

INTERIM REPORT No. 1
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I. EXECUTIVE SUMMARY

- On 30 March 2010, the president of Georgia called municipal elections for 30 May. Voters will elect members of 63 councils of local self-government units, the Tbilisi city council, and – for the first time – the mayor of Tbilisi. Councils are elected under a mixed proportional-majoritarian system.
- The Unified Election Code (UEC) was significantly amended in December 2009, addressing some previous OSCE/ODIHR recommendations. While it is generally conducive to holding democratic elections, a number of significant shortcomings remain.
- These elections will be administered by a three-tiered structure consisting of the Central Election Commission (CEC), 73 District Election Commissions (DECs) and some 3,619 Precinct Election Commissions (PECs). A new CEC chairperson was elected by the parliament in January 2010. Under recent UEC amendments, opposition-nominated PEC members elected the PEC secretaries.
- The number of registered voters is approximately 3.6 million. In the run-up to these elections, political parties received state funding to scrutinize the voters' lists; however, concerns about their accuracy remain.
- The CEC registered 26 political parties for these elections in what was described to the OSCE/ODIHR Election Observation Mission (EOM) as a transparent and inclusive process. In total, 13 political parties and 3 blocs put forward party lists and candidates to contest these elections.
- The political environment remains polarized, with many opposition parties boycotting the work of the parliament. Extra-parliamentary parties' trust in the authorities is low. Campaign has been picking up, with a strong focus on the race for the Tbilisi mayor.
- While Georgia has a diverse media environment, media is divided along political lines and there are accusations of undue political influence. The Georgian Public Broadcaster (GPB) has launched a second channel, giving opposition parties permanent access to the airwaves. The UEC provides for free and paid airtime on public and private media. Several parties have complained about very high costs of paid advertising on television.
- The UEC provides for the resolution of election disputes by the election administration and the judiciary. In a positive development, deadlines for filing appeals were extended. Thus far, few complaints have been filed with the CEC and courts.
- The OSCE/ODIHR EOM opened its office in Tbilisi on 16 April, with a 15-member core team and 24 long-term observers who are deployed to 11 locations throughout the country. Mission members are drawn from 22 OSCE participating States.

II. INTRODUCTION

On 30 March 2010, the president of Georgia, Mikheil Saakashvili, called municipal elections for 30 May. Following an invitation from the Ministry of Foreign Affairs of Georgia and a recommendation of an OSCE/ODIHR Needs Assessment Mission, the OSCE/ODIHR established an EOM on 16 April. The EOM, led by Ambassador Audrey Glover, consists of a 15-member core team based in Tbilisi and 24 long-term observers who were deployed on 25 April to 11 locations around the country. The OSCE/ODIHR EOM core team and LTOs are drawn from 22 OSCE participating States. Participating States have been requested to second 350 short-term observers to observe voting, counting and tabulation.

III. BACKGROUND

In the upcoming municipal elections, Georgian voters will elect the members of 63 councils (*sakrebulos*) of local self-government units (municipalities and self-governing cities), the Tbilisi city *sakrebulo*, and the mayor of Tbilisi, who will be directly elected for the first time. In contrast, mayors of other self-governing cities will not be directly elected. Also on 30 May, parliamentary by-elections will be held to fill three vacant single-mandate seats.

The 2008 parliamentary elections were won by the United National Movement (UNM), which gained 119 out of 150 seats. The political environment since then has continued to be highly polarized. Protesting against alleged violations in those elections, many opposition parties have since boycotted the work of the parliament. The armed conflict in August 2008 further aggravated political tensions. In April 2009, large-scale demonstrations were held in Tbilisi, with demands including constitutional and electoral reform, freedom of the media and judiciary, and the release of alleged political prisoners. In March 2009 an Electoral Reform Working Group began negotiations under the auspices of the Washington-based National Democratic Institute for International Affairs (NDI), which led to significant amendments to the UEC in December 2009. While some parties boycotting the parliament participated in this process together with the parliamentary parties, most of them did not sign the final agreement.

IV. THE LEGAL FRAMEWORK AND ELECTION SYSTEM

The primary legislation regulating these elections consists of the Constitution (1995, last amended in 2010) and the UEC (2001, last amended in 2010). Other applicable laws include the Law on Self-Government, the Law on Political Parties, relevant provisions of the Criminal Code and the Code of Administrative Procedures, as well as legal acts (resolutions and ordinances) of the election administration.

The UEC has undergone numerous amendments since its adoption. Significant amendments were introduced in December 2009, addressing some previous recommendations by the OSCE/ODIHR.¹ The procedure for nominating and electing the CEC chairperson was changed, and the direct election of the mayor of Tbilisi was introduced. The UEC is generally conducive to holding democratic elections; however, a number of significant shortcomings remain. In contradiction with paragraph 7.5 of the OSCE Copenhagen Document, it does not allow for independent candidates. Persons serving a prison sentence have no right to vote, irrespective of the crime committed and the length of the imposed sentence. In addition, the provisions, which

¹ The 2010 amendments modified the requirements for candidates to contest the elections. A candidate no longer has to be registered to the territory of the *sakrebulo* where he or she is running for elections. The minimum period during which a candidate must have resided in Georgia was reduced from 10 to 5 years. Other amendments passed in 2010 are minor and of a technical nature.

allow unlimited campaigning by political officials and the use of administrative resources for campaign purposes, do not guarantee a level playing field for all contestants.

The members of *sakrebulo*s will be elected for a four-year term under a mixed proportional-majoritarian system. The seats allocated under the proportional system are distributed to the parties and coalitions, which have passed a five per cent threshold (four per cent in Tbilisi). Mandates in single-mandate constituencies are awarded to candidates who received the highest numbers of votes. Mayors of municipalities and self-governing cities are elected by the *sakrebulo*s. The mayor of Tbilisi is elected by popular vote. A candidate needs to obtain no less than 30 per cent of valid votes to be elected. If this requirement is not met, a second round takes place within a month between the two candidates who obtained the highest number of votes.

V. THE ELECTION ADMINISTRATION

These elections are administered by a three-tiered structure consisting of the Central Election Commission (CEC), 73 District Election Commissions (DECs) and some 3,619 Precinct Election Commissions (PECs). All commissions have 13 members, seven of which are nominated by political parties that qualify for state funding.

The CEC is a permanent body, headed by a new chairperson appointed in January 2010. Apart from seven members nominated by political parties, the remaining CEC members are nominated by the president and appointed by the parliament. The chairperson has stated that he will seek consensus in reaching CEC decisions. Thus far, the CEC has voted on numerous issues, mostly consensually. The CEC has to date acted in a transparent and inclusive manner, informing observers of upcoming sessions in time. Sessions take place regularly and the minutes are posted on the CEC website within a few days. However, the CEC also holds informal meetings to which observers are usually not invited.

The DECs have five permanent non-partisan members selected in an open competition and appointed by the CEC for a five-year term. After the elections were called, eight additional members were appointed, seven of them by political parties and another one by the CEC. PECs, which are formed anew for each election, were established within the deadline of 26 April. In line with the recent UEC amendments, PEC secretaries were elected by the opposition-nominated PEC members.

For these elections, the CEC decided to install video cameras in every polling station in Tbilisi, Kutaisi and Batumi. This is provided for in the UEC and was used in previous elections.

VI. VOTER REGISTRATION

The CEC is responsible for maintaining the centralized voter register. As of 15 April, the total number of registered voters was 3,565,373. Of these, around 120,000 registered voters who left Georgia in 2008 or 2009 and do not return by 14 May 2010, will be marked in the voters' lists as being abroad. Such voters will have to show a passport with an entry stamp in order to vote.

As of 15 April, there were 11,281 voters who were de-registered from the civil register at the request of the owners of the premises where they were registered, based on the owners' statements that these individuals did not in fact reside at these premises. These persons have been removed from the voters' list of the precinct where they were last registered; however, they have not been informed about their removal. On 2 May, the CEC decided that these voters would be able to vote for the proportional segment of the *sakrebulo* elections (and in Tbilisi, for Tbilisi mayor) if they register with the DEC of their last address of registration by 14 May.

Following the 2009 amendments, voters who changed their registered place of residence since 15 January 2010 will not be allowed to vote in their new place of residence. The Civil Registration Agency (CRA) informed the OSCE/ODIHR EOM that around 9,000 persons will be affected and they will only be able to vote at their old registered place of residence.

Notably, the voter register contains 47,793 entries of voters who for various reasons have incomplete addresses. Of these, 29,775 are registered in Tbilisi. The identification documents of most of such voters only state the name of the municipality, and they can therefore not be included in a voters' list of a specific precinct. The CEC will organize separate polling stations in which these voters will be able to vote; however, only for the proportional element of the *sakrebulo* elections (and in Tbilisi also for the Tbilisi mayor).

As of 9 April, some 6,930 voters remained provisionally listed in the voter register for the districts of Upper Abkhazia (Abkhazia), Liakhvi and Akhgori (South Ossetia) where local elections will not take place. These voters will therefore not be able to vote. This is because they are still not registered as Internally Displaced Persons (IDPs), who in line with the UEC vote in regular polling stations at the address of their registration, or they have remained in these areas after the 2008 conflict.

The 2009 amendments to the UEC allowed for state-funded checks of the voters' lists by political parties. By 10 April, 14 political parties submitted their findings, on the basis of which the CEC made some 80,000 corrections to the voters' lists. The CEC has characterized this exercise as generally helpful and effective. Voters and parties can now check the voters' lists in PECs and DEC's, and can request changes until 14 May. In urban locations, the CEC has printed voters' lists sorted by addresses, in addition to the legally required lists sorted by surnames.

VII. CANDIDATE REGISTRATION

Political parties must register with the CEC in order to be able to run in municipal elections. A total of 36 parties applied to the CEC by the deadline of 3 April. Of these, 16 parties, which did not participate in the last parliamentary elections, had to submit supporting signatures of at least 30,000 registered voters by 10 April. The CEC verified the signature lists in the presence of party representatives. When errors were found, parties were given two days to correct the lists and then one more check was made. Six parties failed to submit signatures by the deadline, and four were denied registration due to errors found in the lists.

In total, 26 parties were registered by the CEC in what was described to the OSCE/ODIHR EOM as an inclusive and transparent process. Two parties, which were initially registered by the CEC, the Movement for a United Georgia and Georgian Troupe, subsequently announced their withdrawal. Ten parties that were registered by the CEC formed three electoral blocs.² Each of the registered parties and blocs had the right to submit candidate lists to the DEC's up to 30 April. In Tbilisi, the proportional party lists and candidacies for the mayoral election were submitted to the CEC. The CEC informed the OSCE/ODIHR EOM that throughout Georgia, a total of 13 parties and 3 blocs submitted candidate lists. Fourteen proportional lists were submitted for the Tbilisi *sakrebulo* elections. A total of 4,519 majoritarian candidacies were submitted. Nine candidates were registered for the election of Tbilisi mayor.

² The Christian-Democratic Movement (CDM), the largest of the opposition parties that took up seats in the parliament following the 2008 elections, is standing in a bloc with two other parties. Two blocs were formed by extra-parliamentary parties. The Alliance for Georgia comprises four parties, including Our Georgia – Free Democrats, whose leader Irakli Alasania, a former ambassador to the United Nations, is the bloc's candidate for the Tbilisi mayor. Georgia's former prime minister Zurab Nogaideli is a leading figure in the three-party National Council bloc, whose Tbilisi mayoral candidate is the leader of the Conservative Party, Zviad Dzidziguri.

VIII. CAMPAIGN ENVIRONMENT

The political environment remains polarized. Trust in the authorities on the part of extra-parliamentary parties is low. However, several opposition parties have, in their contacts with the OSCE/ODIHR EOM, expressed cautious satisfaction with the CEC chairperson for his perceived openness and transparency. While many opposition parties welcomed the provision of state funding for the review of voters' lists, many still express concerns about their accuracy. Some opposition parties also allege violations including the use of administrative resources for campaign purposes, campaigning by public officials, and intimidation of their activists and candidates. Under the auspices of NDI, domestic NGOs prepared a memorandum on the use of administrative resources, clarifying provisions of the UEC, which was already signed by the UNM and is expected to be signed by other political parties and blocs taking part in these elections. A parliamentary inter-faction group provides a forum for election contestants to address contentious issues in these elections.

Campaigning has been picking up steadily. Many opposition parties have so far been focused mainly on the race for the Tbilisi mayor. The UNM and the CDM have been campaigning more actively than others outside the capital. Many parties remained critical of the 30 per cent requirement in the Tbilisi mayoral election, which, given the opposition's fragmentation, they claimed favors the UNM candidate, the incumbent mayor of Tbilisi Giorgi Ugulava. Attempts by opposition parties to nominate a joint candidate for that position failed.

A number of parties opted not to register for these elections, citing an alleged lack of conditions for a fair race. These include the Labour Party, which won 7.4 per cent of the vote in the proportional part of the 2008 parliamentary elections, as well as the Democratic Movement – United Georgia of former parliamentary speaker Nino Burjanadze, who left the UNM in 2008.

IX. THE MEDIA

While Georgia has a diverse media environment, the media is divided along political line. Only a few outlets succeed in pursuing a more independent editorial policy. International and domestic media organizations have accused government officials and opposition politicians of influencing editorial and programming policies through personal connections with media executives and owners. The print media offers a wide range of views and some publications openly criticize the government, but their circulation and potential influence are considerably lower than those of television, which is by far the most important source of political information.

The nationwide Georgian Public Broadcaster consists of three television and two radio channels. Privately owned Rustavi 2 and Imedi TV, both of which broadcast nationwide, are the most popular and influential channels in Georgia. Both channels are widely perceived as supporting the government. Two smaller channels, Kavkazia and Maestro, are regarded as pro-opposition; they broadcast mainly in Tbilisi and its surroundings.

In February 2010, the GPB launched its Second Channel, which is providing live coverage of sessions of parliament, meetings and rallies, thus providing opposition politicians with permanent access to the airwaves. The geographic coverage of this channel, however, is considerably lower than that of the first channel. In December 2009, the parliament amended the Law on Broadcasting, which now stipulates that annual funding of the GPB should be at least 0.12 per cent of the country's GDP. The new system is aimed at improving GPB's difficult financial situation and, if implemented properly, should make it financially and politically more independent of the government.

The UEC contains articles regulating media conduct during an election campaign, which *inter alia* provide for the allocation of free and paid airtime to election contestants. The Code distinguishes between “qualified” and “unqualified” subjects; requirements pertaining to the creation of equal conditions in debates and free airtime refer to “qualified” subjects.³ The GPB has allocated 60 seconds per hour to “qualified” subjects for free-of-charge spots and intends to allocate the same amount of time to “unqualified” subjects.

The GPB as well as national and regional private broadcasters have been airing regular talk shows and debates among candidates and political parties, providing candidates with an important forum for an exchange of views. The GPB has scheduled a debate among the five candidates for the Tbilisi mayor nominated by “qualified” subjects for 8 May. A number of political parties have complained to the OSCE/ODIHR EOM about very high costs of paid political advertising on television, which limits their possibilities to campaign in the media. For example, Rustavi 2 charges approximately ten times as much as for non-political, commercial advertisements. Consequently, contestants have intensively utilized airtime for free-of-charge spots. Thus far, only three contestants have bought airtime – Giorgi Ugulava (on Rustavi 2 and Imedi), Irakli Alasania (on Kavkazia) and the Justice for Georgia party (Maestro and Kavkazia).

On 18 April, the OSCE/ODIHR commenced its quantitative and qualitative monitoring of the campaign coverage, including eight television channels⁴ and two newspapers.⁵

X. COMPLAINTS AND APPEALS

The UEC provides for the resolution of election disputes by the election administration, as well as by courts. Decisions of election commissions can be appealed to higher-level election commissions. CEC decisions can only be appealed to the Tbilisi city court. Decisions of DEC and the CEC as second instance can be appealed to the competent city court; the city court decision can be further appealed to the court of appeals. The constitutional court has the competence to decide on disputes on the constitutionality of elections.

Individual voters only have the right to file complaints to request inclusion in the voters’ list or changes to their record or those of immediate family members. In a positive development, the 2009 amendments extended the deadlines for filing appeals with election commissions and for the adjudication of appeals by courts from one to two days. However, the deadline for the consideration of appeals at DEC and the CEC is only one day, which is too short for an effective review and redress. The procedures adopted by the CEC for the review of complaints allow for the correction of technical errors in complaints filed with a PEC on election day; however, no clearly defined timeframe for such corrections is stated. Instead, the regulation provides only for “reasonable” time.

Thus far, the CEC has reviewed two complaints and one appeal. On 28 April, the Georgian Young Lawyers’ Association (GYLA) submitted a complaint to the CEC, alleging that the mayor of Tbilisi had violated the provisions on the use of administrative resources. The CEC will consider this case on 13 May. Three complaints against CEC decisions were filed with the Tbilisi city court, all of which were dismissed. Two of them pertained to denying registration to Georgia Greens and Mamuli political parties. The third appeal was filed by the Conservative Party and challenged the CEC ordinance that provides for video cameras only in polling stations in Tbilisi,

³ “Qualified” subjects are political parties or blocs that are represented by a faction in the parliament or received at least four per cent of the proportional vote in the last parliamentary elections or three per cent nationwide in the last municipal elections. “Unqualified” subjects must demonstrate public support through opinion poll results in order to enjoy free airtime/space.

⁴ The GPB’s First and Second Channels, Rustavi 2, Imedi TV, Kavkazia TV, TV Maestro, Real TV and TV Adjara.

⁵ *Rezonansi* and *24 Saati*.

Kutaisi and Batumi. The Conservative Party argued that transparency was not safeguarded in all polling stations. The court ruled that the CEC adopted the ordinance within the limits of its discretionary powers and that cameras are not the only measure that guarantees the transparency of elections. Three city court decisions were appealed to the Tbilisi court of appeals; in all three cases the city court decision was upheld.

XI. PARTICIPATION OF WOMEN

While the Constitution guarantees the equality of all citizens, it does not contain any specific provisions on ensuring gender equality. The most significant law concerning equality between men and women is the Law on Gender Equality, which entered into force on 12 April 2010. A civil society initiative to introduce legal mechanisms to encourage greater participation of women was discussed by the parliament in 2008 but did not result in introduction of any special measures.

The participation of women in decision-making bodies is low. The share of women in parliament is currently 6.5 per cent, down from 10.5 per cent in 2006. Only one of 18 government ministers is a woman. In the 2006 municipal elections, 177 of the 1,590 *sakrebulo* members were women (11 per cent). There are currently no female mayors; two *sakrebulos* are chaired by women.

XII. PARTICIPATION OF NATIONAL MINORITIES

National minorities enjoy full political rights under the Constitution. According to the 2002 census (which did not include South Ossetia and Abkhazia), national minorities make up 16.2 per cent of the population. The most significant minority groups are Azeris (6.5 per cent) and Armenians (5.7 per cent), concentrated in southern regions bordering Azerbaijan and Armenia. Other minority groups include Russians, Ossetians, Greeks, Chechens, Jews, Abkhazians and Kurds. A Roma population exists, but is not officially recognized as a minority and its numbers are unclear. The CEC plans to provide election materials in Georgian as well as in Armenian and Azeri languages in regions where these minorities form a significant part of the population.

XIII. DOMESTIC AND INTERNATIONAL OBSERVERS

The UEC provides for domestic and international observation. All observers have the right to observe the entire election period. As of 1 May, the CEC had accredited 16 domestic and four international observer organizations. The International Society for Fair Elections and Democracy (ISFED), new Generation – new Initiative (nGnI) and GYLA are the principal domestic observer organizations carrying out long-term observation. ISFED plans to deploy some 1,100 observers on election day; GYLA and nGnI intend to observe election day in Tbilisi and other major cities.

XIV. OSCE/ODIHR EOM ACTIVITIES

The OSCE/ODIHR EOM opened in Tbilisi on 16 April 2010. The Head of Mission has met the chairperson of the CEC, the speaker of parliament, the deputy ministers of foreign affairs and of justice, leaders of political parties, the president of the constitutional court, representatives of civil society, ambassadors of OSCE participating States, including Kazakhstan as the representative of the OSCE Chairperson-in-Office, and representatives of international organizations. The OSCE/ODIHR EOM also met representatives of governmental institutions and has established regular contacts with the CEC, political parties, civil society, and the media.