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## **Georgian Parliamentary Elections of October 8, 2016 Assessment of the Pre-election Environment**

Transparency International Georgia  
International Society for Fair Elections and Democracy  
Georgian Young Lawyers' Association

### **Summary**

During the pre-election period, which lasted for 4 months prior to the election day, political parties and candidates were able to conduct their election campaigns in a competitive environment. The pre-election process was characterized by a pluralistic media environment and low levels of political harassment and use of administrative resources. Even though the pre-election process was not entirely free of cases of violence, vote-buying, alleged political intimidation and campaigning by unauthorized persons, there is no basis for claiming that these violations substantially influenced the independent formation of the will of the voters.

The pre-election process was seriously damaged by cases of violence in the final days before the elections, including the car bombing of an opposition MP, assault with a firearm on an opposition majoritarian candidate, and physical assault on activists of the ruling party. Investigations were launched on all of these cases. In two cases, perpetrators have already been charged.

As elections drew near, cases of dissemination of illegally recorded personal phone conversations of political party representatives became more frequent. This provides enough ground to suspect that the purpose of dissemination of these recordings was to shape public opinion during the pre-election period through unacceptable methods. Even though investigations have been launched on these cases, public trust towards the efficiency of law enforcement authorities remains low, due to the frequency of such crimes and the dragged out nature of their investigation.

Compared to previous years, more cases were identified of campaigning by unauthorized persons, and political parties and candidates attempting to entice voters with monetary and material goods and services. Unfortunately, the country's judiciary has failed to take effective measures against these types of violations.

The election administration is ready to conduct the elections in an organized manner. The composition of precinct election commissions (PECs) proved to be a challenge after doubts were raised about the political impartiality of the PEC member selection process in a number of electoral districts. In general, we believe that voters will have the opportunity to express their informed and free will at the polling station.

### **I. Violence and Physical Confrontation**

The largely violence-free pre-election process was seriously damaged by a few cases of violence that took place in the final days before the elections, including the car bombing of an opposition MP, assault with a firearm on an opposition majoritarian candidate, and physical assault on activists of the ruling party.

In several cases, confrontations between political party activists escalated into physical violence during the pre-election period. Representatives of the opposition as well as the ruling party were subjected to

violence. Several television debates between political opponents also ended with a physical confrontation. Relatively frequent were [attempts](#) by political party activists to interfere with the campaign activities of their opponents, which, in some cases, led to confrontation. Nevertheless, physical confrontations were not common throughout the pre-election period.

Unfortunately, when commenting on violations committed by their activists, political parties have tried to place the blame for provoking violence on their opponents, instead of condemning violence and distancing themselves from it. Monitoring organizations have assessed this approach to be no different from encouraging violence.

During the pre-election process, a number of opposition party offices were [vandalized](#). Cases of [damaging](#) of campaign posters and banners also became more frequent towards the end of the pre-election period. The investigation has yet to identify perpetrators.

## 2. Political Harassment / Intimidation

Cases of political harassment and intimidation of party activists began to [appear](#) 2 months before the election day. According to party activists, harassment mainly originated from local government (municipal) employees, who [threatened](#) them with loss of their job or removal of social assistance. There were also a few [cases](#) when the police searched, questioned and charged politically active individuals, which has raised questions about the political impartiality of law enforcement representatives.

During the pre-election period, a few cases were identified where local self-government employees were dismissed on allegedly political grounds. In some of these cases, the dismissed employees were promptly reinstated by the municipal authorities, while two cases are currently being considered by the court.

The pre-election process was negatively affected by secret video and audio recordings of political party leaders that were periodically being published by various websites. Investigative authorities failed to successfully complete their investigation on any of these cases and to hold the authors and distributors of these recordings responsible.

## 3. Use of Administrative Resources

Monitoring conducted by civil society organizations showed that the use of administrative resources for election purposes has not reached the scale that would have a significant impact on the election environment. However, [several cases](#) of use of administrative resources are still worth pointing out.

**Executive administrative resources** were allegedly used for election purposes during the staffing of precinct election commissions (PECs) and dismissal of employees from several kindergartens under suspicious circumstances in the Spring of 2016. In addition, during the pre-election period, some political parties frequently made statements about the harassment of their supporters and election candidates by law enforcement agencies, including harassment by the representatives of the State Security Service related to campaign meeting attendance. However, verifying most of these cases has proved to be difficult. According to information provided by law enforcement agencies, no one has been found responsible for such cases by the investigation.

Questions about the use of **judicial administrative resources** for election purposes were raised by the approval of the new rules for allocating free airtime for political advertisements by the Parliament

and the adoption of two resolutions (on granting election numbers to political parties, and on registration of political parties as election subjects) by the Central Election Commission (CEC).

In terms of use of **institutional administrative resources** for election purposes, to the credit of the ruling party, it has tried to hold public meetings on non-work days. Public servants mainly used day-offs to participate in campaign activities, however, in some cases, local self-governments made illegal use of their human and material-technical resources for election purposes.

In [all regions](#) of the country, employees of organizations funded from the state budget were mobilized on a large-scale to take part in the Georgian Dream election campaign. Public servants employed in local self-government bodies engaged in illegal campaigning through [social networks](#), which, despite numerous appeals, was not eliminated by relevant municipal authorities. State agencies also increased their efforts to advertise their activities through video, text messages and other means of communication during the pre-election period.

Questions about the use of **financial administrative resources** for election purposes were raised by two initiatives of the central government that were aimed at winning the voter's favor: a) increase of pensions starting July 1; and b) exemptions for mountainous areas that entered into force on September 1.

The central budget has not been changed during the pre-election period in a way that would constitute a clear violation of the Election Code. Election monitoring organizations have [judged](#) a change in the Batumi Municipality budget to constitute the use of administrative resources for election purposes and filed a relevant [complaint](#). A number of municipalities also launched budget amendments to increase funding for infrastructure and social projects after the launch of the pre-election campaign but completed the amendment processes within the legally allowed timeframe. These amendments nevertheless raised suspicions about [attempts](#) to increase voter satisfaction prior to the elections.

#### **4. Vote-buying**

Compared to previous years, more cases were identified of political parties and candidates promising and providing material goods and services to voters. The State Audit Office conducted timely investigations of vote-buying cases and, upon identifying a violation, appealed to court for appropriate response. Unfortunately, the measures taken by the court against such offenses proved ineffective, which was largely due to shortcomings of the election legislation and court practice. The fact that the court failed to give adequate assessment to cases of vote-buying has prevented competent state authorities from noticing these grave violations.

#### **5. Media Environment**

Despite some challenges, media environment during the pre-election period has remained pluralistic. Political parties had the opportunity to make their programs and visions known to the public, meaning that the Georgian voters will have enough information in order to make an informed decision for the 2016 parliamentary elections.

However, worth noting are changes that have occurred in the Georgian television landscape. Even though no cases of harassment of journalists have been identified during the pre-election period, 5 [highly rated TV programs](#) (shows) have been shut down since 2012. According to the hosts, the programs were shut down as a result of a deal between the government and media owners, or, in some cases, due to the editorial policy of the TV station's owners.

During the pre-election period, political parties had the opportunity to present their election programs through new or modified television programs. Political parties had the opportunity to communicate with voters on almost all TV channels. TV companies tried to create a level playing field both in terms of air time and advertising.

The ownership dispute of a TV company Rustavi 2, currently being considered by the Supreme Court, is a key issue when assessing the pre-election media environment. The Supreme Court declared the case of Rustavi 2 admissible. Consideration of the Rustavi 2 case by the City and Appeals Courts and the events surrounding the TV channel and its management have raised questions, on both local and international levels, about the political context of the process. Even though Rustavi 2 has continued broadcasting without technical interruptions during the pre-election period, the [uncertainty caused by the court dispute and the extreme politicization of the process](#) have negatively affected its overall functioning.

TV company GDS, which is owned by the family member of former Prime Minister and the founder of the ruling Georgian Dream party, has been providing the former Prime Minister Bidzina Ivanishvili with 2 hours of free airtime twice a week starting from September 2016, which he has used for campaigning in favor of the ruling party. GDS has not provided the same opportunity for any other party. This is a clear and [gross violation](#) of the election law. GDS, together with another TV channel Imedi, also aired a television series depicting the human rights abuses of the previous government. This did not constitute a violation of the law; however, the TV series was funded by the former Prime Minister and was largely perceived as part of the Georgian Dream election campaign.

The politicized nature of the pre-election media environment was clearly illustrated by the presentation of political party ratings by different TV channels. On the one hand, Rustavi 2 commissioned public opinion polls to a research company called GFK, on the other hand, Imedi, Maestro, GDS and the [Georgian Public Broadcaster](#) hired a different company called TNS. As a result, TV channels provided viewers with political rating data that was drastically different depending on the survey.

The pre-election period also saw an increase in the activity of anti-Western media outlets, which often use xenophobic and homophobic statements, and hate speech against various political party representatives.

## **6. Party Funding**

During the pre-election period, the State Audit Office, which is responsible for monitoring the funding of political parties, was active and impartial. The State Audit Office responded to violations of both the ruling party and the opposition.

The total amount of [donations received by political parties](#) / election subjects from January 1 to September 1, 2016 was GEL 16,150,855 (including membership fees and non-monetary donations). GEL 14,829,755 was donated by 1,109 natural persons and GEL 1,321,100 by 24 legal entities. 15 of these 24 legal entities donated to the Georgian Dream, while the rest donated to the Alliance of Patriots, National Forum and Girchi. 35 private companies affiliated with 34 persons who donated to the Georgian Dream received public procurement contracts worth GEL 4,005,857. Among Georgian Dream donors 38 were public official and / or their family members. Donations given by some public officials constituted a large share of their declared income.

The pre-election process revealed a legislative shortcoming related to the legal definition of an entity with election goals and the methodology of granting this status. This shortcoming had specific adverse

consequences, such as Paata Burchuladze being able to start his political activity long before registering a party. Since Burchuladze had not publicly announced his election goals until May, earlier activities and expenditures of his Foundation did not become subject to political party regulations, which placed Burchuladze in an advantageous position compared to the other parties.

## **7. Election Administration**

Election administrations acted largely in accordance with the principles of transparency and publicity. Monitoring organizations did not encounter any problems with registration or observation at any level of election administration. We believe that the preparatory measures taken by the election administration should ensure an orderly conduct of the elections.

The process of selecting members of precinct election commissions (PECs) by the district level commissions (DECs) proved to be the biggest problem of the performance of the election administration. In a number of DECs, PEC members were [selected](#) according to pre-defined lists, which raised questions about the political impartiality of these certified election officials. Shortcomings of the PEC member selection process have once again highlighted the need to reform the regulations on the composition of the election administration.

Monitoring organizations have [criticized](#) the election administration's process of reviewing complaints. An overwhelming majority of complaints submitted to the Central Election Commission (CEC) have not been satisfied. We believe that the election administration employed a narrow definition of the law when reviewing complaints, which led to an inefficient use of existing legal sanctions on election violations. This practice has given rise to suspicions that the election administration was deliberately avoiding responsibility of imposing sanctions on political parties for election violations.

Shortcomings were also revealed during the [registration process](#) of certain election subjects by the CEC. Also problematic was the CEC's decision to grant an election number to one election subject ahead of schedule, which placed other election subjects in an [unequal position](#).

## **8. Election System**

The electoral system underwent some improvement with the 2015 legislative amendments that equalized the boundaries of majoritarian election districts and increased the vote threshold required for majoritarian candidates. However, despite a number of initiatives, including two constitutional draft laws on election reform, the election system [has not seen a significant improvement](#) for the 2016 parliamentary elections.

Parliamentary initiatives to increase the representation of women were also unsuccessful. The lists of proportional and majoritarian candidates submitted by political parties have once again [shown](#) that the representation of women in party lists and majoritarian candidates remains low.