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Observation of the parliamentary elections in Georgia (31 October 2020)

Election observation report

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1. Introduction

1. On 27 May 2020 the Minister of Foreign Affairs of Georgia invited the Parliamentary Assembly to observe the parliamentary elections in the country. On 31 August 2020 the President of Georgia called the elections for 31 October.

2. On 25 June 2020 the Bureau of the Assembly decided to observe these elections and constituted an ad hoc committee for this purpose composed of 30 members (EPP/CD: 10, SOC: 9, ALDE: 5, EC/DA: 4, UEL: 2), as well as of the co-rapporteurs of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee). On 14 September 2020 the Bureau appointed Mr Tiny Kox (Netherlands, UEL) as its chairperson. On 12 October it approved the final list of members of the ad hoc committee to observe these elections. Unfortunately, due to the pandemic situation and the restrictions for travelling, only nine members were able to participate in the mission (Appendix 1).

3. In accordance with the co-operation agreement signed between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission) on 4 October 2004, a representative from the Venice Commission was invited to join the ad hoc committee as an adviser.

4. The Assembly ad hoc committee (Assembly delegation) was in Georgia from 29 October to 2 November 2020. It operated as part of an International Election Observation Mission (IEOM) together with a delegation from the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE-PA), a delegation from the Parliamentary Assembly of the North Atlantic Treaty Organisation (NATO-PA) and the limited electoral observation mission of the OSCE's Office for Democratic Institutions and Human Rights (OSCE/ODIHR LEOM). Before leaving for Georgia, the Heads of these delegations had a fruitful preparatory remote meeting on 15 October, at the initiative of the Head of the Assembly delegation.

5. The programme of the delegation's meetings in Georgia is set out in Appendix 2.

6. The Assembly delegation concluded that Georgia's parliamentary elections were competitive and that, overall, fundamental freedoms were respected. Nevertheless, pervasive allegations of pressure on voters, blurring of the line between the ruling party and the State and the absence of clear regulation of campaign financing reduced public confidence in the electoral process. The elections were conducted under a substantially revised legal framework, following broad public consultations that brought some improvements for the holding of democratic elections, but further efforts to address shortcomings were needed.

7. The press release by the IEOM is set out in Appendix 3. The statement of the Head of the Assembly delegation in the press conference is set out in Appendix 4.

8. The Assembly delegation wishes to thank the heads and members of the parliamentary delegation of the OSCE-PA, NATO-PA and of the OSCE/ODIHR LEOM for their excellent co-operation within the IEOM. It also wishes to thank the Council of Europe Office in Tbilisi for the co-operation and support.



2. Political context

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

10. The elections were held amid ongoing political and social tensions, and economic and public health challenges resulting from the ongoing Covid-19 pandemic. In line with the Constitution, these were the last parliamentary elections held under a mixed electoral system; a fully proportional system will be in effect for future elections.

11. Although the country's first female president was elected in 2018, women are generally under-represented in public office in Georgia, holding 14% of seats in the outgoing parliament, five out of 12 ministerial posts in the outgoing cabinet, and one out of 64 mayoral positions.

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

3. Legal framework and electoral system

13. The Assembly delegation recalls that Georgia signed and ratified the European Convention on Human Rights (ETS No. 5) and its Protocol (ETS No. 9), which enshrine a number of principles crucial for an effective and meaningful democracy, such as the right to free elections (Article 3 of the Protocol), freedom of expression, freedom of assembly and association, as well as the prohibition of discrimination (Articles 10, 11 and 14 of the Convention).

14. Under the revised mixed electoral system, of the 150 MPs, 120 are proportionally elected in a single nationwide constituency, through closed party lists; 30 are elected in single-member constituencies. The party threshold in the proportional contest was reduced from 5 to 1% of valid votes cast.

15. In the majoritarian contests, candidates had to obtain an absolute majority of valid votes cast to be elected; in those constituencies where no candidate received the required number of votes, a runoff is to be held in three weeks between the top two candidates.

16. The boundaries of the 30 single-mandate districts were established by recent amendments to the Constitution and Electoral Code. While the legislation provides that, to the extent possible, boundary delimitation should ensure the equal distribution of voters, it lacks specific criteria for determining constituency boundaries. Of the 30 constituencies, 18 have more than 15% deviation, with the largest district comprising 3.5 times the number of registered voters than the smallest one; seven vary between 10 and 15%. This is against the provisions of the Venice Commission's Code of Good Practice in Electoral Matters, in particular the article 2.2 point 15 which reads: "The maximum admissible departure from the distribution criterion adopted depends on the individual situation, although it should seldom exceed 10% and ever 15%, except in really exceptional circumstances". In addition, the merger of the electoral districts of Marneuli and parts of Gardabani reduced the potential for national minority representation in parliament.

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

18. The legal framework overall provides a sound basis for holding democratic elections. It underwent significant amendments in July and September 2020, following a year-long, broad and inclusive consultation process. Amendments were primarily to the 1995 Constitution, 2011 Electoral Code and 1997 Law on Political Unions of Citizens. The timing of the electoral system reform was at odds with the Venice Commission Code of Good Practice in Electoral Matters, which states that key aspects of electoral legislation should not be open to amendment less than one year before an election. Outstanding recommendations were systematically discussed in the amendment process and some addressed, in whole or in part. While many stakeholders welcomed the changes as offering a level of improvement, and noted general satisfaction with the legal framework, concerns were raised about a lack of its effective implementation and enforcement in the areas of the election administration, campaign and campaign finance.

19. The recent legislative amendments apply to various aspects of the electoral process. These included election administration, party and candidate registration, campaigning and campaign finance, media campaign and coverage, election observers, and electoral disputes and offences, as well as the regulation of the second round period. A number of previous Venice Commission and ODIHR recommendations to bring the legal framework further in line with international standards and good practice have unfortunately still not been addressed. Outstanding recommendations mainly relate to legal provisions on campaigning, election administration, campaign finance, media, complaints and appeals process, and recounts and annulments. The manner in which the amendments were incorporated into the legislation and the repetitive and transitory nature of many of the provisions led to a degree of incoherence and instability in the revised legal framework.

4. Election administration

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

21. Commissions at all levels comprise 12 members: 6 non-partisan and 6 appointed by political parties. Five non-partisan CEC members are elected by parliament upon nomination by the president. Non-partisan members of DECs and PECs are elected by a majority of the total number of CEC and DEC members, respectively. Since 2017, parliamentary parties have the right to appoint commission members in proportion to the number of votes received in the last parliamentary elections, resulting in dominant representation of the ruling party in these elections. This negatively impacted the public perception of the impartiality and independence of election commissions, required by the Election Code, international standards and good practice.

22. Three CEC members are women, including the chairperson. Women comprised 66% of members in DECs and over 74% in PECs; with 60% of DEC chairpersons, and over 65% of PEC chairpersons being women.

23. By law, parties are free to replace their appointees at DECs at any time except on election day, a practice which may undermine the independence and stability of these bodies¹. While more than half of permanent DEC members serve their second or third term, more than 18% of party-appointed DEC members were replaced before election day.

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

1. The Council of Europe Venice Commission Code of Good Practice in Electoral Matters recommends that “bodies that appoint members to electoral commissions should not be free to recall them, as it casts doubt on their independence”. PEC members can be replaced or withdrawn no later than 15 days before election day.

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

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

27. The CEC’s training centre implemented comprehensive educational programmes for various stakeholders including election officials, observers, female candidates, and for prospective polling staff. Voter education was provided by the CEC through TV and radio spots, focusing on voting procedures, Covid-19 protection measures at polling stations and secrecy of the vote, and by DEC or in collaboration with civil society organisations. The information was also available in ethnic minority languages.

28. In line with a previous recommendation to enhance accessibility of the polling stations, the CEC adapted 1 126 polling stations (30.8%) for wheelchair users who could request a transfer of their registration to any of such polling station within their electoral district. However, the Assembly delegation noted that some of the adapted polling stations were insufficiently accessible. Home-bound voting was available for those unable to leave their homes.

5. Voter lists and candidate and party registration

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

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

31. Voters had a range of options for verifying their registration data and requesting corrections. Preliminary voter lists were posted for public scrutiny at all PECs visited. A total of 426 voters requested changes in their registration data. The final voter list contained 3 526 023 voters, including 65 336 registered for voting abroad. The Assembly delegation noted that, in general, confidence in the accuracy of voter lists was high. There were concerns related to voters residing in Abkhazia and South Ossetia, who were not able to cross the administrative boundary line and vote.

32. The 2017 constitutional amendments revised the eligibility requirements for parliamentary candidates. In line with a previous recommendation, the amendments abolished the State language proficiency requirement. The eligible age was increased from 21 to 25 years of age. Moreover, the residency requirement was increased from two to ten years in order to stand, at odds with international standards and good practice².

2. The Venice Commission Code of Good Practice in Electoral Matters states that “a length of residence requirement may be imposed on nationals solely for local or regional elections”.

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

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

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

36. For the majoritarian race, candidates could be nominated by parties, election blocs or run independently if nominated by an initiative group of at least five voters. Independent candidates, who were not members of the outgoing parliament, had to submit supporting signatures of at least 1% of all voters registered in their district. There were 490 majoritarian candidates, including 11 independents; 107 were women. In total, 28 majoritarian candidates were rejected for failing to correct irregularities within legal deadlines and two were withdrawn by their nominating parties.

6. Election campaign, funding and the media

37. The recent amendments enhanced the campaign legal framework, in part, addressing previous recommendations. They introduced campaign-related restrictions on election day, added provisions to prevent the misuse of administrative resources (a recurrent issue, as shown by the Regional Parliamentary Conference organised by the Assembly and the Venice Commission in Tbilisi in 2019³), criminalised coercion and intimidation of voters, and strengthened the offence of vote-buying.

38. However, shortcomings in the campaign framework remain, including outstanding Council of Europe's Group of States against Corruption (GRECO) and ODIHR recommendations to take significant measures to prevent the misuse of administrative resources⁴.

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

3. Regional Parliamentary Conference on preventing and responding to the misuse of administrative resources during electoral processes: the role of national parliaments, organised by the Parliamentary Assembly and the Venice Commission, hosted by the Parliament of Georgia in the framework of the Council of Europe Presidency, Tbilisi, 2-3 December 2019 (PPSD(2019)17)

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

40. The campaign was largely competitive with a range of contestants representing different views. It focused on personalities, on discussing the economic situation and on the government's response to Covid-19. It was visually dominated by the GD, the UNM, EG, Lelo, APG and SA were also prominent. Although a number of parties developed detailed election platforms, these were rarely presented to voters and therefore did not play a major role for voters' decisions.

41. Women were usually under-represented at campaign events and gender issues were almost entirely absent from the campaign.

42. Fundamental freedoms were generally respected, and contestants were able to campaign freely. However, isolated politically motivated violent incidents took place. Negative campaigning was frequent and at times took a confrontational tone. Many opposition parties alleged their supporters and staff were subject to pressure, often by local authorities and the State Security Service.

43. The IEOM received reports of pressure on local public employees, teachers, and private businesses to participate in GD campaign events or confirm their support. It also heard allegations of withdrawing State assistance in case of support to the opposition. Minor damage to campaign materials was widespread; there were also reports of damage of campaign offices and of cases of obstruction from placing campaign materials. The Code of Conduct for Political Parties, a declaration of commitments facilitated by the CEC, was signed by 40 parties.

44. The line between the ruling party and the State was often blurred. GD representatives made a number of announcements during the campaign, which contributed to this impression, and was widely perceived as vote-buying. Although not legally prohibited, campaigning by mayors on behalf of candidates of the ruling party was frequently observed. Various complaints of campaign-related misconduct were lodged resulting in some corrective or disciplinary actions.

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

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

47. The Assembly delegation recalls the report on the observation of the last presidential election in Georgia⁵, where it was already stated that "the system of campaign expenditure was surprisingly generous, with money coming from the State budget and private donations – and this in a country with a high level of poverty". It notes that this situation did not change much.

48. Eligible parties receive annual public funding, while majoritarian candidates not nominated by these parties do not have a similar opportunity to access such public funds. Electoral subjects that reach a 5% threshold in these elections will be reimbursed for campaign expenditures up to GEL 1 million, proportionate to votes received. Unauthorised donors and donation limits are established by law and a ban on donations of untraceable origin was introduced by the recent amendments. Parties and independent majoritarian candidates are subject to an annual and campaign spending limit, respectively. The overall framework for public funding of parties and election campaigns, including publicly subsidised paid political advertisements, which disproportionately favours a select few parties, and the high spending limits, significantly contributed to an uneven playing field.

49. In this regard, on 1 November, during the final press conference, the Head of the Assembly delegation declared: "While acknowledging that these parliamentary elections were generally free, we are concerned over the lack of clear rules on abundant campaign spending, which negatively affects the fairness of the elections".

5. Observation of the presidential election in Georgia (28 October and 28 November 2018), Election observation report, Ad hoc Committee of the Bureau, Rapporteur: Mr Andrej Hunko, Germany, UEL ([Doc. 14784](#), 14 December 2018).

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

51. Most contestants reported donations within five days of receipt and submitted periodic campaign finance reports. The SAO did not take action to impose fines for late filing of reports; and many were not submitted in the required template, or properly completed. The SAO uploaded the donations and reports on its website, as required by law. Inquiries into more than 1 000 questionable donations were launched by the SAO; requiring court permission to obtain donors' financial documents. Prior to election day, most investigations were still ongoing. Based on complaints and examination of the first interim reports, the SAO requested to impose fines in 10 cases; the court issued remarks, warnings and two fines. While the SAO is not required to publish its interim monitoring findings on a timely basis, it released a report on 23 October, on its own initiative.

52. Most political actors and civil society groups voiced concerns that the campaign finance reports did not reflect the true extent of campaign donations and spending. Most reported individual donations were much lower than the maximum GEL 60 000, but the ruling party received significantly more maximum individual donations than any other party. The campaign finance reports of some major parties at times did not accurately report the true expenses incurred. For example, despite acknowledging their significant campaign staff, EG, GD and UNM reported paying few salaries to campaign staff or allowances to volunteers. Significant spending for online advertising was incurred, although in some cases, the expenses declared appeared to be lower.

53. The diverse and pluralistic media environment was polarised along political lines and business interests (as already mentioned in previous Assembly documents of the Monitoring Committee⁶). Television served as the main source of information for the overwhelming majority of the population. The limited advertising market, which further declined during the Covid-19 pandemic, appeared unable to support the increasingly large number of media outlets, as most private broadcasters reported operating at a financial loss. This challenges the sustainability of the media, and thus increases their dependence on the owners.

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

55. All monitored private broadcasters were visibly partisan. Furthermore, in the absence of genuine investigative programmes and analytical reporting, coverage of the campaign was at times limited to superficial reporting of daily campaign activities and mutual accusations between main political parties. While there were only a few debates among representatives of major political parties, numerous talk shows served as a platform for contestants to present their views and opinions and sharply criticise their opponents.

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

57. Broadcasters were not liable for the content of political advertisements but only for the compliance with the technical requirements. While the law does not require content verification of political ads, some broadcasters attempted to do so but the process lacked uniformity. Some broadcasters only verified the

6. Honouring of obligations and commitments by Georgia – Information note by the co-rapporteurs on their fact-finding visit to Tbilisi (6-8 November 2018) AS/Mon(2018)23REV.

compliance with technical requirements, others restricted the distribution of the advertisements, or requested their modification based on content. On 1 October, the broadcast media regulatory body, the Communications Commission (CC), requested the court to fine Pirveli and Formula TV stations for violating the requirements for airing political advertisements; the sanctions were approved by the Tbilisi City Court.

58. Broadcasters that covered the elections were legally obliged to organise debates inviting all political parties qualified for public funding. The GPB, in addition to four debates scheduled for such parties, organised four more debates for other electoral subjects. The GD reduced its participation in the debates to a handful of programmes, which may have limited the opportunity for voters to see major contestants debating.

59. Three private broadcasters, Mtavari Arkhi, Pirveli and Formula, displayed a clear bias against the ruling party and the government by allocating them respectively between 29 and 35 and 11 and 16% of largely negative prime-time news coverage. By contrast, Imedi television provided 45 and 24% of overwhelmingly positive and neutral coverage to the GD and the government, respectively, whereas the UNM-led coalition and EG received about 14 and 2% of mostly negative coverage. Other contestants received a combined total of 3%. The news coverage of Rustavi 2 of all major contestants was mainly neutral; the broadcaster gave extensive coverage, some 27% and 15% to GD and the government respectively, while the UNM-led coalition, EG and Lelo received some 14, 9 and 6% of coverage. Adjara TV focused mainly on local events and offered only limited coverage of the campaign; 18% of coverage was provided to the Adjara local government. While both public TV stations GPB and Adjara TV provided the main contestants comparable amounts of largely neutral coverage, activities of the government were covered broadly.

7. Complaints and appeals

60. The recent legislative amendments did not address long-standing Venice Commission and ODIHR recommendations to simplify the electoral dispute resolution process and broaden the rules on legal standing⁷. While registered contestants and accredited observer groups have the right to file complaints against decisions of election commissions and violations of election legislation, voters do not have broad standing to protect their rights in an electoral process, contrary to international standards and obligations. Many IEOM interlocutors expressed a lack of trust in the election commissions, courts, and law enforcement bodies to impartially and effectively handle election-related complaints.

61. The one and two-day deadlines for filing and adjudication of complaints against decisions of election commissions are unduly short, according to international good practice, unnecessarily hindering the preparation, investigation, and adjudication of complaints. Positively, the recent amendments reduced the lengthy deadlines for election commissions to submit administrative offence protocols to the courts and for their adjudication. While this addressed a previous recommendation for a more expeditious process to handle violations of election legislation, the revised time-frames of up to 10 days remain lengthy.

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

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

64. Major opposition parties and some civil society groups boycotted sessions of the Inter-Agency Task Force on Free and Fair Elections (IATF) due to their perceptions of political bias and ineffectiveness. Lack of a clear mandate and limited participation by external actors raised questions about the IATF's added value to ensuring the integrity of the electoral process and building stakeholder trust. The Prosecutor's Office received

7. See the 2011 Venice Commission and ODIHR "Joint Opinion on the Draft Electoral Code of Georgia".

35 vote-buying reports, with three investigations launched. The Ministry of Interior launched 78 investigations concerning election-related violence and property damage, and 16 persons were charged for election-related violence in 12 incidents.

8. Citizen and international observers

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

9. Election day

66. The IEOM did not observe election day proceedings in a systematic or comprehensive manner, and mission members visited a limited number of polling stations in 28 of the 64 municipalities.

67. On polling day, the Assembly delegation split into five teams which observed the elections in Tbilisi and the surrounding area, as well as in Marneuli, Gori and Rustavi.

68. In the polling stations visited, the voting process was transparent, and procedures were mostly followed; but occasionally voters' identity was verified without removing face masks. Preventive measures against Covid-19 were in place but not followed consistently in most polling stations visited; social distancing was rarely respected or possible both outside and inside polling stations.

69. Women constituted an overwhelming majority of commission members at the polling stations visited.

70. The secrecy of the vote inside the voting booth was mostly respected; however, one or more permanent video recordings or photographing by political parties of voters casting their ballots contributed to a potentially intimidating environment in a large number of observed polling stations (although these recordings were formally allowed). One Assembly team observed cases of apparently unnecessary assistance offered to voters inside the polling booths. The excessive number of party representatives and citizen observers contributed to serious and potentially dangerous overcrowding of most visited polling locations. Apart from the well-established citizen observer groups, a number of new observer organisations, apparently operating as party proxies, mainly for the ruling party, were present. In some instances, these observers were seen as interfering with the work of PEC members or actively determining who should enter the voting premises. Intimidating presence of party co-ordinators and activists (some of them presenting themselves as "agitators"), often tracking voters, was observed outside most polling stations visited. Some incidents of violence were reported, including a clash between several dozen GD and UNM activists near the PEC in the Gldani district of Tbilisi, resulting in six arrests.

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

72. The limited number of counts observed were generally assessed as transparent, but often slow and lengthy; procedures were largely followed with some minor inconsistencies. There were several instances of party-linked observers interfering with the work of the polling staff. The initial stages of district tabulation, when observed, were well-organised and transparent.

73. On 3 December the CEC announced the results of the elections.

74. The first round for proportional seats took place on 31 October, followed by a second round for majoritarian seats on 21 November.

75. The total number of voters equalled 3 511 853. 1 992 891 voters participated in the elections by the proportional electoral system.

76. The number of mandates according to the elections held by the proportional electoral system are as follows:

Political Party (Bloc)	Number of received votes	%	Number of received mandates
"Bakradze, Ugulava, Bokeria – European Georgia – Movement for Liberty"	72 986	3.79%	5
Bloc "United National Movement – United Opposition "Strength Is in Unity"	523 127	27.18%	36
"Davit Tarkhan-Mouravi, Irma Inashvili – Alliance of Patriots of Georgia"	60 480	3.14%	4
"Shalva Natelashvili – Labour Party of Georgia"	19 314	1.00%	1
"Aleko Elisashvili – Citizens"	25 508	1.33%	2
Bloc "Giorgi Vashadze – Strategy Aghmashenebeli"	60 671	3.15%	4
"Girchi"	55 598	2.89%	4
Georgian Dream – Democratic Georgia	928 004	48.22%	60
"Lelo – Mamuka Khazaradze"	60 712	3.15%	4

77. The majoritarian part of the elections was held on 21 November 2020. All parties except for "Georgian Dream – Democratic Georgia" called voters not to participate in this second round. Candidates nominated by "Georgian Dream – Democratic Georgia" were elected in all 30 majoritarian electoral districts.

78. After the elections, all parties except for "Georgian Dream – Democratic Georgia" stated that they would not take their seats in the new parliament. The new parliament was installed on 11 December. However, the first sitting was held in parallel with the opposition boycott. Five opposition parties (UNM, European Georgia, Strategy Aghmashenebeli, Labour Party, and Lelo for Georgia) signed a joint document to renounce to the MP mandates they had secured and to reject parliamentary work. Representatives of the Republican Party, Girchi, Citizens and Patriots' Alliance did not attend the process.

79. The Assembly Bureau decided to send a post electoral mission to Georgia, in the light of what happened after elections day. Unfortunately, the mission first had to be first postponed and then cancelled due to new Covid restrictions put in place by the Georgian authorities.

10. Conclusions and recommendations

80. The Assembly election observation delegation concluded that Georgia's parliamentary elections were competitive and, overall, fundamental freedoms were respected. Nevertheless, pervasive allegations of pressure on voters, blurring of the line between the ruling party and the State and the absence of clear regulation of campaign financing, reduced public confidence in some aspects of the process. The elections were conducted under a substantially revised legal framework, following broad public consultations that brought some improvements for the holding of democratic elections, but further efforts to address shortcomings were needed.

81. The election administration met legal deadlines and managed technical aspects of the elections efficiently, amid adjustments in response to the Covid-19 pandemic. However, the Assembly delegation noted that the dominant representation of the ruling party in the election administration, especially at lower levels, negatively impacted the public perception of the impartiality and independence of election commissions.

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

83. The Assembly delegation, while acknowledging that these parliamentary elections were generally free, expressed concern over the lack of clear rules on abundant campaign spending, which negatively affected the fairness of the elections. It recalls that this issue had already been raised in the report on the observation of

the last presidential election in the country, in 2018⁸. While noting that the recent amendments to the campaign finance legal framework addressed some previous recommendations, the Assembly delegation urges Georgia to address, as soon as possible, the remaining shortcomings, with a view to improve the laws and regulations related to the oversight of campaign financing.

84. The Assembly delegation asks the Georgian authorities to further co-operate with the Assembly and with the Venice Commission, with a view to address all the problems identified during these parliamentary elections.

8. Observation of the presidential election in Georgia (28 October and 28 November 2018), Election observation report, Ad hoc Committee of the Bureau, Rapporteur: Mr Andrej Hunko, Germany, UEL ([Doc. 14784](#), 14 December 2018).

Appendix 1 – Composition of the ad hoc committee

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

Chairperson: Mr Tiny KOX, Netherlands

Group of the European People's Party (EPP/CD)

- Mr Reinhold LOPATKA, Austria

Socialists, Democrats and Greens Group (SOC)

- Ms Petra BAYR, Austria
- Mr Roberto RAMPI, Italy
- Ms Jette CHRISTENSEN, Norway

Alliance of Liberals and Democrats for Europe (ALDE)

- Mr Hovhannes IGITYAN, Armenia

European Conservatives Group and Democratic Alliance (EC/DA)

- Mr Alberto RIBOLLA, Italy
- Mr Ulrich OEHME, Germany

Group of the Unified European Left (UEL)

- Mr Georgios KATROUGKALOS, Greece
- Mr Tiny KOX, Netherlands

Venice Commission

- Mr Gaël MARTIN-MICALLEF, Legal advisor, Venice Commission

Secretariat

- Mr Bogdan TORCĂTORIU, Administrative Officer, Election Observation and Interparliamentary Co-operation Division
- Mr Franck DAESCHLER, Principal Administrative Assistant
- Ms Danièle GASTL, Assistant

Appendix 2 – Program of the meetings of the International Election Observation Mission

(27 October – 1 November 2020)

Thursday, 29 October

- 09:00 – 09:50 Internal meeting of the PACE ad hoc committee
Opening of the meeting by Mr Tiny Kox, Head of Delegation
Presentation by Ms Natalia Voutova, Head of the Council of Europe Office, Tbilisi
Presentation by Mr Gael Martin-Micallef, Venice Commission
Logistical issues: Secretariat
- 10:00 – 10:15 **Welcome addresses**
Mr. Tiny Kox, Head of Delegation of the PACE
Ms. Pia Kauma, Head of Delegation of the OSCE PA
Mr. Osman Bak, Head of Delegation of NATO PA
- 10:15 – 11:15 **Briefing by the ODIHR Election Observation Mission – Part I**
– Welcome by Ambassador Jillian Stirk, Head of ODIHR LEOM
– Political Background, Aly Verjee, Political Analyst
– Media Landscape and the Campaign, Egor Tilpunov, Media Analyst
- 11:30 – 12:45 **Briefing by the ODIHR Election Observation Mission – Part II**
– Legal Framework, Complaints and Appeals, Marla Morry, Legal Analyst
– Election Administration and Voter Registration, Peter Michalik, Election Analyst
- 14:00 – 15:30 **Election Law and Administration panel discussion**
– Tamar Zhvania, Chairperson, Central Election Commission (CEC)
– Elene Nizharadze, Executive Director, International Society for Fair Elections and Democracy (ISFED)
– Sul Khan Saladze, Chairperson, Georgian Young Lawyers Association (GYLA)
- 15:45 – 17:15 **Campaign and Media panel discussion**
– Ivane Makharadze, Head of the Audiovisual Media Services Regulation Department, Communications Commission (ComCom)
– Tinatin Berdzenishvili, Director General, Georgian Public Broadcaster (GPB)
– Nina Nakashidze, Deputy Head, Mtavari Arkhi TV
– Eka Gigauri, Executive Director, Transparency International
– Mariam Gogosashvili, Executive Director, Georgian Charter of Journalistic Ethics
– Ketii Maisuradze, Country Director, International Foundation for Electoral System (IFES)
- 17:15 Meeting with drivers and interpreters (for PACE delegation)

Friday, 30 October

- 09:00 – 12:00 **Meetings with Political Party Representatives**
(one by one, 25 min blocks)
- 9:00 – 9:25 Giorgi Vashadze, Chairperson, Strategy Aghmashenebeli
- 9:25 – 9:50 Salome Samadashvili, United National Movement
- 9:50 – 10:15 Davit Bakradze, Chairperson, European Georgia
- 10:30 – 10:55 Shalva Natelashvili, Chairperson Labour Party

- 10:55 – 11:20 Irma Inashvili (1st on the list; and Nika Ramishvili) Alliance of Patriots of Georgia
- 11:20 – 11:45 Ana Natsvlivshvili, Lelo for Georgia / *Webex
- 11:45 – 12:10 Georgian Dream – Democratic Georgia:
Irakli Kobakhidze, Executive Secretary and Head of Elections Headquarters; Kakha Kutchava, International Secretary; Mariam Kvrivishvili
- 12:25 – 13:10 **Briefing by the ODIHR Election Observation Mission – Part III**
– Election Day Procedures, Peter Michalik, Election Analyst
– Security, Laszlo Belagyi, Security Expert
- 13:10 – 13:30 **Regional Briefing by ODIHR EOM Long-Term Observers for teams deployed in Tbilisi** / *Webex, and handing out of Briefing packs

Saturday, 31 October

- 7:30 Observation of the opening of polling stations (08:00)
- 08:00-20:00 Observation of the elections
- 20:00- Observation of the closing of the polling stations, counting and presentation of results

Sunday, 1st November

- 08:00-09:00 Meeting of the PACE ad hoc committee
Debriefing by the members of the ad hoc committee on the election observation
- 15h00 Joint press conference
- Departure of the members of the delegation

Appendix 3 – Press release of the International Election Observation Mission

Fundamental freedoms respected in competitive Georgian elections, but allegations of pressure and blurring of line between party and State reduced confidence, international observers say

Strasbourg, 01.11.2020 – Georgia’s parliamentary elections were competitive and, overall, fundamental freedoms were respected. Nevertheless, pervasive allegations of pressure on voters and blurring of the line between the ruling party and the State reduced public confidence in some aspects of the process, international observers said in a statement today. The elections were conducted under a substantially revised legal framework, following broad public consultations that brought some improvements for the holding of democratic elections, but further efforts to address shortcomings are needed, the statement says.

The observers concluded that the technical aspects of the elections were managed efficiently, despite challenges posed by the Covid-19 pandemic, but the dominance of the ruling party in the election commissions negatively affected the perception of their impartiality and independence, especially at the lower levels.

“I am very pleased that we were able to contribute to the observation of these very important and challenging elections for Georgia. I commend the extra efforts that inevitably had to be made in preparations, and also commend all the people who courageously decided to go out and vote, notwithstanding the immense challenges posed by the Covid-19 pandemic,” said Elona Gjebrea Hoxha, OSCE Special Co-ordinator and leader of the short-term OSCE election mission. “While there have been welcome improvements in election-related laws and regulations, there remains work to be done to provide a more solid base for democratic elections.”

Osman Askin Bak, head of the delegation from the NATO Parliamentary Assembly, said: “This was an important election for Georgia’s transition to a parliamentary system of government. The electoral framework was significantly revised through an inclusive consultation process. Our joint statement shows, however, that there were some shortcomings in the organisation of the campaign, which created a somewhat uneven playing field and affected public confidence in parts of the process. These must be addressed. Nevertheless, overall, the Georgian people expressed their will at the polls and, once again, demonstrated their strong commitment to democracy. It was particularly impressive to see so many of them coming to vote yesterday despite the challenges posed by the pandemic.”

In the limited number of polling stations visited, procedures were mostly followed. Preventive measures against Covid-19 were largely in place, but social distancing was rarely respected or possible. The presence of party co-ordinators and activists outside of many polling stations had an intimidating character.

“I commend the many women in polling stations across the country who were actively working to ensure a smooth process on election day,” said Pia Kauma, head of the delegation from the OSCE Parliamentary Assembly. “I also welcome steps taken to increase women’s representation in the electoral contest, and I hope this will be reflected in the incoming parliament and government.”

The diverse and pluralistic media environment was polarised along political lines and by business interests, and all monitored private broadcasters were visibly partisan. In the absence of policy discussion and analytical reporting, and with only a few debates between main political alternatives, there was limited opportunity for voters to make an informed choice, the observers said.

“I pay tribute to all the brave Georgian voters who cast their votes in yesterday’s elections, despite the risk Covid might cause to them when visiting a polling station,” said Tiny Kox, head of the delegation from the Parliamentary Assembly of the Council of Europe. “While acknowledging that these parliamentary elections were generally free, we are concerned over the lack of clear rules on abundant campaign spending, which negatively affects the fairness of the elections. We therefore urge Georgia to meet, as soon as possible, our longstanding recommendations to improve the laws and regulations related to the oversight of campaign financing.”

The legal framework, overall, provides a sound basis for democratic elections. While many recent amendments were welcomed as bringing some improvement, there were concerns about a lack of effective implementation and enforcement in the areas of election administration, the campaign and campaign finance. The observers also noted that aspects of the legislation and certain campaign practices advantaged more established political parties, to the detriment of newer and smaller ones. The overall framework for campaign financing, including high spending limits, also benefitted more established parties, the statement says.

“The competitive nature of yesterday’s elections was, unfortunately, undermined by the pervasive allegations we heard of the intimidation of voters, both in the lead up to and on election day, and of the blurring of the line between state and party during the campaign,” said Jillian Stirk, head of the ODIHR limited election observation mission. “At the same time, it is important to note the vibrant role played by civil society, in a space where fundamental freedoms, including the freedom of expression, were generally respected.”

Appendix 4 – Statement of the Head of the PACE delegation at the press conference

Statement by Mr Tiny Kox (NL), Chair PACE-delegation:

May I start by thanking the Georgian Parliament for inviting us to observe these elections, which allows us to have a good look into the developments of your democratic processes. We consider it an honour to do this work.

May I then pay tribute to all the brave Georgian voters who casted their vote in yesterday's elections, in spite of the risk Covid might cause to those visiting a polling station. The fact that your country was able to organise elections in these circumstances shows that you are not afraid of democracy. By holding these elections Georgia shows to the other 46 Council of Europe member States that elections are possible, also in times of this pandemic which is hitting all our societies and citizens harshly. Organising elections now shows you realise that in times of crisis you cannot afford less democracy, You even need more democracy to find the best possible answers.

While acknowledging that these parliamentary elections were generally free, we from the Parliamentary Assembly of the Council of Europe do pity that your country still lacks clear rules on abundant and unlimited campaign spending. This negatively affects the fairness of the elections. So much money spent, in an overall rather poor country, is not a good signal to your citizens. We therefore urge Georgian politicians and the new Georgian Parliament to meet as soon as possible our persisting recommendations to improve the legal framework regarding oversight of campaigns. I am sure you are able to do it. What is needed is political will to do so!

Georgia is a member State of the Council of Europe and has taken upon itself clear commitments to protect and promote the rule of law, human rights and democracy. I hope that our findings and recommendations will be considered by all political parties as well-meant support to Georgia's democracy.

Our preliminary findings and recommendations are already in today's report of the International Election Observation Mission. I will specify them in a final report I will present later this year to the Parliamentary Assembly of the Council of Europe. Of course, we will share them with the Georgian delegation to our Assembly. Therefore, I kindly request the new Parliament to nominate as soon as possible a new delegation to our Assembly, so that we continue our parliamentary dialogue in our Assembly.

Once again, it was an honour to observe your elections!