly applied and there was no systematic verification of its use;
- the Electoral Code authorises video recordings and the taking of photographs in polling stations but such activities may have incommoded, and perhaps even intimidated, voters in a number of polling stations.

51. According to the official preliminary results announced by the Central Electoral Commission, the main candidates obtained the following results: Giorgi Margvelashvili ("Georgian Dream" Coalition) – 62.12%; Davit Bakradze (United National Movement) – 21.72%; Nino Burdjanadze "Democratic Movement – United Georgia) – 10.18%; Shalva Natelashvili (Labour Party) – 2.88%; Giorgi Targamadze (Christian Democrats Movement) – 1.06%. The rate of turnout was 46.96%. Giorgi Margvelashvili was elected President of Georgia.

7. Conclusions and recommendations

52. The ad hoc committee concluded that the presidential election held in Georgia on 27 October 2013 "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. Just one year after the parliamentary elections, Georgia's citizens have again demonstrated their political maturity in this presidential election, in a peaceful climate and with an inclusive process, thanks to the election administration. These elections are an important achievement for the country and for the entire South Caucasus region".⁹

53. Polling day was calm. The members of the ad hoc committee noted that the poll had been conducted in an orderly fashion and that the voting and counting of votes had, in general, been conducted in a professional manner. Cases of unintentional non-compliance with the counting procedures in certain polling stations had been observed, particularly in rural areas.

54. The ad hoc committee underlines the fact that, on the whole, the Electoral Code adopted in 2011 and amended in 2013 has improved the legislation governing the elections but that there are still some valid grounds for concern, for example: the need to protect election commission members from arbitrary removal; the restrictions on the right to stand for election; and continued inconsistencies in regulations concerning the funding of political parties and election campaigns.

9. See the ad hoc committee's declaration in Appendix 5.

55. With regard to the election campaign, the ad hoc committee was satisfied that presidential candidates had, on the whole, been free to conduct the election campaign without restrictions, including in regions inhabited by national minorities, which had apparently not been the case at the previous elections. Nevertheless, the Assembly delegation noted that at the beginning of the election campaign there had been cases of politically motivated violence and intimidation of opposition supporters, as well as pressure on local public officials. This sort of practice has no place in an election campaign and the relevant authorities should investigate all allegations of violations during the election campaign. Georgian citizens and the Parliamentary Assembly should be informed of the steps taken.

56. The ad hoc committee regretted that two Russian members of the Assembly's ad hoc committee, appointed by the Unified European Left Group and the European Democrat Group, had been unable to take part in the mission for the reasons given in paragraph 4 of this report.

57. The ad hoc committee considers that on the whole the Central Electoral Commission operated satisfactorily, in a professional and transparent manner, and that the presidential candidates had confidence in its work. Nevertheless, with regard to the composition of the electoral commissions at the different levels, the ad hoc committee firmly believes that further improvements must be made to the legislation to increase the representation of the other political parties on the electoral commissions at all levels. Only the two main political formations – "Georgian Dream" and the UNM – benefit from the current situation as it gives them the advantage of public funding.

58. The pre-electoral delegation regretted the conflict concerning the Georgian public broadcasting body since January 2013, particularly as this situation continued during the election campaign. According to the long-term observers of the OSCE/ODIHR, the media environment was more open than during the 2012 election campaign, with the result that citizens had access to a broad range of political views.

59. The ad hoc committee considers that the Assembly should continue its close co-operation with the Georgian Parliament and institutions, by means of its monitoring procedure, and with the Venice Commission, in order to resolve the problems noted during the presidential election on 27 October 2013 and to further consolidate the whole electoral process.

Appendix 1 – Composition of the ad hoc committee

Based on proposals by the political groups of the Assembly, the ad hoc committee was composed as follows:

- Meritxell MATEU PI*, Head of the Delegation
- **Group of the European People's Party (EPP/CD)**
 - Márton BRAUN, Hungary
 - Iryna GERASHCHENKO, Ukraine
 - Valeriu GHILETCHI, Republic of Moldova
 - Andres HERKEL*, Estonia
 - Denis JACQUAT, France
 - Inese LĪBIŅA-EGNERE, Latvia
 - Thierry MARIANI, France
 - Lesia OROBETS, Ukraine
- **Socialist Group (SOC)**
 - Bernadette BOURZAI, France
 - Josette DURRIEU, France
 - Florin IORDACHE, Romania
 - Luc RECORDON, Switzerland
 - Alexandrs SAKOVSKIS, Latvia
 - John TOMLINSON*, United Kingdom
 - Gisela WURM, Austria
- **European Democrat Group (EDG)**
 - Christopher CHOPE, United Kingdom
 - Jonathan EVANS, United Kingdom
 - Yuliya L'OVCHKINA, Ukraine
- **Alliance of Liberals and Democrats for Europe (ALDE)**
 - Gerold BÜCHEL, Liechtenstein
 - Doris FIALA, Switzerland
 - Andrea RIGONI, Italy
- **Rapporteur of the Monitoring Committee (ex officio)**
 - Boriss CILEVIČS*, Latvia
- **Venice Commission**
 - Oliver KASK, Member of the Venice Commission
- **Secretariat**
 - Chemavon CHAHBAZIAN, Deputy Head of Secretariat, Interparliamentary Co-operation and Election Observation Division, Secretariat of the Parliamentary Assembly
 - Gaël MARTIN-MICALLEF, Administrator, Venice Commission
 - Franck DAESCHLER, Principal Administrative Assistant, Interparliamentary Co-operation and Election Observation Division
 - Anne GODFREY, Assistant, Interparliamentary Co-operation and Election Observation Division

* Pre-electoral mission (24-25 September 2013)

Appendix 2 – Programme of the pre-electoral mission (24-25 September 2013)

Tuesday, 24 September 2013

- 09:00-09:45 Delegation meeting and briefing by Ms Caterina Bolognese, Head of the Council of Europe Office in Georgia
- 10:00-11:00 Meeting with representatives of civil society organisations:
- Ms Nino Janashia, Lawyer, ISFED
 - Ms Lela Taliuri, GYLA
 - Mr Arnold Stepanyan, Chairman, PMMG
- 11:00-12:00 Meeting with media representatives/experts
- Ms Tamar Rukhadze, Executive Director, Georgian Charter of Journalistic Ethics
 - Mr Zviad Koridze, Media Expert
 - Mr Lasha Tughushi, Editor, *Rezonansi* newspaper, initiator of the media law reform package
 - Mr Emzar Gogvadze, Chair of the Board of the Georgian Public Broadcaster
 - Ms Natia Kuprashvili, Executive Director, Georgian Association of Regional Broadcasters
- 12:00-13:00 Meeting with a group of Tbilisi-based Ambassadors:
- Ambassador Priit Turk (Estonia)
 - Mr Boris Iaroshevich, Deputy Head of the European Union Delegation
 - Ms Bridget Brink, Deputy Chief of the US Mission,
 - Ambassador Elita Gavele (Latvia)
- 15:00-16:00 Meeting with Matteo Mecacci, Head of the OSCE/ODIHR Election Observation Mission, together with:
- Mr Pascale Roussy, Political Analyst
 - Ms Elissavet Karagianidou, Legal Analyst
 - Ms Kseniya Dashutina, Campaign Finance Analyst
 - Ms Vania Anguelova, Election Analyst
 - Mr Egor Tilpunov, Media Analyst
- 16:15-17:00 Meeting with Ms Tamar Zhvania, Chair of the Central Electoral Commission
- 17:15-18:00 Meeting with Mr Bidzina Ivanishvili, Prime Minister
- 18:15-19:00 Meeting with Mr David Usupashvili, Chairman of the Parliament
- 19:30 Working Dinner with ambassadors hosted by the Latvian Ambassador to Georgia, H.E. Ms Elita Gavele

Wednesday, 25 September 2013

Meetings with presidential candidates:

- 09:00-09:30 Mr David Bakradze (United National Movement)
- 09:30-10:00 Ms Nino Burjanadze (Democratic Movement – United Georgia)
- 10:00-10:30 Mr Giorgi Margvelashvili (Coalition “Georgian Dream”)
- 10:30-11:15 Mr Shalva Natelashvili (Labour Party)

11:20-11:50	Mr Giorgi Targamadze (Christian Democratic Movement)
12:00-13:00	Meeting of the delegation
15:00	Meeting with Ms Tamar Taliashvili, Head of Administration of the Ministry of Internal Affairs
16:00-16:45	Meeting with Mr Zurab Kharatishvili, presidential candidate, former Chair of the CEC
17:00-17:45	Meeting with Mr Giorgi Bokeria, Secretary of the National Security Council of Georgia
18:30-19:15	Meeting with Ms Tea Tsulukiani, Minister of Justice, Chair of the Inter-Agency Task Force on Free and Fair Elections
19:30-20:00	Meeting of the delegation and preparation of the press conference
20:00	Press conference
21:00-22:00	Working dinner hosted by the Head of Georgian Delegation to PACE, Mr Tedo Japaridze, and the Prime Minister's Special Envoy for Relations with Russia, Mr Zurab Abashidze

Appendix 3 – Statement by the pre-electoral mission

Strasbourg, 25.09.2013 – The pre-electoral delegation of the Parliamentary Assembly of the Council of Europe (PACE), ending a two-day visit to Georgia, noted that there was currently a more open, and equally competitive, electoral environment compared to other recent elections. Georgia has the possibility to conduct a Presidential election which enjoys its citizens' confidence and meets Council of Europe standards, the delegation said. This would be a remarkable achievement for the country and the region.

To achieve this, cases of politically-motivated violence and intimidation of opposition supporters, pressure on officials to resign prematurely from their elected or appointed positions, and undue interference of local officials in the election process must be excluded during the election campaign. The relevant authorities should investigate any allegations of election campaign violations, firm and proportional sanctions should be applied in order to avoid violations in the future, and the public should be informed about measures undertaken.

The delegation noted with satisfaction the consensus between the main political stakeholders concerning the recent amendments to the election legislation and the Law on Political Unions of Citizens adopted by Parliament in July and August 2013. It is now essential to implement the amended legislation in an efficient manner, namely banning the use of administrative resources, ensuring the accuracy of voters' lists, the transparency and control of sources of funding and expenditures by political parties and candidates.

The delegation was informed of cases of intolerance toward minorities. In this regard, it finds any political exploitation of sensitive ethnic and religious issues for electoral purposes unacceptable, all the more so in a multi-ethnic society such as Georgia.

The delegation also noted the competent work of the Central Election Commission. Further improvements in the legislation are needed to increase political parties' representation at all levels of election commissions.

The delegation regrets the conflictual situation around the Georgian Public Broadcaster. It encourages debates to be held between the presidential candidates.

The delegation held meetings in Tbilisi from 24 to 25 September 2013 at the invitation of the Speaker of Parliament. It met with the main Presidential candidates, the Prime Minister, the Speaker of Parliament, the Chairperson of the Central Electoral Commission, the Justice Minister and the Secretary of the National Security Council, as well NGOs, the media and members of the diplomatic corps. A full PACE observer delegation of 32 members will be back on 27 October.

Appendix 4 – Programme of the meetings of electoral observation mission (25-28 October 2013)**Friday, 25 October 2013**

Time	Event
09:00-10:00	PACE ad hoc committee meeting: Briefing on the pre-electoral mission by Ms Meritxell Mateu Pi, Head of the Delegation Briefing by other members of the pre-electoral mission Briefing by Ms Caterina Bolognese, Head of the Council of Europe office in Tbilisi Recent developments in the field of election legislation, Secretariat of the Venice Commission Practical and logistical arrangements, Secretariat
10:30-11:00	Opening by the heads of parliamentary delegations Mr João Soares, Special Coordinator of the OSCE short-term observer mission Ms Meritxell Mateu Pi, Head of the PACE Delegation Mr Krzysztof Lisek, Head of Delegation of the European Parliament Mr Mati Raidma, Head of Delegation of the NATO Parliamentary Assembly Mr Ilkka Kanerva, Head of Delegation of the OSCE Parliamentary Assembly
11:00-13:00	OSCE/ODIHR Election Observation Mission Core Team Findings of long-term observers and core team 11:00-11:20 – Mr Matteo Mecacci, Head of the OSCE 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 <i>Questions</i>
14:30-15:15	Electoral Administration Ms Tamar Zhvania, Chair of the Central Electoral Commission
15:15-16:00	Round table Ms Tea Tsulukiani, Minister of Justice, Head of the Inter-Agency Commission for Fair and Free Elections Mr Levan Samadashvili, Chairman of the State Service Development Agency Mr Zurab Aznaurashvili, Head of Political Parties Financial Monitoring Service, State Audit Office of Georgia
16:00-17:00	Round table with Georgian observer organisations: Ms Nino Lomjaria, Executive Director, International Society for Fair Elections and Democracy (ISFED) Mr Kakha Kojoridze, Chairperson, Georgian Young Lawyers' Association (GYLA) Ms Eka Gigauri, Executive Director, Transparency International Georgia Mr Arnold Stepanian, Chairperson, Public Movement Multinational Georgia
17:00-18:00	Round table with international NGO representatives: Mr Luis Navarro, Country Director, National Democratic Institute Ms Andrea Keerbs, Resident Country Director, International Republican Institute Mr Nermin Nišić, Chief of Party, International Foundation for Electoral Systems
18:00-19:00	Round table 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 Mariam Kobaladze, Researcher, Caucasus Research Resource Centres (CRRRC) Mr Mathias Hutter, Senior Media Analyst, Transparency International Mr Zviad Koridze, Media Expert Ms Ia Antadze, Media Expert Ms Tamar Gergoleishvili, Editor in Chief, magazine <i>Tabula</i>

Saturday, 26 October 2013

10:00-13:00	Meetings with presidential candidates: 10:00-10:30 Mr Davit Bakradze, United National Movement 10:30- 1:00 Mr Giorgi Targamadze, Christian-Democratic Movement 11:00-11:30 Ms Nino Burjanadze, Democratic Movement-United Georgia 12:00-12:30 Mr Shalva Natelashvili, Labour Party of Georgia 12:30-13:00 Mr Giorgi Margvelashvili, Presidential Candidate, Georgian Dream coalition
13:00-13:45	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 <i>Questions and answers</i>
13:45 14:15	Deployment Area specific briefing conducted by OSCE/ODIHR election observation mission long-term observer teams 1/2 Meeting with interpreters and drivers

Sunday, 27 October 2013

All day	Observation of opening, voting and vote count
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Monday, 28 October 2013

08:00-09:00	Debriefing of parliamentary delegations
09:30-10:30	Meeting of heads of parliamentary delegations
14:00	Press conference

Appendix 5 – Press release of the International Election Observation Mission

Fundamental freedoms respected in well-administered presidential election in Georgia, international observers say

Strasbourg, 28.10.2013 – The 27 October presidential election in Georgia was efficiently administered, transparent and took place in an amicable and constructive environment, the international observers concluded in a preliminary statement released today. Fundamental freedoms of expression, movement and assembly were respected, and candidates were able to campaign without restriction. “In a positive and transparent election, the Georgian people have confirmed last year’s historic transfer of power,” said João Soares, the Special Co-ordinator who led the short-term OSCE observer mission. “This clean election following a political cohabitation tells me that Georgia’s democracy is maturing.” Twenty-three candidates were registered by the Central Election Commission (CEC) in a transparent and inclusive manner. Although less polarized, personality politics continued to dominate the public debate throughout the campaign, the statement says.

The CEC managed the preparations for the election in a professional, transparent and timely manner, and there was a high degree of confidence in its work, the observers conclude. CEC sessions and meetings were open to observers, non-governmental organizations and the media. “Just one year after the parliamentary elections, Georgia’s citizens have again demonstrated their political maturity in this presidential election, in a peaceful climate and with an inclusive process, thanks to the election administration. These elections are an important achievement for the country and for the entire South Caucasus region. Apart from this, we feel that it is a pity that two Russian members of our delegation were not able to participate in this mission,” said Meritxell Mateu Pi, Head of the PACE delegation. “The Parliamentary Assembly remains ready to assist the Georgian authorities in consolidating the democratic process in this country.” A wide range of views and information was made available to voters through the media, providing candidates with a platform to present their programmes and opinions freely. Even though free airtime was guaranteed only to those candidates who qualified for it, the main media outlets covered all major contestants in a balanced manner, the statement says.

The legal framework is comprehensive and provides a sound legal basis for the conduct of democratic elections, and the majority of previous ODIHR recommendations were addressed in amendments introduced since the last election. However, several provisions of the Election Code remain unclear and were not applied in a consistent manner. “Yesterday’s election demonstrated the Georgian people’s commitment to the democratic process. That process was conducted professionally and transparently in an amicable and constructive environment,” said Mati Raidma, Head of the NATO PA delegation. “Essentially, what we observed yesterday was a European election.” 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 transparency, the observers conclude.