



Office for Democratic Institutions and Human Rights

GEORGIA

MUNICIPAL ELECTIONS 30 May 2010

OSCE/ODIHR Election Observation Mission Report



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OSCE/ODIHR Election Observation Mission Final Report

I. EXECUTIVE SUMMARY

The Ministry of Foreign Affairs of Georgia invited the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) to observe the 30 May 2010 municipal elections. Based on the recommendation of a Needs Assessment Mission, the OSCE/ODIHR deployed an Election Observation Mission (EOM). The OSCE/ODIHR EOM assessed compliance of the election process with OSCE commitments and other international standards for democratic elections, as well as with domestic legislation. For election day, the OSCE/ODIHR EOM joined efforts with a delegation of the Congress of Local and Regional Authorities of the Council of Europe to form an International Election Observation Mission (IEOM).

The municipal elections marked evident progress towards meeting OSCE commitments and other international standards for democratic elections. However, significant shortcomings remained including deficiencies in the legal framework, its implementation, an uneven playing field, and isolated cases of election-day fraud. The authorities and the election administration made clear efforts to pro-actively address problems. Nevertheless, the low level of public confidence, noted in previous elections, persisted. Further efforts in resolutely tackling recurring misconduct are required in order to consolidate the progress and enhance public trust before the next national elections.

The Unified Election Code was substantially amended in December 2009, addressing some previous recommendations made by the OSCE/ODIHR. However, a number of substantive shortcomings remain. These include limitations on candidacy and voting rights and an election system which does not guarantee the equality of the vote. Provisions which allow unlimited campaigning by certain public officials and the use of administrative resources for campaign purposes do not guarantee a level playing field for all contestants. Furthermore, the UEC contains a number of gaps, inconsistencies and contradictions.

The election administration managed these elections in a professional, transparent and inclusive manner. The new chairperson of the Central Election Commission (CEC) made an effort to reach consensus among its members, including those nominated by opposition political parties, on all issues. Secretaries of Precinct Election Commissions (PECs) were for the first time elected by opposition-appointed members, which increased inclusiveness and trust.

Considerable efforts were undertaken to improve the quality of the voters' lists. In the run-up to elections, parties received state funding to audit the lists, and voters were given sufficient time and information to check their entries. In an attempt to address opposition parties' concerns about possible malpractices related to voters' lists, some restrictions were placed on the rights of certain categories of citizens to vote in municipal elections. Voting by military and police personnel serving away from their place of residence caused many controversies.

The registration of candidates and political parties was inclusive. The large field of candidates provided voters with a genuine choice. However, the number of competitors was limited in some single-mandate constituencies, and 4.5 per cent of majoritarian candidates withdrew after

they had been registered. Several proportional lists were deregistered after the number of candidates dropped below the minimum number required for registration.

The campaign took place in a mostly calm atmosphere, and contestants were able to campaign and assemble freely throughout the country. There was a strong focus on the race for Tbilisi mayor who was directly elected for the first time. Most contestants carried out issue-based campaigning. Many contenders professed a lack of confidence in the election process. The OSCE/ODIHR EOM received allegations of violations from opposition parties and non-governmental organizations, including pressure on opposition candidates to withdraw. While these allegations could not always be substantiated, OSCE/ODIHR EOM assessed several of them as credible. The governmental Inter-Agency Task Force for Free and Fair Elections sought to address such concerns.

The distinction between the state and the ruling party was sometimes blurred, and there was not always a clear distinction between the official and party functions of public officials. The effectiveness of campaign finance monitoring by the CEC remained limited. This was due to an unclear mandate given to the designated oversight group and because, where parties contributed to their own campaign funds, the original donors remained undisclosed, which reduced the transparency of campaign financing.

The media environment is diverse but divided along political lines, and many outlets are perceived as being strongly influenced by their owners. Media ownership is non-transparent. The media broadcast a variety of election-related programs during the campaign, including debates, which allowed voters to make a more informed choice. The Georgian Public Broadcaster provided an overall balanced picture of the campaign in its news. The campaign coverage in the news of all other monitored television channels, by contrast, lacked balance, with some supporting the government and others the opposition. Most monitored broadcasters provided extensive and favourable coverage of the activities of the authorities, indirectly benefiting candidates with a pro-government orientation. Contestants made extensive use of free airtime provided by public and private broadcasters. The very high rates for paid advertisement on the main television channels limited contestants' possibilities to campaign in the media.

Legal provisions on the resolution of election disputes are at times ambiguous and would benefit from further clarification. There was frequently a lack of understanding of procedural provisions regulating complaints and appeals, both among complainants and election commissions. Lack of clarity on procedures and competences left much discretion to election commissions with regard to the review of complaints and has the potential to result in an unequal treatment of complainants. The deadline for the consideration of appeals by election commissions was too short for an effective review and redress. Decisions of District Election Commissions (DEC) were not always provided to complainants in writing immediately upon their adoption and seldom included legal reasoning, which effectively deprived complainants of their right to seek timely legal redress.

Women were under-represented in leadership position in the election administration as well as candidates, and consequently as elected members of local councils (*sakrebulo*). However, they were well-represented in lower-level election commissions. Many parties put forward candidates belonging to national minorities. Election materials were made available in minority languages, but not in all areas inhabited by minorities, and often after DEC and PEC were trained.

Election day was generally calm, and the process was well-managed and transparent in the large majority of polling stations visited by IEOM observers. Voting was assessed positively in 96 per cent of polling stations visited. However, regional variations which were also observed in previous elections point to systemic problems in some areas. Despite their overall positive assessment, IEOM observers reported instances of tension and a variety of procedural violations, some of them serious. These included 13 instances of likely ballot box stuffing, as well as cases of multiple voting, proxy voting, and series of seemingly identical signatures of voters on voters' lists. The most widely observed procedural violations related to inking, an important safeguard against multiple voting. Domestic observers and party proxies were present in the large majority of polling stations visited. Unauthorized persons were present in 6 per cent of polling stations visited, and in 11 cases, they were seen interfering in or directing the process.

The vote count was assessed more negatively, with one in five counts assessed as bad or very bad. Significant procedural errors and omissions were reported from one quarter of counts observed. A considerable number of PECs did not perform basic reconciliation procedures before counting the ballots. One in four PECs had problems completing the results protocols, and in one third of polling stations observed, copies of the results protocols were not posted for public scrutiny.

The tabulation of results at DEC level was assessed negatively in 11 of the 43 DEC where the process was observed. Significant procedural errors were noted in nine DEC, including cases where PEC protocols were completed at the DEC, or where they were corrected without a formal DEC decision. Frequently, election material was not properly sealed when it arrived at the DEC. Figures on the PEC results protocols often did not reconcile. Some of the problems observed during tabulation appear to be due to the fact that the CEC did not issue any formal instruction to DEC on how to perform this crucial part of the election process. IEOM observers reported some instances where they or other observers could not familiarize themselves with all aspects of the tabulation process. In DEC 41 (Ninotsminda), IEOM observers had to be withdrawn after their interpreter was intimidated by a DEC member.

The CEC started releasing preliminary election results at around 02:00 hours on 31 May. The CEC posted scans of all PEC results protocols online but did not include complete information from the protocols in tabulated form. Election results were invalidated in seven polling stations due to serious violations of voting procedures. Final election results were adopted by DEC and the CEC within legal deadlines.

II. INTRODUCTION AND ACKNOWLEDGMENTS

The Ministry of Foreign Affairs of Georgia invited the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) to observe the 30 May 2010 municipal elections. Based on the recommendation of a Needs Assessment Mission conducted in Tbilisi on 17–19 February,¹ the OSCE/ODIHR deployed an Election Observation Mission (EOM) on 16 April 2010. The OSCE/ODIHR EOM was headed by Ambassador Audrey Glover and consisted of 14 experts and 24 long-term observers from 22 OSCE participating States, who were based in Tbilisi and ten regional centers.

For election day, the OSCE/ODIHR EOM joined efforts with a delegation of the Congress of Local and Regional Authorities of the Council of Europe to form an International Election

¹ The full report can be found at www.osce.org/documents/odih/2010/03/42977_en.pdf.

Observation Mission (IEOM). Overall, 203 short-term observers were deployed on election day. The IEOM observed the opening of 60 polling stations out of a total of 3,694, voting in 815 polling stations, counting in 89 polling stations, and tabulation in 43 out of 73 District Election Commissions (DECs).

The OSCE/ODIHR EOM assessed compliance of the election process with OSCE commitments and other standards for democratic elections, as well as domestic legislation. This final report follows a Statement of Preliminary Findings and Conclusions which was released at a press conference on 31 May 2010.²

The OSCE/ODIHR EOM thanks the Ministry of Foreign Affairs, the Central Election Commission, as well as other national and local state institutions, election authorities, candidates, political parties, civil society organizations, embassies of OSCE participating States and international organizations for their co-operation.

III. POLITICAL CONTEXT

On 30 March 2010, president Mikheil Saakashvili called municipal elections for 30 May. Voters elected members of 63 councils of local self-government units (municipalities and self-governing cities), the Tbilisi city *sakrebulo*, and the mayor of Tbilisi, who was directly elected for the first time. Parliamentary by-elections were also 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 remained highly polarized. Protesting against alleged violations in those elections, many opposition parties have since boycotted the work of parliament. The armed conflict in August 2008 further aggravated political tensions. In April 2009 and in the following months, large-scale demonstrations were held in Tbilisi, with demands including constitutional and electoral reform, freedom of the media, independence of the judiciary, and the release of alleged political prisoners.

Following an initiative by the speaker of parliament, 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 the adoption of significant amendments to the Unified Election Code (UEC) in December 2009. While some parties boycotting the parliament participated in this process together with the parties in parliament, most of them did not sign the final agreement. Controversy arose in particular over the threshold for electing the mayor of Tbilisi in the first round. Many opposition parties sought a higher threshold than the adopted 30 per cent requirement.

IV. LEGAL FRAMEWORK AND ELECTION SYSTEM

The legislation regulating the 2010 municipal elections consisted primarily of the Constitution of Georgia (adopted in 1995, last amended in 2010) and the UEC (adopted in 2001, last amended in 2010). The Constitution does not contain detailed provisions on local self-government and instead makes reference to the Law on Local Self-Government. Other applicable laws include the Law on Political Parties, the Law on the Capital of Georgia,

² The Statement of Preliminary Findings and Conclusions is available at www.osce.org/item/44179.html.

relevant provisions of the Criminal Code and the Code of Administrative Procedures, and legal acts (resolutions and ordinances) of the election administration.

The UEC has undergone numerous amendments since its adoption. Significant modifications were introduced in December 2009, addressing some previous recommendations by the OSCE/ODIHR. Changes were made to the procedure for nominating and electing the chairperson of the CEC, and the direct election of the mayor of Tbilisi was introduced. The March 2010 amendments modified the candidacy requirements: a candidate no longer needs to be registered in the territory of the local government unit where s/he is contesting the elections, and the minimum period during which a candidate must have resided in Georgia was set to five years.

Despite some recent improvements, the UEC continues to contain a number of serious shortcomings.³ In contradiction with paragraph 7.5 of the OSCE Copenhagen Document, it does not allow independent candidates to contest elections. The provisions which allow unlimited campaigning by a broad category of political officials⁴ and the use of administrative resources for campaign purposes do not guarantee a level playing field for all contestants. In addition, both the Constitution and the UEC deny suffrage rights to persons serving a prison sentence, irrespective of the crime committed and the length of the imposed sentence.⁵ Furthermore, a number of gaps, inconsistencies and contradictions remain in the UEC.

Members of *sakrebulo*s are elected for a four-year term under a mixed proportional-majoritarian system. The seats allocated under the proportional system are distributed to parties and electoral blocs, which have passed a 5 per cent threshold in respective constituencies (4 per cent in Tbilisi). Mandates in single-mandate constituencies are awarded to the candidate who received the highest number 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 in order 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.

Only for the city of Tbilisi does the UEC require that the number of voters be taken into account when drawing the boundaries of single-mandate constituencies. For other *sakrebulo*s, the delineation of single-mandate constituencies should take “territorial and administrative peculiarities” into consideration.⁶ Across the country, the number of registered voters per single-mandate constituency varied considerably within one and the same local-government

³ For a comprehensive review of the latest legal amendments to the UEC, see the OSCE/ODIHR – Venice Commission Joint Opinion at www.osce.org/documents/odihr/2010/06/44758_en.pdf.

⁴ As defined by Article 3 of the UEC, the following categories of officials are allowed to campaign even when carrying out official duties: the president, members of the parliament, government, supreme councils of Adjara and Abkhazia, heads of governments of Adjara and Abkhazia, as well as deputy ministers, members of *sakrebulo*s and heads of executive bodies.

⁵ The European Court of Human Rights has held that a blanket restriction on the voting rights of prisoners “irrespective of the length of their sentence and irrespective of the nature or gravity of their offence and their individual circumstances” was a violation of Article 3 of Protocol 1 of the European Convention on Human Rights. See *Hirst v. United Kingdom* (No. 2), Application no. 74025/01, 6 October 2005 and *Frodl v. Austria*, Application no. 20201/04, 8 April 2010.

⁶ Article 112 par. 3 of the UEC.

unit, at times by more than 1,000 per cent.⁷ Even in Tbilisi, there were deviations of up to 30 per cent. Such large deviations undermine the principle of the equality of the vote.⁸

V. ELECTION ADMINISTRATION

The elections were administered by a three-tiered structure consisting of the CEC, 73 DEC, and 3,694 Precinct Election Commissions (PECs). The latter included 73 special polling stations,⁹ which were established for members of the military and the police (for personnel serving away from their place of residence), as well as in prisons for guards and pre-trial detention centers. One of the 73 special polling stations was created in a hospital. Overall, election commissions administered these elections in a professional manner.

A. THE CENTRAL ELECTION COMMISSION

The CEC is a permanent body whose members serve a term of five years. In response to long-standing demands by the opposition, the procedure for appointing the CEC chairperson was altered by the December 2009 amendments. The chairperson is now elected by the representatives of opposition political parties in the CEC from among three candidates proposed by the president following consultations with non-governmental organizations. In the event that none of the proposed candidates receives the majority of votes, the chairperson is elected by the parliament. The current CEC chairperson was elected by parliament in January 2010, as none of the proposed candidates received the majority of votes of the opposition-appointed CEC members. Seven CEC members are appointed by political parties that qualify for state funding; these parties have the right to nominate members in lower-level commissions regardless of whether they are running in an election or not.¹⁰ The remaining five CEC members are nominated by the president and elected by the parliament.

The CEC generally worked in a transparent and inclusive manner, holding regular sessions in a collegial atmosphere. Observers and party proxies were invited to all CEC sessions. However, session agendas were established only shortly prior to the start of each session, and the draft materials were not available for all observers. The minutes of sessions were published on the CEC website a few days after each session. The CEC chairperson tried to reach consensus among CEC members on all issues. Other CEC members performed various managerial and administrative tasks.

⁷ For instance, in the municipality of Kvareli the number of registered voters per single-mandate constituency ranged from 665 to 8,204, in the municipality of Lagodekhi from 470 to 5,680, in the municipality of Baghdati from 311 to 4,299, and in the municipality of Kobuleti from 553 to 14,222.

⁸ In line with paragraph 7.3 of the 1990 OSCE Copenhagen Document, participating States undertake to guarantee universal and equal suffrage to adult citizens. Paragraph 2.2 of the Code of Good Practice in Electoral Matters of the Council of Europe's European Commission for Democracy through Law (Venice Commission) recommends that the admissible departure from the norm "should seldom exceed 10% and never 15%, except in really exceptional circumstances".

⁹ Special polling stations may be created up to 15 days before election day, if there are more than 50 voters in any military or police unit, pre-trial detention centers, hospital or other types of clinics (Article 16.3 of the UEC).

¹⁰ In total, there are currently 14 parties that qualify for state funding. These are the parties that won at least 3 per cent in last local elections or 4 per cent in the last parliamentary elections. The following parties were entitled to appoint commission members for these elections: United National Movement, Christian Democratic Movement, Republican Party, Industry Will Save Georgia, 'We Ourselves', Conservative Party and Labour Party. The Labour Party appointed members to the election administration but did not run in these elections.

The CEC launched a wide variety of voter information initiatives, including go-and-vote campaign spots, information on how to check a personal entry on the voters' list, and on voters' rights. The Georgian-language version of the CEC website was regularly updated. The CEC training center, which was formed following the December 2009 amendments, organized training sessions for DEC and PECs. While the trainings were assessed overall positively by OSCE/ODIHR EOM observers, election day revealed problems related to the understanding of counting procedures and the completion of results protocols, which highlights the need for further training.

In accordance with the UEC and a CEC ordinance, polling stations in Tbilisi, Kutaisi and Batumi were equipped with video surveillance cameras.¹¹ The CEC did not provide sound reasoning for the selection of these locations for the installation of cameras. Some NGOs argued that the use of cameras only in a limited number of locations did not serve as an optimum safeguard against possible violations across the country.

B. DISTRICT ELECTION COMMISSIONS (DECs)

Each DEC had 13 members. Five of them are 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, one by the CEC and seven by the political parties that qualify for state funding. Political parties have the right to recall DEC members and appoint new ones at any stage of the election process. The managerial positions on the DEC (chairperson, deputy chairperson and secretary) are filled from among the five permanent members. The leadership of most DEC had previous election-related experience.

In the pre-election period, DEC generally appeared well prepared, transparent and co-operative, with a few exceptions.¹² DEC held frequent sessions, and all members were duly informed about such sessions. However, some interlocutors reported to the OSCE/ODIHR EOM that they were not always notified about the sessions during which complaints that they had lodged were to be heard.

C. PRECINCT ELECTION COMMISSIONS (PECs)

PECs are composed of 13 members who are appointed before each election and whose term of office expires upon the approval of the summary protocol of the respective DEC. Six PEC members are elected by the majority of members of the relevant DEC, while the seven remaining PEC members are appointed by political parties financed from the state budget. PECs were established within the deadline of 26 April, with few minor exceptions.¹³ The majority of PEC chairpersons were elected from among the six DEC-appointed members.

In line with recent UEC amendments, PEC secretaries were elected by the opposition-nominated PEC members.¹⁴ Most interlocutors assessed this change positively in terms of the transparency and inclusiveness of the work of PECs. However, the CEC chairperson stated that

¹¹ Article 49.6e of the UEC stipulates that these cameras may be installed "in order to ensure prevention of and response to violations in the election process".

¹² The DEC chairpersons in Khashuri and Gori were assessed by the OSCE/ODIHR observers as unco-operative, the DEC in Tsalka was assessed as very disorganized, and the DEC in Terjola and Chiatura did not appear to be well prepared with regards to the tabulation of results.

¹³ For instance, the PECs in Kazbegi were not formed on time due to extreme weather conditions.

¹⁴ Countrywide, PEC secretaries were members appointed by the following political parties: We Ourselves – 33 per cent, Industrialists – 26.4 per cent, Christian Democratic Movement – 21.6 per cent, Republican Party – 10.7 per cent, Conservative Party – 6.1 per cent, Labour Party – 0,5 per cent, non-partisan – 1.7 per cent. One PEC secretary was a UNM appointee.

the performance of PECs was affected by this new provision, in particular with regards to the implementation of counting procedures and the compilation of PEC summary protocols.

A number of election stakeholders argued that some parties that were entitled to appoint PEC members did not have sufficient resources to appoint their representatives to all PECs. Party-appointed PEC members were frequently replaced. Parties explained that such changes were due to their inability to find suitable candidates. Extensive replacements of PEC members, including of secretaries, occurred in many cases after PEC trainings have already been conducted, thus reducing their value.

VI. VOTER REGISTRATION

According to the UEC, the CEC is responsible for the maintenance of the centralized voter register. The voter register is an electronic database of voters' records which is updated at least four times a year on the basis of information provided by the Civil Registry Agency (CRA) of the Ministry of Justice and other state institutions.¹⁵ According to different stakeholders, the efforts that were undertaken to harmonize the voter register database with the civil register managed by the CRA resulted in an improved and easier process of updating the voter register; nonetheless, some inconsistencies remain, including differences in how addresses are recorded in the two databases.

In the months preceding the municipal elections, considerable efforts were made to audit and improve the quality of voters' lists. As part of 2009 amendments to the UEC, political parties were granted an opportunity to check voters' lists. Such checks were carried out between 5 February and 10 April 2010. As a result, a significant amount of corrections were made and most interlocutors characterized this verification process as beneficial to the overall quality of voters' lists. However, some interlocutors stated that more time to perform the verification would have been useful. The total number of registered voters was 3,544,770.

As part of recent amendments to the UEC, some restrictions were placed on the rights of certain categories of citizens to vote in municipal elections, in order to address opposition parties' concerns of possible electoral malpractices. Under a transitional provision in the UEC,¹⁶ 13,153 voters who had changed their place of residence since 15 January 2010 were not allowed to vote in their new place of residence; they could only vote at their old places of residence.

In some cities, the compilation of preliminary voters' lists was negatively affected by some shortcomings in the address system, recent changes to street names and changes of precinct boundaries.

Certain issues pertaining to civil registration of Georgian citizens need to be addressed in order to fully enable all eligible voters to exercise their voting rights. Georgian legislation¹⁷ allows

¹⁵ Among others, the Ministry of Justice and local self-government units provided information on deceased persons, the Ministry of Refugees and Resettlement provided information on registration of internally displaced persons (IDPs), the Ministry of Interior provided information on persons being abroad, and the Ministry of Foreign Affairs provided information on citizens registered in consular departments as residing abroad.

¹⁶ Article 129¹⁵.1 of the UEC.

¹⁷ Law of Georgia on Rules for Registering Citizens of Georgia and Foreigners Residing in Georgia, and Issuing ID Cards (or Residence Permits) and Passports to Georgian Citizens, and Order No. 1398 of the Minister of Justice.

for civil registration without a specific address. For these elections, voters' lists contained 47,793 entries of voters who for various reasons had incomplete addresses, of which 29,775 are in Tbilisi. Since identification documents of such voters in most cases only state the municipality, they can not be assigned to a specific precinct. These voters were able to vote only for the proportional element of the *sakrebulo* elections (and, in Tbilisi, for the Tbilisi mayor), even though they *de facto* live within the boundaries of a specific precinct.

Another noteworthy aspect of civil registration is that the owners of premises have the right to deregister any citizen registered as living in their premises based on a written statement that this person in fact does not reside there. As of 14 May, more than 11,281 voters were deregistered from the civil register at the request of owners of premises where they were registered. After extensive discussions, the CEC decided on 2 May that deregistered voters would be able to vote for the proportional segment of the *sakrebulo* elections (and, in Tbilisi, for the Tbilisi mayor) if they registered by 14 May with the DEC of the district where they were last registered. Ultimately, only 187 such voters registered with DEC's and were included in the final voters' lists. Some interlocutors of the OSCE/ODIHR EOM argued that public information provided by the CEC in this regard was insufficient.

Some interlocutors assessed that more than half a million Georgian voters are living abroad. A number of opposition parties raised concerns that entries of such voters in voter lists could be misused. Citizens who left Georgia before 1 January 2010 and did not return by 14 May were marked in the voters' lists as being abroad. In order to be able to vote, they had to show a passport with an entry stamp. The Ministry of Interior provided the CEC with information on 112,377 citizens, who were known to have left the country; such information has only been collected systematically since 1 January 2008.¹⁸ PECs were instructed by the CEC and DEC's to note in the voters' lists known cases of voters who had left Georgia. However, lack of precise regulations on how to perform this procedure have resulted in inconsistent application by DEC's and PEC's.

The UEC grants citizens in pre-trial detention the right to vote with a proportional ballot (and if in Tbilisi, for the Tbilisi mayor) if the detention centre is in the same local government unit where they are registered as residents. They also receive a majoritarian ballot if the detention centre is located in the same majoritarian constituency. Transparency International Georgia (TI), which observed voting in detention centres, reported that out of all detainees registered across the country,¹⁹ only one person voted, allegedly due to the fact that voters in detention centers did not have ID cards. Of note is that prison guards could vote for all electoral contests, regardless of their place of residence.

Voting by military and police personnel caused much controversy. The UEC is ambiguous in defining the conditions under which these voters can vote for the majoritarian component of municipal elections, if their place of service is away from their residence.²⁰ By the deadline of 30 April, the Ministry of Defence and the Ministry of Interior provided lists of such voters to the DEC's; however, these lists did not indicate which voters were not eligible to vote with a majoritarian ballot. In the run-up to elections, the CEC envisaged that all persons included in

¹⁸ In addition, the Ministry of Foreign Affairs provided information on 12,910 persons registered in consular sections abroad.

¹⁹ According to TI, some 1,171 pre-trial detainees with the right to vote were registered in six detention centres where voting for pre-trial detainees was conducted, either in a specially created polling station, or through a mobile ballot box sent from a regular polling station.

²⁰ The UEC is unclear whether such persons need to have served in a specific location for at least one year before election day, or whether they need to be assigned to that location for at least one year of service in order to receive the majoritarian ballot.

these lists would be able to vote in both the majoritarian and proportional contests (and, in Tbilisi, for the Tbilisi mayor). However, some opposition candidates raised concerns that large numbers of military or police personnel listed to vote in specific majoritarian constituencies, where they actually do not reside, would benefit the ruling party candidates in these constituencies. On 29 May, following an appeal alleging violations in the compilation of special lists of voters by the Ministry of Interior, the Tbilisi city court ruled that some 17,000 servicemen registered by the Ministry of Interior will only be able to vote for the proportional component.²¹

VII. CANDIDATE REGISTRATION

Political parties must register with the CEC to be able to put forward candidates and party lists. Non-parliamentary parties and parties that did not participate in the last parliamentary elections needed, *inter alia*, to collect 30,000 supporting signatures in order to register. Thirty-six parties applied to the CEC for registration within the legal deadline. A total of 26 political parties were at the end registered in an inclusive process,²² of which two later withdrew.²³ Ten parties which were registered by the CEC subsequently formed three electoral blocs.

The Christian-Democratic Movement (CDM), the largest of the opposition parliamentary parties, stood in a bloc with two other parties. Two blocs were formed by extra-parliamentary parties. The Alliance for Georgia (AfG)²⁴ and the National Council (NC)²⁵ Nine candidates were registered for the Tbilisi mayoral election. The incumbent mayor of Tbilisi, Giorgi (Gigi) Ugulava, was the mayoral candidate of the ruling UNM.

In total, 4,078 majoritarian candidates were registered in 1,025 single-mandate constituencies. The UNM put forward the highest number of candidates throughout the country. Overall, as many as 4.5 per cent of majoritarian candidates withdrew after they had been registered.²⁶ In some majoritarian constituencies, the competition was limited, with few candidates running. In several majoritarian constituencies, UNM candidates stood unopposed.²⁷

A total of 419 proportional party lists were registered. Several proportional lists were de-registered due to the fact that after the withdrawal of one or more candidates, the number of remaining candidates dropped below ten, the minimum number required to register a list.²⁸ The UEC does not give details about the validity of lists after they have been registered by DEC. The CEC attempted to pass a resolution stipulating that lists remain registered even if the number of candidates drops below the minimum required for registration of lists; however, the majority of the CEC voted against this resolution.

²¹ The court reasoned that since neither the UEC nor the Law on the Police define the terms “dislocation place”, “permanent dislocation place” and “permanent location in the appropriate dislocation place”, the CEC was obliged to thoroughly investigate the lists of personnel provided by the Ministry of Interior and the DECs, in order to establish who was entitled to vote in the majoritarian component of the elections.

²² Six parties failed to submit supporting signatures within the legal deadline, and four were denied registration due to the number of errors found in the lists.

²³ Movement for a United Georgia and Georgian Troupe.

²⁴ The bloc comprised four parties, including Our Georgia – Free Democrats, whose leader Irakli Alasania, a former ambassador to the United Nations, was the bloc’s candidate for Tbilisi mayor.

²⁵ The bloc comprised three parties in which former prime minister Zurab Nogaideli was a leading figure. The bloc’s candidate Tbilisi mayoral race was the leader of the Conservative Party, Zviad Dzidziguri.

²⁶ In Ambrolauri district, as many as 11 out of 63 registered majoritarian candidates withdrew, and in Dusheti district, 14 out of 71.

²⁷ For example, in Tsalka (Kvemo Kartli region), in six out of 30 single-mandate constituencies, only one candidate was registered from the UNM.

²⁸ Except for the Tbilisi *sakrebulo*, where the minimum number is 50.

On 5 and 8 May, the DEC in Kvareli and Lentekhi issued ordinances to deregister the candidate lists of the NC for the proportional component of the *sakrebulo* elections due to the fact that the numbers of candidates on these lists dropped below the required minimum following the withdrawal of some candidates. In Kvareli, the deregistered NC list was included on the ballot paper on election day, reportedly by mistake. The DEC instructed the PECs to invalidate all ballots cast in favor of this list.²⁹

VIII. THE ELECTION CAMPAIGN

The campaign took place in a mostly calm atmosphere. All contestants were able to campaign and assemble freely throughout the country. Campaign activity was limited outside the main cities, but picked up in the last fortnight before the elections. There was a strong focus on the race for mayor of Tbilisi. The main campaign activity was local meetings with the electorate, often involving local candidates as well as leading party figures.

Most contenders carried out issue-based campaigning. Employment was a major campaign theme for several parties and blocs. The UNM stressed improved welfare provision and infrastructure. Mr. Ugulava campaigned especially actively. He took part in series of media-covered events in which he tried his hand at various professions, such as baking bread at a bakery, filling cars at a petrol station, etc. Official openings of major infrastructure projects, with participation of Mr. Saakashvili and sometimes Mr. Ugulava, coincided with the final stages of the campaign. These included an opening of a major new road and a road tunnel in Tbilisi. Among opposition contenders, the AfG bloc focused on social programs, including pensions and help to families. The CDM focused on lower utility prices. By contrast, the NC bloc had a significant focus on alleged violations of the electoral process. Outside Tbilisi, the UNM, the CDM, the NC and the Democratic Party were generally more active than others.

Isolated incidents included clashes with the police during demonstrations on 6 May organized by some opposition parties. There were several controversies over the placement of campaign posters. During a dispute over the placement of UNM posters on 6 May, Mr. Dzidziguri of the NC fired shots in the air. The AfG submitted two complaints to the CEC about the defacing of their posters in Tbilisi, and the placement of UNM posters over them. The CEC chairperson established that there was a violation with regard to the first complaint, but did not investigate the second one. According to OSCE/ODIHR observers, large numbers of CDM posters in Kutaisi were torn down or covered with UNM posters. One NC candidate was fined for removing UNM posters in Ozurgeti.

The Georgian electoral legislation does not include any general silence period or any prohibition against election-day campaigning in the vicinity of polling stations. Campaigning on election day, inside and outside polling stations, was reported by OSCE/ODIHR EOM observers in around 1 and 4 per cent of observations, respectively.

Many contenders professed a lack of confidence in the electoral process. The OSCE/ODIHR EOM received allegations of violations from some opposition parties and NGOs. These included pressure on opposition candidates to withdraw. Such allegations could not always be substantiated and in some cases proved to be false. However, in several cases OSCE/ODIHR

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In two out of 30 polling stations in Kvareli district, the PEC results protocols included votes cast for the NC. The protocols were subsequently corrected with correction protocols, and the votes cast for the NC list were invalidated.

LTOs assessed them as credible. For instance, in Samtskhe-Javakheti region, an NC candidate, a doctor, was told by her supervisor that if she did not withdraw, she would be dismissed following the elections. In Imereti region, an AfG candidate was dismissed as a village tractor driver due to his opposition activities.

The Inter-Agency Task Force for Free and Fair Elections (IATF), comprising representatives of various ministries and government agencies, sought to address such concerns. The IATF investigated a serious case of pressure by officials in Mestia (Samegrelo-Zemo Svaneti region) on candidates from the Freedom party to withdraw. Following the incident, the regional governor, who was accused of involvement, went on leave from his duties. The IATF informed the OSCE/ODIHR EOM that the prosecutor had begun an investigation of the case. An AfG candidate in Racha-Lechkhumi and Kvemo Svaneti region, who had been warned by a UNM supporter to withdraw, was contacted and reassured by an IATF representative. An IATF offer of dialogue with opposition parties not participating in the parliament was taken up by the AfG. A parliamentary inter-factional group provided a forum for governing and opposition parties in the parliament to address contentious issues.

Some opposition parties asserted that a pervasive climate of pressure exists, such that state employees and their family members are reluctant to associate with the opposition, for fear of losing their jobs, a fear in part related to the high prevalence of intimidation and pressure in past elections. The OSCE/ODIHR EOM received allegations from numerous sources that businesses were reluctant to make donations to some opposition parties for fear of negative repercussions. This is of concern in light of the disparity between the campaign funds available to different parties. The IATF informed the OSCE/ODIHR EOM that the taxation authorities had been asked to exercise solid professional judgment in order to avoid any perception that tax inspections were politically motivated and were meant to put pressure on businesses.

Some activities contributed to a public perception of a lack of distinction between the state and the governing party, as well as between official and party functions of public officials. According to the UEC, public officials are permitted to campaign outside of their normal duties. Many, including the regional governors of Imereti, Kakheti and Guria, as well as staff of the Tbilisi mayor's office, took leave in order to campaign for the UNM. The OSCE/ODIHR EOM received allegations that in several places municipal offices were left understaffed during the month prior to the elections because of mass leave-taking. In Gurjaani (Kakheti region), municipal officials on leave carried out official duties, including helping people with social assistance applications, at the UNM office. A public campaign by the Tbilisi mayor's office with the slogan "I love Tbilisi", which was launched before these elections were called, was subsequently carried over into the UNM's campaign in the capital.

There was controversy over the "Korpus" project, under which local government co-financed the renovation of apartment blocks together with residents. Apartment block heads, paid from local government budgets, were allegedly mobilized for the UNM campaign, including canvassing in their blocks, as well as telephoning identified UNM supporters to vote on election day. Opposition parties and some NGOs claimed that apartment block heads sometimes told residents that the provision of funds for the renovations depended on the level of support for the UNM. It was also alleged that there was co-ordination between the UNM and local authorities, in part through the apartment block heads, to identify local infrastructure projects that could be carried out in the pre-election period, so as to benefit the UNM campaign. The OSCE/ODIHR EOM found compelling evidence of this in Kutaisi.

In the beginning of the campaign, domestic NGOs prepared a memorandum on the use of administrative resources, clarifying provisions in the UEC, which 14 political parties signed.

The prime minister, Nika Gilauri, warned public officials to stay in line with the UEC, and not to abuse administrative resources.

From the date of the announcement of elections, implementation of projects not previously foreseen in government budgets is prohibited by law. Some opposition parties and NGOs claimed that, while this provision was generally observed, local-government spending was often concentrated in the pre-election period, giving an advantage to the ruling party. Examination of municipal budgets by the OSCE/ODIHR EOM confirmed that this was indeed often the case. In Signaghi (Kakheti region), 90 per cent of the 2010 budget for cultural events was spent during April. In 2009, there was no such increase at that time of year. In Telavi (Kakheti region), social assistance spending for April equalled the total for the previous three months.

In line with the UEC, the CEC established a financial monitoring group. It was tasked with monitoring the financial statements, which electoral subjects should supply to the CEC during the election period and after. These include reports which the winning electoral subjects are obliged to submit within eight days of election day and complete financial reports that all contestants in elections need to file no later than one month after the publication of the election results. However, the group's effectiveness was limited by the lack of clarity about its mandate and the limited instruments at its disposal. According to group members, they were not authorized to check the accuracy of financial statements provided by electoral subjects. The group did not have access to the source documents, i.e. electoral subjects' accounting records, which supported the supplied financial statements. Rather, they relied on audits that, according to the UEC, should be carried out by auditors based in Georgia. A member of the financial monitoring group expressed doubts as to whether the required audits are carried out in line with international auditing standards.

In addition, some concerns were expressed with the fact that when parties contributed to their own campaign funds, in such cases original donors were not disclosed in campaign finance statements parties submitted.³⁰ In case of the UNM, in particular, a significant proportion of donations to its campaign fund came from the party itself. While political parties are obliged to submit detailed and audited reports on their complete accounts, including donations received, by the 1 February of each year, there is a lack of transparency at the time of an election with regard to the sources of funds that parties put into a campaign as this information is disclosed only several months after an election.

The five electoral subjects that won seats in the elections submitted their financial statements within the eight-day legal deadline. The usefulness of some of these statements was reduced as electoral subjects only provided financial information on campaign-related payments that were already made, while expenses that were incurred but not yet paid for were not included. According to these statements, the UNM spent around 14 million GEL (approx. 5.8 million Euro), the CDM 660,000 GEL (approx. 276,000 Euro), the NC 260,000 GEL (approx. 108,000 Euro), Industry will Save Georgia 210,000 GEL (87,000 Euro), and the AfG 140,000 GEL (approx. 58,000 Euro).

³⁰ The UEC limits individual contributions to campaign funds of political parties or electoral blocs to 30,000 Georgian Lari (GEL; approx. 12,550 Euro), and contributions by legal entities to 100,000 GEL (approx. 41,840 Euro). Contributions to majoritarian candidates in *sakrebulo* elections are limited to 10,000 GEL (approx. 4,180 Euro) and 30,000 GEL (approx. 12,550 Euro), respectively.

IX. THE MEDIA

A. GENERAL MEDIA ENVIRONMENT

Georgia has a diverse media environment, with media divided along political lines. Many outlets remain strongly influenced by their owners, and only a few of them succeed in pursuing a more independent editorial policy. The lack of transparency regarding media ownership is problematic, especially due to allegations that some state officials are indirectly linked with some national and local broadcasters. The print media offer a wide range of views and political positions and some newspapers 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 (GPB) consists of three television and two radio channels.³¹ Privately owned Rustavi 2 and Imedi TV, both of which broadcast nationwide, are the most popular and influential TV channels in Georgia. Both channels are widely perceived as supporting the government. Two smaller channels, Kavkazia and Maestro, are regarded as pro-opposition; they cover mainly Tbilisi and its surroundings.³²

B. LEGAL FRAMEWORK FOR THE MEDIA

The constitution guarantees freedom of speech and of the press as well as prohibits censorship. Other media-related legislation includes the Law on Broadcasting, the Code of Conduct for Broadcasters, the Law on Freedom of Expression, as well as the Freedom of Information Chapter of the General Administrative Code. An amendment to the Law on Broadcasting passed in December 2009 sets the annual state funding provided to the GPB to not less than 0.12 per cent of the country's GDP. This system is aimed at improving GPB's difficult financial situation and has the potential to make it both financially and politically more independent of the government.

The UEC contains provisions governing media conduct during an election campaign, *inter alia* providing for the allocation of free and paid airtime to election contestants. The law distinguishes between 'qualified'³³ and 'unqualified' subjects; the latter must demonstrate public support through opinion poll results in order to enjoy free airtime or space. The GPB allocated 60 seconds per hour for free-of-charge spots to 'qualified' subjects and 90 seconds per three hours to 'unqualified' subjects.

The cost of paid political advertising on television was very high.³⁴ The main channels charged approximately ten times higher rates than for commercial advertisements. A number of political parties complained to the OSCE/ODIHR EOM that this limited their possibilities to campaign in the media. Only Mr. Ugulava was able to place paid spots on Rustavi 2 and Imedi TV, which

³¹ In the beginning of 2010, the GPB launched its Second Channel to provide live coverage of sessions of the parliament, meetings and rallies, thus enabling opposition politicians to have permanent access to the airwaves. The geographical coverage of this channel, however, is considerably lower than that of GPB's First Channel.

³² On 27 May 2010, Maestro TV also started broadcasting via satellite, thus increasing its potential viewership.

³³ "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.

³⁴ Rustavi 2 charged between 10,200 and 25,100 Euro for one minute of paid advertisement, depending on the specific time segment.

were shown throughout the campaign period.³⁵ Consequently, contestants actively utilized airtime for free-of-charge spots on both public and private broadcasters.

Article 73^{1.11} of the UEC obliges the CEC to conduct media monitoring in order to control equal allocation of free airtime, as well as the implementation of other provisions on media coverage. Results of the CEC media monitoring were presented in two reports published during the campaign and one report after election day. The methodology chosen and the interpretation of the results of quantitative and qualitative analysis have resulted in a positive assessment of the campaign coverage and did not identify any substantial imbalances in the news coverage.

In March 2009, the Georgian National Communication Commission (GNCC), the key regulatory body for the broadcast media, issued a Code of Conduct for Broadcasters setting out principles, rules and guidelines for the broadcasters when preparing news and other programs. While the GNCC is authorized to apply sanctions if public or private broadcasters contravene the legislation or the Council's decisions,³⁶ the GNCC informed the OSCE/ODIHR EOM that broadcasters are free to decide themselves how to react to violations of the Code of Conduct by their staff and that these decisions may not be subject to legal or administrative sanctions.³⁷

Article 54 of 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. In addition, Article 24.3 of the Code of Conduct for Broadcasters calls for "thorough and balanced coverage of campaign activities of qualified subjects".

C. OSCE/ODIHR EOM MEDIA MONITORING³⁸

Over the course of the campaign, public and private broadcasters aired various election-related programs and talk shows. The GPB broadcast two debates, one among the five candidates for Tbilisi mayor nominated by 'qualified' subjects, and the other among the four candidates nominated by 'unqualified' subjects.³⁹ Such broadcasts gave voters an opportunity to compare candidates and parties and enabled them to make a more informed choice.

GPB's First Channel offered its viewers a balanced picture of the campaign in its news. By contrast, the campaign coverage in news programs of all other monitored television channels lacked balance, with some supporting the government and others the opposition. Most monitored television channels devoted extensive and favorable coverage to the activities of the authorities, outside the campaign context, thus indirectly benefiting candidates with a pro-government orientation. There was a notable tendency to cover the activities of state officials positively, often pointing out achievements and successes. Media coverage of appearances of the Tbilisi mayor, president, government ministers and local government representatives at ceremonial events, such as openings of new bus lines, sport facilities, or a shopping center, or in activities such as the renovation of elevators in Tbilisi, often in the presence of UNM

³⁵ In the last week of the campaign, Mr. Topadze from Industry Will Save Georgia, the Christian-Democratic Union, the Public Democrats and the Democratic Party of Georgia also placed paid spots on at least one of the two main television channels.

³⁶ Articles 71–74 of the Law on Broadcasting.

³⁷ Article 59^{1.2} of the Law on Broadcasting. According to Article 14 of the Law on Broadcasting, each broadcaster shall establish a self-regulatory mechanism to deal with violations of provisions of the Code and to ensure timely and competent reaction to complaints.

³⁸ The OSCE/ODIHR EOM monitored the following television channels: GPB's First and Second Channels, Rustavi 2, Imedi TV, Kavkazia TV, TV Maestro, Real TV and TV Adjara.

³⁹ The GPB deserves credit for having organized a debate among 'unqualified' subjects despite the fact that the law obliges it to do so only for 'qualified' subjects.

candidates, indirectly benefited the UNM campaign.⁴⁰ Critical and independent opinions on the performance of the authorities, as well as more comprehensive analysis of contestants' platforms were generally absent from the news programs of main broadcast media.⁴¹

During the last six weeks of the election campaign, the First Channel of GPB devoted 14 per cent of its political and election news to the UNM and 15 per cent to the AfG. The qualitative analysis indicated that UNM received slightly more positive coverage than AfG. The CDM-led Christian-Democratic Union (CDU) received 14 per cent and the NC 13 per cent of mainly neutral coverage. The amount of coverage dedicated to authorities was not significant, with the president having received 7 per cent, government 7 per cent and local authorities 4 per cent of coverage. GPB's Second Channel provided permanent access to all political parties and covered their campaign activities.

The two by far most popular national television channels, Rustavi 2 and Imedi TV, demonstrated their support for the ruling party and its Tbilisi mayoral candidate.⁴² Rustavi 2 devoted 59 per cent of its political and election news coverage to activities of the authorities and the ruling party, including the president (22 per cent), the government (14 per cent), local government (6 per cent) and the UNM (17 per cent). This coverage was overwhelmingly positive in tone. By comparison, the AfG and CDM received 11 and 10 per cent of the coverage, respectively, which was mainly positive in tone. Imedi TV, Adjara TV and the local Tbilisi station Real TV adopted a similar approach. Real TV also produced programs discrediting opposition candidates. Local Tbilisi stations Kavkazia TV and TV Maestro, by contrast, served as a platform for the opposition, in particular the AfG. Both channels also criticized the UNM and the authorities.

Mr. Dzidziguri complained to the CEC about unequal news coverage by Imedi and Rustavi 2, requesting the CEC to fine both companies and to oblige them to provide balanced news coverage of election subjects. The CEC reviewed the complaint but postponed its decision until after election day. On 27 May, referring to this case, the CEC chairperson called on all television channels "to observe the principle of equal distribution of airtime among contestants." On 10 June, the CEC dismissed Mr. Dzidziguri's complaint as groundless. The CEC maintained that the legal obligation for equal coverage of contestants under the UEC refers only to election debates and free and paid advertising, but not to news, and that there was thus no violation of equal coverage of election subjects. The CEC also stated that it had no authority to oblige broadcasters to cover activities of election subjects in their news. On 2 June, a local NGO complained to the CEC about Imedi TV and Rustavi 2 which, according to the complainant, failed to disclose some information required by law when publishing results of exit polls. The CEC drew up a protocol on an administrative violation, based on which the Tbilisi city court imposed a fine of 1,500 GEL on each of the two broadcasters.

⁴⁰ This is not in line with Article 24.9 of the Code of Conduct for Broadcasters which stipulates that during election periods, broadcasters should draw a clear line between the fulfillment of public and party functions, in order to ensure impartial and balanced reporting. Broadcasters should exercise particular care in reporting activities of public officials and differentiate strictly between their official functions and their private/party/election-related activities.

⁴¹ Article 24.5 of the Code of Conduct for Broadcasters stipulates that during elections campaigns, broadcasters should cover political party platforms of qualified election subjects and not limit their coverage to accounts of ongoing events or statements by political parties or their candidates.

⁴² This is not in line with Article 16.2 of the Code of Conduct for Broadcasters, which stipulates that broadcasters shall not express their support for any political party, social or religious association or other interest groups.

The print media monitored by the OSCE/ODIHR EOM presented a plurality of views, with *24 saati* newspaper showing its support to the governing authorities and *Rezonansi* newspaper criticizing the UNM and demonstrating support to the AfG.⁴³

X. PARTICIPATION OF WOMEN

The Georgian constitution guarantees equal rights for men and women. The UEC, the Law on Political Parties and the Law on Self-Government make only general references to gender issues. In March 2010, the Law on Gender Equality was adopted by the parliament. While it is the first gender-related law in Georgia and thus constitutes a significant step, it does not include specific measures to enhance the participation of women in politics. Under the Law, a parliamentary gender equality council is to present annually a report on gender equality issues to the parliament. The council was also tasked to draft a Plan of Action for Improving Women's Conditions in Georgia by July 2010. An initiative by a group of NGOs, which demanded that a gender quota be included in the Law on Gender Equality, was not taken into account.

Only 10.9 per cent of candidates nominated in single-mandate constituencies were women, as were 18.2 per cent of the candidates on proportional lists. Thirty-five female candidates withdrew their candidacy before election day, all belonging to opposition parties. Ultimately, only 169 women were elected, out of a total of 1,695 *sakrebulo* members (10 per cent), less than the 11 per cent of female councillors elected in the previous municipal elections. In the Tbilisi *sakrebulo*, women account for 14 per cent of elected council members.

There was a marked disparity between the numbers of women elected on proportional and majoritarian ballots, indicating that women may find it more difficult to be nominated and elected as majoritarian candidates. In Tbilisi, six female candidates were elected from proportional lists, and only one in a single-mandate constituency. Outside Tbilisi, the share of women elected from proportional lists was 14 per cent, while women accounted for only 7.2 per cent of candidates elected in single-mandate constituencies. Out of 73 women elected in single-mandate constituencies, only five had been nominated by opposition parties.

Women are also under-represented in the higher levels of the election administration. There is only one woman among 13 CEC members. In DECs, women accounted for 52 per cent of the overall membership, but according to information provided by the CEC, they only held 20 per cent of the chairperson and 23 per cent of the deputy chairperson positions. In polling stations visited by IEOM observers on election day, women accounted for 67 per cent of PEC members and held 52 per cent of the chairperson positions.

While they are generally under-represented in politics, a number of women are involved in the activities of political parties and NGOs. Two parties participating in these elections were headed by women: Georgia's Way of former foreign minister Salome Zurbishvili, and the Christian-Democratic People's Party of Magdalena Katrikadze. Inga Grigolia headed the CDU's proportional list for the Tbilisi *sakrebulo* elections. The Democratic Movement – United Georgia, led by the former speaker of parliament Nino Burjanadze, did not participate in these elections.

⁴³ The OSCE/ODIHR EOM monitored *24 saati* and *Rezonansi* from 19 April to 24 May.

XI. PARTICIPATION OF NATIONAL MINORITIES

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 Kvemo Kartli and Samtskhe-Javakheti, respectively, as well as some Azeris in Kakheti. Other minority groups include Russians, Ossetians, Greeks, Chechens, Jews, Abkhazians and Kurds. National minorities enjoy full political rights under the Constitution. However, Georgia lacks a comprehensive national legal framework for the protection of minority rights. Concerns were raised by civil society organizations that some Roma do not have ID cards, were not registered, and could not vote.

Various election-related materials were made available in minority languages. Nevertheless, OSCE/ODIHR EOM observers found that the efficiency of the PECs, and at times of DEC, was undermined by language difficulties in some places. In Kakheti, minority-language materials were lacking. In Samtskhe-Javakheti, training manuals in Armenian did not always arrive in time to be used during PEC training. National minorities were under-represented in DEC. In Samtskhe-Javakheti, where Armenians comprise some 55 per cent of the population, only 28 per cent of DEC members (and 40 per cent of DEC chairpersons) were from national minorities. In Kvemo Kartli (45 per cent Azeri and 6 per cent Armenian), only one DEC member, a Greek, was from a national minority.

Several parties nominated national-minority candidates. In Kvemo Kartli and Samtskhe-Javakheti, the UNM, the CDM, the NC and the Democratic Party put forward national-minority candidates for the majoritarian elections roughly in proportion to their share of the population, although on the proportional lists national-minority candidates were in most cases under-represented. According to the CEC, in Kvemo Kartli, Samtskhe-Javakheti and Kakheti regions, 142 out of 587 elected representatives were from national minorities. The UNM had the highest number of candidates from national minorities in regions inhabited by minorities. The UNM campaigned more actively than other parties in these areas, including with printed campaign materials in Azeri and Armenian. Nevertheless, in general, the low level of knowledge of Georgian language among Azeris and Armenians resulted in low awareness and low participation in the campaign.

XII. DOMESTIC OBSERVERS

The UEC provides for domestic and international observation of the entire election process. However, unlike international observer organizations, domestic organizations must specify in advance which district and polling station each individual observer will observe in on election day. For these elections, the CEC registered 36 domestic observer organizations and 28 international organizations, including eight embassies. According to the CEC, more than 13,000 domestic and international observers were accredited for these elections.

The principal domestic organizations that conducted long-term observation of these elections were the International Society for Fair Elections and Democracy (ISFED), new Generation – new Initiative (nGnI) and the Georgian Young Lawyers' Association (GYLA). ISFED carried out election-day observation in all 73 districts, deploying around 1,100 short-term observers. nGnI covered 1,300 polling stations in several major cities and carried out a parallel vote tabulation exercise in Tbilisi, Batumi and Kutaisi. GYLA observed election-day proceedings in 200 polling stations, lodging 41 complaints with PECs and 13 complaints with DECs regarding election-day violations. Among other prominent civil society organizations involved in the

observation of these elections was TI Georgia, which focused on campaign financing and the use of administrative resources, as well as the Public Movement Multinational Georgia, which carried out observation primarily in areas inhabited by national minorities.

Each political party participating in an election has the right to appoint its proxies to any polling station and DEC and to replace them at any time, including on election day. Candidates could also be registered as party proxies. IEOM observers noted that UNM proxies were present in a large majority of polling stations visited on election day, whereas other parties were less represented by proxies.

While the large number of domestic and international observers enhanced the overall transparency of the electoral process, IEOM observers reported cases of interference in the voting, counting and tabulation procedures by some domestic observers and by UNM proxies. GYLA, ISFED and the Human Rights Center, for their part, reported cases of intimidation of and pressure on domestic observers by members of the election administration, and also cases where PECs denied domestic observers the right to file complaints on election day. Several such cases were also reported by IEOM observers.

XIII. PRE-ELECTION COMPLAINTS AND APPEALS

The provisions on the resolution of election disputes are complex and at times ambiguous. The UEC provides for the resolution of election disputes both by the election administration and by courts. Decisions of election commissions can be appealed to higher-level election commissions.⁴⁴ CEC decisions can only be appealed to the Tbilisi city court. Decisions of DEC's and of the CEC as the second instance can be appealed to the competent city/district court, the decisions of which can be further challenged in one of the two courts of appeal based in Tbilisi and Kutaisi. The constitutional court adjudicates 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.

The UEC does not establish a deadline for either filing or the review of complaints. Initially, complaints filed with the CEC were reviewed approximately two weeks after their submission. In the course of the campaign, the CEC made an effort to review complaints in a timely manner; nevertheless, it failed to adjudicate all complaints that were brought before it during the pre-election period prior to election day. The timeframe for the submission of appeals and for the judicial review was extended by the 2009 UEC amendments from one to two calendar days. However, the deadline for the consideration of appeals by election commissions remains one day, which is too short for an effective review and redress.

The UEC stipulates that complaints regarding violations of election legislation can be filed with competent election commission; it does not, however, explicitly state the jurisdiction of various election commissions. There was an apparent lack of understanding of provisions regulating election disputes among commissions and complainants alike. More than half of the appeals that were filed at the CEC were submitted after prescribed deadlines. Complaints and appeals were frequently filed to non-competent bodies. Many complaints pertaining to violations that happened in the regions were submitted to the CEC, rather than DEC's in districts where alleged violations occurred. This hampered investigations and resulted in inconsistent practices, as on some occasions the CEC forwarded complaints to the DEC's, while it reviewed some such complaints itself.

⁴⁴ The UEC establishes a different procedure for election-day complaints, which is discussed in Section XVI below.

The vast majority of complaints were filed by domestic observers, and only a few by opposition parties. There was an apparent lack of skills in preparing and presenting substantiated complaints. Most complaints alleged misuse of administrative resources, vote buying, campaigning by persons who are barred from campaigning, and destruction or defacing of posters. Most of these complaints were dismissed as unsubstantiated or lacking legal basis. The CEC did not always have the means or the will to properly investigate complaints. In one case, the CEC endorsed an interpretation that appeared to contradict the intent of legal provisions which bar certain persons from campaigning. The CEC decided that these persons can take part in campaign events, provided they do not actively call on voters to vote for or against a contestant.

DECs did not always forward complaints and appeals to the CEC in cases where they lacked the competence to review them, although the General Administrative Code requires them to do so.⁴⁵ DECs did not always issue decisions in writing immediately upon their adoption; instead, they informed complainants verbally during the sessions and issued written decisions only later. DEC decisions only seldom included legal reasoning. Such practices deprived complainants of their right to seek effective legal redress, in particular since the deadlines for appeals are calculated from the moment of the adoption of a decision and not from the moment of notification.

Despite numerous allegations of pressure exerted on opposition candidates to withdraw from the elections, only two such cases were brought to the prosecutor's office before election day.⁴⁶ A complaint alleging forgery of the minutes of the meeting of a PEC during which the chairperson was elected was also filed with the general prosecutor's office.⁴⁷ Criminal charges for interference in elections in one case of pressure and for election fraud in the case of forgery were brought several months after the elections.

XIV. ELECTION DAY

Election day was generally calm, and the process was well-managed and transparent in the large majority of polling stations visited by IEOM observers. However, IEOM observers reported instances of tension and a variety of procedural violations, some of them serious.

A. OPENING AND VOTING

Opening procedures were assessed positively in the large majority of 60 polling stations where opening was observed. However, IEOM observers noted some procedural shortcomings, in particular failure to enter the number of voters on the voters' list and of ballots received into protocols (six and eight instances, respectively). In four polling stations, the ballot boxes were not properly sealed, three PECs did not record serial numbers of ballot box seals in the PEC Record Book, and two PECs did not insert control sheets in ballot boxes. Some of these problems were observed in minority areas of Samtskhe-Javakheti and appeared to be due to PECs being unable to understand the Georgian-language protocols.

⁴⁵ Article 80 of the General Administrative Code states that "if the resolution of a matter set forth in the complaint falls within the jurisdiction of another administrative agency, an administrative agency shall refer the complaint and all attached documents to the competent administrative agency within five days".

⁴⁶ In Lanchkhuti and Mestia districts.

⁴⁷ PEC 9 in DEC 62 (Chokhatauri district).

IEOM observers assessed the voting process as good or very good in 96 per cent of polling stations visited. Polling stations in rural areas were assessed more negatively than those in urban areas. Some regional variations were noted, with 10 per cent of negative assessments in Kakheti, Samtskhe-Javakheti and Shida Kartli. This assessment corresponds to assessments during previous elections and points to systemic problems in these areas. PECs' performance, as well as PECs' and voters' understanding of procedures, were assessed positively in the majority of polling stations visited, as was the transparency of the voting process.

The most widely observed procedural violations concerned inking, an important safeguard against multiple voting. In 9 per cent of polling stations visited, not all voters were checked for traces of invisible ink, and in 7 per cent, not all voters were marked with ink. In four polling stations visited, voters who had already been inked were nonetheless allowed to vote.

Other noted violations included ballot boxes which were not properly sealed (6 per cent), series of seemingly identical voters' signatures on the voters' list (6 per cent), group voting (7 per cent), multiple voting (1 per cent), proxy voting (1 per cent), and the same person "assisting" numerous voters (2 per cent). In 13 polling stations, IEOM observers saw indications which strongly suggested that ballot box stuffing had occurred. Some polling stations were not readily accessible to persons with reduced mobility. In 2 per cent of polling stations visited, voters were given ballots even though they did not present a proper ID. In 6 per cent of polling stations visited, not all voters marked their ballots in secrecy.

IEOM observers noted tension inside 3 per cent of polling stations visited during voting hours, as well as outside 1 per cent of polling stations. They also reported eight instances in which voters were intimidated. Many observers noted the presence of party activists recording which voters came to a polling station or saying they were conducting exit polls; most of those who could be identified did so on behalf of the UNM. Proxies of political parties and electoral blocs were present in 96 per cent of polling stations visited, and domestic civic observers, in 81 per cent. IEOM observers reported cases where proxies and observers had difficulties stating which party or NGO they represented. Unauthorized persons, including security personnel, were present in 6 per cent of polling stations visited and were seen interfering in or directing the process in 11 instances.

In 2 per cent of polling stations visited, IEOM observers did not have a clear view of the process, and in 3 per cent, they were restricted in their observations. In 8 per cent of polling stations visited, domestic observers or proxies informed IEOM observers of problems, and in 5 per cent, official complaints had been filed.

B. COUNTING

IEOM observers followed the vote count in 89 polling stations. They assessed the count more negatively than voting, with one in five counts observed assessed as bad or very bad. Significant procedural errors and omissions were reported from over one quarter of counts observed. While there was no regional variation in the assessment of the vote count, the assessment was considerably more negative in rural than in urban areas.

A considerable number of PECs did not perform basic reconciliation procedures required by law, such as counting and entering into the protocols the number of voters' signatures on the voters' lists or of unused and spoiled ballots. In many counts observed, voters' choices were not announced aloud, and in the majority of counts, ballots were not shown to everybody present as provided by law. In almost one half of counts observed, the PEC did not vote on the validity of contested ballots, and ballot validity was not always determined in a reasonable and

consistent manner. IEOM observers reported that frequently non-PEC members participated in the count. They also reported three cases of falsification of voters' list entries, results or protocols.

One in four PECs had problems completing the results protocols. Nine PECs revised data they had entered into the protocols earlier; in one case, this was done without the completion of the required correction protocol. IEOM observers reported eight cases where the result protocols were pre-signed. In over one third of counts observed, the PEC did not post copies of result protocols for public scrutiny at the polling station premises, as required by law, and in almost one half, they did not transmit the results protocols to the CEC immediately upon completion.

XV. TABULATION AND ANNOUNCEMENT OF RESULTS

During election night and the following day, OSCE/ODIHR observers continuously observed the tabulation process in 43 out of 73 DEC in all regions of Georgia, including all 10 DEC in Tbilisi. In 11 out of 43 DEC where the process was observed, it was assessed negatively.⁴⁸ The CEC did not issue any formal detailed instructions to DEC regarding the receipt of PEC result protocols and the tabulation of results. As a result, practice varied among DEC.

Significant procedural errors and omissions were noted in nine DEC. In 17 DEC, cases were observed where PECs were completing result protocols at the DEC premises. In six DEC, the PEC chairpersons were correcting protocols without a formal DEC decision. In five DEC, there were unauthorized persons present during the tabulation procedures. In the majority of DEC where the process was observed, some PECs had not properly sealed election materials before arriving at the DEC. In Samgori (DEC 6) and Kutaisi (DEC 59), observers noted that most of sensitive election materials brought by PECs had not been sealed. In some cases, PECs came to the DEC with unsigned summary protocols.

Figures in the result protocols could not always be reconciled, as noted in 26 DEC observed by OSCE/ODIHR observers. The CEC chairperson attributed this to the lack of experience on the part of opposition party-appointed PEC secretaries. Official complaints were filed in ten DEC where tabulation was observed. In the vast majority of DEC observed, observers were able to familiarize themselves with all procedures. However, the transparency of the process in some DEC was sometimes reduced. In eight DEC, not all observers had a full view of the process, and in six DEC, OSCE/ODIHR observers were restricted in their observation. In Isani (DEC 5), in the absence of the DEC chairperson, the deputy chairperson refused to provide the OSCE/ODIHR observers with copies of PEC summary protocols the day after election day. Several DEC informed the observers that they would not tabulate the election results immediately upon receipt but would only do so on or after 31 May. In these DEC, the process was interrupted once the election material had been received from all PECs. Some DEC resumed their work within several hours, but the time at which the DEC would reconvene was not always announced.⁴⁹

The CEC started receiving the PEC result protocols at 23:00 hours on election day, and started posting preliminary results on the CEC website at 02:00 hours on 31 May. The CEC chose to post the scans of all PEC result protocols online. The CEC also electronically tabulated all PEC protocols. However, the CEC chose to provide online, in the tabulated form, only the number

⁴⁸ This included DEC 6, 9 and 10 in Tbilisi, and the DEC in Gardabani, Bolnisi, Ninotsminda, Khoni and Tsalenjikha districts.

⁴⁹ For example, in Kutaisi (DEC 59) and Samgori (DEC 6).

of votes won by each electoral subject, rather than providing the complete information from the protocols.

In eight polling stations, the results were invalidated due to serious violations of voting procedures.⁵⁰ The CEC decided to hold on 12 June repeat elections for the majoritarian seats in four of these polling stations⁵¹ since the results could influence the allocation of the respective majoritarian seats. Elections for the majoritarian seat were also held on 12 June in two other polling stations due to the fact that the majoritarian ballots had not been delivered by the opening of polls on 30 May.⁵²

The final election results for each district were adopted by the DEC within the legal deadline. The final results per district were not published on the CEC website⁵³ but were instead to be published by the DECs in local media. For the elections to the Tbilisi *sakrebulo* and Tbilisi mayor, the CEC published the final results on 15 June, within the legal deadlines, and posted them on the CEC website.

XVI. POST-ELECTION COMPLAINTS AND APPEALS

Complaints on voting procedures can be filed with the respective PEC until the closing of polls. If the PEC does not rectify the violation or does not examine the complaint, the complainant has the right to file it with the respective DEC. Complaints on counting, requests for recount and requests for invalidation can be filed either with PECs, which are obliged to forward such complaints to the DECs within 48 hours from the closing of polls, or DECs within the same deadline. The UEC provides for the possibility of correction of technical errors and resubmission of complaints; it states, however, that the correction should take place within the terms defined by the official of the election commission to which the complaint has been submitted.⁵⁴ Such a provision leaves too much discretion to election officials and is open to abuse.

Approximately 400 election day-related complaints were filed with PECs and DECs. Thirty cases were brought to the CEC, 20 to city/district courts, 6 to the Tbilisi court of appeals, and 1 to the Kutaisi court of appeals. These complaints alleged various irregularities during all stages of the election process, which ranged from late delivery of ballot papers and late opening of polling stations to cases of ballot box stuffing, restriction of observers' rights, absence of the control sheet or lack of signatures on the control sheet of mobile ballot boxes, unsealed ballot boxes, unsigned and unstamped protocols, discrepancies between the number of votes cast in the proportional and majoritarian elections, and errors and omissions in the summary protocols. The use of mobile ballot boxes in particular caused problems, and several of them were invalidated. Criminal charges were brought in three cases related to election fraud and physical assault against a domestic observer.

OSCE/ODIHR EOM observers witnessed occasions where DECs refused to consider complaints on the grounds that they should have been filed with the PEC in question or because

⁵⁰ Sagarejo PECs 46 and 47, Lagodekhi PEC 21, Dmanisi PEC 15, Mtskheta PEC 24, Akhalkalaki PEC 15, Mestia PEC 13 and Batumi PEC 3.

⁵¹ Sagarejo PEC 47, Dmanisi PEC 15, Mtskheta PEC 24 and Mestia PEC 13.

⁵² Tsalka PEC 25 and Oni PEC 15.

⁵³ Under the UEC, the CEC does not have the obligation to publish local election results per district.

⁵⁴ The CEC Resolution 18/2010 on the submission and review of complaints and appeals by the election administration states that the official of the election commission shall set a "reasonable time" for the correction of errors in the complaint.

of technical errors in the drafting of complaints. The review of complaints in the DEC's presented a mixed picture. In certain DEC's, complainants had the opportunity to present their case and arguments, and complaints were duly investigated. Several requests for recounts were granted. In other DEC's, the review process was chaotic, the adversarial process was not respected and no proper investigation took place. DEC's did not always address violations, on the grounds that these violations did not have an impact on the results. The vast majority of DEC ordinances dismissing complaints did not include the factual circumstances and legal reasoning. In this context, the head of the CEC Legal Department stated that since the complainant is acquainted with the case, there is no reason for the factual circumstances to be cited in the DEC ordinance.

DEC's exhibited reluctance to impose disciplinary measures on PEC members, even when violations were proven and complaints were upheld. The CEC chairperson stated that he did not recommend imposing fines as disciplinary measures on commission members, regardless of breaches committed, as he considered that the fines were too high and would discourage election commission members from participating in future elections.

Lack of understanding of procedures and of competences of commissions and courts was even more evident in the post-election period than before election day. Several complaints and appeals were submitted to the CEC instead of competent DEC's and courts. The CEC took an inconsistent approach and examined some of these complaints on their merits, overstepping its competence as it was not the competent body to examine them. In one such case, after the CEC had dismissed the complaint, the plaintiff challenged a CEC ordinance in Tbilisi city court; the court failed to notice the breach of procedures by the CEC and to rectify it, e.g. by annulling the CEC ordinance. In another case, the CEC correctly dismissed an appeal against an ordinance of the Marneuli DEC and amended the part of the DEC ordinance which had wrongly stated that it can be appealed to the CEC, rather than to the Bolnisi city court. The appellant filed an appeal with the Tbilisi city court instead, which did not check whether it had the competence to review the case and examined it on its merits. Domestic observers and opposition parties submitted appeals to the CEC while the same cases were still pending in courts. On two occasions, the cases were brought to the CEC after the court had issued a decision and even though the plaintiffs had chosen not to challenge these cases further to the court of appeals.

Regrettably, the courts did not make full use of the extended deadlines, and in most cases hearings were scheduled within less than 24 hours from the submission of appeals. Given that some of the appeals were quite complex and alleged serious violations in several polling stations, the expedited hearings raised doubts about the due consideration of these cases. Most appeals were dismissed by the courts, even when during the hearings substantial evidence and testimonies on violations were presented.

XVII. RECOMMENDATIONS

The following recommendations are offered for consideration by the authorities, political parties and civil society of Georgia, in further support of their efforts to conduct elections fully in line with OSCE commitments and other standards for democratic elections. These recommendations should be read in conjunction with recommendations offered previously by

the OSCE/ODIHR.⁵⁵ The OSCE/ODIHR stands ready to assist the authorities and the civil society of Georgia in further improving the electoral process.

A. PRIORITY RECOMMENDATIONS

1. A comprehensive review of the Election Code should be carried out with the view to eliminating existing inconsistencies, gaps and ambiguities, many of which stem from frequent, yet sporadic amendments to the Code. One possible option could be to draft a new election code that would take into account the recommendations by the OSCE/ODIHR and the Venice Commission.
2. Boundaries of single-mandate constituencies should be redrawn in order to eliminate existing deviations in the numbers of registered voters across constituencies and to ensure the equality of the vote. The election code could also foresee periodic review of the boundaries to take into account population changes.
3. The blanket restriction of voting rights of prisoners should be reviewed. Forfeiture of political rights should be proportionate to the crime committed. Such criminal offences should be clearly defined in the Criminal Code.
4. Independent candidates should be granted the right to contest municipal elections.
5. Consideration should be given to reviewing some aspects of the civil registration system, such as the possibility to register without providing an address, in order to ensure that voting rights of those entitled to vote are guaranteed. Particularities and shortcomings in the civil registration system should not impact voting rights of citizens.
6. It is recommended to review the UEC so as to include clear and explicit provisions prohibiting any state executive body and civil servants to perform official duties from engaging in the electoral campaign activities of any party/candidate. The Code should further prohibit state executive body, civil servants and elected officials to directly or indirectly using administrative resources, in order to ensure a level playing field for all contestants. If elected officials have to use public resources in the time of campaigning they should reimburse the costs to the State budget through their campaign fund.
7. Instances and allegations of pressure, intimidation or violence against candidates, political activists, businesses, public-sector officials, observers or voters that come to light need to be duly investigated and those responsible held accountable in line with the law.
8. The CEC could formalize and provide written instructions to DEC's on the receipt of PEC protocols and the tabulation of results at district level, in order to avoid inconsistent practices. More detailed guidelines and criteria for annulling PEC protocols, as well as for conducting recounts, should also be developed.
9. The authorities could ensure the voting rights of detainees in pre-trial detention centres, by providing them, in due time, with their ID documents.

⁵⁵ All previous OSCE/ODIHR election observation mission reports on Georgia can be found at www.osce.org/odihr-elections/14464.html.

10. Reasonable deadlines should be established for filing and reviewing complaints on breaches of election legislation. The deadlines should permit complainants to prepare and properly present their cases while ensuring that violations are addressed and remedied in a timely manner. The deadlines for reviewing appeals within the election administration should be extended to ensure effective review. The legislation should prescribe short deadlines for the issuance of written decisions on complaints and the notification of complainants in order to allow for the submission of appeals within the timeframes established by the law.
11. Articles 73 and 73¹ of the UEC could be amended to oblige public and private broadcasters to treat all electoral contestants on equitable terms, not only in special election programs, but also during all other programs, including news broadcasts.⁵⁶

B. OTHER RECOMMENDATIONS

ELECTION ADMINISTRATION

12. To ensure the independence and stability of the election administration, discretionary recall of party-appointed members should be avoided. Recall for disciplinary reasons could be permitted, provided the grounds are clearly and restrictively specified in the law.
13. The UEC should be amended to introduce restrictions as to who can register as a party/election bloc proxy. Specifically, the authorities should consider banning candidates and representatives of local and state authorities from registering as proxies.
14. Should video surveillance cameras continue to be used, consideration should be given to making video footage available to complainants or election stakeholders upon request and to stipulating in the legislation that video materials can serve as evidence during the review of complaints.

VOTER REGISTRATION

15. Detailed instructions could be developed for PECs with regard to the procedure of marking voters in voters lists as being abroad in order to ensure consistency of implementation.
16. The UEC could be amended to clearly state how long military and police personnel are required to serve in a specific location in order to be allowed to vote in their place of dislocation for the majoritarian component of municipal elections.

CANDIDATE REGISTRATION

17. The UEC should explicitly state the conditions under which a proportional list of a party or an election bloc can be de-registered after it has been registered by the relevant election authority.

⁵⁶ See, *inter alia*, Recommendation CM/Rec (2007) 15 by the Committee of Ministers of the Council of Europe on media coverage of election campaigns at www.coe.int/t/e/legal_affairs/legal_cooperation/administrative_law_and_justice/texts_&_documents/Conv_Rec_Res/Rec%282007%297_en.pdf.

18. Consideration should be given to removing the requirement that candidate lists for the Tbilisi *sakrebulo* must contain a minimum of 50 names, as it appears unreasonably high and may prevent parties to present their lists.

ELECTION CAMPAIGN AND CAMPAIGN FINANCING

19. The UEC could prohibit campaigning on election day, in particular inside and in the vicinity of polling stations, in order to provide a day of reflection to voters.
20. The UEC should clearly define the role and responsibilities of the finance monitoring group overseeing the implementation of campaign finance provisions. The monitoring group should be empowered to carry out its own checks of the supporting documentation provided by electoral subjects.
21. In the interest of enhanced transparency, consideration could be given to requiring that during election years parties submit additional reports on the state of their general accounts, including donations received, ahead of an election campaign.

ADJUDICATION OF ELECTION DISPUTES

22. Legal provisions on dispute resolution should be clarified and streamlined so as to eliminate inconsistencies, ambiguities and gaps. The competences of election commissions at all levels should be clearly defined.
23. The CEC could develop clear rules for the review of complaints and appeals at all levels of the election administration. The timeframe for correcting technical errors and the resubmission of complaints to PECs and DECAs should be clearly defined. DECAs should abide by the legal requirement to include factual circumstances and legal reasoning in their decisions on complaints and appeals.
24. Consideration could be given to organizing training for members of election commissions, as well as political parties and domestic observers, on the resolution of complaints and appeals.

MEDIA

25. The GNCC should be more proactive in overseeing the implementation of media-related provisions. Consideration could be given to using the media monitoring carried out by the CEC for the identification of any disbalance or bias in the coverage of election contestants. Prompt corrective action should be taken when necessary.
26. Consideration should be given to amending existing provisions regulating transparency of media ownership, with a view to ensuring public access to the information regarding the involvement of individuals and of legal entities in the ownership structures of the media and on the nature and extent of their involvement.⁵⁷

⁵⁷ See, *inter alia*, Recommendation CM (2007)2 by the Council of Europe Committee of Ministers on media pluralism and diversity of media content at <https://wcd.coe.int/ViewDoc.jsp?id=1089699>.

GENDER

27. The authorities should take active steps to raise public awareness on issues related to gender equality such as equal representation of women and men in elected offices.
28. Political parties should be encouraged to take further steps to increase women's participation in parties' activities and as candidates.
29. Further measures should be taken to improve the representation of women in leadership positions in the election administration.

NATIONAL MINORITIES

30. All election commissions in areas inhabited by national minorities could be provided with election materials, including training materials, in minority languages in order to ensure a smooth and efficient conduct of voting, counting and tabulation.

ELECTION DAY

31. Stricter requirements could be put into place for applications for mobile voting and making it available on written request only.
32. The UEC should clearly state that PEC members, observers and proxies have the right to scrutinize the validity of ballots and the correctness of counting and tabulation procedures.
33. Provisions of the UEC which allow for free movement of observers inside polling stations when such movement is not interfering with the election process should be respected and implemented.
34. Transparency, accountability and confidence would be enhanced if summary protocols at all levels of election administration were approved by a vote of commission members present during the drawing of protocols.
35. In order to further enhance the transparency of election results, the CEC could consider publishing detailed election results, including all information from PEC summary protocols, in an aggregated format.

ANNEX: ELECTION RESULTS

Tbilisi Mayoral Elections

Candidate	Party/Bloc	Percentage of votes received
Irakli Alasania	Alliance for Georgia	19.0%
Giorgi (Gogi) Topadze	Topadze – Industrialists	5.2%
Giorgi (Gigi) Ugulava	United National Movement	55.2 %
Zviad Dzidziguri	National Council	8.3%
Giorgi Chanturia	Giorgi Targamadze, Inga Grigolia – Christian Democratic Movement	10.7%
Others		1.6%

Tbilisi Sakrebulo Elections

Party/Bloc	Percentage of proportional votes received	Number of proportional seats	Number of majoritarian seats	Total number of seats
Alliance for Georgia	18.0%	5	0	5
Topadze – Industrialists	6.2%	1	0	1
United National Movement	52.5%	14	25	39
National Council	8.3%	2	0	2
Giorgi Targamadze, Inga Grigolia – Christian Democratic Movement	12.0%	3	0	3
Others	3.0%	0	0	0

Municipal Elections Countrywide

Party/Bloc	Percentage of proportional votes received	Number of proportional seats	Number of majoritarian seats	Total number of seats
Alliance for Georgia	7.2%	48	5	53
Topadze – Industrialists	2.5%	17	26	43
United National Movement	73.9%	495	958	1453
National Council	5.5%	37	4	41
Giorgi Targamadze, Inga Grigolia – Christian Democratic Movement	10.3%	69	12	81
Others	0.6%	4	13	17

Source: Central Election Commission of Georgia; www.cec.gov.ge

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the 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.

The OSCE/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 130 staff.

The OSCE/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 standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/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.

The OSCE/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 persons, 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**, the OSCE/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. The OSCE/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.

The OSCE/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).