



GEORGIAN ELECTION FRAMEWORK SUPPORTIVE OF DEMOCRATIC LOCAL ELECTIONS BUT VIOLENCE AND INTIMIDATION STILL CONCERNS

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This interim report presents the National Democratic Institute's (NDI) analysis of the pre-election political environment leading to Georgia's June 15, 2014 municipal elections. It follows [NDI's May 2 pre-election assessment report](#), which provided observations and recommendations on the legislative framework, election administration, women's participation, the campaign environment, abuse of administrative resources, the voters' list, media environment, campaign financing, the Inter-Agency Task Force (IATF), and election observation.

This report is based on the findings of four long-term election analysts. During the reporting period of May 18 - June 6, the Institute visited 36 districts, conducted more than 225 meetings with government and election officials, political party representatives, civil society and the media, and attended campaign events, sessions of the Central Election Commission (CEC), and other election-related activities. NDI analysts will continue to evaluate election processes through election day and the post-election period. NDI undertakes all international observation efforts in accordance with the *Declaration of Principles for International Election Observation* and its accompanying *Code of Conduct for International Election Observers*, which have been endorsed by 48 of the leading international election observation organizations.

SUMMARY

These elections are marked by improvements to the electoral legislation and administrative processes, and participation of women appears to be on the rise. These developments are contributing a framework that is conducive to a democratic process for the municipal balloting as well as future elections. At the same time, concerns remain about campaign-related intimidation and violence.

Legislative amendments have expanded the number of cities where mayors will be directly elected from one to 12, lowered the qualifying quota for sakrebulo (local council) to 4 percent for proportional seats and provided for a new campaign finance system which increases state budget funding for political parties. These steps give citizens more say in local decisionmaking and made it easier for a range of parties to compete effectively. According to NDI public opinion polls, citizens expect that the elections will

be well conducted. NDI long-term analysts and domestic monitors have observed that all levels of the election administration have thus far carried out their duties within the required deadlines. Political party and civil society representatives have generally given the Central Election Commission (CEC) and district election commissions (DECs) positive assessments, citing increased professionalism compared to previous elections. NDI and Georgian monitors have observed training sessions for district election and precinct election commissioners and have described them as professional, consistent, well-attended, and interactive. Minority languages have been used, where appropriate.

However, animosity between the largest political blocs competing in these elections, the Georgian Dream coalition and the United National Movement (UNM), continues to undermine the otherwise democratic nature of the electoral and governing processes. Recent allegations of politically-motivated violence and pressure on registered candidates taint an election campaign for which political leaders had pledged to maintain a peaceful environment.

OBSERVATIONS

Campaign Environment

The electoral calendar has presented new parties and independent candidates with particular challenges. They have needed to spend a significant portion of the 60-day campaign period navigating the candidate-registration process. They are able to begin outreach to voters only after they have completed that process. This puts them at a disadvantage compared to more established parties. NDI would recommend that the processes for ballot qualification be reviewed before the next elections with this issue in mind.

Most parties appear to be more focused on criticizing or delegitimizing other parties than on addressing local policy issues. For example, representatives of the Georgian Dream coalition have said that they see this election cycle as the final step in removing UNM from every government structure. The Nino Burjanadze-Unified Opposition party is emphasizing “restoration of justice,” or imprisonment of former UNM leaders for alleged abuses during their tenure.

The Prime Minister, who heads the Georgian Dream coalition, has made public comments on several occasions in recent weeks that suggest his party is the only legitimate contestant in the elections and that victories by other parties would not be allowed. He has also suggested that UNM leaders should be punished for alleged crimes with correctional labor. These statements, coming from the head of government, could have the effect of challenging the impartiality that election and other government authorities have worked hard to establish. They also present the risk of being misconstrued by electoral authorities as a directive to ensure the victory of the ruling party.

While the practice of using administrative resources for electoral advantage has decreased progressively over the last few elections, the issue remains a concern among opposition parties and citizen election monitors. The Georgian Young Lawyers Association (GYLA) and the International Society for Free Elections and Democracy (ISFED) have criticized increases in local budgets and the use of public resources for campaign purposes. Although the local budget increases occurred prior to the official start of the campaign period and therefore do not technically violate the law, the timing raised questions about whether they were politically motivated. Also, the perception of abuses -- whether they are based in reality or not -- can erode confidence in electoral processes. NDI recommends that the government consider providing further clarification on what constitutes administrative resources and on the distinction between state and campaign resources. Also, greater transparency is needed in the budget allocation process to avoid debates and accusations about politically-motivated budget decisions around elections.

Seven civil society organizations, the CEC and the Inter Agency Task Force for Free and Fair Elections (IATF) signed a memorandum of understanding setting standards on the use of administrative resources. The IATF is a state commission chaired by the Minister of Justice and composed of representatives of several government agencies, with a mandate to “prevent and respond to violations of election legislation of Georgia by public servants.” This memorandum was an important step in clarifying the distinction between the state and political parties. This principle is enshrined in the Organization for Security and Cooperation in Europe’s (OSCE) Copenhagen Document.

Overall, the media environment has provided voters with adequate information about their electoral choices. Media outlets covering the campaign are generally operating in a balanced and transparent manner. Regional and local stations are providing coverage and organizing debates among candidates. Some political parties, particularly the larger ones, are not taking full advantage of the debate opportunities. The main obstacles that regional media appear to be facing in covering the elections are limited resources and the high volume of candidates.

Questions about media freedom have arisen in two cases over the past month. A group of civil society organizations, including Transparency International, ISFED and the Civil Development Agency, released a statement on May 11 saying that prosecution of media representatives for obtaining and disseminating secret recordings is not acceptable. This statement was in response to government and parliamentary threats of legal action against the Rustavi 2 television channel. The civic groups assert that the Rustavi 2 journalists acted in conformity with the provisions of the Code of Conduct for Broadcasters. Also, in May, the government accused a journalist from Maestro TV of bias for interviewing people who expressed critical views. Civil society groups have interpreted this as an attempt to interfere in the editorial policy of the TV station.

Politically-Motivated Violence

According to civil society representatives, the level of intimidation and political violence has decreased compared to previous elections. However, NDI and Georgian observers report that, since the last election, the severity of political violence appears to have increased, including cases of bloodshed.

Zurab Tchiaberashvili, a member of the UNM political council, was assaulted in a cafe in Tbilisi on May 27. Tchiaberashvili also serves as the party's representative in the IATF. GYLA and Transparency International released statements calling for all sides to refrain from violence and for the government to pursue a timely and objective investigation of the attack. This case has revived discussions on the need for more assertive responses to such attacks.

In late March, UNM Member of Parliament Nugzar Tsiklauri was beaten by several men who reportedly tried to kidnap him. Civil society organizations and the Public Defender have called for a thorough investigation. In early May, a businessman and the brother of former Ministry of Internal Affairs official in the UNM government, Davit Kodua, was severely beaten in what the Prosecutor's Office termed "a premeditated group attack motivated by revenge."

While IATF Chair and Justice Minister Tea Tsulukiani has taken a strong position against violence and intimidation, and the IATF itself has been commended as a venue for discussion of campaign issues, other ruling party officials have been more equivocal in their public statements. Broader and stronger condemnations from government and legislative leaders would send a signal of intolerance of violence and intimidation in the campaign period and beyond. Thorough and expeditious investigations should be conducted and those found in violation of laws should be held accountable to deter further violence. Also, leaders should avoid politicizing unrelated incidents. For example, UNM and Georgian Dream representatives used recent clashes among Georgian and Azeri youth in Gardabani as a pretext to exchange accusations. These reactions may result in creating tensions among ethnic minority communities. NDI also recommends that parties develop and enforce internal codes of conduct in order to take greater responsibility for the actions of their members.

Intimidation and Pressure

Close to 400 candidates across the country have withdrawn from their races for various reasons. In more than 30 of these cases, the withdrawals are allegedly due to pressure from police, although NDI has not been able to confirm the specifics. ISFED, Transparency International and GYLA said in a joint statement on May 30 that these cases have raised questions about whether the aim was to remove entire party lists of opposition candidates from the ballots in some municipalities. Co-rapporteurs of the Parliamentary Assembly of the Council of Europe (PACE) also issued a statement, adding that "it is clear that the withdrawal of candidates for an election under pressure

has no place in a democratic society, and it would be unacceptable if that had taken place.”

Most withdrawals ascribed to pressure have been concentrated in the southern municipalities of Dmanisi and Ninotsminda, which are located in the ethnic minority districts of Kvemo Kartli and Samtskhe-Javakheti respectively. In these places, multiple candidates have withdrawn from the same lists. The election law requires a minimum number of candidates on each party list. Falling short of that number invalidates the entire party list. For example, in Dmanisi, four candidates from the Nino Burjanadze-Unified Opposition bloc withdrew from the party list, which significantly diminishes their chances of winning seats. Three candidates from this bloc withdrew in Ninotsminda. In addition, five candidates from UNM have withdrawn from their party lists in Dmanisi. Five candidates from the Way of Georgia party have withdrawn from their list in Akhaltsikhe. The occurrence of these issues in areas with predominantly minority populations raises the additional concern of intimidating voters who have traditionally faced disproportionate disenfranchisement.

The CEC has subsequently invalidated the DEC approvals of the Nino Burjanadze-Unified Opposition candidate withdrawals in Dmanisi and Ninotsminda. It also requested that DEC investigate all other cases of candidates who have submitted withdrawal documents and communicate their findings within three days. This report has not yet been released. In addition, the 13 CEC members voted unanimously to eliminate withdrawal of candidates as a reason for invalidating party lists.

In Marneuli, a dispute has arisen in which a UNM candidate for gamgebeli (city executive) was denied registration on the grounds that he does not meet the minimum two-year residency requirement. UNM claims that authorities pressured the candidate to withdraw and the district election commission chairman to invalidate his registration. Government authorities have claimed that UNM officials have threatened the election commission. It will be important for the investigation into this incident to be conducted transparently and impartially to avoid increasing tensions.

Parties should use existing complaints mechanisms to allow for official investigation of all allegations of intimidation and pressure on candidates. NDI and Georgian observers have heard allegations of intimidation that have not been submitted to the appropriate adjudication bodies. Opposition parties cite a lack of confidence in the ability and willingness of those institutions to investigate allegations of violence. Nonetheless, following the available procedures is a critical first step in addressing grievances.

Women’s Political Participation

Among OSCE member countries, Georgia and Armenia have the fewest number of women elected representatives. To address this issue, the Parliament revised the law on political parties to provide extra state funding to parties that place women in 30 percent or more of their sakrebulo (local council) list slots, in a distribution of three or more women for every 10 names. The provision of financial incentives for placing women on

the sakrebulo party lists is a welcome advancement and, as of this report, approximately 35 percent of the candidates registered on party lists are women. Unfortunately, it is still relatively rare for women to be placed in prominent positions on the party lists. In addition, women's participation as majoritarian, gangebali, and mayoral candidates remains low, at approximately 15 percent, 4 percent, and 12 percent, respectively. These are areas for renewed attention from political parties in future elections.

Within the election administration, women make up four of the 13 CEC members, including the chair. Women also comprise approximately 59 percent of DEC members and 68 percent of PEC members. In addition, 55 percent of PEC chairs are women.