



Office for Democratic Institutions and Human Rights

GEORGIA

PRESIDENTIAL ELECTION
28 October and 28 November 2018

ODIHR Election Observation Mission
Final Report



Warsaw
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I. EXECUTIVE SUMMARY

Following an invitation from the authorities of Georgia, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) to observe the 28 October 2018 presidential election and remained in the country to follow the second round on 28 November. The ODIHR EOM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. For both election days, the ODIHR EOM was joined by delegations from the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), the European Parliament (EP) and the NATO Parliamentary Assembly (first round only), to form an International Election Observation Mission (IEOM).

The Statement of Preliminary Findings and Conclusions issued by the IEOM for the first round concluded that “the election was competitive and professionally administered. Candidates were able to campaign freely and voters had a genuine choice, although there were instances of misuse of administrative resources, and senior state officials from the ruling party were involved in the campaign. Substantial imbalance in donations and excessively high spending limits further contributed to an unlevel playing field. While public broadcasters provided all candidates a platform to present their views, the sharp polarization of the private media, negative campaigning and harsh rhetoric, and lack of analytical reporting limited voters’ ability to make a fully informed choice. Legal changes that increased the representation of the ruling party at all election administration levels and the insufficient transparency in the selection of non-partisan members undermined the perception of impartiality. Nevertheless, election day generally proceeded in a professional, orderly and transparent manner, despite some procedural issues during counting, as well as many citizen observers and media acting on behalf of political parties and party supporters potentially influencing voters outside polling stations.”

The Statement of Preliminary Findings and Conclusions issued for the second round concluded that the run-off was “competitive and candidates were able to campaign freely, however one side enjoyed an undue advantage and the negative character of the campaign on both sides undermined the process. Elections were well administered; yet, the lack of regulation of key aspects of the second round did not provide legal certainty. The campaign was marred by harsh rhetoric. Increased misuse of administrative resources further blurred the line between party and state. Private media continued to demonstrate sharp polarization and clear bias, while the public broadcaster did not ensure editorial independence and impartiality. On election day, voters actively took part and the process was assessed positively, although the observed tracking of voters reinforced concerns about potential intimidation.”

Constitutional amendments in 2017 introduced an indirect election of the president starting from 2024 and substantially reduced the powers of the newly elected president. The legal framework provides an adequate basis for the conduct of democratic elections, even though key aspects of the second round are not sufficiently regulated. Recent amendments to the Election Code introduced a number of technical improvements and partially address some prior ODIHR and Council of Europe recommendations. However, certain shortcomings remain and the reform process was a missed opportunity to engage broadly with stakeholders, address a number of other prior recommendations, eliminate gaps and inconsistencies or rectify problematic issues identified in previous two-round elections. For the second

¹ The English version of this report is the only official document. An unofficial translation is available in Georgian.

round, unclear campaign regulation, including in the media, led to inconsistent and contradictory interpretations and did not provide legal certainty.

The elections were managed professionally by three levels of administration, led by the Central Election Commission (CEC). For the first round, the CEC enjoyed the confidence of most electoral stakeholders and made concerted efforts to increase the competence of lower-level commissions. However, in the absence of adequate regulation by the CEC, the selection of non-partisan lower-level commission members lacked consistency and transparency. The CEC's decision on the run-off date became a contentious issue and led to objections from civil society and opposition parties. While the CEC acted within its authority to set the date, the circumstances around the decision negatively impacted stakeholder confidence in the CEC. Yet, the second round was well managed, deadlines were generally respected, and the CEC made efforts to address procedural shortcomings noted during the first round.

While women were well represented in lower level election commissions, they were less represented among CEC and DEC leadership. Two of 12 CEC members and the chairperson were women. In DECs, women constituted 36 per cent of chairpersons and 64 per cent of total membership and in PECs - 64 per cent of PEC chairpersons and 73 per cent of membership. Although a female candidate was elected president, only 2 of 25 candidates were women. Issues of gender equality did not feature prominently in the campaign.

The CEC conducted a targeted voter information campaign aimed at encouraging the participation of persons with disabilities and raising awareness of facilities in place for their full participation. Initiatives to facilitate the participation of voters with disabilities included hotlines for the deaf and hard-of-hearing voters and the creation of barrier-free polling stations equipped with special voting booths, magnifying lenses and tactile ballots.

Over 3.5 million citizens were registered to vote. Authorities made commendable efforts to improve the accuracy of voter lists and provide voters with ample opportunity to verify their information. Most stakeholders expressed confidence in the accuracy of the voter lists.

Candidate registration was transparent and inclusive, despite overly restrictive and disproportionate residency requirements. In total, 25 candidates were registered, 16 from political parties and 9 independent. However, the genuineness of the nomination process was diminished by credible indications that databases of voter data were available for purchase and by the absence of an effective mechanism for checking the authenticity of support signatures. The campaign strongly indicated that a significant number of candidates registered to use their of public funding and free airtime in the first round to support other contestants.

Contestants were able to campaign freely and fundamental freedoms were generally respected, but the ODIHR EOM observed several disruptions of campaign events, multiple instances of vandalised party offices or campaign materials and there were isolated violent incidents. The campaign was dominated by controversial topics, outside of the presidential mandate, polarizing public opinion. In the run-up to the second round, campaign activities intensified and a number of anti-opposition and anti-government demonstrations took place, increasing the tensions between the two sides. The use of negative, harsh and at times violent rhetoric significantly overshadowed the campaign, particularly for the second round, and went unaddressed by the authorities.

Throughout the campaign there were incidents of misuse of administrative resources, and before the second round, a series of social and financial initiatives were announced, in particular, debt relief for 600,000 individuals by a private financial institution linked to the chairperson of the ruling party. These incidents blurred the line between the state and the ruling party. For both rounds, the gathering of voter

data and mapping of political preferences, in combination with tracking voters on election day, raised concerns about the potential for intimidation and the ability of voters to vote free of fear of retribution, as provided by the OSCE commitments and other international obligations.

Party and campaign finance legislation lacks uniformity as well as clear regulation of second round finances. Recent legislative amendments did not address longstanding ODIHR and the Council of Europe's Group of States against Corruption (GRECO) recommendations. The law provides for private funding for all presidential candidates and public funding for those nominated by parties. The lack of regulation on loans for campaign expenses and reporting on the use of these funds or campaign activities by third-parties, including public protest movements, contributed to an imbalance of the playing field. The substantial imbalance in campaign donations in favour of the candidate backed by the ruling party was noted throughout the election. The State Audit Office verified and promptly published campaign finance reports before the election. However, despite increased efforts, the institution's insufficient resources, the lack of clear deadlines for addressing violations and that most campaign finance complaints for both rounds were still pending prior to the run-off, continued to raise concerns about the effectiveness of campaign finance framework.

Throughout the election, insufficient issue-oriented debate, shallow coverage of the campaign and the lack of analytical reporting by sharply polarized media limited the possibility for voters to make a fully informed choice. While the law provides free airtime only for certain party-nominated candidates, both public national broadcasters provided all candidates with the same amount of free airtime, and for the run-off most national broadcasters provided free airtime to both candidates. The media regulator did not always display a transparent and impartial approach when intervening in the campaign. ODIHR EOM media monitoring results showed clear bias in the coverage by many private media, including during the second round. The lack of clear regulation for the second round led to varied interpretations of the law and limited opportunities for campaigning in the media. In the second-round campaign, the national public broadcaster displayed a clear bias against the opposition candidate and did not fulfil its obligations to ensure editorial independence, fairness and impartiality of programmes, contrary to international standards.

The Election Code provides for observation of the entire election process by citizen observers and international organizations, as well as representatives of contestants. The accreditation process was inclusive and professionally managed. During the pre-election period, citizen observer groups faced intense verbal attacks by high ranking members of the ruling party and senior public officials. Still, observation efforts of established citizen observer organizations contributed to the transparency of the process. For the second round, political parties and candidates not contesting the run-off were not eligible to field observers. As a result, an even larger number of party activists were accredited as citizen observers than during the first round, further negatively impacting the perception of independence of citizen observers.

The legal framework for electoral dispute resolution is complex and unnecessarily restrictive. Overall, complaints and appeals were handled by the election administration and courts in an open and transparent manner within legal deadlines. In total, over 1,500 complaints were filed in the pre-election period and following each round. The dismissal of a large number of cases on procedural grounds demonstrated a limited understanding of the complaints and appeals procedures by the complainants and the complexity of the dispute resolution system. Overall, the handling of complaints often lacked proper consideration of substance, and commissions took decisions that narrowly or inconsistently interpreted the law. The limited right to file complaints and appeal decisions on certain issues, as well as the lack of sufficient legal reasoning in decisions, further limited the effective resolution of disputes, at odds with international commitments and standards. Various ODIHR EOM interlocutors expressed a lack of confidence in the effectiveness of the complaint adjudication system.

The first round election day generally proceeded in a professional, orderly and transparent manner. However, the frequent presence of a large number of party supporters, often with lists of voters, noting who was voting raised concerns about the ability of voters to vote free from pressure and fear of retribution. Voting was assessed positively, although citizen observers and media who acted on behalf of political parties negatively impacted the process. The assessment of counting was less positive due to procedural problems, some cases of interference and an increase in tensions.

As no candidate was elected in the first round, a second round was set for Wednesday, 28 November. The run-off election day proceeded in an orderly manner despite a tense environment and a few violent incidents that were investigated by law enforcement. Opening, voting and counting were assessed positively in almost all polling stations observed, and procedures were generally followed. The tracking of voters reinforced concerns about their ability to vote free of fear of retribution. Citizen observers and media again often acted on behalf of parties and in some instances interfered in counting. Tabulation was assessed as efficient, well organized and transparent.

This report offers recommendations to support efforts to bring the electoral process in Georgia further in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to eliminating gaps and ambiguities from electoral legislation, ensuring more balanced political representation in election commissions, establishing an effective and timely mechanism to address complaints on the misuse of administrative resources, preventing possible dissemination of hate speech and xenophobia, ensuring efficient oversight and transparency of campaign finance, simplifying the complaints procedures, eliminate restrictions on standing and ensuring that voters cast their ballot free of fear of retribution. ODIHR stands ready to assist the authorities to improve the electoral process and to address the recommendations contained in this and previous reports.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the authorities of Georgia, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 18 September to observe the 2018 presidential election. The ODIHR EOM was headed by Ambassador Geert-Hinrich Ahrens and consisted of 14 experts based in Tbilisi and 28 long-term observers deployed throughout the country for the first round and 22 for the second round. Mission members were drawn from 41 OSCE participating States.

III. BACKGROUND AND POLITICAL CONTEXT

Constitutional amendments in 2017 introduced the indirect election of the president starting from 2024 and substantially reduced the powers of the newly elected president, concluding the shift from a presidential to a parliamentary system initiated in 2010.² The adoption of these amendments was contentious and did not enjoy a broad consensus.³

² The newly elected president will represent the country abroad, make certain appointments in the judiciary and hold a legislative veto. In addition, the president serves as commander-in-chief and appoints the commander of the armed forces.

³ A number of parties and civil society organizations did not agree with the amendments. In protest, the parliamentary opposition parties boycotted the vote on 26 September 2017. The amendments were adopted on 13 October 2017 only after the parliamentary majority overrode the president's veto. See the European Commission for Democracy through Law (Venice Commission) [Opinion on the Draft Revised Constitution as Adopted by the Parliament on 23 June 2017](#) and [Opinion on the Draft Constitutional Amendments Adopted on 15 December 2017](#).

The last parliamentary elections in 2016 resulted in a constitutional majority for the ruling party, the Georgian Dream (GD), which won 115 of 150 seats. After the election, the leading parliamentary opposition party, the United National Movement (UNM), split with 21 of its 27 members of parliament (MPs) establishing the European Georgia – Movement for Liberty (EG). The 2017 local elections further consolidated the position of the ruling party as it obtained 62 of 64 mayoral seats and a majority in 63 of 64 local councils. In June 2018, the Prime Minister resigned and a new government was appointed in July.⁴

Several political parties and prospective contestants, including the incumbent president, refused to participate in the election, pointing to the limited presidential mandate. The ruling party supported an independent candidate, reasoning that the president should be non-partisan. The EG and UNM each nominated their own candidate. In addition, four of the ten smaller opposition parties under the UNM-led coalition “Strength in Unity”, created in July 2018, also fielded candidates.⁵

The election took place against a backdrop of social turbulence resulting from a series of street protests in May and June 2018. While some of them were fuelled by the perception of bias in the adjudication of two cases involving the killing of minors, others were related to the alleged mishandling of arrests during an anti-drug campaign. To counter these demonstrations, anti-LGBT and self-declared fascist marches were organized. Furthermore, allegations of corruption and other illegal activities by various former high-level officials dominated media coverage before the first round of the election and impacted the political debate.⁶

IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The presidential election is primarily regulated by the 1995 Constitution, the 2011 Election Code, the 1997 Law on Political Unions of Citizens, and decrees and ordinances of the Central Election Commission (CEC). The legal framework provides an adequate basis for the conduct of democratic elections, despite certain shortcomings.

To be elected in the first round, a candidate must receive more than 50 per cent of valid votes cast. Otherwise, a second round between the two candidates with the highest number of votes is held two weeks after the official announcement of results. The candidate who receives more votes in the second round is elected. Constitutional amendments in 2017 extended the presidential term to six years for this term only.⁷

The Election Code was last amended in 2017 and July 2018 without broad political consensus, introducing a number of mainly technical changes.⁸ The most contentious of the 2017 amendments was adjusting the formula for the composition of election commissions, which decreased the number of commissioners and resulted in an increased representation of the ruling party at all levels. In March 2018, the CEC submitted a significant package of amendments to the parliament to which civil society organizations provided their comments. While a number of the amendments were adopted by

⁴ In his resignation address, the Prime Minister cited disagreements over economic and other fundamental issues with the chairperson of the ruling party as a reason for his decision.

⁵ The following nominated one candidate each: National-Democratic Party, Movement State for People, Christian-Conservative Party of Georgia and Civic-Platform - New Georgia.

⁶ On 5 October, the Ministry of Internal Affairs and the Prosecutor’s Office issued statements on the progress of the investigation into alleged corruption, indicating that the evidence provided was not authentic. On 14 October, one national TV station published documentation on other cases of illegal activity and the Prosecutor’s Office countered such claims. The authenticity of submitted evidence was disputed.

⁷ Subsequent presidential terms will be five years.

⁸ The UNM boycotted the votes and other opposition parties were largely absent.

parliament, the CEC proposal to simplify counting procedures, in line with ODIHR recommendations, was not supported.

Partially addressing previous ODIHR recommendations, amendments prohibited the collection of voters' personal data on election day, expanded observer rights to check voter lists outside of the electoral period, introduced a more permanent solution for the inclusion of voters without officially registered addresses, and prohibited the withdrawal of candidates in the event of a second round.

This reform process, however, was a missed opportunity to address other prior ODIHR and Council of Europe recommendations, including on the right to stand, campaign and campaign finance regulations, electoral dispute resolution, and free airtime allocation rules.⁹ Moreover, the legal framework still contains a number of gaps and inconsistencies, and lacks clarity on certain issues. These include inconsistent campaign finance regulations, unclear regulations on the campaign period and on the allocation of funding for paid advertisements for presidential elections, and a lack of explicit procedures for a run-off.

A comprehensive review of the election legislation should be undertaken to eliminate gaps and ambiguities, address ODIHR and Council of Europe recommendations and ensure uniform application of the law. Any electoral reform should be conducted in an inclusive manner, well in advance of the next election.

V. ELECTION ADMINISTRATION

Elections were managed by three levels of administration: the CEC, 73 district election commissions (DECs) and 3,637 precinct election commissions (PECs).¹⁰ The election was not organized in Abkhazia and South Ossetia. Commissions at all levels are composed of 12 members: 6 partisan and 6 non-partisan. Five non-partisan CEC members are elected by the parliament upon nomination by the president. The CEC chairperson is nominated by the president and elected by the CEC with a two-thirds majority.

While the number of commissioners has decreased from 13, there are still less functional roles on election day than the number of PEC members. Thus, some PEC members who were not assigned to any specific role on election day were *de facto* monitoring the process.

Previously, the seven parties that received the largest amounts of state funding were entitled to nominate one commissioner at each level. According to the 2017 amendments, parties with parliamentary factions enjoy the right to nominate commissioners in proportion to the number of votes received in the last parliamentary elections. This resulted in increased representation of the ruling party at all levels, where the GD was entitled to three representatives, while the UNM, EG, and the Alliance of Patriots of Georgia only to one each. Although proportional political representation in electoral

⁹. In paragraph 25 of the [1999 OSCE Istanbul Document](#), all OSCE participating States committed to follow-up on ODIHR's election assessments and recommendations.

¹⁰ In addition, 10 special PECs were created in penitentiary institutions and 1 in an inpatient facility. Fifty-five PECs were established in 39 countries for out-of-country voting; 2 polling stations in Afghanistan served the Georgian military. In four countries, the number of applications for PEC members was insufficient and the CEC cancelled voting in these locations.

commissions is in line with international good practice, the new rules detracted from the public perception of commission impartiality.¹¹

Consideration could be given to aligning the number of commission members at each level to the actual need. If parties retain the right to nominate commission members, the appointment formula could be reviewed to ensure more balanced political representation and contribute to the perception of impartiality.

The six non-partisan members for each DEC and PEC are selected by the CEC and DECs, respectively. To address previous concerns and ODIHR recommendations, the CEC issued a non-binding recommendation for DECs to consider PEC members with previous election experience and who participated in trainings and to refrain from selecting applicants with multiple disciplinary sanctions received in the last two years.¹² Despite these efforts, many ODIHR EOM interlocutors alleged political affiliation of some PEC members and nepotism in the selection process. In addition, the procedure for non-partisan PEC member recruitment was insufficiently regulated by the CEC, and the selection process was inconsistent and lacked transparency.¹³ Information on applicants was not publicly available before selection, which undermined confidence in the results. Furthermore, the timeframe for selection was too short and did not provide for meaningful consideration of the applicants.

In the majority of cases, non-partisan PEC members were elected to PEC leadership positions. However, in all 312 PECs where party-nominated members were elected as chairpersons, they were nominated by the GD, which further diminished the perception of impartiality.

The selection procedures and criteria for the recruitment of lower-level commission members could be further elaborated in legislation and by the CEC, including more time for selection and in a more open and inclusive process.

The election for both rounds was generally administered in a timely, efficient and professional manner at all levels. The CEC and DECs selected 21,783 PEC members, accredited numerous observers, representatives of contestants and media, produced and distributed voter lists, and more than 6.5 million ballots and other election materials within legal deadlines.

In general, the work of the election administration was transparent. The CEC held regular sessions open to accredited observers and the media. In line with previous ODIHR recommendations to enhance transparency, CEC and DEC session minutes, decrees, ordinances and decisions on complaints were published on the CEC website in a timely manner. While the CEC generally enjoyed stakeholder confidence before the first round, this diminished following a controversial decision on selecting the date of the second round (See *Second Round Preparations* section).

¹¹ The Election Code states that an election commission member is not the representative of his/her appointer/voter. An election commission member shall be independent in his/her activities and shall act only according to the Constitution of Georgia, law, and respective subordinate acts. Paragraph II.3.1 of the [2002 Venice Commission Code of Good Practice in Electoral Matters \(Code of Good Practice\)](#) stresses that “equality may be construed strictly or on a proportional basis” and that “an impartial body must be in charge of applying electoral law”.

¹² According to the CEC, more than 84 per cent of elected PEC members had previous election experience; around one third participated in election official training programmes.

¹³ To enhance transparency, some DEC members appointed by opposition parties initiated interviews with applicants. Participation was low because they were not mandatory. Information on applicants’ experience, past performance and participation in trainings was unavailable for observers before and during selection. After selection, only information regarding selected PEC members was published on the CEC website. Of 28 complaints on PEC recruitment, 22 were rejected, 4 partially satisfied, and 2 satisfied.

Two of 12 CEC members and the chairperson are women. According to the CEC, women constituted some 64 per cent of DEC members, 73 per cent in PECs, 36 per cent of DEC chairpersons and 64 per cent of PEC chairpersons. National minorities were relatively well represented in PECs and DECs in ethnic Armenian areas, but only well represented in PECs in ethnic Azeri areas.¹⁴

The CEC training centre enhanced its training methodology and focused on the competencies of lower-level commission members. DEC and PEC trainings observed by the ODIHR EOM were informative, interactive, and included practical exercises on voting and counting procedures, in line with previous ODIHR recommendations. Additional trainings for PEC members were conducted prior to the second round with a focus on counting procedures and the completion of result protocols. The CEC provided comprehensive voter information through meetings with voters, videos and print materials. Manuals and voter education materials were available in minority languages.

The CEC took initiatives to facilitate the participation of voters with disabilities, including the creation of barrier-free polling stations equipped with special voting booths, magnifying lenses and tactile ballots. A call centre that provided information in sign language for the deaf and hard-of-hearing voters was also established. Further, the CEC held regular meetings with the working group for persons with disabilities established to promote equal voting conditions for persons with disabilities. Voter information videos and CEC briefings were available in sign language. According to the CEC, more than 43,000 lower-level commissioners were trained on special procedures for providing assistance to voters with disabilities on election day.

VI. VOTER REGISTRATION

Citizens who are 18 years of age by election day have the right to vote, except those serving a prison term of more than five years. Contrary to international standards, citizens who are declared to lack legal capacity by a court decision on the grounds of mental disability and who require inpatient care are ineligible to vote.¹⁵

The blanket denial of voting rights of persons recognized by a court to lack legal capacity on the grounds of mental disability and who require inpatient care should be reconsidered.

Georgia has passive voter registration. The CEC is responsible for compiling voter lists based on the state register of citizens provided by the Public Service Development Agency (PSDA) and other institutions. Voters with a valid ID documents are included in the voter register based on their permanent registration, actual (temporary) address or previous registered address.

Most ODIHR EOM stakeholders expressed confidence in the accuracy of voter lists. At the same time, voters who reside in places different from their official registration faced significant obstacles to participate in the election. As there is no mechanism for allowing voters to temporarily change their address, they must vote at the location assigned based on their permanent address registered in the civil registry. Students and individuals working in larger cities with registration in other locations must

¹⁴ According to CEC estimates, in ethnic Armenian areas Armenians account for around 47 per cent of DEC and 68 per cent of PEC members. In ethnic Azeri areas, Azeris are absent from DECs, but account for 30 per cent of members in PECs.

¹⁵ Article 29 of the Convention on the Rights of Persons with Disabilities (CRPD) obliges states to “guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others”. See also Paragraph 9.4 of the 2013 CRPD Committee’s Communication No. 4/2011, which states that “an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability.”

travel to their place of registration to vote. For these voters, travel is not always possible, especially for the second round when the election was held on a weekday.

Consideration could be given to introducing a secure mechanism to permit voting by persons who will be away from their official registered address on election day, especially if such persons are in country. Consideration could also be given to providing voters the opportunity to temporarily change their voting address within a limited timeframe.

The PSDA made commendable efforts to improve the quality of voter lists by removing deceased voters and providing opportunities for voters to receive or update documents and photos for free. Further, some 197,000 internally displaced persons (IDPs) were included in voter lists for this election at their current places of residence, and voters without IDP status or expired IDP documents were notified and given the opportunity to register.

For the first round, voters were given ample opportunity to verify data on voter lists and request corrections. The ODIHR EOM observed preliminary voter lists were properly posted for public scrutiny at polling stations. Voters were also able to check their data at DECs, online and through some 10,000 terminals. According to the CEC, 1,357 voters requested corrections. In line with the law, the CEC provided five political parties with a digital copy of voter lists upon request. On 27 October, the CEC announced that 3,518,877 voters were registered. Most stakeholders expressed confidence in the accuracy of voter lists.

For the second round, voter lists were updated to reflect deceased voters, those who turned 18 years old as well as changes in civil registration data. The UNM raised concern about the significant increase in the number of voters in voter lists for the second round. Based on information from the CEC, 13,619 voters were added in the lists.¹⁶ While voters were given a brief opportunity to check their data on the CEC website, there was no opportunity to request changes. Voters who were registered for out-of-country voting for the first round were also included in voter lists abroad for the second round, and other voters had an additional opportunity to register with diplomatic missions in-person or electronically between 1 and 11 November. In total, 3,528,658 voters were included in voter lists for the second round.

VII. CANDIDATE REGISTRATION

The Constitution and the Election Code grant the right to stand in the presidential election to citizens of Georgia who are over 35 years of age, have the right to vote, do not have dual citizenship, and have resided in Georgia for at least five years in total, and consecutively for the last three years. These residency requirements appear overly restrictive, disproportionate and at odds with OSCE commitments and other international standards; ODIHR has previously recommended to reconsider these restrictions.¹⁷

¹⁶ This includes 3,500 who turned 18 years old and 9,430 who updated information in the civil registry. In total 3,838 voters were removed, including 3,607 deceased voters.

¹⁷ Paragraph 7.3 of the [1990 OSCE Copenhagen Document](#) states that “the participating States will guarantee universal and equal suffrage to adult citizens”, and paragraph 24 provides that restrictions on rights and freedoms must be “strictly proportionate to the aim of the law”. Paragraph 15 of [General Comment No. 25 to Article 25 of the International Covenant on Civil and Political Rights \(ICCPR\)](#) by the UN Human Rights Committee states that “persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation”.

To align candidate registration provisions with international commitments and other international standards, the existing residency requirement and limitations on dual citizenship should be reconsidered.

Political parties and initiative groups of at least five voters were entitled to nominate candidates by submitting support signatures.¹⁸ The CEC verified the personal data of voters who signed the lists in the presence of candidate representatives and rejected all entries where the data did not match. There were credible indications that databases with personal voter data were available for purchase, which raised a number of concerns, including on the need for the authorities to secure personal data.¹⁹ In addition, the absence of an effective mechanism for checking the authenticity of support signatures diminished the genuineness of the candidate nomination process.²⁰

Consideration could be given to developing an effective mechanism for checking the authenticity of supporting signatures.

In an inclusive and transparent process, the CEC registered 25 candidates, including 2 women. No candidate represented a national minority. Twenty-one nominees were rejected for various reasons, mainly for not submitting required documents or enough support signatures.

VIII. ELECTION CAMPAIGN

Following an amendment of the Election Code, the campaign period was defined as starting 60 days prior to the election, and commenced on 29 August. As a result, there were four weeks between the call of the election and the start of the official campaign when the regulation of campaign activities was unclear. The Election Code does not foresee a campaign silence period and campaigning on election day is not prohibited except in the media and inside polling stations.

While fundamental freedoms were generally respected during the campaign and contestants were able to campaign freely, the ODIHR EOM observed several disruptions of campaign events and multiple instances of vandalised party offices or campaign materials.²¹ Isolated politically motivated violent incidents took place and were investigated.²² Although the majority of candidates negotiated and signed a Principles of Conduct, a declaration of commitments during the campaign facilitated by the

¹⁸ The Election Code gives the right to nominate presidential candidates to parties registered with the CEC for participation in parliamentary or local elections. The CEC expanded this right to parties whose registration was cancelled due to various reasons, which contributed to the inclusivity of the process. Both parties and initiative groups had to submit supporting signatures of at least 0.75 per cent of registered voters, which the CEC established as 25,923 voters.

¹⁹ See Paragraph 10 of General Comment No. 16 to Article 17 of the ICCPR requires that “effective measures have to be taken by States to ensure that information concerning a person’s private life does not reach the hands of persons who are not authorized by law to receive process and use it, and is never used for purposes incompatible with the Covenant.”

²⁰ The CEC can only reject an entry based on the authenticity of the signature if the voter in question confirms in writing that he/she did not sign in support of the candidate.

²¹ Campaign rallies of Salome Zourabichvili were disrupted by UNM party activists or non-identified individuals in Akhalkalaki, Gurjaani, Rustavi and Bolnisi (on 2, 4, 9 and 10 October, respectively). Between 15 and 16 October, UNM party offices or campaign materials in various locations were vandalised in a manner that appeared to be systematic (e.g. in Vake, Khasuri, Bolnisi, Gardabani, Rustavi, Zugdidi, Khobi, Zestaponi, Ozurgeti, Tianeti, Kobuleti and Batumi).

²² Four incidents between the GD and UNM party members happened in Tianeti, Kutaisi, Tbilisi and Kaspi (15 and 19 September, 8 and 15 October, respectively). On the incidents in Tianeti and Kutaisi, criminal charges were brought against three individuals.

CEC, two candidates (Ms. Zourabichvili and Mr. Natelashvili) refused to sign the final agreement, citing its formalistic nature and the non-compliance with the principles by other candidates.²³

The campaign was dominated by controversial topics polarizing public opinion, negative campaigning and harsh accusations between the GD and UNM.²⁴ During the 45 rallies observed by the ODIHR EOM, candidates often presented campaign promises, but the absence of structured election programmes was noted. Issues of gender equality did not feature prominently in the campaign. National minority topics were covered only in ethnic minority areas. Campaign messages focused on pressing issues such as unemployment, healthcare, social benefits, and local development projects, though often exceeding the redefined presidential mandate. The lack of issue-oriented debate and candidate platforms falling within the presidential mandate diminished the voters' ability to make an informed choice.

In an attempt to prevent the misuse of administrative resources, state authorities issued several instructions and conducted trainings to increase stakeholder awareness about the ban of such activities.²⁵ However, these efforts lacked enforcement and were formalistic. Further, the law lacks requirements for prompt action to be taken by authorities in cases of misuse of administrative resources.²⁶ This undermined the effective application of existing provisions as well as awareness raising efforts. ODIHR EOM interlocutors raised concerns regarding the alleged misuse of administrative resources. Of 37 complaints filed with DECs and the CEC on the issue, 7 were satisfied.²⁷ Thirty were rejected.²⁸ The ODIHR EOM observed instances of high-ranking public officials using institutional webpages for campaigning and public employees participating in campaign

²³ All other registered candidates signed the document committing themselves to respecting the rule of law and refraining from violence, abuse of administrative resources, voter intimidation, the spreading of fake news, hindering campaign activities and humiliating others.

²⁴ The most debated topics included the perception of national historical events, the draft law on the cultivation of marijuana and alleged corruption scandals. The ODIHR EOM observed a number of negative TV ads about Ms. Zourabichvili and Mr. Vashadze, negative campaigning against the GD-backed candidate by representatives of the Georgian Orthodox Church and satirical posters about the UNM candidate posted around the capital and on social media. During UNM rallies in Mtskheta, Bolnisi and Kutaisi (on 7, 12 and 16 October, respectively) the GD-backed candidate was harshly criticized, and on 27 September, the Speaker of Parliament (from the GD) harshly criticized the UNM candidate.

²⁵ The CEC signed a non-binding memorandum of understanding with civil society organizations and some political parties and published a manual on the misuse of administrative resources. The Interagency Commission for Free and Fair Elections recommended to refrain from an abuse of administrative resources also during the period before the official campaign. A governmental decree, re-issued prior to the second round, prescribed that all public servants be informed about existing legal restrictions.

²⁶ A misuse of administrative resources constitutes an administrative offence. The relevant election commission shall decide on issuing or refusing to issue a protocol of administrative offences within one month after the complaint is submitted. If the protocol is issued, the city court shall hear the case within 15 days after receiving it.

²⁷ The Tkibuli, Ninotsminda and Tbilisi DECs drafted administrative protocols asking the court to sanction the administrators of municipal webpage (Tkibuli, Tbilisi) and a municipal Facebook account (Ninotsminda) for posting campaign materials. In Tkibuli and Ninotsminda, two and three complaints were respectively filed, and all five satisfied. The CEC drafted an administrative protocol against the Deputy Head of the Nadzaladevi district government for posting election campaign material on his Facebook account during working hours.

²⁸ The definition of misuse of administrative resources was expanded to include not only instances of campaigning on official websites and social media accounts, but also private platforms if accessed through state-owned devices or state funded internet. The practice showed, however, that such instances are difficult to prove and sanction, and DECs generally accepted explanatory notes from public employees as grounds for rejecting the complaints without further investigation.

events during working hours.²⁹ Following a complaint by the International Society for Fair Elections and Democracy (ISFED), the CEC narrowly interpreted the law and did not consider these actions as a misuse of administrative resources, reasoning that restrictions on campaigning did not apply to political public officials. Such an interpretation is in contradiction with the Election Code and sends a message of impunity undermining awareness raising efforts. While not prohibited by law, mayors, governors and MPs representing the GD accompanied the GD-backed candidate in most rallies observed by the ODIHR EOM.³⁰ All these activities blurred the line between the state and the party, at odds with OSCE commitments and international good practice.³¹

To ensure a clear separation between party and state, consideration could be given to establish an effective and timely mechanism to address complaints on the misuse of administrative resources, before an impartial and competent authority and where appropriate, be able to apply relevant sanctions.

Many ODIHR EOM interlocutors reported that the GD and UNM relied on a mechanism of coordinators who collected personal data of voters prior to election day, and in the case of the ruling party, also collected commitments to vote for the GD-backed candidate. Some GD party members openly disclosed this practice and the ODIHR EOM received credible indications that public employees were asked to provide such lists as well.³² Involving public sector subordinates in activities that may support a candidate is prohibited by the Election Code as an abuse of position. Despite safeguards for vote secrecy, these instances raised concern about public sector employees' ability to vote without fear of retribution, as provided for by the OSCE commitments and other international obligations.³³

As a result of significant differences in access to free airtime and state funding, campaign strategies of candidates varied substantially from a full campaign across the country to interacting with voters solely through Facebook. A number of candidates used their free airtime, state funding and quota of party representatives in polling stations to support other contestants. This practice undermined the level playing field contrary to OSCE commitments and international good practice.³⁴

²⁹ Participation of public employees in campaign events during working hours was observed in Akhaltsike, Sighnaghi, Rustavi, Bolnisi, Tetritskaro, Gori (on 2, 8, 9, 10, 11, 12 October, respectively). Articles covering the activities of the Speaker of Parliament and the Mayor of Tbilisi that contained features of election campaigning were posted on the websites of the parliament and city hall. See paragraph 209 of the [ODIHR and Venice Commission Guidelines on Political Party Regulation](#), which notes that “The abuse of state resources may include the manipulation or intimidation of public employees. It is not unheard of for a government to require its workers to attend a pro-government rally. Such practices should be expressly and universally banned by law.”

³⁰ The Election Code bans campaigning by certain categories of public officials, but does not prohibit campaigning by political public officials, including ministers, MPs, governors or elected officials of local self-government.

³¹ Paragraph 5.4 of the 1990 OSCE Copenhagen Document provides for “a clear separation between State and political parties”. Also see paragraph II.B.1.1 of the [2016 ODIHR and Venice Commission Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#).

³² In Samtskhe-Javakheti and Kvemo Kartli regions, public employees reported being asked by their superiors to collect such lists and felt pressured to vote for the ruling party candidate to maintain their jobs. In Tbilisi and Dedoplistsxaro, a senior GD representative confirmed the collection of voter lists by party supporters.

³³ Paragraph 7.7 of the 1990 OSCE Copenhagen Document requires that campaigning “be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution”. Paragraph 19 of General Comment 25 to the ICCPR stipulates that “Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind.”

³⁴ Paragraph 7.6 of the 1990 OSCE Copenhagen Document commits participating States to provide “the necessary legal guarantees to enable [electoral contestants] to compete with each other on a basis of equal treatment before the law and by the authorities”. Paragraph I.2.3.a of the Code of Good Practice states that “equality of opportunity must be guaranteed for parties and candidates alike”.

To promote a level playing field in the campaign, legislation could be reviewed to ensure that state-funded resources for contestants are not used for the benefit of other candidates.

IX. CAMPAIGN FINANCE

The Election Code and the Law on Political Unions of Citizens as well as the 2008 Law on State Audit Office regulate party and campaign finance.³⁵ The legislation remained largely unchanged since the last presidential election, and recent amendments did not address longstanding ODIHR and the Council of Europe's Group of States against Corruption (GRECO) recommendations to ensure a uniform legal framework.³⁶ The legislation does not provide for adequate time to address violations within the electoral period, lacks sufficient provisions regulating loans, does not regulate finance and reporting requirements during the second round, and does not address third-party campaigning.

The law provides for various private and public funding opportunities for election contestants. Parties are eligible for public funding if they received at least three per cent of the votes in the latest parliamentary or local elections or have at least one majoritarian MP who is part of a faction in parliament.³⁷ Independent candidates are not entitled to such public funding. However, all candidates who pass a 10 per cent threshold in the first round are entitled to have campaign expenditures reimbursed up to GEL 1,000,000 (EUR 328,472).³⁸ Annual expenses of each party, including expenditure of their candidates during the campaign, must not exceed 0.1 per cent of GDP for the previous year (some EUR 13.3 million in 2018). Expenditures of the independent candidates are subject to the same ceiling. These high campaign expenditure limits do not contribute to minimizing potential undue advantage of campaign resources and do not foster a level playing field.³⁹

Any citizen or legal entity may donate up to GEL 60,000 and 120,000, respectively, per year to one or more parties or candidates via bank transfer.⁴⁰ In-kind donations are permitted and parties may receive loans up to GEL 1,000,000 for the campaign. Donations from foreign, public-funded, religious, and anonymous sources are prohibited. Parties may not donate to independent candidates.⁴¹ The GD-backed candidate received the vast majority of donations.⁴²

The GD-backed candidate was the only candidate to receive a loan from a bank; the bank is linked to the GD chairperson.⁴³ Despite previous ODIHR and GRECO recommendations, the process of obtaining loans and reporting on these funds lacks sufficient regulation, at odds with international good

³⁵ These are supplemented by the 2016 Decree of the Auditor General, last amended in 2018 to define the basis for evaluating in-kind donations, including volunteering.

³⁶ A number of ODIHR EOM interlocutors, including the State Audit Office (SAO), recognized that the legal framework governing campaign finance contains gaps and inconsistencies. According to the SAO, its recommendations on improving the relevant legislation were never considered by parliament.

³⁷ Of 19 parties that qualify for public funding (qualified subjects), 16 ran candidates in the election.

³⁸ 1 EUR is equal to approximately 3 GEL.

³⁹ See paragraph 196 of the ODIHR and Venice Commission Guidelines on Political Party Regulation.

⁴⁰ Equal to approximately EUR 19,708 and EUR 39,416, respectively.

⁴¹ The GD was not allowed to incur any campaign expenditures on behalf of the GD-backed candidate and therefore had no reporting requirements. Similarly, there are no requirements for parties that did not advance to the second round to report on campaign activities in support of run-off candidates.

⁴² The amount of donations received by contestants for the first round was GEL 5,233,120; 3,634,380 to Ms. Zourabichvili, GEL 617,945 to the UNM, and GEL 599,613 to the EG. For the second round, GEL 5,332,722 was donated to Ms. Zourabichvili, and GEL 1,065,120 to the UNM.

⁴³ Ms. Zourabichvili received one million GEL. The UNM unsuccessfully applied for a loan at 11 banks. Mr. Japaridze unsuccessfully applied for a loan at the Cartu Bank.

practice.⁴⁴ In addition, there are no explicit regulations on third-party campaigning and no requirements for accounting of expenses incurred by public movements or civil society groups that organize events for the purpose of campaigning.⁴⁵

To enhance the transparency and oversight of campaign finance, the legislation would benefit from further elaboration to address identified gaps and previous ODIHR and GRECO recommendations, including those concerning regulating loans and third-party activities.

The State Audit Office (SAO), mandated to exercise party and campaign finance oversight and respond to violations, has insufficient human resources to effectively monitor campaign finance and mostly focuses on reviewing reported contributions. The SAO verified reports by monitoring the media, conducting field visits, and reacting to issues raised by parties and civil society organizations.⁴⁶ The SAO can only impose sanctions for campaign violations and request information on the origins of funds and property donated through a court decision.⁴⁷

Contestants are obliged to submit financial reports every three weeks from the announcement of the election and report all donations within five days of receipt. While general campaign finance regulations apply for the run-off, there are no explicit legal requirements for reporting on campaign finances for the second round.⁴⁸ Only parties that officially nominated candidates have a legal obligation to report. The SAO published reports on income and expenditures on its website in a user-friendly format. The majority of contestants complied with reporting requirements and submitted reports on finances, including on donations.⁴⁹ There are no legal provisions requiring the SAO to verify campaign finance reports or publish its conclusions before election day, which limits the transparency of campaign finances and impacted on voters' ability to make an informed choice.⁵⁰ Positively, the SAO reviewed and published reports promptly on its website. The SAO issued one interim report with its findings shortly before the run-off.

The SAO requested the Tbilisi city court's approval to investigate 879 donors on the sources of funds for their donations, most of whom contributed to the GD-backed candidate, UNM and EG. Of these, the SAO interviewed 15 donors. According to the SAO, a number of donors did not reside in their official place of registration or did not show up for interview, which complicated and delayed its investigations. The law does not impose any liability on individuals who refuse to cooperate with the SAO.

⁴⁴ Paragraph 171 of the ODIHR and Venice Commission Guidelines on Political Party Regulation states that "legislation may allow parties and candidates to also take out loans to finance (part of) their campaign or activities. It is important that rules on transparency deal consistently with such resources".

⁴⁵ A complaint was filed about the activities of the two movements "Right Choice" and "I support my freedom", which it considered to support the GD-backed candidate.

⁴⁶ On 20 August, the SAO established a working group that included 15 civil society organizations, to discuss potential violations of campaign finance regulations. As a result of field visits, the SAO identified 33 offices of three leading candidates as possible illegal donations, and requested additional information.

⁴⁷ According to the SAO report on the 2017 local elections, of 135 cases sent to the court, fines were imposed in 14 cases, and the others resulted in a warning.

⁴⁸ Still, on 16 November, the SAO set bi-weekly reporting deadlines for 22 November and 3 December. Reportedly due to the late notification from the SAO, the GD-backed candidate failed to comply with reporting deadlines.

⁴⁹ According to reports, for the first round Ms. Zourabichvili spent some GEL 4,084,077, EG/David Bakradze spent some GEL 882,313, UNM/Grigol Vashadze 864,525 and Industry Saves Georgia/Otar Meunargia GEL 222,094. All other candidates collectively spent GEL 1,132,610.

⁵⁰ Paragraphs 194 and 206 of the ODIHR and Venice Commission Guidelines on Political Party Regulation speaks about the timely publication of financial reports in a format understandable for the general public to ensure it is informed about contestants' financial support.

In addition, the SAO initiated investigations of 13 complaints related to vote-buying and illegal donations, including in-kind donations from political parties and abuse of free airtime by candidates.⁵¹ Further, it launched investigations into several cases based on information from the media.⁵² Following investigation, the SAO applied to the court requesting sanctions in 14 cases.⁵³ The courts did not impose sanctions before either election day.

The absence of clear deadlines for addressing violations diminished the effectiveness of campaign finance rules. Overall, despite the increased efforts of the SAO, a number of shortcomings in the regulatory system and the SAO's limited human resources diminished the transparency and integrity of campaign finance oversight.⁵⁴

To ensure efficient oversight and transparency of campaign finance, the law should envisage expedited deadlines for the SAO to address campaign finance violations and publish its conclusions and clearly regulate cooperation with other authorities to facilitate timely access to relevant information.

X. MEDIA

A. MEDIA ENVIRONMENT

The diverse media environment was sharply polarized along political lines and business interests. Television remained the primary source of political information, with online and social media being a distant second. Two private TV stations, *Rustavi 2* and *Imedi*, dominate the commercial media market, and are perceived by ODIHR EOM interlocutors to be affiliated with the two main political parties – UNM and GD, respectively.

The steady shrinking of the advertisement market over the past two years has contributed to the financial unsustainability of private broadcasters and increased their dependence on media owners.⁵⁵ An overall decrease in critical reporting was further limited as national TV *Iberia* suspended its operations due to the loss of advertisement revenue resulting from the seizure of its parent company's property.⁵⁶ A *Rustavi 2* ownership dispute, currently under review by the European Court of Human Rights, also contributed to the fragility of the media environment.

By contrast, the Georgian Public Broadcaster (GPB) was entitled to receive state funding of at least 0.14 per cent of Georgia's GDP (some GEL 52,500,000 in 2018), making it the highest funded

⁵¹ Cases of third-party relate to donations to Ms. Zourabichvili by the GD when her campaign materials featured the GD Chairperson and Speaker of Parliament, and Alliance of Patriots of Georgia distributing booklets calling for support of Ms. Zourabichvili. The latter was considered as illegal donations by the SAO, which sought sanction on 26 November. ISFED filed a complaint requesting the SAO to take action in the case illegal donations involving of four qualified candidates abusing their free airtime to support the UNM candidate, and one qualified candidate abusing his free airtime to support the EG candidate.

⁵² These referred to alleged vote-buying by Free Georgia/Kakha Kukava, and donations to Ms. Zourabichvili from doctors who allegedly received money from the GD to donate to her campaign.

⁵³ Includes one case where the SAO considered distribution of booklets printed in support of Ms. Zourabichvili as an illegal donation.

⁵⁴ Article 7.3 of the [2003 UN Convention against Corruption](#) provides that states should "consider taking appropriate legislative and administrative measures... to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties". See also paragraphs 206 and 214 of the ODIHR and Venice Commission Guidelines on Political Party Regulation.

⁵⁵ According to the media regulator's data, advertisement revenue of broadcast media has decreased from around GEL 101,400,000 in 2016 to some GEL 79,900,000 in 2017. In the first three quarters of 2018, the advertisement revenue of broadcast media was some GEL 11,700,000 less than in the same period in 2017.

⁵⁶ TV *Iberia* went off air on 16 October, closed its news programme and dismissed its news staff. Once the Omega Group property was released on 26 October, the broadcaster announced internal reorganization.

broadcaster in the country. Furthermore, recent amendments to the Law on Broadcasting significantly expanded the amount of advertisement time public media was entitled to sell and allowed sponsorship of entertainment programmes and series. These amendments were criticized by ODIHR EOM interlocutors as limiting the potential income of private broadcasters in the overcrowded market and resulted in the GPB, in addition to substantial state funding, receiving the third largest commercial advertisement income in the third quarter of 2018.⁵⁷

B. LEGAL FRAMEWORK

The legal framework for the media provides for freedom of expression and prohibits censorship. The Election Code requires media to provide fair and impartial coverage of the campaign. However, the electoral legal framework for the media lacks clarity on key aspects. It does not ensure broad access to free airtime and limits opportunities for paid advertising. In particular, the Election Code is not clear on campaigning outside of the official campaign period after the announcement of the election and in the period between rounds. This prevented contestants from placing ads before the start of the campaign.⁵⁸

The Election Code could be amended to outline explicit provisions for campaigning in the media, including the allocation of free and paid airtime, once elections are called and between rounds.

The Election Code provides for extensive free airtime and guarantees participation in debates on public and private national broadcasters only for party-nominated candidates that qualified for public funding.⁵⁹ It also gives broadcasters the discretion, based on opinion polls, to provide free airtime to parties that nominated a candidate.⁶⁰ In addition to the allocation of free airtime, six qualified parties received state funding solely for the purposes of purchasing paid political advertisements. Parties that did not qualify for state funding and independent candidates were only entitled to an unspecified amount of free airtime on public media. The existing system for allocating free airtime that provides larger parties with extensive opportunities and unduly limited smaller parties and independent candidates is at odds with OSCE commitments.⁶¹

The existing system for free airtime allocation, participation in debates and disbursement of funds for advertising should be reviewed to provide equal campaign opportunities. The allocation of free airtime to contestants should not be at the media's discretion.

Media outlets are not allowed to publish opinion poll results within 48 hours of election day and before the close of voting. The publication of opinion polls must be accompanied by broad and detailed information on the organizers and methodology, much of this information may not be fully verifiable or clear. These requirements significantly exceed those acceptable under international good practice.⁶²

⁵⁷ According to the media regulator's data, in the third quarter of 2018, the GPB received some GEL 1,900,000 of advertisement and sponsorship revenue, compared to some GEL 150,000 in the same period in 2017.

⁵⁸ On 6 and 7 September, the media regulator informed TV *Imedi* and the GPB that they were allowed to air political advertisements as of 1 August. Furthermore, on 24 August, it initiated a fine against *Rustavi 2* for airing political advertisements on 15 and 16 August, without reporting advertising revenues.

⁵⁹ Candidates entitled to free airtime were to receive a combined total of at least five minutes per hour on public and at least seven and a half minutes per three hours of broadcast on private national media. Regional broadcasters were to allocate free time only if they also sell airtime for paid political advertisement. The Election Code also requires that sign language be provided for all campaign ads and debates.

⁶⁰ The Election Code allows broadcasters to provide free airtime to party-nominated candidates that received more than four per cent in an opinion poll held no later than a month before the election or in five opinion polls held in the same year as the election.

⁶¹ Paragraph 7.8 of the 1990 OSCE Copenhagen Document requires participating States to "provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process".

⁶² See paragraph 8 of the [Recommendation CM/Rec\(2007\)15 of the Committee of Ministers of the Council on Europe on measures concerning media coverage of election campaigns](#).

The Georgian National Communications Commission (GNCC) is the media regulator and conducted media monitoring during the campaign. The GNCC did not always display a transparent and impartial approach in its oversight and was hostile towards several NGOs, questioning their qualifications and assessments during the first round campaign.⁶³

The media monitoring methodology of the GNCC was solely quantitative and did not assess the tone of the coverage. Only one media monitoring report was published ahead of the first round, some three weeks after the end of the monitored period.⁶⁴ The media monitoring served as a basis for sanctioning media for violations related to the publication of opinion polls and airing advertisements without obligatory sign language translation. Such decisions and other communications with broadcasters were, as a rule, not adopted in public sessions and not published on the GNCC website contrary to legal requirements.⁶⁵ The GNCC had no authority over biased or partial media coverage, as according to the Law on Broadcasting, such cases can only be reviewed by the self-regulatory bodies of respective broadcasters.

Decisions and legal opinions of the media regulator should be publicly available. Decisions on sanctions should be discussed during public sessions, providing the media outlet with the opportunity to present their views. The legal status of any official communication with broadcasters should be clearly defined.

Despite the legal framework putting the responsibility for the content of political advertisements on contestants rather than on the media, on 25 September, the GNCC requested the national broadcasters to remove three advertisements targeting the GD-backed candidate. In its opinion, the ads were at odds with the Law on Broadcasting.⁶⁶ Although the GNCC later explained that their request had no legal authority, most TV stations chose to comply. In a public session on 6 December, the GNCC concluded that broadcasters that labelled the UNM or the GD-backed candidates in political advertisements as “traitors” violated ethical standards protected by the Law on Broadcasting, but decided not to apply sanctions. The GNCC did not react to political advertisements that labelled the UNM party leaders and their candidate as “Nazis”.

Contrary to international good practice, most broadcasters regularly checked the content of advertisements before airing them, and in a number of cases refused to air them based on content.⁶⁷ The majority of broadcasters that met with the ODIHR EOM stated that this was to avoid possible sanction

⁶³ On 14 September, the GNCC chairperson, while referring to the interim report of a local NGO, called their observers “ignorant monitors”. On 17 September, the GNCC published a press-release calling the report by a local NGO “unqualified [...] discrediting the commission and misleading the public”.

⁶⁴ The GNCC published the report of the first month of the first round campaign on 18 October and of the second month on 16 November. The report concerning the run-off was published on 26 December.

⁶⁵ Article 7.9 of the Law on Broadcasting states that, “To ensure publicity, the Commission shall create its own website and regularly update information published thereon. Decisions of the Commission [...] shall be published on the website within three working days after making the relevant decision [...].” Article 7.1 of the Law on Broadcasting provides that “Sessions of the Commission are open to the public. All resolutions, decisions, orders, records and other documents of the Commission shall be available for public discussion, except for the cases defined by the General Administrative Code of Georgia.”

⁶⁶ The GNCC letter opined that the advertisement labelling a candidate a ‘traitor’ was unethical, and the advertisement containing footage of a swearing candidate was obscene. Another advertisement, which featured a talkshow’s host posing a question to the candidate, was perceived to be breaching the rule that prohibits the participation of political talkshow hosts in campaign advertisements.

⁶⁷ The [2009 Joint Statement on Media and Elections by the UN Special Rapporteur on Freedom of Opinion and Expression and the OSCE Representative on Freedom of the Media](#) highlights that media “should also be exempted from liability for disseminating unlawful statements made directly by parties or candidates – whether in the context of live broadcasting or advertising – unless the statements have been ruled unlawful by a court or the statements constitute direct incitement to violence and the media outlet had an opportunity to prevent their dissemination.”

by the GNCC. On 9 October, Free Georgia submitted a complaint to the GNCC when several TV stations refused to broadcast its advertisements even after the GNCC found them to be in line with the law. Although on 25 October, the GNCC initiated sanction procedures against the broadcasters, the advertisements were not broadcasted on those TV stations before election day.

Media outlets should not be liable for the content of political advertisements that they air unless the content was previously ruled unlawful by a court or includes statements that constitute direct incitement to violence. The practice of seeking the media regulator's pre-approval of paid political advertisements should be discouraged.



C. MEDIA MONITORING FINDINGS

The ODIHR EOM media monitoring showed that before the first round, contestants had numerous opportunities to present their views through talk shows, debates and extensive free advertisements. However, the lack of in-depth or analytical coverage of the campaign, especially on GPB-1, limited the available information that voters needed to make an informed choice.⁶⁸ Although the Election Code requires media to provide fair and impartial coverage of the campaign, the polarization of major media outlets required voters to consult several media outlets in order to form an opinion.

Broadcast media largely complied with their legal obligation to allocate free airtime that was actively used by contestants. The four candidates nominated by UNM coalition partners used their time to promote the UNM candidate and criticize the GD chairperson as well as the GD-backed candidate. The GD coalition partner, Industry Will Save Georgia, promoted the GD-backed candidate and criticized the UNM candidate. Three candidates used their time to support the candidate nominated by Free Georgia. While legal, this practice provided an unfair advantage to the benefitting candidates.

In an inclusive decision that broadened access to media, both public broadcasters – GPB-1 and TV *Adjara* – provided all candidates with the same amount of free airtime. Both broadcasters hosted numerous debates that provided all contestants with a platform to present their views. GPB-1 also dedicated 10-minute interviews within its main news programme to all contestants.

The news coverage of *Rustavi 2* clearly favoured the UNM, which received some 22 per cent of mainly neutral and positive coverage, while some 26 and 11 per cent of mainly negative and neutral coverage, respectively, was devoted to the GD and the GD-backed candidate.⁶⁹ In contrast, TV *Imedi* displayed a clear bias by devoting around half of its coverage to the GD and the GD-backed candidate (32 per cent, mainly neutral, and 14 per cent, mainly positive in tone), while the UNM received 15 per cent exclusively negative or neutral coverage.⁷⁰ The newscasts of TV *Iberia* mainly focused on allegations of high-level corruption by government and high-ranking GD members targeting TV *Iberia*'s parent company. TV *Pirveli* offered more neutral and factual coverage, mainly focused on the activities of the ruling party and the GD-backed candidate, who received 25 and 9 per cent, respectively, of mainly neutral coverage, while the UNM received 14 percent of mainly neutral coverage.

TV *Adjara* largely focused on covering regional events, providing only a limited, yet neutral space for campaign activities. It was the only TV station that offered viewers a general comparison of contestant

⁶⁸ For the first round, the ODIHR EOM conducted a quantitative and qualitative media monitoring of primetime coverage of six broadcasters (GPB-1, TV *Adjara*, *Rustavi 2*, TV *Imedi*, TV *Pirveli* and TV *Iberia*) and three websites ([IPN](#), [Netgazeti](#) and [On.ge](#)) from 24 September till 27 October.

⁶⁹ The CEO of *Rustavi 2*, Nika Gvaramia, actively campaigned against the GD and the GD-backed candidate on social media. In particular, on 5 October, he promised to make sure that “traitor Salome loses, and then go after her supporters”.

⁷⁰ In particular, on 5 October, TV *Imedi* aired within their newscast a 24 minute live speech of the GD-backed candidate meeting voters, followed by a 5 minute speech of the Tbilisi mayor endorsing her.

platforms. GPB-1 attempted to cover the contestants in a neutral manner. However, both GPB-1 and TV *Adjara* failed to fulfil their public mandate by only superficially covering activities of contestants and party officials.⁷¹ The online media mainly focused coverage on the three main political parties. While *Netgazeti* provided the most balanced coverage, the coverage on *On.ge*, though mainly neutral, gave the GD and the GD-backed candidate three times more coverage than the UNM. *IPN* covered the GD extensively and clearly favoured the GD-backed candidate.

XI. CITIZEN AND INTERNATIONAL OBSERVERS

The Election Code adequately provides for observation by citizen observer groups and international organizations, as well as representatives of contestants. It contains detailed provisions on their rights and responsibilities and grants access to all stages of the electoral process. Following recent amendments, observer organizations are allowed to check voter lists in between election periods, which partially addressed a previous ODIHR recommendation to expand observer rights. For both rounds, the CEC accredited 73 citizen observer organizations (48,343 observers), 58 international observer organizations (1,328 observers), and 95 media outlets (2,406 journalists) in an inclusive manner.

Citizen observer organizations carried out long-term observation of various aspects of the process and deployed short-term observers on election day, contributing to transparency. Between August and October, several public officials and high-ranking members of the ruling party harshly criticized citizen observer groups for their statements.⁷² Citizen observers denounced such claims as a coordinated government attack. A decline of dialogue between civil society and the government as well as the CEC was noted ahead of the first round.⁷³

Only parties, initiative groups and candidates contesting the run-off could have representatives in polling stations for the second round. As a result, both candidates accredited representatives through NGOs to have a greater presence in polling stations. This misuse of citizen observation for political interest negatively impacted the perception of impartiality of citizen observers and their role in the electoral process.

Political parties, candidates and citizen observer organizations should respect a clear separation of partisan and non-partisan observation. The CEC should consider introducing a mechanism to prevent the misuse of citizen observation by contestants.

XII. COMPLAINTS AND APPEALS

The legal framework for electoral dispute resolution is complex and unnecessarily restrictive. While registered contestants as well as accredited observer organizations can appeal in most cases, complaints by voters are limited to their non-inclusion in a voter's list, contrary to OSCE commitments, other

⁷¹ Article 16 of the Law on Broadcasting requires Public Broadcasters to "provide the audience with timely and comprehensive information on important events taking place in Georgia".

⁷² The Speaker of Parliament (2 October), the Minister of Justice (24 August), the CEC (21 August) and the GNCC (14 and 17 September) as well as the Chairperson and high-ranking members of the ruling party, criticized them claiming they lacked impartiality and professionalism.

⁷³ Paragraph 6 of the 2010 OSCE Astana Commemorative Declaration, notes that all OSCE participating States acknowledged "the important role played by civil society and free media in helping to ensure full respect for human rights, fundamental freedoms, democracy, including free and fair elections, and the rule of law".

international standards and good practice.⁷⁴ In many cases, the ODIHR EOM observed that complaints were dismissed due to missed deadlines or lack of legal standing. The complexity of the dispute resolution system and limitations on the right to file complaints and appeal certain decisions limited the effectiveness of the process. Further, recent amendments did not address longstanding ODIHR and Council of Europe recommendations to simplify the system and broaden the rules on legal standing.⁷⁵

The legal framework for electoral dispute resolution should be reviewed to simplify the complaints procedures and eliminate restrictions on standing. Everyone whose electoral rights have been violated should be entitled to lodge a complaint.

The Election Code establishes an expeditious dispute resolution process for complaints and appeals against election commission decisions with one to two calendar days allotted for appeals and decisions. However, violations of campaign regulations are handled under general administrative procedures by the CEC or DEC chairpersons or their deputies where the chairpersons have one month from the submission of a complaint to take a decision. Positively, DECs, the CEC and the courts addressed the majority of such complaints before election day.⁷⁶ However, decisions of the CEC Chairperson not to seek sanctions for campaign violations are not subject to appeal, which limits the right to an effective remedy, at odds with OSCE commitments and international standards regarding the right to effective remedy.⁷⁷

To allow for effective remedy, the law should provide for an expedited review of complaints requesting administrative sanctions on campaign violations. All election commission decisions, even if taken by an individual, should be subject to appeal.

Before the first round, 427 complaints were submitted to election commissions and four cases were appealed to the courts.⁷⁸ Most complaints alleged violations of campaign rules or the misuse of administrative resources, procedural violations in PECs and DECs, and challenged the legality of PEC member appointments and their absence from polling stations. Of these, 35 were decided in favour of the complainant and 29 were partially satisfied; however, some 143 were still pending before election day.⁷⁹ Some 110 complaints were rejected either on technical grounds or due to lack of merit. The online register of complaints maintained by the CEC enhanced the transparency of the complaint resolution process. While complaints and appeals, including those requesting administrative sanctions, were generally handled by the election administration and courts in a transparent manner within legal deadlines, in some cases decisions lacked sufficient legal reasoning.

The Interagency Commission for Free and Fair Elections (IACFFE) is an advisory body mandated to ensure that public officials prevent and respond to election violations.⁸⁰ For both rounds, it reviewed 37

⁷⁴ Paragraph 5.10 of the 1990 OSCE Copenhagen Document states that “everyone shall have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity”. See Article 2.3(a) of the ICCPR that states “any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity”. Paragraph II.3.3.3.f of the Code of Good Practice provides that “all candidates and all voters registered in the constituency concerned must be entitled to appeal”.

⁷⁵ See paragraphs 111-112 of the [2011 ODIHR and Venice Commission Joint Opinion on the Draft Electoral Code of Georgia](#).

⁷⁶ There were a total of 141 such cases for both rounds, including 96 related to the first round election day, and additional 45 to the second round. The majority of these related to the misuse of administrative resources.

⁷⁷ DECs took such decisions in 28 cases, and the CEC in 10 cases, including those involving high-level officials. Some ODIHR EOM interlocutors lacked a clear understanding of complaints and appeals procedures, including on deadlines and the possibility to appeal DEC decisions not to issue an administrative protocol.

⁷⁸ The courts upheld DEC and CEC decisions in three cases, and granted an appeal in one instance.

⁷⁹ Complaints satisfied by the DECs typically referred to minor procedural violations in PECs.

⁸⁰ The IACFFE is composed of high-level officials and all political parties and observers are entitled to be present and participate in its sessions.

complaints and issued six non-binding recommendations aimed at preventing the misuse of administrative resources, including through social media, refraining from violence, and calling public officials to respect the legal framework. Three civil society groups and several candidates decided to stop attending IACFFE meetings, stating that it failed to adequately address violations and subjected them to continuous criticism.⁸¹ While the IACFFE platform was a forum to raise public concerns and forward complaints to the relevant authorities, the discussion of complaints beyond its mandate and the perceived lack of impartiality hindered its effectiveness.

For both rounds, the Ministry of Internal Affairs and the Prosecutor's Office initiated a total of 71 criminal cases based on reports of election-related offences, including cases of alleged violence, reported threats or coercion and vote-buying.⁸² The majority of the cases were still under investigation at the time of writing this report. Criminal charges were brought against 27 individuals.

XIII. ELECTION DAY (FIRST ROUND)

On 28 October, voting took place in 3,637 regular polling stations. The IEOM observed the opening of 163 polling stations, voting in 1,624 polling stations, counting in 149 polling stations and tabulation in all 73 DECs.

A. OPENING AND VOTING

Polling stations observed generally opened on time, with slight delays noted in 25 cases, in part due to the need to register the large number of candidate and party representatives as well as citizen observers. IEOM observers assessed the opening positively in 156 of 159 of observed polling stations. Procedures were generally followed, but in several cases, PEC members appointed by opposition parties refused to participate in the casting of lots for the distribution of duties, reportedly because they did not want to be assigned to follow the mobile ballot box, and were not given any function. PECs did not announce or properly record information on the number of voters in 21 openings and ballots in 27 openings.

IEOM observers noted that voting procedures were adhered to in 98.2 per cent of polling stations observed and voting was evaluated positively in over 98 per cent of observations. The few negative assessments were largely due to interference in the work of the PECs by party and candidate representatives (30 cases) and citizen observers (17 cases), attempts to influence voters (35 cases), and instances of group voting (35 cases).

Voters were refused the opportunity to vote in 173 observed cases. The main reasons were the lack of proper ID (73 cases), the voter not being on the voter list (41 cases), and voters re-directed to another polling station (54 cases). Voters were more often denied the right to vote in urban areas compared to rural areas. No voters were refused the right to vote due to inappropriate reasons.

Overcrowding was noted in over seven per cent of polling stations observed and limited the ability of observers to view the voting process in three per cent of polling stations. Still, transparency was assessed positively in 98 per cent of observations. In 28 per cent of polling stations observed, IEOM observers noted clear indications that citizen observers and media in fact represented party interests. Disputes between PEC members and citizen observers were observed in 12 cases.

⁸¹ These include ISFED, the Georgian Young Lawyers Association (GYLA), and Transparency International.

⁸² Of these 25 cases were terminated due to lack of evidence, as reported by the Prosecutor's Office.

Observations confirmed the practice of coordinators collecting lists of voters in support of their candidate. In a number of instances, individuals or groups in the vicinity of polling stations had lists and appeared to influence voters for whom to vote and tracked who voted. This raised concerns about the ability of voters to vote free from pressure and fear of retribution.

Although the authorities established a number of barrier free polling stations, IEOM observers noted that more than three-fifths of the polling stations observed were not enabling independent access for persons with physical disabilities. Polling stations in urban areas were more accessible for voters with physical disabilities compared to those in rural areas. All polling stations observed were properly equipped with magnifying lenses and tactile ballots.

Authorities should consider further measures to make polling stations fully accessible, allowing all persons with disabilities to exercise their right to vote independently with dignity.

B. COUNTING

IEOM observers assessed counting positively in 127 of 146 polling stations observed. Negative assessments typically related to PECs not following procedures or interference in the process. In 18 PECs, representatives of political contestants and citizen observers directed counting.

The CEC should ensure PEC members are instructed and follow through to prevent observers and party and candidate representatives from interfering in election day proceedings, as well as to adequately respond to violations.

In 23 PECs observed, unused ballots were not cancelled, and 22 PECs did not enter figures in the display protocol before opening ballot boxes, neglecting important safeguards against manipulation during the count. Further, a number of procedural steps were often omitted. Observations showed that procedures such as mixing ballots from the main and mobile ballot boxes as well as separately packing each type of voter list needed to be further elaborated. While permitted, ballots with additional marks were frequently deemed valid (47 cases).

PECs had difficulties in completing results protocols (19 observations) and had to revise previously completed protocols (11 observations). While copies of PEC protocols were provided to IEOM observers, PECs did not publicly display a signed copy of the protocol in a third of polling stations observed, which limited transparency.

C. TABULATION

IEOM observers evaluated tabulation as efficient, effective and orderly and positively assessed the process in all but five DECs observed where significant procedural errors or omissions were noted. The intake of materials and processing of PEC protocols were generally transparent. Tension and unrest were noted in three DECs, and attempts to disrupt the process in one DEC. Upon arrival, seals were not always intact (14 observations). PECs did not always deliver all required documentation to the DEC, and protocols were not always checked correctly (three observations). IEOM observers reported that in six DECs protocols did not always reconcile correctly. Some problems with tabulation were related to the lack of space, the conditions at the DEC were observed to be inadequate (12 cases). Five DECs were reported as overcrowded to the extent of negatively affecting tabulation.

XIV. POST FIRST ROUND DEVELOPMENTS

Following the first election day, DECs received 654 complaints mainly concerning procedural violations during voting and some on result protocols and their completion.⁸³ In 134 cases, DECs decided in favour of the complainants in whole or in part, and some 320 were rejected on merit. A total of 152 complaints were dismissed on procedural grounds, such as a lack of legal standing, the complaint being filed with the wrong body or a missed deadline. This demonstrated the complexity of regulations and a limited understanding of the complaints and appeals procedures by the complainants.

Citizen observers and party representatives could benefit from further training on procedures on election dispute resolution and documenting election violations. The CEC could consider additional efforts to educate stakeholders on the complaint process and their rights.

DECs' review of complaints, as observed by ODIHR EOM, at times lacked transparency and collegiality, decisions were pre-drafted and voted on without proper consideration of the case. Complaints were not reviewed on substance in many cases, and DECs mainly relied on explanatory notes provided by PECs. In some cases, DECs were inconsistent in their interpretation of the law and decisions were not well reasoned.⁸⁴ DECs had varied interpretations of the rules on legal standing for challenging PEC protocols. Some cases were dismissed as representatives of parties and observer organizations to the DECs were not considered valid complainants and in other instances were admitted and considered on merit.⁸⁵

Three appeals of final DEC protocols were rejected by the CEC as unsubstantiated. Two CEC decisions on DEC results protocols and 13 DEC decisions were appealed to district and city courts. Eight cases were further appealed to the Courts of Appeal. According to some complainants, while they had little trust in the success of their cases, they filed complaints to expose gaps in the legislation. While all cases were dismissed as unsubstantiated, in a number of cases, judges agreed that the law could benefit from review to eliminate gaps and inconsistencies.⁸⁶

Election commissions and courts should refrain from an overly formalistic interpretation of the law and give due consideration to the substance of all complaints, respecting the right to an effective remedy. Election commissions and courts should apply the law in a consistent manner to ensure legal certainty.

Between rounds, DECs received 55 complaints related to campaign violations and the absence of PEC members that were supposed to be on-duty. The majority of these were dismissed as unsubstantiated. The CEC received four complaints, three on alleged campaign violations and one challenging the registration of Ms. Zourabichvili as a candidate. The latter was rejected as not timely and the decision was upheld upon appeal.

On 14 November, the CEC announced first round final results. The two leading candidates, Ms. Zourabichvili and Mr. Vashadze qualified for the run-off. The third-place candidate, Mr. Bakradze

⁸³ Some 340 complaints were filed by citizen observer groups and the rest by representatives of political parties. Kutaisi, Saburtalo, Krtisanisi and Marneuli DECs received the most complaints. All 21 complaints where recounts were requested were dismissed.

⁸⁴ These included applying disciplinary sanctions for PEC members who refused to take part in the casting of lots and their further participation in the process, definition of gross-violation and improper performance of PEC members, introducing changes in the original protocols, and discretion of the DEC to impose sanctions.

⁸⁵ While the Election Code does not clearly regulate if representatives of parties to the DEC can challenge PEC protocols to the court, the CEC manual on election disputes lists them as legitimate complainants.

⁸⁶ These included PEC members refusing to take part in casting of lots and their further participation in the process, definition of gross-violation and improper performance of PEC members, and discretion of the DEC to impose sanctions.

(European Georgia) as well as the Republican Party publicly endorsed Mr. Vashadze. The leaders of several other parties indirectly expressed their preference: the Georgian Labour Party in favour of Mr. Vashadze and the Alliance of Patriots of Georgia for Ms. Zourabichvili.

The period leading up to the run-off was marked by a series of anti-UNM and anti-government demonstrations that contributed to the tense environment. Several movements that organized demonstrations vilifying the previous UNM government were led by individuals close to the GD. At the same time, anti-government street protests initiated in June 2018 and linked to two cases involving the killing of minors, regained momentum with a demonstration in Tbilisi on 10 November.⁸⁷ During the demonstrations, there were confrontations and physical clashes between police and participants. Several small anti-government demonstrations were periodically organized in front of the GD headquarters in Tbilisi.

XV. SECOND ROUND LEGAL FRAMEWORK

The legal framework does not address essential aspects of a second round. When recently amending electoral legislation, the opportunity was missed to rectify problematic issues identified in previous two-round elections and address previous ODIHR recommendations to ensure legal clarity by providing explicit run-off regulations. While provisions are generally applicable to both rounds, certain aspects of the second round including the campaign, campaign finance and media, remained unclear. This led to inconsistent and contradictory interpretations and did not provide legal certainty.

In light of insufficient regulation and in line with its previous practice, the CEC adopted a decree to regulate a few aspects of the second round shortly before its announcement on the election date. The decree determined how voter lists would be updated, prolonged the authority of PECs, terminated the authority of the representatives of parties, initiative groups and candidates that were not running in the second round and extended observer accreditation.

In some instances, the CEC interpreted the law by the decree. For example, while not explicit in the law, the decree only gave parties, initiative groups and candidates taking part in the second round the right to have representatives at all levels of commissions. To increase the political balance for counting, the CEC amended procedures allowing only representatives of second round contestants to assist commissioners.⁸⁸ Furthermore, while the Election Code sets voting hours for all polling stations, the CEC extended the opening hours for out-of-country polling stations, enabling voting after working hours.⁸⁹ The decree also prescribed shorter deadlines for several election procedures inconsistent with the Election Code, which sets deadlines in general and not specific to either the first or the second rounds.⁹⁰

While the law explicitly provides that the first round should be held on a Sunday, provisions for the second round date are ambiguous and caused confusion. Following a CEC decision on 14 November, the second round was set for 28 November, a weekday. The announcement followed widespread speculations about the reasons for the selection of the date and allegations that it was coordinated with

⁸⁷ The demonstration was called after the Tbilisi Mayor requested leaders to change the location of the protest from 7 December onwards as it would be used for public end-of-year festivities. The leaders publicly announced their refusal to move and on 9 November, the Ombudsman called on authorities to refrain from creating artificial barriers and preventing citizens from exercising their right to peaceful assembly.

⁸⁸ The amendment limited the participation of ruling party-nominated commissioners in counting to one.

⁸⁹ The CEC decision was unsuccessfully appealed to the court.

⁹⁰ While Article 32 of the Election Code prescribes that special voter lists of electoral administration officers shall be completed no later than the fifth day before election day, Decree 52/2018 set a three-day deadline. The decree also shortened the period for nominating international observers to five days before the election, while Article 40 of the Election Code provides up to two days before election day.

the GD leadership.⁹¹ Prior to the announcement, citizen observer organizations called on the CEC to schedule the election on a weekend.⁹² The law provides that election day should be a day off. However, some opposition parties argued that having polling on a weekday, even if declared a day off, may be an obstacle for voters abroad and in-country voters needing to travel to their place of registration.⁹³ Three parties (UNM, EG and Sakartvelo) separately appealed this decision arguing that the CEC narrowly interpreted the law, disregarding its spirit and thus limiting voting rights.⁹⁴ All three cases were dismissed by the courts. While the CEC acted within its authority to set the date, the circumstances around the decision negatively impacted stakeholder confidence in the CEC.

As previously recommended, the Election Code should be amended to regulate all aspects of possible second round contests.

XVI. SECOND ROUND PREPARATIONS

Most technical aspects of the run-off were well administered by the CEC. This included extending the tenure of relevant PEC and DEC members and determining a procedure for replacing DEC and PEC members. DECs reopened recruitment and filled most vacant positions with non-partisan PEC members. Political parties could replace PEC nominees until 23 November. Almost 10 per cent of members from the first round were replaced.⁹⁵ The CEC training centre organized refresher trainings for PEC members.

On 20 November, several citizen observer organizations issued a joint statement alleging that the PSDA was producing fake ID cards. The Prosecutor's Office launched an investigation and made premature public statements questioning the evidence and alluding to potential criminal liability of the civil society organizations for false reporting. This exchange reignited tensions between civil society and the government. During the run-off, no cases of using fake ID cards were reported by IOEM observers, citizen observers or representatives of contestants.

XVII. SECOND ROUND CAMPAIGN

The regulation of the second round campaign, including its official start, was unclear since the Election Code lacks relevant provisions and the CEC did not issue any normative act in this regard. According to the CEC, the campaign started with the announcement of the final results of the first round and campaign regulations were not applicable before that date. In practice, however, parties and candidates resumed campaigning shortly after the first round, resulting in an unofficial and unregulated campaign.

The period leading up to the run-off was characterized by intensified campaign activities at the national and local levels, greater mobilization of voters and increased tensions between the two sides. Many ODIHR EOM interlocutors stated that the election was no longer a choice between two candidates, but a referendum on the future governing of the country. Fundamental freedoms were generally respected during the campaign and contestants were able to campaign freely. Yet, isolated

⁹¹ The CEC denounced these allegations in a statement on 14 November.

⁹² The statement was issued by ISFED, GYLA, and Transparency International on 14 November.

⁹³ The UNM also alleged that the decision was related to the government not wanting to have election day on the Saturday 1 December, the anniversary of the case involving the killing of several minors.

⁹⁴ Sakartvelo further argued that the CEC had no right to announce the date while a case on the registration of Ms. Zourabichvili was pending in court.

⁹⁵ In total, 2,081 of 21,864 PEC members nominated by parties were replaced.

violent clashes between GD and UNM activists took place and investigations were initiated.⁹⁶ The UNM and its coalition partners questioned the quality of the investigations and perceived an intention by the authorities to apply the lowest possible sanctions.

During rallies observed by the ODIHR EOM and in public appearances, candidates attempted to focus on concrete messages, mainly concentrating on the unifying capacity of the candidate, territorial integrity as well as social and economic projects.⁹⁷ In the larger context, however, these efforts were overshadowed by an escalation of negative campaigning and harsh accusations between the ruling party and the UNM-led coalition. Public demonstrations before the second round were an integral component of the campaign and widely used for negative campaigning. The campaign continued to be dominated by controversial and sensitive topics, which left almost no opportunity for election programmes and issue-oriented debate, further diminishing the voters' ability to make an informed choice.⁹⁸

The ODIHR EOM noted a widespread use of aggressive and violent rhetoric on TV programmes and social media, and during demonstrations as well as in individual statements by many high-ranking party members and public officials. Several statements, including on comparing the election to a civil war and calling for the destruction of their opponents, bordered on xenophobia and hate speech.⁹⁹ Contrary to international good practice, there is no comprehensive legislation on hate speech and the authorities did not review these instances to determine if they amounted to hate speech.¹⁰⁰ Citizen observer groups denounced these statements.

To prevent the possible dissemination of hate speech and xenophobia, regulations on acceptable speech during an election campaign should be enhanced. Relevant authorities should be in a position to review potential cases of hate speech and where appropriate, apply sanctions in a timely manner.

The misuse of administrative resources increased between rounds. ODIHR EOM continued to observe the use of institutional webpages by high-ranking public officials for campaigning; no case was addressed by the authorities.¹⁰¹ Several such instances took place during the unregulated period before the announcement of the second round. While not prohibited by law, the campaign of the GD-backed

⁹⁶ Violent clashes between GD and UNM supporters were reported in Akhalkalaki on 30 October, on 6 November and in Kaspi, and Marneuli on 29 October. In relation to the 30 October case, criminal charges were brought against five GD supporters and administrative charges were brought against two UNM supporters.

⁹⁷ Territorial integrity gained further prominence during the run-off campaign following the installation of fences along the administrative boundary in early November. Both candidates visited the location where the installation took place, emphasizing that attempts to transform it into an official border must be prevented.

⁹⁸ Alongside topics from the first round, unsubstantiated mutual accusations of political ties with the Russian Federation became the most frequent theme.

⁹⁹ The ODIHR EOM observed that UNM representatives periodically referred to Ms. Zourabichvili as a "traitor" and called the GD "an immoral armed gang"; during anti-UNM public demonstrations, the UNM was compared to "Nazis, terrorists or Satan" and the organizers called to "destroy or annihilate the party"; GD representatives periodically referred to UNM as a "bloody criminal regime" and their coveted victory as "civil war and revenge"; Mikheil Saakashvili made two statements of prejudice or discrimination targeting Jewish people, Bangladeshi and Indians with comments based on religion, nationality or economic status; several stakeholders, including one candidate, reported having received death threats.

¹⁰⁰ See the [Council of Europe, Committee of Ministers, Recommendation No. R \(97\) 20 1997](#), which states that "hate speech shall be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance". It further states that "the governments of the member states should establish or maintain a sound legal framework consisting of civil, criminal and administrative law provisions on hate speech".

¹⁰¹ Several articles covering activities of the Speaker of Parliament that contained features of election campaign were posted on the Parliament's website.

candidate continued to benefit from the participation and support of numerous senior state officials from the ruling party.¹⁰²

In between rounds, the government announced a series of social projects and increases to welfare benefits mainly for disadvantaged groups, which raised concerns about potential violations of the provisions on misuse of budgetary funds.¹⁰³ Although some projects were part of a long-term government strategy, as they were widely publicized during the campaign they provided an unfair advantage to the GD-backed candidate.¹⁰⁴ Further, a government announcement of debt relief equivalent to GEL 1.5 billion for 600,000 individuals funded by a private financial institution linked to the GD chairperson as well as other initiatives by national and local authorities to provide benefits to citizens ahead of the run-off were considered by a number of ODIHR EOM interlocutors to be forms of vote buying, a practice prohibited by the Election and Criminal Codes.¹⁰⁵ These activities further blurred the line between the state and the party, at odds with OSCE commitments and international good practice.¹⁰⁶ However, they were not subject to timely consideration by the relevant authorities.¹⁰⁷

Both political forces increased efforts to mobilize voters, including in minority areas. Door-to-door canvassing and small gatherings were organized daily. The ruling party and opposition acknowledged relying again on mechanism of coordinators tasked to map political preferences of voters. Yet, numerous ODIHR EOM interlocutors reported that the ruling party coupled this mechanism with pressure and intimidation especially on public sector employees and groups dependent on state allowances.¹⁰⁸ Despite safeguards for vote secrecy, these instances again raised concern about the ability of voters to vote free of fear of retribution, as provided for by the OSCE commitments, as well as the Council of Europe and other international standards.

Instances of possible voter intimidation, pressure on public employees or vote buying should be promptly addressed by the relevant authorities. The CEC and other relevant authorities should conduct appropriate information campaigns on vote secrecy safeguards.

XVIII. SECOND ROUND MEDIA

A. LEGAL FRAMEWORK

The legal framework does not explicitly regulate media for the second round and lacks clarity regarding campaigning in the media before the official announcement of the run-off. On 30 October, the GNCC informed broadcasters that they consider all election-related regulations to apply only after the CEC

¹⁰² The Prime Minister, the Minister of Health, the Speaker of Parliament and the Tbilisi City Mayor appeared on Ms. Zourabichvili's campaign billboards and political ads aired on TV.

¹⁰³ Between 1 and 19 November, the national government and several local self-government bodies in multiple regions announced social projects for certain categories of voters, as well as infrastructure projects.

¹⁰⁴ The Election Code prohibits increasing welfare benefits and implementing new projects not previously approved within 60 days of the election and prohibits electoral subjects to offer, promise or provide funds or property to the citizens for election purposes.

¹⁰⁵ In public statements, several NGOs denounced such initiatives as a case of alleged large-scale vote buying.

¹⁰⁶ Paragraph 5.4 of the 1990 OSCE Copenhagen Document provides for “a clear separation between State and political parties”. Paragraph II.B.1.1 of the [Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#) states that “the legal framework should provide effective mechanisms for prohibiting public authorities from taking unfair advantage of their positions by holding official public events for electoral campaigning purposes, including charitable events, or events that favour or disfavour any political party or candidate”.

¹⁰⁷ The announcement of the debt relief was only reviewed by the CEC and the judiciary after the second round election day following a complaint filed by UNM. The complaint was rejected by all instances.

¹⁰⁸ In two regions, public employees reported to the ODIHR EOM of being asked by superiors to collect lists of voters with commitments to vote for the GD-backed candidate, and felt pressured to keep their jobs.

sets the date of the second round. The majority of broadcasters followed the GNCC's interpretation not to air campaign materials before the announcement of the second round. This limited opportunities on these broadcasters. *Rustavi 2*, however, started providing free airtime and allowing paid advertisements from the UNM on 10 November, stating that the absence of regulations does not restrict airing campaign materials.¹⁰⁹

As the Election Code provided free airtime on national broadcasters exclusively to candidates nominated by political parties entitled to state funding, only the UNM candidate was entitled to free time ahead of the run-off. However, all national broadcasters except *Rustavi 2* and TV *Iberia* voluntarily provided the GD-backed candidate with the same access as the UNM candidate.¹¹⁰ TV *Imedi* did not allocate free airtime to the UNM-backed candidate, blaming the party for raiding the channel in 2007. Both contestants mainly used free and paid time for negative campaigning.¹¹¹

B. MEDIA MONITORING FINDINGS

The results of the ODIHR EOM media monitoring for the second round indicate that campaign coverage by the major media outlets became even sharper and more polarized.¹¹² In particular, TV *Imedi* announced it would actively work to prevent the UNM candidate from winning and used its primetime news and current affairs programmes to strongly condemn the UNM and its candidate.¹¹³ Some 34 per cent of its news coverage was devoted to the UNM, almost exclusively negative in tone, while the GD and the GD-backed candidate received 23 and 9 per cent, respectively, mainly positive or neutral in tone. *Rustavi 2* strongly denounced the government, the GD and the GD-backed candidate, who received 17, 32 and 9 per cent of coverage, respectively, predominantly negative in tone. The UNM received 24 per cent of largely neutral coverage.

GPB-1, displayed a clear bias against the UNM and the UNM candidate and favoured the GD and the GD-backed candidate.¹¹⁴ While it allotted an equal quantity of news coverage with some 30 per cent to both the UNM and GD and the GD-backed candidate combined, the tone differed and was mainly negative towards the UNM and positive or neutral for the GD and the GD-backed candidate. Both GPB-1 and TV *Imedi* also devoted about a quarter of political news coverage to government activities, highlighting upcoming social initiatives. TV *Pirveli* offered more neutral and factual coverage of both parties and contestants in their newscasts. Its talk shows were a platform for heated altercations between the UNM and GD. While TV *Adjara*'s coverage was mainly neutral for all, it devoted significantly more coverage to the GD and the GD-backed candidate, 27 and 4 per cent accordingly, compared to the UNM that received 19 per cent.

¹⁰⁹ The GNCC issued a warning to *Rustavi 2* for airing paid political ads outside of the official election period.

¹¹⁰ TV *Iberia* suspended its regular broadcasts on 16 October. It continued to broadcast only legally required political advertisements in order to fulfill the license requirements.

¹¹¹ TV *Objektivi* supplemented every UNM advertisement with statements from the Alliance of Patriots of Georgia party members refuting the UNM advertisements and condemning them. The channel also aired a number of unmarked negative advertisements targeting UNM and called to participate in anti-UNM protests. The channel was fined by the GNCC for the latter.

¹¹² The ODIHR EOM resumed its media monitoring on 30 October.

¹¹³ TV *Imedi* announced in its news and its website, that if the UNM candidate wins, he will pardon those who are "linked with UNM's criminal regime, violence, racketeering, and seizure of the television station."

¹¹⁴ Article 16 of the Law on Broadcasting required the public media to "ensure editorial independence, fairness and impartiality of programmes and freedom from governmental or political [...] influence". Paragraph 4 of the Council of Europe's Committee of Ministers [Recommendation CM/Rec\(2007\)15 e on measures concerning media coverage of election campaigns](#) advises the media owned by public authorities, to cover the electoral campaigns in "a fair, balanced and impartial manner, without discriminating against or supporting a specific political party or candidate". The [2009 Joint Statement on Media and Elections by the UN Special Rapporteur on Freedom of Opinion and Expression and the OSCE Representative on Freedom of the Media](#) highlights that public media should "respect strict rules of impartiality and balance, particularly when reporting on the governing party(ies) and on government decisions and actions during an election period".

Although online coverage was less polarized, *IPN* continued to cover the GD and the government extensively, and favoured the GD-backed candidate. While *Netgazeti* remained the most balanced media outlet, *ON.GE* devoted twice as much coverage to the GD and the GD-backed candidate, compared to the UNM.

XIX. ELECTION DAY (SECOND ROUND)

On 28 November, voting took place in 3,637 regular polling stations. The ODIHR EOM observed opening in 82 polling stations, voting in 765 polling stations, counting in 77 polling stations, and tabulation in 67 DECs.

A. OPENING AND VOTING

Opening was assessed positively in all but five polling stations observed with notably fewer delays in opening for the second round.¹¹⁵ Some procedural problems were still noted, in particular, PECs not announcing the number of voters (12 cases) or the number of ballots received (21 cases), and control sheets not being inserted (2 cases). As in the first round, a number of PEC members appointed by the opposition refused to participate in the casting lots for the distribution of functions or refused the selected function because they did not want to be assigned to the mobile ballot box (observed in 11 cases). The understanding of procedures by PEC members was rated very high, with 95 per cent positive assessments.

Voting was evaluated positively in 97 per cent of the 765 observed polling stations. While procedures were mainly followed, the general environment was assessed negatively in 10.6 per cent of polling stations observed. The negative assessments were largely due to overcrowding (57 cases), tension inside polling stations (21 cases), interference in the work of the PECs by citizen observers and representatives of both candidates (25 cases). Voters with traces of invisible ink were allowed to vote in six cases, group voting was noted in eight cases. Attempts to disrupt the voting process were observed in three cases. Voters were observed taking photos of their ballots in 10 cases, which is prohibited in the Election Code.

In line with the law, voters without valid ID and those not on the voter list were refused to vote in 17 and 15 cases, respectively.¹¹⁶ As crossing the administrative boundary line was possible, voters with valid IDs from across the Abkhazia region had the possibility to vote. For the second round, the number of voters who requested mobile ballot box voting increased and the IEOM observed cases where young voters who did not require or request mobile voting were included in mobile lists.¹¹⁷

While election day campaigning is not forbidden, the GD chairperson initiated a large-scale phone call and text message campaign. As during the first round, observations confirmed the practice of coordinators collecting lists of voters who were expected to support their candidate. At 16 per cent of polling stations observed, IEOM observers noted that persons outside of polling station tracked voters for both candidates, but more frequently for the one backed by the GD. IEOM observers also noted coordinated efforts directed by municipal authorities in multiple districts. In some cases, lists included photos as in the official versions of voter lists that parties received from the CEC. In a few cases, voters

¹¹⁵ In most cases, the delay was limited to 15 minutes.

¹¹⁶ In one penitentiary institution, observers noted that a large number of prisoners were able to vote in the second round since they had recently received new ID documents (546 compared to 132 in the first round).

¹¹⁷ For example, opposition parties filed an official complaints on including young voters in the mobile ballot box voter list in Tbilisi, (DEC 5).

were observed showing their marked ballots to PEC members or citizen observers. These instances further increased concerns about the ability of voters to vote free from pressure and fear of retribution.

To ensure that voters cast their ballot free of fear of retribution, consideration could be given to introducing a campaign silence period and an appropriate perimeter around polling stations forbidding campaigning and tracking of voters.

Party representatives and citizen observers were present in over 93 per cent of polling stations observed, contributing to the transparency of the process. As the number of party representatives was limited for the second round, both candidates appeared to also have fielded their supporters as citizen observers. In 52 per cent of polling stations observed, IEOM observers noted clear indications that citizen observers represented party interests.

B. COUNTING

IEOM observers assessed counting positively in 70 of 77 polling stations observed. In all but 10 cases, polling stations closed on time. PECs generally followed procedures, although some procedural problems were observed, such as determining the validity of ballots without voting (22 cases), unused ballots not cancelled (10 cases), incomplete protocols signed (6 cases). The content of all ballot boxes was not mixed before the start of the count in eight PECs and the choice on every ballot was not announced out loud in nine PECs observed. In 11 cases, interference in counting by citizen observers and party representatives was noted. While permitted by law, in two thirds of polling stations observed, ballots with additional marks, potentially making it possible to identify the voter, were deemed valid. The validity of ballots was not determined in a consistent manner in three cases.

To strengthen the integrity of counting, the Election Code could clearly stipulate criteria for ballot validity. To ensure vote secrecy, ballots with marks that could identify the voter should be deemed invalid.

In one third of polling stations observed, representatives of both candidates were not assigned to assist PEC members in counting, contravening procedures established for the second round.¹¹⁸ Counting was transparent for observers and representatives of contestants. However, in 13 cases, PECs did not properly enforce the two-metre minimum distance for observation resulting in more than two citizen observers allowed to act as counting supervisors, contrary to the law. This contributed to tension observed at six polling stations.

As during the first round, IEOM observers were able to receive a copy of the protocol in the vast majority of polling stations. However, copies were not publicly displayed in 31 of 74 polling stations observed, limiting transparency.

C. TABULATION

IEOM observers evaluated tabulation as efficient and well organized and positively assessed the process in the 67 DECs observed.¹¹⁹ The few problems reported included tensions due to inadequate premises, PEC protocol figures not always reconciling, and PEC materials not always arriving intact. IEOM observers noted a similar number of citizen observers during tabulation as during voting, while candidate and party representatives were not present in 24 DECs observed. The CEC posted PEC results protocols on its website from 22:00 and released the first aggregated preliminary results at 23:40.

¹¹⁸ In some cases, this occurred because representatives were absent.

¹¹⁹ In some cases, where complaints on the PEC protocols were filed, the DEC suspended tabulation until the morning.

XX. POST ELECTION DEVELOPMENTS

Following the run-off, DECs received 473 complaints mainly concerning procedural violations during voting and counting, the distribution of functions among PEC members, and on result protocols and their completion.¹²⁰ Many complaints were general and did not provide concrete facts or evidence about alleged violations. In 136 cases, DECs decided in favour of the complainants in whole or in part, and some 229 were rejected on merit. A total of 105 complaints were dismissed on procedural grounds, such as a lack of legal standing, the complaint being filed with the wrong body, or a missed deadline. Courts rejected all nine appeals of DEC decisions. A lack of investigation and thorough consideration of merit was noted both at DECs and the courts by the ODIHR EOM.

The UNM appealed the final protocols of 20 DECs, alleging a wide range of procedural violations on election day as well as general violations during the campaign period, such as vote-buying by the GD, misuse of administrative resources, and pressure on voters.¹²¹ The complaint was rejected by the CEC as unsubstantiated, which was upheld by the Tbilisi City Court and the Tbilisi Court of Appeal on appeal.

Before official results were announced, the UNM requested the Tbilisi City Court to revoke the registration of Ms. Zourabichvili due to wide-spread violations, specifically alleging vote-buying in the announcement of the debt relief programme by the GD. The case was heard in an open hearing and the complainant had the opportunity to present their case.¹²² The CEC argued that the UNM did not provide sufficient evidence of the violations and Ms. Zourabichvili's involvement and questioned the effect of the alleged violations on the results. The court dismissed the case for a lack of evidence and stated that the GD's statement on debt relief could be not considered as vote buying in favour of Ms. Zourabichvili's as it was not done in her support, but merely represented future government plans. This decision was upheld by the Tbilisi Court of Appeal.

On 29 November, the CEC published preliminary results with victory to the candidate backed by the ruling party. The opposition coalition refused to recognize the election results, pointing to numerous shortcomings reported on election day.¹²³ On 2 December, the coalition called a peaceful protest rally in Tbilisi, attended by some five thousand participants.

On 14 December, the CEC published the final results. The UNM unsuccessfully appealed the results to the Tbilisi City Court, arguing a variety of violations in the campaign as well election day irregularities and stated that the CEC failed to provide conditions for free and fair elections. The complaint was rejected as unsubstantiated and upheld on further appeal. The inauguration of Georgia's first female president was held on 16 December.

¹²⁰ Some 220 complaints were filed by citizen observer groups and the rest by party representatives. Gurdjaani, Kutaisi, Marneuli, Krtisanisi and Zugdidi DECs received the most complaints. All 36 complaints where recounts were requested were dismissed.

¹²¹ DECs in Mtatsminda, Vake, Saburtalo, Krtisanisi, Isani, Samgori, Chugureti, Didube, Nadzaladze, Gldani, Sagaredjo, Gurdzaani, Sighnagi, Dedofliswaro, Lagodekhi, Kvareli, Telavi, Akhmena, Tianeti, and Rustavi.

¹²² The UNM presented video-recordings of food distribution allegedly in support of Ms. Zourabichvili as well as a statement of the ruling party on the debt relief, and reports of citizen and international observers.

¹²³ Among the shortcomings listed by the coalition was large-scale use of administrative resources, mass bribing and intimidation of voters, and violations of vote secrecy.

XXI. RECOMMENDATIONS

These recommendations, as contained throughout the text, are offered with a view to enhance the conduct of elections in Georgia and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past ODIHR recommendations that remain to be addressed, in particular in its final reports from the 2016 parliamentary and 2017 local elections. ODIHR stands ready to assist the authorities of Georgia to further improve the electoral process and to address the recommendations contained in this and previous reports.¹²⁴

A. PRIORITY RECOMMENDATIONS

1. A comprehensive review of the election legislation should be undertaken to eliminate gaps and ambiguities, address ODIHR and Council of Europe recommendations and ensure uniform application of the law. Any electoral reform should be conducted in an inclusive manner, well in advance of the next election.
2. Consideration could be given to aligning the number of commission members at each level to the actual need. If parties retain the right to nominate commission members, the appointment formula could be reviewed to ensure more balanced political representation and contribute to the perception of impartiality.
3. To ensure a clear separation between party and state, consideration could be given to establish an effective and timely mechanism to address complaints on the misuse of administrative resources, before an impartial and competent authority and where appropriate, be able to apply relevant sanctions.
4. To prevent the possible dissemination of hate speech and xenophobia, regulations on acceptable speech during an election campaign should be enhanced. Relevant authorities should be in a position to review potential cases of hate speech and where appropriate, apply sanctions in a timely manner.
5. To ensure efficient oversight and transparency of campaign finance, the law should envisage expedited deadlines for the SAO to address campaign finance violations and publish its conclusions and clearly regulate cooperation with other authorities to facilitate timely access to relevant information.
6. Decisions and legal opinions of the media regulator should be publicly available. Decisions on sanctions should be discussed during public sessions, providing the media outlet with the opportunity to present their views. The legal status of any official communication with broadcasters should be clearly defined.

¹²⁴ According to the paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. The follow-up of prior recommendations is assessed by the ODIHR EOM as follows: from the final report on the 2017 local elections, recommendations 10, 14, 15, and 21 are mostly implemented, and recommendations 1, 3, 12, 13, 16, 25, and 26 are partially implemented. From the final report on the 2016 parliamentary elections, recommendation 11 is fully implemented, recommendation 14 is mostly implemented, and recommendations 1, 2, 4, 9, 13, 18, 20, 28, 30, 32, and 35 are partially implemented. From the final report on the 2013 presidential election, recommendation 6 is fully implemented, recommendations 19 and 20 are mostly implemented, and recommendations 8, 11, 13 and 15 are partially implemented.

7. The legal framework for electoral dispute resolution should be reviewed to simplify the complaints procedures and eliminate restrictions on standing. Everyone whose electoral rights have been violated should be entitled to lodge a complaint.
8. Election commissions and courts should refrain from an overly formalistic interpretation of the law and give due consideration to the substance of all complaints, respecting the right to an effective remedy. Election commissions and courts should apply the law in a consistent manner to ensure legal certainty.
9. To ensure that voters cast their ballot free of fear of retribution, consideration could be given to introducing a campaign silence period and an appropriate perimeter around polling stations forbidding campaigning and tracking of voters.
10. As previously recommended, the Election Code should be amended to regulate all aspects of possible second round contests.

B. OTHER RECOMMENDATIONS

Election Administration

11. The selection procedures and criteria for the recruitment of lower-level commission members could be further elaborated in legislation and by the CEC, including more time for selection and in a more open and inclusive process.

Voter Registration

12. The blanket denial of voting rights of persons recognized by a court to lack legal capacity on the grounds of mental disability and who require inpatient care should be reconsidered.
13. Consideration could be given to introducing a secure mechanism to permit voting by persons who will be away from their official registered address on election day, especially if such persons are in country. Consideration could also be given to providing voters the opportunity to temporarily change their voting address within a limited timeframe.

Candidate Registration

14. To align candidate registration provisions with international commitments and other international standards, the existing residency requirement and limitations on dual citizenship should be reconsidered.
15. Consideration could be given to developing an effective mechanism for checking the authenticity of supporting signatures.

Election Campaign

16. To promote a level playing field in the campaign, legislation could be reviewed to ensure that state-funded resources for contestants are not used for the benefit of other candidates.
17. Instances of possible voter intimidation, pressure on public employees or vote buying should be promptly addressed by the relevant authorities. The CEC and other relevant authorities should conduct appropriate information campaigns on vote secrecy safeguards.

Campaign Finance

18. To enhance the transparency and oversight of campaign finance, the legislation would benefit from further elaboration to address identified gaps and previous ODIHR and GRECO recommendations, including those concerning regulating loans and third-party activities.

Media

19. The Election Code could be amended to outline explicit provisions for campaigning in the media, including the allocation of free and paid airtime, once elections are called and between rounds.
20. The existing system for free airtime allocation, participation in debates and disbursement of funds for advertising should be reviewed to provide equal campaign opportunities. The allocation of free airtime to contestants should not be at the media's discretion.
21. Media outlets should not be liable for the content of political advertisements that they air unless the content was previously ruled unlawful by a court or includes statements that constitute direct incitement to violence. The practice of seeking the media regulator's pre-approval of paid political advertisements should be discouraged.

Citizen and International Observers

22. Political parties, candidates and citizen observer organizations should respect a clear separation of partisan and non-partisan observation. The CEC should consider introducing a mechanism to prevent the misuse of citizen observation by contestants.

Complaints and Appeals

23. To allow for effective remedy, the law should provide for an expedited review of complaints requesting administrative sanctions on campaign violations. All election commission decisions, even if taken by an individual, should be subject to appeal.
24. Citizen observers and party representatives could benefit from further training on procedures on election dispute resolution and documenting election violations. The CEC could consider additional efforts to educate stakeholders on the complaint process and their rights.

Election Day

25. Authorities should consider further measures to make polling stations fully accessible, allowing all persons with disabilities to exercise their right to vote independently with dignity.
26. The CEC should ensure PEC members are instructed and follow through to prevent observers and party and candidate representatives from interfering in election day proceedings, as well as to adequately respond to violations.
27. To strengthen the integrity of counting, the Election Code could clearly stipulate criteria for ballot validity. To ensure vote secrecy, ballots with marks that could identify the voter should be deemed invalid.

ANNEX I: FINAL RESULTS

FIRST ROUND

Candidate	Votes	Percentage
Mikheil Antadze	1,074	0.07
David Bakradze	174,849	10.97
Vakhtang Gabunia	1,958	0.12
Grigol Vashadze	601,224	37.74
Shalva Natelashvili	59,561	3.74
Zviad Mekhatishvili	713	0.04
Giorgi Liliashvili	892	0.06
Akaki Asatiani	1,994	0.13
Kakha Kukava	21,186	1.33
Otar Meunargia	664	0.04
Irakli Giorgadze	531	0.03
Davit Usupashvili	36,037	2.26
Zviad Baghdavadze	477	0.03
Mikheil Saluashvili	2,970	0.19
Zviad Iashvili	444	0.03
Tamar Tskhoragauli	4,004	0.25
Gela Khutshishvili	1,623	0.10
Zurab Japaridze	36,034	2.26
Levan Chkheidze	2,895	0.18
Salome Zurabichvili	615,572	38.64
Besarion Tediashvili	3,713	0.23
Giorgi Andriadze	13,133	0.82
Kakhaber Chichinadze	1,418	0.09
Vladimer Nonikashvili	633	0.04
Teimuraz Shashiashvili	9,481	0.60

SECOND ROUND

Registered voters	3,528,658	
Voted	1,988,787	
Voter turnout	56.36%	
Candidate	Votes	Percentage
Grigol Vashadze	780,680	40.48
Salome Zourabichvili	1,147,701	59.52

ANNEX II: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION

OSCE Parliamentary Assembly

Kristian	Vigenin	Special Co-ordinator	Bulgaria
Margareta	Cederfelt	Head of Delegation	Sweden
Roman	Haider	MP	Austria
Andreas	Hanger	MP	Austria
Dessislava	Atanasova	MP	Bulgaria
Boris	Yachev	MP	Bulgaria
Jan	Horník	MP	Czech Republic
Zdeněk	Ondráček	MP	Czech Republic
Pavel	Plzak	MP	Czech Republic
Jan	Žaloudík	MP	Czech Republic
Uno	Kaskpeit	MP	Estonia
Jaanus	Marrandi	MP	Estonia
Kimmo	Kivela	MP	Finland
Mika	Raatikainen	MP	Finland
Britta	Dassler	MP	Germany
PaulViktor	Podolay	MP	Germany
Andreas	Schwarz	MP	Germany
Anastasia	Gkara	MP	Greece
Maria	Theleriti	MP	Greece
Luigi	Augussori	MP	Italy
Gianluca	Castaldi	MP	Italy
Paolo	Grimoldi	MP	Italy
Paola	Taverna	MP	Italy
Ansar	Mussakhanov	MP	Kazakhstan
Abdaly	Nuraliyev	MP	Kazakhstan
Shavkhhat	Utemissov	MP	Kazakhstan
Helen	Konzett	MP	Lichtenstein
Kari	Henriksen	MP	Norway
Robert	Mamatow	MP	Poland
Jacek	Włosowicz	MP	Poland
Bozena	Kaminska	MP	Poland
Vasile	Cocos	MP	Romania
Catalin Daniel	Fenechiu	MP	Romania
Petru	Movila	MP	Romania
Lucian	Romascanu	MP	Romania
Nikolai	Brykin	MP	Russian Federation
Artem	Turov	MP	Russian Federation
David	Carracedo Verde	MP	Spain
Laura	Castel Fort	MP	Spain
Jasenk	Omanovic	MP	Sweden
Sven-Olof	Sallstrom	MP	Sweden

Ahmet	Arslan	MP	Turkey
Mehmet Sait	Kirazoglu	MP	Turkey
Yuksel	Yancizar	MP	Turkey
Paul	Massaro	US Helsinki Commission Staff	United States
Lukas	Mussi	Staff of Delegation	Austria
Dessislava	Nakova	Staff of Delegation	Bulgaria
Radek	Merkl	Staff of Delegation	Czech Republic
Alexandra	Makri	Staff of Delegation	Greece
Sergey	Karseka	Staff of Delegation	Russian Federation
Eva	Hjelm	Staff of Delegation	Sweden
Cenk	Ileri	Staff of Delegation	Turkey
Marc	Carillet	OSCE PA Int. Secretariat	France
Anna Di	Domenico	OSCE PA Int. Secretariat	Italy
Stephanie	Koltchanov	OSCE PA Int. Secretariat	France
Roberto	Montella	OSCE PA Int. Secretariat	Italy
Iryna	Sabashuk	OSCE PA Int. Secretariat	Ukraine
Fredrik	Svensson	Staff of Delegation	Sweden
Burak	Meydan	Staff of Delegation	Turkey
Kay	White	OSCE PA Int. Secretariat	United Kingdom

Parliamentary Assembly of the Council of Europe

Andrej	Hunko	Head of Delegation	Germany
Stefan	Schennach	MP	Austria
Maryvonne	Blondin	MP	France
Berengare	Poletti	MP	France
Josephine	Ortleb	MP	Germany
Birgir	Thorarinsson	MP	Iceland
Paul	Gavan	MP	Ireland
Ronan	Mullen	MP	Ireland
Boriss	Cilevics	MP	Latvia
Nellija	Kleinberga	MP	Latvia
Inese	Libina-Egnere	MP	Latvia
Etienne	Grech	MP	Malta
Reina	de Bruijn-Wezeman	MP	Netherlands
Corneliu	Mugurel Cozmanciuc	MP	Romania
Miren	Edurne Gorrotxategui	MP	Spain
Boriania	Åberg	MP	Sweden
Kerstin	Lundgren	MP	Sweden
Alfred	Heer	MP	Switzerland
Iryna	Gerashchenko	MP	Ukraine
Georgii	Logvynskyi	MP	Ukraine
Andrii	Lopushanskyi	MP	Ukraine
Olena	Sotnyk	MP	Ukraine
Lord David	Blencathra	MP	United Kingdom

NATO Parliamentary Assembly

Rasa	Jukneviciene	Head of Delegation	Lithuania
Hristo	Gadzhev	MP	Bulgaria
Milen	Mihov	MP	Bulgaria
Petar	Boykov Vitanov	MP	Bulgaria
Josef	Bělica	MP	Czech Republic
Robert	Králiček	MP	Czech Republic
Helena	Langšádlová	MP	Czech Republic
Pavel	Žáček	MP	Czech Republic
Carsten	Bach	MP	Denmark
Ivans	Klementjevs	MP	Latvia
Artis	Rasmanis	MP	Latvia
Bozena	Kaminska	MP	Poland
Czeslaw	Mroczek	MP	Poland
Julio	Miranda Calha	MP	Portugal
Iva	Masaříková	Accompanying Staff	Czech Republic
Ruxandra	Popa	International Secretariat	France
Henrik	Bliddal	International Secretariat	Denmark

European Parliament

Laima	Andrikiene	Head of Delegation	Lithuania
Jaromír	Štětina	MEP	Czech Republic
Joachim	Zeller	MEP	Germany
Fabio	Castaldo	MEP	Italy
André	Elissen	MEP	Netherlands
Anna	Fotyga	MEP	Poland
Ana	Gomes	MEP	Portugal
Robert	Golanski	Political Groups Staff	Poland
Katarzyna	Ochman-Kaminska	Political Groups Staff	Poland
Julien	Crampes	EP Secretariat	France
Karl	Minaire	EP Secretariat	France
Helen	Collins	EP Secretariat	United Kingdom
Joelle	Bergeron	MEP	France
José Inácio	Faria	MEP	Portugal
Gilles	Arnaud	Political Groups Staff	France
Philippe	Kamaris	EP Secretariat	France
Pilar	Gonzalez-Murillo`	EP Secretariat	Spain

ODIHR EOM Short-Term Observers

Mira	Hoxha	Albania
Uarda	Celami	Albania
Narine	Movsesyan	Armenia

Tamara	Hovnanyan	Armenia
Manfred	Aschaber	Austria
Lena	Lepuschütz	Austria
Werner	Rohracher	Austria
Jürgen	Heissel	Austria
Simon	Vandenbroucke	Belgium
Erika	Daem	Belgium
Else	Keyers	Belgium
Pieter	Van Loo	Belgium
Rimma	Abadjan	Belgium
Vincent	Sassel	Belgium
Didier	Digneffe	Belgium
Tamara	Al Sulaimanová	Czech Republic
Daniela	Králová	Czech Republic
Tomas	Belonožník	Czech Republic
Kristyna	Kabzanová	Czech Republic
Dagmar	Minaříková	Czech Republic
Matti	Tetrev	Czech Republic
Pavel	Herot	Czech Republic
Josef	Orisko	Czech Republic
Martin	Svárovský	Czech Republic
Martin	Nekola	Czech Republic
Ingegerd	Petersen	Denmark
Kirsten	Joergensen	Denmark
Poul	Lauritsen	Denmark
Bente	Rasmussen	Denmark
Karsten	Poulsen	Denmark
Sanne	Houlind	Denmark
Per	Andersen	Denmark
Søren	Hvalkof	Denmark
Marielise	Berg-Sonne	Denmark
Grethe	Bille	Denmark
Sandra	Sichlau	Denmark
Kadri	Lepp	Estonia
Max	Hatvala	Finland
Leena	Koivisto	Finland
Mikko	Palonkorpi	Finland
Anja	Paajanen	Finland
Adeline	Marquis	France
Pascal	Delumeau	France
Michael	Li	France
Sabine	Ohayon	France
Julien	Velcof	France
Danielle	Faure	France
Rachel	Ruamps	France
Segolene	Tavel	France
Adrien	Majourel	France
Pascal	Vagogne	France
Magali	Vuillaume	France
Kerstin	Dokter	Germany
Anita	Deppe	Germany
Maria	Milzow	Germany

Dorothea	Gädeke	Germany
Michael	Kühl	Germany
Jan-Marius	Tillmanns	Germany
Regina	Cordes Larson	Germany
Dorothea	Luke	Germany
Juliana	Glöckler-Fuchs	Germany
Florian	Seitz	Germany
Edeltraud	Lier	Germany
Karin	Bleiß	Germany
Dagmar	Deutges	Germany
Robert	Everhartz	Germany
Christine	Smers	Germany
Sabine	Smolka-Gunsam	Germany
Kerstin	Bröring	Germany
Edith	Müller	Germany
Philipp	Jahn	Germany
Detlev	Palluch	Germany
Renate	Pasch	Germany
Andreas	Kucher	Germany
Karin	Knöbelspies	Germany
Joachim	Kaetzler	Germany
Heinrich	Rosendahl	Germany
Thomas	Koerbel	Germany
Tobias	Raffel	Germany
Carsten	Schmidt	Germany
Marco	Schilder	Germany
Wanda	Hummel	Germany
Sabine	Ludwig	Germany
Florian	Schrieverhoff	Germany
Peter	Vogl	Germany
Hans-Heinrich	Schneider	Germany
Christian	Nusser	Hungary
Krisztina	Katona	Hungary
Anna	Beniczky	Hungary
Erik	Baktai	Hungary
Kristín	Tryggvadóttir	Iceland
Kjartan	Magnússon	Iceland
Andrea	Breslin	Ireland
Marie	Cross	Ireland
Brian	Fagan	Ireland
Fergus	Gleeson	Ireland
Patrick	McLoughlin	Ireland
Patrizia	Agangi	Italy
Salvatore	Piscitelli	Italy
Valentina	Tropiano	Italy
Paolo	Pagotto	Italy
Sebastiano	Mori	Italy
Mariagrazia	Forcella	Italy
Matilde	Fruncillo	Italy
Bujar	Halo	Italy
Dimash	Alzhanov	Kazakhstan
Mukhan	Madelkhanov	Kazakhstan

Azamat	Kussainov	Kazakhstan
Madina	Taushkenova	Kazakhstan
Raushan	Issabekova	Kazakhstan
Ilyas	Kurmanov	Kazakhstan
Inga	Skruzmane	Latvia
Viktorija	Noreikaite	Lithuania
Jurgita	Banyte	Lithuania
Valdas	Steponavičius	Lithuania
Skirmantas	Strimaitis	Lithuania
Jurate	Musteikyte	Lithuania
Myriam	Bergervoet	Netherlands
Peter	Hendriks	Netherlands
Willem	Hulzebosch	Netherlands
Orrvar	Dalby	Norway
Nils	Songstad	Norway
Kristin	Jaeger	Norway
Marcia	Haugedal	Norway
Daria	Suwała	Poland
Jan	Brodowski	Poland
Elzbieta	Ciesielska	Poland
Paulina	Czarnecka	Poland
Radzisława	Gortat	Poland
Krzysztof	Ignatowicz	Poland
Elzbieta	Horoszko	Poland
Wojciech	Wojtasiewicz	Poland
Arkadiusz	Legieć	Poland
Rafał	Szkopek	Poland
Bartłomiej	Jojczyk	Poland
Karina	Zborowska	Poland
Paulina	Pielech	Poland
Mateusz	Kamionka	Poland
Mariusz	Rzeszutko	Poland
Natalia	Kertyczak	Poland
Mateusz	Bajek	Poland
Andrzej	Fafara	Poland
Anna	Godoj	Poland
Anna	Rybkowska	Poland
Michał	Nodzykowski	Poland
Kamila	Łaskiewicz-Krzymińska	Poland
Michał	Szczygielski	Poland
Maciej	Nowak	Poland
Miłosz	Pieńkowski	Poland
Katarzyna	Olejniczak	Poland
Marzena Gabriela	Ryszkowska	Poland
Tomasz	Wielgomas	Poland
Dorota	Martynska	Poland
Marek	Kuberski	Poland
Adriana-Mihaela	Bărbieru	Romania
Luminita	Ciobanu	Romania
Toth	Marius Ciprian	Romania
Djordje	Jovicevic	Serbia
Natasa	Dragojlovic Ciric	Serbia

Roman	Roth	Slovakia
Tomáš	Felix	Slovakia
Saša	Jurečko	Slovenia
Luis	Solis Navarro	Spain
Christina	Berglund	Sweden
Anette	Emanuelsson	Sweden
Anders	Thor	Sweden
Nanna	Sundkvist	Sweden
Jan	Hult	Sweden
Johan	Genneby	Sweden
Kjell	Messing	Sweden
Erika	Mejhert Seltborg	Sweden
Monica	Green	Sweden
Björn	Lundqvist	Sweden
Hanna	Norell	Sweden
Ulf	Ottosson	Sweden
Jenny	Nilsson	Sweden
Kristina	Ulgemo	Sweden
Maria	Lagus	Sweden
Manne	Wängborg	Sweden
Pontus	Tallberg	Sweden
Peter	Wallberg	Sweden
Klas	Kettnaker	Sweden
Lucy	Andrade Gonzalez	Sweden
Martin	Damary	Switzerland
Daniele	D'Esposito	Switzerland
Fritz	Krebs	Switzerland
Roman	Enzler	Switzerland
Marianne	Gerber	Switzerland
Alexandra	Von Arx	Switzerland
Hans-Jürg	Pfaff	Switzerland
Stanislav	Zholudiev	Ukraine
Viktoria	Lialina-Boiko	Ukraine
Emily	Rome	United States
Haris	Sofradzija	United States
Kathryn	Solon	United States
Ernest	Jones	United States
Aaron	Johanson	United States
Alka	Kothari	United States
Riccardo	Cannavo	United States
Keir	Holeman	United States
Rene	Valdiosera	United States
Susanna	Zaraysky	United States
Tanya	Karpiaq	United States
Tara	O'Connor	United States
Nour	Nourey	United States
Ann	Randall	United States
Gary	Boardman	United States
Joseph	Meyer	United States
Jennifer	Walston Minshew	United States
Constance	Robinson	United States
Mara	Hanna	United States

John	Shepherd	United States
Robert	Reschke	United States
Daniel	Yastishock	United States
Kimberly	Schneider	United States
Annee	Tara	United States
Kristen	Bomengen	United States
Ellen	Shustik	United States
Florence	Barna	United States
Reno	Domenico	United States
Daniel	Villegas	United States
Christopher	Blair	United States
Eric	Manton	United States
Louis	Palmer	United States
Elia	Varela Serra	United States
Catharine	Cashner	United States
William	Hassall	United States

ODIHR EOM Short-Term Observers (Second Round and Locally Recruited)

Philipp	Hermann	Austria
Andrea	Weiss	Austria
Kristyna	Kabzanova	Czech Republic
Hanne	Bang	Denmark
Poul	Svane	Denmark
Sofia	Svensson	Denmark
Myriam	Gaume	France
Claudio	Serafini	France
Fritz	Birnstiel	Germany
Gottfried	Bramer	Germany
Horst	Denecke	Germany
Jochen	Frede	Germany
Hartwig Hans	Kaboth	Germany
Rainer	Kleffel	Germany
Peter	Kohlmeier	Germany
Michael	Kuhl	Germany
Thomas	Leszke	Germany
Elena	Lopez Werner	Germany
Amin	Louden	Germany
Christa	Mueller	Germany
Ulrike	Neeldorf	Germany
Petra	Ruth	Germany
Brigitte	Schmid	Germany
Jan Peter	Schoffer	Germany
Florian	Wegelein	Germany
Volker	Weyel	Germany
John	Durnin	Ireland
James	McCarthy	Ireland
Diletta	Berardinelli	Italy
Fabrizio	Matteocci	Italy
Gabriele	Pedrini	Italy
Ilaria	Verratti	Italy

Oyvind	Seim	Norway
Robert	Bak	Poland
Madalina	Lupu	Romania
Juraj	Balogh	Slovakia
Sasa	Jurecko	Slovenia
Simon	Dousse	Switzerland
Nabil	Al-Tikriti	United States
Joshua	Burgin	United States
Burdette	Burkhart	United States
Zachary	Cantrell	United States
Blanche	Fawell	United States
Frederick	Hegeman	United States
Barbara	Jackson-McIntosh	United States
Marsha	Kennedy	United States
Daniel	Klingenbergs	United States
Catherine	Lawrence	United States
Brian	Marshall	United States
Mark	Morrison	United States
Octavius	Pinkard	United States
Karl	Rahder	United States
Karen	Reinhardt	United States
Bradley	Reynolds	United States
April	Snedeker	United States
Jenny	Sowry	United States
Arthur	Traldi	United States
Annisa	Wanat	United States
Kyle	Wood	United States
Erik	Marx	Germany
Anke	Doletzki	Germany
Martha	Stolze	Germany
Olivier	Grandjean	France
Eleonore	Garnier	France
Pauline	Maufrais	France
Sebastien	Bobier	France
Obata	Matasaka	Japan
Vaida	Kudaniene	Lithuania
Iveta Ieva	Gedvilaite-Puodziuniene	Lithuania
Giedrius	Puodziunas	Lithuania
Justina	Slenyte	Lithuania
Floris Johannes	van Bodegraven	Netherlands
Louise Jacqueline	Lammerts	Netherlands
Sanche	Ruiz Asuncion	Spain

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Gabriela	Skulová		Czech Republic
Iuliia	Shypilova		Ukraine
Kseniya	Dashutsina		Belarus

Igor	Tilpunov	Ukraine
Silke Gisela	Tittel	Germany
Monica	Moravcova	Czech Republic
Anders	Eriksson	Sweden
Max	Bader	Netherland
Kyle	Bowers	United States
Karolina	Semina	Russian Federation
Malgorzata	Falecka	Poland
Davor	Corluka	Bosnia and Herzegovina

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Emma	Vincent	Austria
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Jana	Novotna	Czech Republic
Thomas	Boserup	Denmark
Lars	Nyholm	Denmark
Jyrki	Kankaanpaa	Finland
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Rita	Taphorn	Germany
Michael	Wiersing	Germany
Kieran	Dalton	Ireland
Simone	Ginzburg	Italy
Vittorja	Zanellati	Italy
Marija	Domarkaitė	Lithuania
Ricardas	Ramoska	Lithuania
Johannes	Tesselaar	Netherlands
Asgeir	Rustad	Norway
Nina	Wessel	Norway
Mihal	Filipek	Poland
Justyna	Kucuk	Poland
Maria Daniela	Voinea	Romania
Lena	Ohre	Sweden
Lilian	Skoglund	Sweden
Maja Barbara	Huerlimann	Switzerland
Marie Therese	Karlen	Switzerland
Ann	Merrill	United States
Ruby	Norfolk	United States

ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).