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I. INTRODUCTION

Following an invitation from the Ministry of Foreign Affairs of Georgia on 31 March 2003 to observe the 2 November 2003 parliamentary elections, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) to Georgia from 19 to 24 June. The purpose of the NAM was to assess the conditions and preparations for the elections, and to advise on the level of ODIHR involvement in these elections.

The NAM was preceded by the visit of Ambassador Christian Strohal, ODIHR Director, to Tbilisi on 17 and 18 June. He was accompanied by Nikolai Vulchanov, Acting Head of the Election Section, Maximilian Hennig, Special Adviser to the Director, Nicolas Kaczorowski, Election Adviser, and Jens-Hagen Eschenbaecher, Spokesperson. The discussions focused primarily on the forthcoming parliamentary elections and on the ongoing co-operation between the ODIHR and Georgia. Messrs. Vulchanov and Kaczorowski stayed behind to conduct the NAM.

The ODIHR delegation held meetings in Tbilisi with President Eduard Shevardnadze, Foreign Minister Irakli Menagarishvili, Deputy Speaker of Parliament Vakhtang Kolbaia, other representatives of the authorities, election officials, political parties, media, civil society, and the resident diplomatic community. The NAM also visited the Autonomous Republic of Ajara to meet with Aslan Abashidze, Head of the Autonomous Republic as well as with representatives of political parties, media and civil society. (see Annex for list of meetings)

The OSCE/ODIHR is grateful to the Ministry of Foreign Affairs for the assistance provided before and during the NAM. The NAM also wishes to thank the OSCE Mission to Georgia for its continuing support during the visit.

II. EXECUTIVE SUMMARY

The 2 November parliamentary elections will be the fourth since independence and will take place two years before the expiration of the President’s mandate. These elections are seen as a prelude to the 2005 presidential election, all the more as President Shevardnadze has announced that he will not seek a third term in office. These elections are considered crucial to assess the progress or the lack thereof in the democratic development of Georgia.

Parliamentary factions have so far failed to reach an agreement on the composition of the Central Election Commission (CEC). While the sitting CEC continues to be the
legally mandated institution to conduct the 2 November elections, seven of its members, including the Chairman, resigned following the 3 June public protests related to its unsatisfactory performance in previous elections.

The political deadlock over CEC formation hampers the adoption of a consensual package of technical amendments that appears to remedy some of the concerns arising from the Unified Election Code (UCEC).

The ongoing political dialogue is a positive development in Georgia. If successful, it will ensure that the CEC enjoys a broad consensus and the confidence of election stakeholders. It is, however, urgent that political parties show flexibility in order to lift the current political deadlock. Otherwise, the persisting uncertainty surrounding the CEC may have a negative impact on the preparations for the forthcoming elections. High State officials assured the NAM that the composition of the election administration will be resolved by early July.

Efforts have been made to improve the accuracy of the voter lists. The process is ongoing and it is too early to draw conclusions on the quality of the registers.

The political situation is characterized by high level of distrust and frustration among the electorate. Some interlocutors expressed concern that the difficult economic and social conditions combined with political tension could lead to instability and even violence in the run-up to the elections.

The NAM recommends the deployment of an Election Observation Mission (EOM) towards the end of September to observe the 2 November parliamentary elections. It requests the OSCE participating States to second 18 long-term observers (LTOs) and 250 short-term observers (STOs).

III BACKGROUND AND POLITICAL SIGNIFICANCE OF THE 2 NOVEMBER PARLIAMENTARY ELECTIONS

On 3 May, Presidential Decree No. 519 set the date of the parliamentary elections for 2 November 2003. There will be the fourth parliamentary elections since independence.

A. PREVIOUS ELECTIONS

The last parliamentary elections took place on 31 October and 14 November 1999. The OSCE/ODIHR concluded that “the conduct of this election represented a step towards Georgia’s compliance with OSCE commitments, although the election process failed to fully meet all commitments.” The OSCE/ODIHR also observed the 2000 presidential elections and concluded that “considerable progress is necessary for Georgia to fully meet its commitments as a participating State of the OSCE.”

The OSCE/ODIHR did not observe the 2 June 2002 local elections but deployed three election analysts to support the OSCE Mission to Georgia in conducting a political assessment. The election process was marked by a very low level of public confidence in the election administration. The Central Election Commission (CEC),
in place since 1995, did not enjoy the trust of the public at large. The late receipt of necessary funds and the lack of technical preparedness led to uncertainty. Deficient implementation of certain legal provisions led to suspicions and the perception of possible manipulation. These factors raised political tension in the run-up to election day marked by some violent incidents.

B. POLITICAL CONTEXT

Since 1999, the Georgian political landscape has been characterized by the fragmentation of the Citizen’s Union of Georgia (CUG), the emergence of new political parties, the subsequent collapse of the parliamentary majority, and a low level of party development.

In the run-up to the 2002 local elections, the fragmentation of the CUG accelerated. The disintegration of the parliamentary majority begun in June 2001 when one CUG faction broke away to form the New Rights Party. This split triggered the creation of additional new political parties: the National Movement, chaired by Mikhail Saakashvili (former Minister of Justice), and the United Democrats, headed by Zurab Zhvania (former Speaker of Parliament). These parties created parliamentary factions that drew MPs away from the CUG and triggered the collapse of the parliamentary majority. As a consequence, Parliament is currently sitting without a clear majority, with decisions being taken by loose issue-based coalitions. The lack of a strong parliamentary majority has diminished the ability to take important decisions in a timely manner.

In March, the CUG announced the creation of a political coalition “For a New Georgia”, composed of the Socialist Party, the National Democratic Party, and the Green Party. The bloc is chaired by President Shevardnadze. Political negotiations have also started between some opposition parties to create possible coalitions for the 2 November elections. The pre-election period may see a recomposition of the fragmented political scene.

Georgian political life is also marked by a low level of political party development. Political parties are based on personalities rather than on platforms and ideas. The same can be said regarding campaigning, where voters often vote for the individual rather than for platforms. NAM interlocutors stressed the level of mistrust that exists between parties and between the public and the institutions. They also expressed concerns about the existence, in large numbers, of fake ID cards that may be abused on election day although without providing evidence to this effect. Another generally shared concern is the possibility of vote buying. The EOM will pay a particular attention to these issues.

All interlocutors underlined the difficult social and economic conditions that raised the level of frustration and dissatisfaction among the electorate. Some Georgians have not received their pensions or salaries for months. They fear that the complicated economic situation combined with a tense political situation could lead to instability and even violence.
C. **SIGNIFICANCE OF THESE ELECTIONS**

The parliamentary elections will take place two years before the end of President Shevardnadze’s second term of office. They are viewed by many as a prelude to the 2005 presidential elections. The Georgian constitution allows only two consecutive terms. President Shevardnadze has repeated publicly that he will not seek constitutional amendments to allow him to run for a third term.

The succession of the current President constitutes the political backdrop for the parliamentary elections. To a certain extent, the results of and composition of the next Parliament will define the context in which the presidential election will take place in 2005. Competition for control of Parliament is also expected to be more intensely contested than past elections and no bloc or political faction can be sure of electoral success this year.

Georgia has not experienced a peaceful transition of power since independence. The next two elections will be crucial to assess the progress or the lack thereof in the democratic development and the stability of the country.

IV. **NAM FINDINGS**

A. **ELECTION PREPARATIONS**

1. **Legislative Framework**

The elections to Parliament will be the first national elections held under the Unified Election Code, adopted by Parliament on 2 August 2001, and amended on 25 April 2002. The Code is an improvement over previous legislation and provides an adequate framework for the conduct of democratic elections. The Venice Commission of the Council of Europe concluded that it “can be considered an important step forward in the process of securing democratic standards for representative government in the country under difficult conditions.”

The election legislation incorporated a number of OSCE/ODIHR recommendations, including *inter alia*:

- More detailed provisions on creating equal campaign conditions for election contestants;
- Clarified and extended provisions on domestic non-partisan election observers;
- Provisions on transparent ballot boxes, and envelopes for ballots, thereby lessening the potential for fraud; and
- The right to vote for Internally Displaced Persons (IDPs).

Other strengths of the Code include:

- Open access to election commission meetings, and to election documents;
- Chairperson, Deputy Chairperson and Secretary are elected by the CEC amongst its members;

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• Sequentially numbered ballot papers;
• Reduction of maximum number of voters per polling stations to 2,000 (instead of 3,000 voters); and
• Clear and precise rules for the resolution of election disputes.

However, some provisions remain problematic. For instance, the Unified Election Code maintains a high threshold (7%) for a political party to gain representation in the Parliament. Other issues of concerns are as follows:

• Only a sample of signatures required for candidate registration is checked;
• The possibility of candidate withdrawal just before election day;
• Lack of provision on restricting unauthorized persons in electoral commissions’ premises;
• Lack of provision on immediate posting of protocols at polling and district levels;
• No provisions obliging District Election Commissions (DEC) and CEC to publish a summary table with a breakdown of preliminary and final polling station results.

2. The Technical Amendments

In the last several months, Parliament has tried to introduce amendments to the UEC. Parliamentary factions managed to reach large consensus on a package of technical amendments that seems to address some of the above concerns. These amendments came as results of intense discussions between parliamentary factions. The package includes *inter alia* relevant provisions for improvement of the accuracy of voter registers (see below), abolition of supplementary voter lists, marking of voter’s finger to avoid multiple voting, and the immediate posting of election results in polling station premises. However, Parliament failed to adopt this package before the end of the parliamentary session in June. Some factions refused to vote the amendments before a broad agreement is found on the composition of the election administration, including the CEC.

In April, during an early assessment visit, the OSCE/ODIHR recommended the adoption of transparency and anti-fraud measures that will contribute to enhance the credibility and integrity of the forthcoming elections. The OSCE/ODIHR and the Venice Commission are prepared to review the package of amendments once it is adopted by Parliament.

3. Composition of the Central Election Commission (CEC)

The CEC composition is at the core of the political deadlock in Parliament. The CEC foreseen in the existing UEC, composed of NGO representatives, was never accepted by political parties and was consequently never implemented. Furthermore, in the eyes of political parties and the public at large, the sitting CEC has lost credibility following the conduct of the 1999 parliamentary, 2000 presidential and 2002 local elections, that each failed to meet international standards.

In view of these facts, political parties perceive the CEC replacement as a first step to restore public confidence in elections. Despite repeated attempts, parliamentary
factions have been unable to find a political compromise on its composition. Although all parliamentary factions favor a multiparty election commission they have failed to agree on criteria for political parties to send their representatives to the Commission. The parliamentary session is now over and the issue of the CEC remains unresolved. The negotiations, however, continue. An extraordinary session may be called to finally solve the issue.

On several occasions, Parliament tried, in vain, to dismiss the current CEC and give way to the appointment of a new CEC. On 4 June, the CEC Chairman as well as six members resigned from their post. The remaining 11 members constitute a legal quorum, continue to hold sessions and take decisions. According to the current legislation, the sitting CEC is legally mandated to conduct the elections until a new CEC is appointed.

The political dialogue over this matter is a positive development. Once an agreement is reached, the CEC will enjoy the confidence of all major parties. It is, however, urgent that parties show flexibility in order to lift the current political deadlock. Otherwise, the persisting uncertainty surrounding the CEC may have a negative impact on the preparations for the forthcoming elections.

The above discussions coincided with the call by some opposition parties for a direct involvement of international organizations (OSCE, Council of Europe) in the CEC. On 13 May, part of the opposition (Labor party, New Rights, National Movement and United Democrats) signed a memorandum requesting the OSCE to conduct the elections. During his visit, the ODIHR Director declared that the holding of elections is the responsibility of Georgia and the OSCE/ODIHR will not be involved in the conduct of the November elections. The Council of Europe also adheres to this view.

4. **Voter lists**

The highest authorities of Georgia have repeatedly expressed their commitment to hold democratic elections and to take all necessary steps to ensure appropriate preparations for the parliamentary elections, especially with regard to the improvement of voter registers. Inaccurate voter lists have been a recurrent problem in Georgian elections.

On 10 February of this year, President Shevardnadze issued decree No. 123 that established a Sub-Commission on Electoral Issues (within the Committee on Constitutional Reforms) tasked to elaborate reforms of the election administration system in Georgia, to strengthen voter education and public oversight, and to develop proposals on improving voter lists. Representatives of the different factions in Parliament, government ministries and civil society participate in the work of the Sub-Commission.

On 26 February, the President issued another decree on “Improvement of the Electoral System and Measures to Ensure the Conduct of 2003 Parliamentary Elections.” The Decree aims “to prepare relevant State institutions for these elections, to ensure relevant funding for these measures, to conduct wide-scale voter information campaign, to invite high-level international observation missions, and to ensure compiling and verification of accurate voter lists.”
On 11 March, the President signed instruction No. 81 that established a division of labor between different ministries and set up procedures to improve the quality and reliability of the voter lists. Voter data collection was conducted by the Ministry of Interior and local authorities and completed on 1 June as scheduled. According to preliminary data, there are 3,4 million registered voters. Most political parties expressed skepticism about this figure and the exercise in general, although it is too early to make an assessment of the quality of the enumeration.

Data entry and computerization of voter lists will be conducted by the CEC and should be completed by 15 September. In a final phase, computerized lists will be posted for public scrutiny. This will allow voters to verify whether they have been accurately included in the voter lists.

In April 2003, the Ministry of Foreign Affairs requested the ODIHR to monitor the voter registration process, however ODIHR declined to engage in this exercise due to lack of resources. The EOM will pay particular attention to this issue. A number of political parties and NGOs have already announced that they will audit the voter registers.

B. MEDIA

Freedom of expression is enshrined in the constitution and in media legislation that bans censorship and media monopolies. Self-censorship continues to be applied in certain circumstances. Like in other countries in transition, Georgian media face difficulties such as the lack of financial independence, inexperience, poor access to information for journalists, low level of professionalism, and unethical behavior. Threats and intimidation also appear to be part of reality. For instance, Rustavi 2, the main private TV, was attacked by armed persons in November 2002.

The media offer a diversity of opinions and more and more information is available to the public. Television remains the major source of information for most Georgians. The State owned TV and Radio are undergoing transformations into a public broadcasters. The reform should be completed by 2005. Regional media are developing and have acquired certain level of independence. However, some regional TV channels operate without proper licenses, which makes them vulnerable to pressure. Recently, two new TV channels appeared on the market: Imedi and Mze.

The media situation in Georgia is considered to be relatively free. However, a 2002 Report of the Committee of Ministers of the Council of Europe concluded that “the media situation in Georgia gives rise to serious concern.”

C. CIVIL SOCIETY, DOMESTIC AND INTERNATIONAL OBSERVATION

Georgia has a vibrant civil society widely involved in promoting democratic elections. On 26 March, a group of NGOs gathered in a Central Coordination Council formed to

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identify electoral issues, to prepare an action plan related to elections and to co-
ordinate the activities of Georgian NGOs.

The International Society for Fair Elections and Democracy (ISFED), the main
domestic observer organization in Georgia, will monitor the voter registration process
and publish an assessment report. It also intends to monitor the media and to deploy
observers during the pre-election period and on election day. Another NGO coalition
led by the Former Political Prisoners and Human Rights also plans election related
activities. This initiative was launched with the support of the Georgian Public
Defender (ombudswoman).

In April, a civic movement called “Kmara” (“enough”) was created. The movement
advocates peaceful transfer of power. It plans to multiply civic actions in the run-up
to the elections and to conduct a get-out-the-vote campaign to increase voter
participation.

The NGOs met by the NAM raised their concerns about a draft NGO Law entitled
"On Suspension, Dissolution and Prohibition of Foreign-Managed Militant and Other
Organizations". It seems that organizations may be suspended or prohibited if they
receive financial support from foreign or international donours, or cooperate with
such entities. If adopted, this law may limit the freedom of association and hamper
the development of civil society, which is, for the moment, mostly dependent on
foreign grants.

International observers from the OSCE and Council of Europe Parliamentary
Assemblies as well as from the Commonwealth of Independent States are expected to
observe these elections.

IV. CONCLUSIONS AND RECOMMENDATIONS

Parliamentary elections are unlikely to be conducted in Abkhazia and parts of South
Ossetia.

The NAM recommends that an Election Observation Mission be established
according to the standard OSCE/ODIHR methodology. The NAM advises that OSCE
participating States be asked for the secondment of 18 long-term observers to follow
from early October the functioning of election commissions, the end of the voter
registration process, the campaign, and election preparations. 250 short-term
observers will be requested for the observation of election day proceedings.

The NAM would like to offer the following recommendations:

• The NAM calls on parliamentary factions to find urgently a compromise on the
  CEC composition so that the technical amendments can be adopted and
  implemented in a timely manner.

• The NAM urges all political parties to commit publicly to a peaceful election
  process.

• The NAM calls on Georgians to scrutinize voter lists as soon as available and
  verify that they have been accurately included.
ANNEX: LIST OF MEETINGS

AUTHORITIES

Presidential Administration
H.E. President Eduard Shevardnadze*

Ministry of Foreign Affairs
Mr. Irakli Menagarishvili, Minister of Foreign Affairs*

State Sub commission on Elections
Ms. Mariam Tsatsanashvili, Chairperson

Central Election Commission
Mr. Gia Zesashvili, Acting Chairperson

Autonomous Republic of Ajara
Mr. Aslan Abashidze, Head of the Autonomous Republic
Mr. Hamlet Chipashvili, Head of the Ajara Representation Office in Tbilisi

PARLIAMENT

Mr. Vakhtang Kolbaia, Deputy Speaker of Parliament*
Mr. Gigi Tsereteli, Head of the Inter-factional Group on Election Legislation
Mr. Vitali Khazaradze, Member of Parliament, Citizens Union of Georgia*
Mr. Elene Tevodoradze, Member of Parliament, United Democrats*
Mr. Vasil Maglaperidze, Member of Parliament, United Democrats*
Mr. Irakli Mindeli, Member of Parliament, Socialist Party*
Mr. Amiran Gogitidze, Member of Parliament, Revival*

POLITICAL PARTIES

Labor Party
Mr. Shalva Natelashvili, Chairman
Mr. Zyrab Jhvania, Head of Tbilisi Sakrebulo Faction

United Democrats
Mr. Giorgi Gabashvili, Secretary General
Mr. Eduard Surmanidze, Head of Parliamentary Faction, United Democrats Party

New Rights Party (Ajara)
Mr. Paata Mgeladze, Head of Local Branch, Batumi
Ms. Nana Tsivadze, Head of Local Branch, Kobuleti

Revival
Mr. Djemal Gogitidze, Head of the Parliamentary Faction

National Movement Party
Mr. Kote Kemularia, Head of Parliamentary Faction
Mr. Davit Berdzenishvili, Faction Head of Tbilisi Sakrebulo
Mr. Zurab Adeishvili, Member of Parliament
MR. Akaki Bodokhidze, Member of Parliament

* These meetings were part of the visit to Georgia of Ambassador Christian Strohal, ODIHR Director.
Mr. Vano Merabishvili, MP and Genderal Secretary

**Bloc - Alliance for a New Georgia**
Mr. Avantil Jorbenadze, State Minister, CUG  
Mrs. Irina Sarishvili, Chairperson, National Democratic Party  
Mr. Giorgi Gachechiladze, Member of Parliament, Green Party  
Mr. Irakli Mindeli, Member of Parliament, Socialist Party  
Mr. Irakli Gogava, Member of Parliament, CUG

**MEDIA**

Mr. Zaza Shengelia, Director, Channel 1  
Ms. Nato Oniani, Head of News Department, Channel 1  
Mr. Soso Enageli, Deputy Director, Rustavi 2 TV  
Ms. Eter Turadze, Newspaper “Kobuletelebi” (Ajara)  
Ms. Nestan Pkhakadze, TV Imedi (Ajara)

**CIVIL SOCIETY**

Mr. Giorgi Chkheidze, Programme Manager, Young Lawyers Association of Georgia*  
Mr. Davit Usupashvili, Director, IRIS Georgia*  
Ms. Nino Chinchaladze, Deputy Director, Open Society Georgia Foundation*  
Mr. Zurab Tchiabershvili, Director, ISFED*  
Mr. Vaja Salamadze, Chairman, Georgian Business Law Centre*  
Mr. Teimuraz Iakobashvili, Director, Foundation for Strategic and International Studies*  
Mr. Jaba Devdariani, Chairman of the Board, United Nations Association of Georgia*  
Ms. Nana Kakabadze, Co-ordinator, NGO coalition for independent domestic monitoring of elections and Chairperson of the Former Political Prisoners for Human Rights  
Mr. Merab Basilia, Media Programme Manager ALTE - Association of Legislative Education

**Ajara**

Mr. Levan Kintsurashvili, Chairman, Georgian Young Lawyers Association, Batumi Branch  
Mr. Kakha Palavandishvili, Programme Manager, Georgian Young Lawyers Association  
Mr. Petre Zambakhidze, Citizens Rights Protection Union  
Mr. Roin Lamparadze, Chairman of the Board, Young Economists Association of Georgia  
Ms. Nestan Pkhakadze, Media Support Group  
Ms. Mzia Amaglobeli, Free Journalists House

**INTERNATIONAL COMMUNITY**

**OSCE Mission in Tbilisi**
Amb. Jean-Michel Lacombe Head of Mission (HoM)  
Mr. Hans Wesseling, Deputy Head of Mission (DHoM)*  
Mr. Marc Behrendt, Democratization Officer  
Mr. Darius Staniulis, Legal Adviser

**Council of Europe, Office of the Special Representative**
Mr. Plamen Nikolov, Special Representative

**Russian Embassy**
Mr. Sergei V. Anenkov, Counselor

**US Embassy**
Ambassador Richard Miles
British Embassy
Ambassador Deborah Barnes Jones

French Embassy
Mr. Christian Michalak, Counsellor

Dutch Embassy
Mr. Jos Weijland, Deputy Head of Mission

United Nations Development Programme
Mr. Lance Clark, Resident Representative
Mr. David Avery, Chief Technical Adviser, Elections

United States Agency for International Development (USAID)
Mr. Michael Farbman, Director
Dr. Cate Johnson, Director, Office of Democracy and Governance

International Foundation for Election Systems (IFES)
Mrs Silvana Puizana, Country Director

National Democratic Institute for International Affairs (NDI)
Mr. Mark Mullen, Director
Mr. Lincoln Mitchell, Director

IREX
Mrs Lia Chakhunashvili, Deputy Chief of Party

Internews
Mr. Zurab Khrikadze, Training Project Director

Caucasus School of Journalism
Mrs Magie Freaney, Academic Director

Caucasus Centre for Journalism
Ms. Marina Vashakmadze

International Centre for Journalism
David Bloss, Media Consultant
ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE’s main 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 Document).

The ODIHR, based in Warsaw, Poland, was created as the Office for Free Elections by the OSCE Heads of State or Government at the 1990 Paris Summit. In 1992, the name of the Office was changed to reflect an expanded mandate to include human rights and democratisation. Today it employs over 80 staff.

The ODIHR is the lead agency in Europe in the field of election observation. It co-ordinates and organizes the deployment of thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office’s democratization activities include the following six thematic areas: rule of law, civil society, freedom of movement, gender equality, trafficking in human beings and freedom of religion. The ODIHR implements more than 100 targeted assistance programs, seeking both to facilitate and enhance State compliance with OSCE commitments and to develop democratic structures.

The ODIHR monitors participating States’ compliance with OSCE human dimension commitments. It also organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States.

The 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. The Office also acts as a clearing-house for the exchange of information on Roma and Sinti issues among national and international actors.

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

More information is available on the ODIHR website, which also contains a comprehensive library of reports and other documents, including all previous election reports and election law analyses published by the ODIHR.