



Office for Democratic Institutions and Human Rights

GEORGIA

PARLIAMENTARY ELECTIONS 31 OCTOBER 2020

ODIHR NEEDS ASSESSMENT MISSION REPORT 3-8 August 2020



Warsaw
28 August 2020

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ODIHR Needs Assessment Mission Report

I. INTRODUCTION

Following an invitation from the authorities of Georgia to observe the 31 October 2020 parliamentary elections, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) to Tbilisi from 3 to 8 August. The ODIHR NAM included Vladimir Misev, ODIHR Senior Adviser on New Voting Technologies, and Kseniya Dashutsina, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and the preparations for the parliamentary elections. Based on this assessment, the NAM should recommend whether to deploy an ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions, as well as with representatives of political parties, media, civil society, and international organizations. A list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign Affairs for its assistance and co-operation in organizing the NAM. ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and share their views.

II. EXECUTIVE SUMMARY

On 31 October 2020 voters will elect the 150-member parliament through a new mixed electoral system with 120 members elected proportionally through party lists, and 30 in single-member constituencies. Parties must receive at least one per cent of valid votes cast to qualify for proportional seat allocation. In majoritarian contests, candidates can be nominated by the parties or run independently and must receive over 50 per cent of votes cast to be elected. If no candidate receives the required number of votes, a second round is held between the two leading candidates.

Elections will be held under a significantly revised legal framework following a broad and inclusive reform process, centred around previous ODIHR recommendations. The changes include additional provisions on prevention of misuse of administrative resources and vote buying, shortened deadlines for electoral dispute resolutions, more detailed criteria for selection of members of lower-level election administration, measures to increase women's political participation, rules of the media coverage of the election contestants, and regulation of the second round contests. Although most of the ODIHR NAM interlocutors expressed general satisfaction with the amendments, some considered them insufficient. All ODIHR NAM interlocutors noted that consistent implementation of the legal framework will be essential for the democratic conduct of the elections.

Elections will be administered by three levels of election administration, headed by the Central Election Commission (CEC). Commissions at all levels are composed of 12 members: 6 non-partisan and 6 from the political parties, in proportion to the number of votes received in the last parliamentary elections. Most of the ODIHR NAM interlocutors expressed confidence and trust in the work of the CEC. While the recent amendments tightened selection criteria for lower-level commissions, their composition remained unchanged. Several ODIHR NAM interlocutors noted a

significantly higher representation of the governing party in the lower-level commissions and voiced concerns about their impartiality and independence.

The right to vote is granted to all citizens aged 18 years or older. Voter registration is passive and centralized. Most of the ODIHR NAM interlocutors expressed overall confidence in the quality and accuracy of the voter list.

Voters over 25 years of age and with at least ten years residence in Georgia have the right to stand as candidates. Candidates can be nominated by political parties or coalitions or run independently through nomination by an initiative group of five voters. The July 2020 amendments established a gender quota for candidate lists, as a prerequisite for registration, with at least every fourth candidate being from the less represented gender. All ODIHR NAM interlocutors welcomed this change as a step forward for a more balanced gender representation in the parliament.

The official campaign period begins 60 days prior to the elections; however, some parties have already started campaigning. The campaign is expected to be intense with many ODIHR NAM interlocutors expressing concerns over potential use of harsh and divisive rhetoric, including hate speech. According to many ODIHR NAM interlocutors, the current situation in relation to COVID-19 pandemic is well managed and does not pose serious obstacles for campaigning. However, several ODIHR NAM interlocutors raised concerns about the governing party misusing the crisis and administrative resources for electoral gains, and alleged instances of what was perceived as vote buying through introduction of COVID-19 government programmes.

The legislation provides for public and private funding of political parties, reporting and disclosure requirements, establishes ceilings on donations and expenditures, as well as sanctions for violations. The State Audit Office (SAO) is mandated to exercise oversight of campaign finance. While acknowledging the SAO's competence, a number of ODIHR NAM interlocutors questioned its efficiency due to the limited human resources and lack of sanctioning powers.

Most ODIHR NAM interlocutors characterized the media environment as divided along political interests and party lines. The media legal framework has been recently amended to include additional rules of allocation of free airtime, introduce a policy on changing prices for advertisement during campaign, and prohibit third-party campaigning. The Georgian Public Broadcaster is legally required to offer equal airtime to all contestants. Instances of alleged pressure on prominent television hosts and journalists were brought to the attention of the ODIHR NAM. The Georgian National Communications Commission regulates and supervises media conduct during the campaign and conducts media monitoring and can recommend various sanctions for noted violations.

The Election Code establishes an expeditious dispute resolution process for complaints and appeals against election commission decisions with one to three calendar days allotted for appeals and decisions. Representatives of parties, coalitions and registered observers have the right to file complaints in all cases; voters only have the right to file complaints on their non-inclusion on a voter list. Some ODIHR NAM interlocutors noted a lack of confidence in the independence of the judiciary and effectiveness of electoral dispute resolution process.

All ODIHR NAM interlocutors welcomed external scrutiny of the revised legal framework, its implementation and the overall conduct of the election process, and stated that a large-scale election observation activity would be needed. They underlined that the assessment by the potential ODIHR election observation activity will be of particular value due to high polarization and would enhance confidence in the electoral process. Particular concerns were raised over the conduct of the

campaign, and especially with regard to potential misuse of administrative resources, vote buying and voter intimidation. Specific aspects that could benefit from further assessment include the implementation of the revised legal framework, work of election administration, media coverage, compliance with the campaign finance regulations, electoral dispute resolution, and election day procedures, particularly under the circumstances caused by the COVID-19 pandemic.

Based on the findings of this report, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM) for the upcoming parliamentary elections. In addition to a core team of experts, the ODIHR NAM recommends the secondment of 28 long-term observers from OSCE participating States to follow the electoral process countrywide, and 350 short-term observers to follow election day proceedings. In line with ODIHR's standard methodology, the EOM would include a media monitoring element.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

In Georgia the president is serving as the head of state and prime minister as the head of government. Legislative power is vested in parliament. Constitutional amendments in 2017 introduced the indirect election of the president starting from 2024, concluding the shift from a presidential to a parliamentary system initiated in 2010.¹

The last parliamentary elections in 2016 resulted in a constitutional majority of the Georgian Dream (GD), which won 115 of 150 seats.² In 2017, 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 2018, the GD-backed candidate, Salome Zourabichvili, won the presidential election becoming the country's first female president.

The pre-election environment is marked by political and social tensions. A wave of anti-government protests broke out in June 2019 in response to a speech by the Russian MP in the parliament building. Following dispersal of the protestors, further demonstrations took place demanding the resignation of the government and conduct of early elections under a fully proportional system instead of the existing mixed system. Pursuant to a political agreement of 28 June 2019 to introduce a fully proportional system ahead of the 2020 parliamentary elections, the draft constitutional amendments were initiated by 93 MPs from the ruling party. However, during the vote on 14 November a constitutional majority was not reached.³ On 4 December, a group of 29 MPs initiated amendments to the Election Code which failed to gain enough support in the parliament, further fuelling protests.⁴

On 8 March 2020, following lengthy negotiations, facilitated by members of the diplomatic community, a Memorandum of Understanding was signed between the opposition and the ruling

¹ The president serves as commander-in-chief and appoints the commander of the armed forces, represents the country abroad, makes certain appointments in the judiciary and holds a legislative veto.

² The UNM won 27 seats, Alliance of Patriots 6 seats, and 2 seats were won by the independent candidates.

³ According to the ruling party, some GD MPs refused to support these amendments due to concerns of not being elected under the reformed electoral system. Twelve GD MPs left the party citing their dissatisfaction with the amendments.

⁴ See ODIHR [Opinion on the Draft amendments to the Election Code of Georgia](#).

party.⁵ These proposed constitutional amendments introduced a new electoral system with a larger proportional component.⁶ The constitutional amendments were adopted in the final reading on 29 June.⁷ Majority of the opposition parties boycotted the vote claiming that the government did not fully fulfil their promise to release from custody four opposition figures.⁸ All ODIHR NAM interlocutors noted the tense and polarized atmosphere and attributed great importance to the upcoming parliamentary elections, perceiving it as an important test for the country's democracy and modernization reform.

ODIHR has previously observed 15 elections in Georgia.⁹ Most recently ODIHR deployed an Election Observation Mission for the 28 October 2018 presidential election. The final report, issued in February 2019, contains 27 recommendations, including 10 priority ones, for the authorities to improve electoral process and bring it closer in line with OSCE commitments.¹⁰

B. LEGAL FRAMEWORK

The parliamentary elections are primarily regulated by the 1995 Constitution, the 2011 Election Code, the 1997 Law on Political Unions of Citizens, the 2008 Law on the State Audit Office, as well as other legislation including the Criminal Code, the Administrative Offences Code, the 2004 Law on Broadcasting, and supplemented by regulations of the Central Election Commission (CEC).

Elections will be held under significantly revised legal framework. Broad and inclusive consultations, centred around previous ODIHR recommendations, started in July 2019 and resulted in amendments into the Election Code and a number of election related laws adopted on 2 July 2020.¹¹ The amendments included: additional provisions on prevention of misuse of administrative resources and vote buying, shortened deadlines for electoral dispute resolutions, more detailed criteria for selection of members of lower-level election administration, measures to increase women's political participation, transparency of campaign finance and rules of media coverage of the election contestants, and regulation of the second round contests.

Although most of the ODIHR NAM interlocutors welcomed and expressed general satisfaction with the amendments, several considered the amendments insufficient. All ODIHR NAM interlocutors noted that consistent implementation of the legal framework will be essential for democratic conduct of the elections. Moreover, several ODIHR NAM interlocutors noted the electoral legal framework would benefit from further improvements including those related to composition of elections commissions, measures to address possible voter intimidation, electoral dispute resolution, measures ensuring transparency of campaign finance, and regulation of campaigning on social networks and in the online media.

⁵ While the [Memorandum](#) refers to the changes in the electoral system, the negotiations and the joint statement by the signatories also noted the importance of the independence and de-politicization of the judiciary.

⁶ See Parliamentary Assembly of the Council of Europe 29 June [statement on adoption of the amendments](#).

⁷ MPs voted 117 to three in favour of the reforms. The bill was supported by the ruling party, Alliance of Patriots, and some independent MPs who have left GD since the 2016 elections.

⁸ Out of four opposition figures, one was released on bail, two were pardoned on 15 May by the president, and one was sentenced to four years in prison for illegal possession of firearms.

⁹ See previous ODIHR election-related reports on [Georgia](#).

¹⁰ In paragraph 25 of the 1999 [OSCE Istanbul Document](#), OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations".

¹¹ The amendments to the Election Code were initiated by the Georgian Dream MPs. EG and UNM boycotted the vote. Out of 150 MPs, 100 were present, 94 voted in favour of the amendments, and 5 abstained. Of these, 89 MPs were from GD, 2 from Alliance of Patriots, and 9 were independent.

C. ELECTORAL SYSTEM

The 150 MPs are elected for four-year terms. Under the new system, 120 MPs are elected proportionally through closed party lists, and the remaining 30 MPs are elected in single-member constituencies. Parties must receive at least one per cent of valid votes cast to qualify for proportional seat allocation.¹² The party must receive at least 40 per cent of the vote in order to be assigned a majority of seats in parliament. In majoritarian contests, candidates can be nominated by the parties or run independently and must receive over 50 per cent of votes cast to be elected. If no candidate receives the required number of votes, a runoff is held on the third Saturday after the election day between the two candidates who received the highest number of votes. For the 2024 parliamentary elections the system will be changed to a fully proportional one.

The boundaries of thirty single-mandate majoritarian districts were defined by recent amendments to the Constitution and the Election Code and confirmed by the CEC decision of 10 July based on the criteria set by the ruling of the Constitutional Court.¹³

D. ELECTION ADMINISTRATION

The elections will be managed by three levels of election administration comprising the CEC, 73 District Election Commissions (DECs) and some 3,656 Precinct Election Commissions (PECs).¹⁴ The election will not be 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. Three CEC members are women, including the chairperson.¹⁵ Parties with parliamentary factions enjoy the right to nominate commissioners in proportion to the number of votes received in the last parliamentary elections. This previously 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 to one each.

The July 2020 amendments introduced selection criteria for lower-level election commissions aimed at avoiding conflict of interest.¹⁶ Majority of the ODIHR NAM interlocutors welcomed these amendments, but some expressed concerns about its implementation due to high number of applicants.¹⁷ While most of the ODIHR NAM interlocutors expressed confidence and trust in the

¹² Parties can run independently or form coalitions. The threshold for the coalitions is calculated based on the number of parties in it, with each party having to pass one per cent threshold.

¹³ The Constitutional Court of Georgia, in its decision of 28 May 2015, referred to the [2002 Venice Commission Code of Good Practice in Electoral Matters \(Code of Good Practice\)](#) to state that that allowable deviation from proportional allocation of seats may not go above 10 per cent and in exceptional cases, 15 per cent. The text allows up to three limited exceptions from the aforementioned rules “in the interest of encouraging the representation of ethnic minority groups, citizens residing in mountainous regions, or for accommodating particular geographic needs”.

¹⁴ The Ministry of Foreign Affairs (MFA) is responsible for out of country voting. MFA informed ODIHR NAM that it plans to establish similar to previous elections number of polling stations, depending on the COVID-19 related health situation and applicable rules in the countries abroad.

¹⁵ In 2018 and 2019, 11 CEC members were re-appointed, including the Chairperson.

¹⁶ In particular, a DEC member will not participate in the selection procedure of PEC members if he/ she is a family member of a candidate for membership in the relevant PEC. Moreover, it is prohibited to select a PEC member if he/she was previously appointed as a member of election commission at any level by a political party.

¹⁷ To increase transparency, the CEC will publish the list of all candidates who applied for membership of the lower-level commissions.

CEC, concerns were expressed about the work of lower-level election commissions. According to some ODIHR NAM interlocutors, the governing party has significantly higher representation in the election administration and some voiced concerns about the impartiality and independence of its work due to unbalanced representation of political parties.

The CEC is conducting training and requires all staff to complete a certification process. It is also working on several initiatives to ensure access to voter information and polling stations for voters with disabilities. The July 2020 amendments provide rules for the participation of wheelchair users, whereas no less than four polling stations in each majoritarian district should be accessible. The Election Code stipulates COVID-19 preventive measures on election day. Moreover, the CEC is working on the modalities to allow voting for citizens which are in quarantine on election day. The CEC voiced concerns about possible increase in mobile ballot box voting requests due to COVID-19 pandemic.¹⁸

E. VOTER REGISTRATION

The right to vote is granted to all citizens aged 18 years or older. Citizens declared incompetent by a court or serving a prison term for an especially grave crime are ineligible to vote. Voter registration is passive and centralized. Voters with a valid identification documents are included in the voter list based on their permanent registration, actual (temporary) address or previous registered address. Voters cannot vote in places different from their official registration.

The CEC is responsible for compiling voter lists based on information provided on quarterly basis by the Public Service Development Agency (PSDA) of the Ministry of Justice and other relevant authorities. The PSDA continues to undertake efforts to improve the accuracy of the database through facial recognition to remove duplications, by removing deceased voters and providing opportunities for voters to receive or update documents and photos for free.

As of 15 July, the number of registered voters stands at 3,550,054. Voters have multiple options to check their data, including at government service centres throughout the country, PSDA offices as well as online. PECs should post voter lists for public scrutiny once they are established. Most ODIHR NAM interlocutors expressed overall confidence in the accuracy of voter lists.

F. CANDIDATE AND PARTY REGISTRATION

Voters over 25 years of age who have permanently resided in Georgia for at least ten years have the right to stand as candidates. Candidates can be nominated by political parties or coalitions, or run independently through nomination by an initiative group of five voters. To participate in the elections, parties must first register with the CEC.¹⁹ Following recent amendments, a number of supporting signatures required for registration for parties without representatives in the outgoing parliament was decreased from 25,000 to 5,000 signatures.

¹⁸ The law does not require justification to request mobile ballot box voting.

¹⁹ Parties that participated in the last presidential, parliamentary or local elections and which received at least 15,000 votes are exempt from the signature collection and parties whose candidate received at least 15,000 votes in the first round of the 2018 presidential elections are also exempt from signature collection. Out of 68 parties which applied to the CEC, 59 were registered, 9 were rejected. Grounds for rejection included missing the deadline for submission of the documents and certain deficiencies in the applications. The Republican Party was registered following the decision of the Tbilisi City Court to overturn the CEC decision denying registration.

The July 2020 amendments established a gender quota for candidate lists with at least every fourth candidate being from the less represented gender as a prerequisite for registration.²⁰ Parties eligible for public funding will receive an additional 30 per cent of funding if at least every third candidate nominated is from the less represented gender. All ODIHR NAM interlocutors welcomed this change as a step forward for more balanced gender representation.

G. ELECTION CAMPAIGN

While the official campaign period begins 60 days prior to election day, some parties have already started campaigning. The law provides for equitable campaigning conditions for all contestants. In response to previous ODIHR recommendations, the July amendments introduced a campaign silence period starting eight hours before election day, and further provisions on prevention of misuse of administrative resources and intimidation of voters.²¹ The changes also prohibit placing campaign material and physically obstructing movement of voters within 25 meters of a polling station. Several ODIHR NAM interlocutors welcomed the changes but some noted challenges in their implementation and enforcement.

The campaign is expected to focus on economic topics, the consequences of the COVID-19 pandemic, rule of law and independence of the judiciary. According to many ODIHR NAM interlocutors, the current situation in relation to COVID-19 pandemic is well managed and does not pose serious obstacles for free conduct of the campaign.²² Parties intend to use traditional methods of campaigning, including small scale rallies, door-to-door campaigning and different printed materials. Additionally, all political parties met by ODIHR NAM noted they will rely on online campaigning tools.²³ Many ODIHR NAM interlocutors expressed concerns over potential use of hate speech and other harsh and divisive rhetoric during the campaign. A number of ODIHR NAM interlocutors raised concerns about the governing party capitalizing on their response to the COVID-19 crisis for their electoral gains and some saw COVID-19 related government programmes introduced shortly before elections as potential vote buying, especially in remote areas and those populated by national minorities.²⁴

The Interagency Commission for Free and Fair Elections (IACFFE) is re-established for each election as an advisory body mandated to ensure that public officials prevent and respond to election violations.²⁵ While acknowledging that IACFFE can serve as a useful forum to raise public

²⁰ For elections from 2028 to 2032, party lists should include at least every third person of a different gender.

²¹ The amendments prohibit employees of public administration to campaign during working hours. They also prohibit central and local government bodies airing advertisements over the undertaken or planned works for the period of 60 days before elections.

²² The anti-crisis plan, aimed at addressing negative socio-economic impact of the COVID-19 pandemic, was initiated by the government and was gradually implemented from March 2020. It included a number of recovery measures with additional funds allocated to support the citizens. Recent June amendments to the Law on the Budget of Georgia stated that these funds will be distributed in compliance with the law in order to fight consequences of the virus.

²³ The legal framework does not regulate campaign on social networks. In December 2019 and April 2020, Facebook [removed](#) over 500 pages, more than 100 accounts as well as groups and Instagram profiles engaged in "coordinated inauthentic behaviour" via sharing misinformation about Georgia's domestic politics and the COVID-19 outbreak. In June 2020, a number of media outlets and civil society organizations [appealed to Facebook](#) to take measures "to prevent anonymous, co-ordinated and sponsored political discrediting campaigns" on the platform.

²⁴ On 6 August, the Prime Minister Giorgi Gakharia [announced](#) that as a part of measures to tackle COVID-19 consequences, further GEL 130 million (EUR 35 million) will be allocated for social assistance to individuals from the StopCov fund, including payment of GEL 200 to families with children below 17 years old, and covering utility fees.

²⁵ The IACFFE was established for the first time in 2013 and is composed of high-level officials; all political parties and observers are entitled to participate in its sessions.

concerns and exchange information on misuse of administrative resources, several ODIHR NAM interlocutors questioned its effectiveness due to lack of sanctioning powers.

H. CAMPAIGN FINANCE

Campaign finance is regulated by the Law on Political Unions of Citizens, the Election Code, and the Law on State Audit. It is supplemented by regulations of the State Audit Office (SAO). Recent legal changes aim to increase the transparency of political financing and to strengthen financial control. These include sanctions for third-party donations, requirement for SAO to publish campaign financial reports within five working days after its receipt, regulation of the second round reporting, and restrictions on source of permissible donations.²⁶ Following the recent changes, vote-buying is a criminal offence regardless of the amount and fall under the purview of the Prosecutor's office.²⁷

The law provides for private and public funding for election contestants. Recent changes reduced the threshold for receiving public funding and simplified the formula for determining its amount.²⁸ 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.²⁹ Any citizen or legal entity may donate up to GEL 60,000 and 120,000, respectively, annually to one or more parties or candidates. In-kind donations are permitted and parties may receive loans up to one million GEL. Donations from foreign, public-funded, religious, and anonymous sources are prohibited.

The SAO is mandated to exercise campaign finance oversight and plans to verify the financial reports by monitoring the campaign in the media, conducting field visits, and address issues raised by parties and civil society organizations. The SAO can only impose sanctions for campaign violations and request information on the origins of funds and property donated through a court decision. The SAO expressed its readiness to perform the tasks in line with the legislation but noted potential challenges due to the high number of electoral contestants and limited human resources.³⁰ Overall, most ODIHR NAM interlocutors expressed low level of confidence in the transparency of the party and campaign finance.

I. MEDIA

The media environment is diverse but divided along political lines, as perceived by most of the ODIHR NAM interlocutors. The Georgian Public Broadcaster (GPB) and private TV stations, including *Imedi*, *Rustavi 2* and newly established *Mtavari Arkhi*, dominate the commercial media market.³¹

²⁶ These are subject to a warning or GEL 1,000 (EUR 270) fine imposed on an independent candidate and GEL 5,000 (EUR 1,350) fine imposed on a political party.

²⁷ Previously, vote buying cases below GEL 100 were considered administrative violations and dealt by the SAO.

²⁸ Parties which passed one per cent threshold in the last parliamentary elections are eligible for public funding with GEL 15 allocated for each of the first 50,000 votes received and additional GEL 5 for each vote above that.

²⁹ Expenditures of the independent candidates are subject to the same ceiling.

³⁰ SAO campaign finance unit has eight members and additional four will be allocated for the election period.

³¹ On July 18, 2019 the European Court of Human Rights (ECtHR) court dismissed the case [Rustavi 2 Broadcasting Company LTD and others v. Georgia](#) filed by the owners of a Georgian pro-opposition television channel *Rustavi 2* accusing Georgia's Supreme Court of bias. Two new opposition channels *Mtavari Arkhi* and *Formula TV* were established shortly after.

The Constitution guarantees freedom of speech and of the press and prohibits censorship. The Law on Broadcasting stipulates that both public and private broadcasters should ensure pluralistic and non-discriminatory coverage of all relevant views in their news programs.

During the campaign, public and private broadcasters are obliged to allocate free airtime for election advertisements of “qualified” election subjects and to provide them with equal conditions for placement of paid campaign advertisements.³² The GPB is legally required to offer equal airtime to all contestants.³³ In response to previous ODIHR recommendations, the legislation was amended to prohibit media campaigning of one electoral subject for the benefit of other contestants.³⁴ Moreover, during the official campaign period, broadcasters can change advertisement prices only once. Some ODIHR NAM interlocutors opined that such restriction on pricing policy could significantly limit broadcasters’ income.

The Georgian National Communications Commission (GNCC), comprised of five members appointed for six-year term, is the key regulatory body for the broadcast media. GNCC regulates and supervises media conduct during the campaign and conducts media monitoring with a view to identifying imbalances in coverage. It can recommend various sanctions for noted violations, which can be imposed based on the court decision.³⁵ In general, complaints against broadcasters are considered by their own self-regulation bodies. Several ODIHR NAM interlocutors noted instances of alleged pressure on prominent television hosts and journalists critical of the government.

J. ELECTION OBSERVATION

The Election Code 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. Several civil society organizations have launched their observation activities.³⁶ Some ODIHR NAM interlocutors noted concerns of possible misuse of citizen observation for political interest which might negatively impact the perception of impartiality of citizen observers and their role in the electoral process.

K. COMPLAINTS AND APPEALS

The Election Code establishes an expeditious dispute resolution process for complaints and appeals against election commission decisions with one to three calendar days allotted for appeals and decisions. Representatives of parties, coalitions and registered observers have the right to file complaints in all cases; voters only have the right to file complaints on their non-inclusion on a voter list.

³² “Qualified” election subjects are electoral contestants that received at least three per cent of votes in the last parliamentary or local elections. “Unqualified” election subjects must demonstrate public support through opinion poll results in order to enjoy free airtime/space.

³³ On 18 August 2020, the GPB Director General resigned questioning impartiality of the broadcaster in light of upcoming elections.

³⁴ Broadcasters are prohibited to provide free advertisements beyond the limit specified by the legislation and allocate more than the time paid for by a customer.

³⁵ The deadline for drawing up a protocol of administrative offences by GNCC was reduced to two days.

³⁶ The International Society for Fair Elections and Democracy (ISFED), the Georgian Young Lawyers Association, Transparency International. ISFED issued several [reports](#) on their observation activities to date.

Following July 2020 amendments, the deadlines for election commissions to decide on complaints related to the misuse of administrative resources were reduced from 30 to 10 days. Despite a previous ODIHR recommendation to allow all election commission decisions to be appealed, even if taken by an individual, decisions of the CEC Chairperson on campaign violations are not subject to appeal. Some ODIHR NAM interlocutors noted a lack of confidence in the independence of the judiciary and effectiveness of electoral dispute resolution process.

IV. CONCLUSIONS AND RECOMMENDATION

All ODIHR NAM interlocutors welcomed external scrutiny of the revised legal framework, its implementation and the overall conduct of the election process and stated that a large-scale election observation activity is needed. They underlined that the assessment by the potential ODIHR election observation activity will be of particular value due to high polarization and would enhance confidence in the electoral process. Particular concerns were raised over the conduct of the campaign, and especially with regard to potential misuse of administrative resources, vote buying and voters intimidation. Specific aspects that could benefit from further assessment include the implementation of the revised legal framework, work of election administration, media coverage, compliance with the campaign finance regulations, electoral dispute resolution, and election day procedures, particularly under the circumstances caused by the COVID-19 pandemic.

Based on the findings of this report, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM) for the upcoming parliamentary elections. In addition to a core team of experts, the ODIHR NAM recommends the secondment of 28 long-term observers from OSCE participating States to follow the electoral process countrywide, and 350 short-term observers to follow election day proceedings. In line with ODIHR's standard methodology, the EOM would include a media monitoring element.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Lasha Darsalia, Deputy Minister of Foreign Affairs
David Abesadze, Deputy Director of International Organizations Department
Mariam Burduli, Counsellor, OSCE Division, Department of International Organisations

Parliament

Anri Okhanashvili, Chairperson of Legal Issues Committee
Irakli Beraia, Chairperson of the Foreign Relations Committee
Levan Kasradze, Head of Judicial Committee Apparatus
Aza Morgoshia, Assistant to the Chairperson of Legal Issues Committee

State Audit Office

Irakli Mekvabishvili, Auditor General
Ekaterine Ghazadze, Deputy Auditor General
Besik Kochiashvili, Head of the Department of Political Parties Finance Monitoring

Central Election Commission

Tamar Zhvania, Chairperson
Giorgi Sharabidze, Deputy Chairperson
Giorgi Javakhishvili, Secretary
Giorgi Kalandarishvili, Head of Human Resources Department
Tamar Kapanadze, Head of International Relations and Protocol Division

Public Services Development Agency, Ministry of Justice

Zurab Sanikidze, Chairman of the Public Service Development Agency
Avtandil Maghlakelidze, Head of the Data Quality Management Unit
Sophio Torchinava, Head of Marketing Communication and Public Relations Unit
Lado Sichinava, Head of External Customers Relations Unit
Khatuna Svanidze, Manager, Project - "Improving Voters' List"
Bela Mumladze, Specialist, Planning and Documentation Group, Project - "Improving Voters' List"
Irakli Chelidze, Chief Specialist, Civil Acts and Population Registration Unit

Court of Appeals

Irakli Shengelia, Deputy Chairman of the Court of Appeals
Dimitri Gvritishvili, Deputy Head of High Council of Justice

Interagency Commission for the Free and Fair Elections

Gocha Lordkipanidze, Deputy Minister of Justice
Mikheil Sarjveladze, First Deputy Minister of Justice
Soso Giorgadze, Executive Director of House of Justice

Political Parties (in alphabetical order)

Irma Inashvili, General Secretary, Alliance of Patriots
Nikoloz Ramishvili, Chief Advisor to the Chairman, Alliance of Patriots
Gocha Tevdoradze, Executive Secretary, Alliance of Patriots
Archil Talakvadze, Speaker of the Parliament, Georgian Dream – Democratic Georgia
Irakli Kobakhidze, Executive Secretary, Georgian Dream – Democratic Georgia
David Bakradze, MP, Chairman, European Georgia
Giga Bokeria, MP, European Georgia
Irakli Kiknavelidze, Spokesperson, European Georgia
Mishka Qumsishvili, Head of Youth Wing, Labour Party

Beka Natelashvili, Majoritarian candidate for Mtskheta-Tianeti, Labour Party
Badri Japaridze, General Secretary, Lelo for Georgia
Grigol Gegelia, Chief of Foreign Relations, Lelo for Georgia
Saba Buadze, Co-founder/leader, Lelo for Georgia
Giorgi Vashadze, Leader, Strategy Aghmashenebeli Party
Irakli Kavtaradze, Head of International Department, United National Movement
Natalia Mchedlishvili, Foreign Policy Advisor, United National Movement
Tina Bokuchava, MP, United National Movement

Media

Georgian National Communications Commission

Vakhtang Abashidze, Member of the Commission
Ivane Makharadze, Head of the Audio-Visual Media Services Regulation Department
Mzia Gogilashvili, Acting Head of the International Relations and Project Management Office

Georgian Public Broadcaster

Vasil Maghlaperidze, Director General
Tinatin Berdzenishvili, First Deputy Director General
Giorgi Gvimradze, Director of News and Current Affairs Bloc

Mtavari Arkhi TV

Nino Nakashidze, Deputy Director General for External Relations and Communications
Nika Gvaramia, Founder

Formula TV

Giorgi Targamadze, Deputy CEO

Rustavi 2

Irakli Imnaishvili, Executive Director

Imedi TV

Nika Laliashvili General Director

Civil.ge

Otar Kobakhidze, Chief Editor

Civil Society

Elene Nizharadze, Executive Director, International Society for Fair Elections and Democracy
Mariam Latsabidze, Democratic Institutions Support Program Analyst, Georgian Young Lawyers Association
Levan Nanoshvili, Election Program Manager, Transparency International Georgia
Keti Maisuradze, IFES Country Director
David Ghonghadze, IFES Program Manager

International Community³⁷

Representatives of diplomatic missions of the European Union Delegation, France, Germany, Greece, Italy, Netherlands, Norway, Switzerland, United States of America, as well as Council of Europe and USAID.

³⁷ The ODIHR NAM extended an invitation to all representations of OSCE participating States resident in Georgia.