

A top-down photograph showing a person's hands holding a document. The person is wearing a yellow and red beaded bracelet on their left wrist and a watch on their right wrist. They are wearing a dark long-sleeved shirt and light-colored sneakers with yellow accents. The background is a large pile of crumpled white papers, some of which have a green logo. The overall scene suggests a process of sorting or reviewing documents.

MONITORING 2021 MUNICIPAL ELECTIONS IN GEORGIA

2021

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THE REPORT WAS PREPARED BY HUMAN RIGHTS CENTER (HRC)

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INTRODUCTION

Human Rights Center (HRC) commenced the project “Monitoring 2021 Municipal Elections in Georgia” in July, 2021¹. The elections monitoring was made possible within the framework of the projects supported by the Open Society Georgia Foundation (OSGF) and the Black Sea Trust for Regional Cooperation – a project of the German Marshall Fund of the United States.

The main purpose of the activities planned within the framework of the election monitoring projects was to ensure fair, equal and competitive election environment during the municipal elections. In this regard, the planned activities aimed to raise transparency of the electoral process, to increase effectiveness of the legal mechanisms and raise public awareness about the observed tendencies by disseminating the evidence-based information.

Considering the past experience, the regions with ethnic minority population were selected as the main area for the election monitoring. One of the key objectives of the project was to increase the trust of the ethnic minority population of Georgia towards political and election process. Considering the observed tendencies of the past years, the gravest election violations are observed in these regions.

The 2021 Municipal Elections were of particular importance because of the developments and political context that followed the announcement of results of the 2020 Parliamentary Elections. At the same time, the projects enabled the HRC to analyze the amendments made to the election legislation in 2021 and to evaluate its positive and negative aspects.

On August 2, 2021, the President of Georgia set the date of the 2021 Municipal Elections - October 2, 2021². Thus, in accordance with the Election Code, on August 3, 2021 the pre-election campaign officially started³. Consequently, the HRC election monitoring covered the period from August 2 to October 30, including the second round of the municipal elections. Within framework of the projects, HRC observed the Election Days of both first and second rounds of the

¹ See the July 15, 2021 statement of the HRC: <http://www.hrc.ge/246/eng/>

² See the President’s Decree NO2/08/01 of August 2, 2021 on setting the municipal elections date <https://matsne.gov.ge/ka/document/view/5231820?Publication=0>

³ See the Election Code of Georgia, Article 45.1

municipal elections, documented significant violations, disseminated information in media and assessed those violations. The HRC litigated concrete election violations observed by the HRC monitors within frameworks of the projects.

Like in 2020, in 2021, monitoring of the election process was particularly important because of the heavy epidemiological situation caused by the spread of the COVID-19 in the country that further complicated the election environment.

The polling process on the Election Day of the 2021 Municipal Elections was mainly conducted in peaceful environment. Again, the big part of the observed violations were of technical character that is mainly caused by low qualification of the election administration members, weak knowledge of the election law and permanent problem of the language barrier in the ethnic monitory population of Georgia. Nevertheless, the monitoring of the election process revealed significant problems like unlawful and large-scale misuse of administrative resources, negligence of the principle to draw line between the state and the ruling party, violation of the election campaigning rules, etc.

At the same time, the 2021 Municipal Elections were held in a media environment that can be characterized as extremely polarized, biased and rich with hate speech. Because of the political polarization, the local issues were mostly neglected in the pre-election period. The situation was still tense in the regions inhabited with ethnic minorities, where on the Election Day, as usual, most election violations were observed. Realization of both passive and active election rights of the women and ethnic minority representatives is still a significant challenge in the country.

METHODOLOGY

The monitoring of the 2021 Municipal Elections within the observation mission of Human Rights Center covered both the pre-election period⁴ and the Election Day monitoring⁵.

Considering the results of the 2020 Parliamentary Elections and year-long political crisis, as well as the heavy epidemiological situation caused by the

⁴ See the Monitoring of Pre-Election Period, Key Findings 2021

<http://www.hrc.ge/files/175monitoring%20of%20pre-election%20period,%202021.pdf>

⁵ See the Municipal Elections- Initial Evaluations by Human Rights Center at <http://www.hrc.ge/287/eng/>

spread of the COVID-19 in the country, the monitoring of the 2021 municipal elections by impartial and trustworthy local monitoring groups was particularly important.

Within the framework of the projects, the HRC monitored the pre-election period through long-term observers in three regions of Georgia: Imereti, Kvemo Kartli and Kakheti. During the pre-election period the monitoring covered the following issues: use of administrative resources for electoral purposes, staffing of election commissions, pressure on voters, coercion and bribery, cases of intimidation, threats and violence against electoral subjects and other possible significant violations. The pre-election monitoring of the Human Rights Center covered the period from July 15 to September 30.

Besides that, on the Election Day of October 2, 2021 Municipal Elections, the monitoring mission of Human Rights Center covered three regions of Georgia – Kakheti, Kvemo Kartli and Imereti. On the polling day, the HRC monitored the voting process through some static observers as well as through mobile groups. Throughout the day, 51 representatives of HRC observed various stages and procedures of the elections: Opening of the polling station, voting, vote counting, and completion of the summary protocols and so on.

On the second round of the municipal elections, the HRC observed the polling process in Kakheti and Kvemo Kartli regions through 8 observers in accordance with the abovementioned principles.

In parallel to the polling process, on the first and second rounds of the elections, the HRC disseminated information about the observed violations and procedures throughout the day and cooperated with all interested media sources. On the election days, the HRC executive director had 3 briefings during the first round and 2 briefings during the second round of the municipal elections in the elections media center, which was opened with the support of the Open Society Georgia Foundation.

In the context of the election monitoring, the Human Rights Center purposefully selected those regions, which were particularly problematic during the elections, based on the past experience of the organization's monitoring missions. Like in the past year, the main focus was on the regions with ethnic

minority population, because there, besides the general problems observed throughout the country, the election monitors observe specific problems, like lack of knowledge of the state language that makes the local voters more vulnerable during the election procedures.

The report mostly relied on the reports of the long-term and Election Day observers of Human Rights Center. Besides that, the report presents the analysis of the information spread in the media in relation with the election violations. The violations identified during the pre-election period, on the Election Day and the second round of the elections, were evaluated in the light of the local and international legislation/standards in relation to the election law.

The report reviews and critically evaluates various relevant changes made to the election system and legislation that will enable the interested parties to have more clear understanding of the pre-election period and post-election developments in the context of the 2021 Municipal Elections.

POLITICAL CONTEXT

The 2021 Municipal Elections were held in the environment of deep political polarization, after the acute political crisis related with the results of the 2020 Parliamentary Elections and in the period of heavy epidemiological situation in the country.

In the 2020 Parliamentary Elections, the ruling political party Georgian Dream received 48, 22% of votes and managed to form the parliamentary majority with 90 mandates. The 2020 Parliamentary Elections were the last mixed-system parliamentary elections in the country, which was held with the reduced – 1% barrier⁶. Considering the problems observed during the Parliamentary Elections and the flaws existing in that-time election legislation, the political parties, who passed the 1% barrier in the first round, announced the election results fraud, refused to participate in the second round of the elections and started parliamentary boycott⁷. The political crisis became particularly acute after the

⁶ The elections related amendments were made in the Constitution of Georgia in 2017 and in 2020.

⁷ See more information: <https://civil.ge/archives/383499> ; note: Mr. Melia was released from detention after the EU paid his bail on May 10, 2021

leader of the United National Movement Nikanor Melia was arrested in relation with the June 20-21, 2019 events⁸.

The political crisis created after the 2020 Parliamentary Elections finished after the April 19, 2021 political agreement between the ruling and opposition political parties as a result of long-term negotiations⁹. As a result of the agreement, the political parties, who boycotted the parliament, restored their parliamentary activities. However, several political parties initially refused to sign the agreement¹⁰. At the same time, one of the paragraphs of the agreement aimed to hold early parliamentary elections in 2022 if the ruling party received less than 43% of valid proportional votes in the October 2021 local municipal elections.¹¹

On June 30, 2021 the Chairwoman of the Central Elections Commission, Tamar Zhvania resigned¹². On August 2, the Parliament of Georgia voted for the candidates of the CEC chairpersons¹³ and elected the chairperson for 6 months term¹⁴.

Later, on July 28, 2021, the Georgian Dream unilaterally annulled the agreement¹⁵ that was criticized both inside the country¹⁶ and by international partners¹⁷.

On July 26, 2021, the fact-finding commission established within the Parliament of Georgia terminated its activities, which aimed to study the election violations during the 2020 Parliamentary Elections and to determine impact of those violations on final results¹⁸. In accordance with the conclusion, the procedural violations did not influence the final results of the parliamentary

⁸ See more information about the arrest of Nikanor Melia: <https://civil.ge/archives/400099>

⁹ See the US Embassy statement on the signing of the April 19 political agreement: https://ge.usembassy.gov/u-s-embassy-statement-on-the-signing-of-the-april-19-political-agreement/?_ga=2.25301885.131164442.1637584682-2136047909.1623154756

¹⁰ See more information: <https://formulanews.ge/News/51174>

¹¹ See the April 19, 2021 Agreement – A Way Ahead for Georgia:

https://eeas.europa.eu/sites/default/files/210418_mediation_way_ahead_for_publication.pdf

¹² See the article of the Radio Liberty/Free Europe: <https://www.radiotavisupleba.ge/a/31333230.html>

¹³ The President of Georgia announced the competition for the vacant positions of the CEC chairperson and two professional members of the CEC on July 1: <https://www.radiotavisupleba.ge/a/31336527.html>

¹⁴ See more in the article of the Radio Liberty/Free Europe <https://www.radiotavisupleba.ge/a/31389426.html>

¹⁵ See more information: <https://bit.ly/3buljqt>

¹⁶ See the July 28, 2021 statement of the nongovernmental organizations: <http://www.hrc.ge/262/eng/>

¹⁷ See more: <https://bit.ly/2zoxyxj> ; <https://bit.ly/3ebzeak> ; <https://bit.ly/3jghrm7> .

¹⁸ See more: <https://bit.ly/3jcmjgl>

elections¹⁹. Majority of the opposition political parties did not participate in the work of the commission²⁰.

The pre-election environment was extremely polarized between the ruling and opposition political parties. After the big part of the opposition political parties named the municipal elections as the national referendum and the guide to set early parliamentary elections in the country²¹, the election process became more tense and the level of polarization increased.

The July 5, 2021 developments, when radical and violent groups attacked, used violence against, physically and verbally abused the LGBTQ+ community members, human rights defenders and journalists in Tbilisi²², influenced the pre-election environment too. The clergies also participated in the mentioned violent acts together with radical groups. The government inadequately responded to the violent facts and furthermore, in some cases, the senior government officials even encouraged the harassers in their statements²³. On July 11, 2021, the cameraman of the TV Pirveli Aleksandre Lashkarava was found dead in his house, who during the July 5 events, became victim of the violence while he was performing his professional duties²⁴. The death of the journalist was followed by protest demonstrations in the streets that also influenced the pre-election environment.

ELECTION SYSTEM AND LEGISLATION

The rule of holding the municipal elections in Georgia is regulated under the Constitution of Georgia, the organic law of the Election Code of Georgia, the Organic Law on the Political Unions of the Citizens and the resolutions and decrees of the Central Election Commission (CEC). At the same time, Georgia is

¹⁹ See the resolution of the Parliament of Georgia, on the results of the activities of the Interim Fact-Finding Commission on the Parliamentary Elections of October 31, 2020

<https://matsne.gov.ge/ka/document/view/5224324?Publication=0>

²⁰ See more information: <https://netgazeti.ge/news/517560/>

²¹ See more information: <https://www.radiotavisupleba.ge/a/31486308.html>

²² See the HRC Report on the Monitoring of the Protest Rallies of July 5-6, 2021 – Primary Legal Assessment, 2021 <http://www.hrc.ge/files/reports/167aqcieb-eng.pdf>

²³ See the Statement of Human Rights Center on the ongoing criminal investigations into the cases related to the events of July 5-6: <http://www.hrc.ge/265/eng/>

²⁴ See the July 11, 2021 statement of the ngos about the death of Lekso Lashkarava: <http://www.hrc.ge/244/eng/>

part of all key international and regional agreements on holding democratic elections in the countries²⁵.

After the years-long criticism of the election legislation, to mitigate the political crisis created by the results of the 2020 Parliamentary Elections and further developments²⁶, based on the April 19 political agreement between the ruling and opposition political parties²⁷, on June 28, 2021 the Parliament of Georgia with 86 votes against 3 approved the amendments to the Election Code²⁸.

Although the 2021 election reform intended the changes in the election system, determined the rule to conduct the pre-election campaign, to improve institutional framework of the election administration, to regulate the polling process in terms of final assessment and election disputes, the introduced amendments cannot be evaluated as an adequate step taken for the improvement of the election system. After the reform of the election legislation, one part of the recommendations prepared by the Venice Commission and OSCE/ODIHR in their June 18 joint conclusion²⁹ remain to be unaddressed. Furthermore, in some cases, the amendments introduced in the course of the reform, raise additional concerns of the interested parties³⁰.

- **New Rule of Staffing the Election Administration**

During the 2020 Parliamentary Elections, in accordance with that-time election legislation, the ruling party had disproportionately large representation in the election administration, particularly in the low level administrations³¹.

²⁵ Among them are: European Convention on Human Rights of 1959; 1965 Convention on the Elimination of All Forms of Racial Discrimination; 1966 International Pact on Civil and Political Rights; 1979 Convention on the Elimination of All Forms of Discrimination against Women; 2003 Convention against Corruption and 2006 Convention on the Rights of the People with Disabilities.

²⁶ See the article "All Opposition Parties Refuse to Enter Next Parliament" <https://civil.ge/archives/380014>

²⁷ "A Way Ahead for Georgia" EU delegation in Georgia, official website, April 19, 2021 available at: https://eeas.europa.eu/sites/default/files/210418_mediation_way_ahead_for_publication.pdf

²⁸ The Parliament Endorsed Draft Election Code with 86 Votes, the official website of the Parliament of Georgia, June 28, 2021 available at <https://parliament.ge/en/media/news/parlamentma-saarchevno-kodeksis-tsvlilebebi-86-khmit-miigho>

²⁹ The Venice Commission and OSCE/ODIHR conclusion of June 18, 2021 was prepared to assess the draft election law and it shall be considered together with the April 30, 2021 conclusion of the Venice Commission and the OSCE/ODIHR, see Venice Commission, OSCE/ODIHR, Urgent Joint Opinion on Revised Draft Amendments to the Election Code, para. 7, 8.

³⁰ Ibid, para. 15, 17

³¹ Latsabidze, Kiguradze, *2020 Parliamentary Elections Monitoring Mission, Report on Pre-election Environment, Election Day and Post Election Period Monitoring*, Georgian Young Lawyers' Association, 2021, p. 5 website of the GYLA, available at <https://bit.ly/3kfjvmg>

Administrative arrangement and related institutional frame almost excluded the role of the opposition that caused mistrust of the opposition political parties towards the election process³².

The changes in the frame of the election reform almost completely changed the institutional arrangement of the election administration. As a result, at all levels of the election commissions, the number of the commission members increased up to 17 that meant staffing the commissions with 8 professional and 9 political party members³³.

The Venice Commission and the OSCE/ODIHR deemed this change acceptable as a political compromise which accommodated all the parliamentary parties, but in the joint conclusion they underlined the preference of the reduced number of the commission members³⁴. This assessment was shared by the local organizations too³⁵.

Human Rights Center also shares the position of the international and local organizations, particularly in the light of the practical violations observed by the HRC observation mission on the Election Day. At the same time, the changes failed to achieve the main objectives of the reform that was to turn the election administration into politically neutral body. The changes leave gaps in the process of selection of commission members from the professional quota. Namely, after the reform, the professional members of the CEC are nominated by the President. Although the introduced amendments established the rule to create the commission for the selection of CEC members, the formation of the commission is still problematic³⁶. Thus, these amendments failed to completely eliminate the risks of political bias of the commission members and the professional members of the CEC.

Besides the need to eradicate these risks, Human Rights Center believes it is important to continue the reform and to staff the election administration fully by

³² Ibid

³³ Article 10, Part 1, Article 12 Part 11 and Article 24 Part 2 of the Election Code of Georgia.

³⁴ Venice Commission, OSCE/ODIHR, Urgent Joint Opinion on Revised Draft Amendments to the Election Code, para 30

³⁵ GYLA, What Shall We (Not) Expect from the October 2 Elections? 2021-07-22; <https://gyla.ge/ge/post/ras-ar-unda-velodot-2-oqtombris-archevnebisgan#sthash.vb2u25af.dpbs>

³⁶ See more information: <http://bit.ly/3qsgkpy>

the professional members, through the consensual staffing from the relevant political subjects.

According to the amendments, it was determined that 7 CEC members from the professional background will be nominated by the president and supported by minimum 2/3 of the Parliament members³⁷. Introduction of the high quorum should have ensured selection of the candidates through the consensus between the political parties that shall raise the trust to the election process. This change was envisaged under the April 19 agreement³⁸. In the final version, so called “anti-crisis mechanism” appeared together with the amendment. Namely, if the 2/3 of the MPs will not support the nominated candidates at the first ballot, they will be voted at the second, third and fourth hearings. At the second ballot, the candidates shall again get 2/3 of votes; but at the later stages, the quorum decreases and at the third stage only 2/5 votes are enough to elect a candidate while at the fourth stage simple majority of votes will already be enough³⁹. According to the assessments of the international organizations, regardless the positive changes, reduction of the ballot process from 4 to 1 week may hinder the possibility of reaching a consensus between the majority and opposition political parties when selecting the candidates. Therefore, these regulations shall be re-considered⁴⁰. They believe this provision undermines the success of the reform to ensure balanced representation in the election administration⁴¹.

As a result of the changes, so-called anti-crisis mechanism appeared in the selection of the professional members of the District Election Commissions as well. Similar mechanism was not mentioned in the so-called Charles Michel’s agreement. In accordance with the final version, if the DEC members are not selected by the 2/3 of the CEC votes, based on the established rule, those candidates will be selected who will be supported by the majority of the CEC

³⁷ Regulations of the Parliament of Georgia, Article 204, Paragraph 4 – c.

³⁸ “A Way Ahead for Georgia” EU delegation in Georgia, official website, April 19, 2021 available at: https://eeas.europa.eu/sites/default/files/210418_mediation_way_ahead_for_publication.pdf

³⁹ Regulations of the Parliament of Georgia, Article 205, Paragraph 7

⁴⁰ The Venice Commission and OSCE/ODIHR conclusion of June 18, 2021 was prepared to assess the draft election law and it shall be considered together with the April 30, 2021 conclusion of the Venice Commission and the OSCE/ODIHR, see Venice Commission, OSCE/ODIHR, *Urgent Joint Opinion on Revised Draft Amendments to the Election Code*, para. 21: [https://www.venice.coe.int/webforms/documents/default.aspx?PdfFile=CDL-PI\(2021\)011-e](https://www.venice.coe.int/webforms/documents/default.aspx?PdfFile=CDL-PI(2021)011-e)

⁴¹ Ibid

members⁴². Consequently, the final version of the amendments do not meet the objectives of the agreement between the ruling party and the opposition political parties, as well as fail to create effective guarantees to ensure political independence of the election administration.

- ***The conditions related to the appointment of the election administration member by the political party***

As a result of the reform, the pre-condition to appoint representatives of the political parties in the election administration was abolished that was positively assessed by the international organizations⁴³. Namely, according to the previous version of the law, the pre-condition for the appointment of a member in an election commission by the political party was related to the state funding. At the same time, it artificially hindered the possibility of boycott as it created additional pre-condition to have at least one representative of the political subject in the parliament.

Despite that, the Venice Commission cannot clearly understand the need of the transitional provision, according to which if the number of the qualified political parties is more than 9, when appointing the CEC member the preference is given to the party which receives more funding from the state budget, while in accordance with the general rules, no more than 9 members of the CEC are appointed by political parties, which crossed the barrier in the parliamentary elections. According to the assessment of the commission, it is unclear what is the purpose of the transitional provision, while the regulation related to the appointment of the administration member, budget funding and taking up of the mandate, was annulled⁴⁴. The HRC shares the position of the international organizations and of the opposition political parties that the respective amendments may intend to hinder the opposition political parties to participate in the process.

⁴² See the Election Code of Georgia, Article 25.11

⁴³ The Venice Commission and OSCE/ODIHR conclusion of June 18, 2021 was prepared to assess the draft election law and it shall be considered together with the April 30, 2021 conclusion of the Venice Commission and the OSCE/ODIHR, see Venice Commission, OSCE/ODIHR, *Urgent Joint Opinion on Revised Draft Amendments to the Election Code*, para. 14: [https://www.venice.coe.int/webforms/documents/default.aspx?PdfFile=CDL-PI\(2021\)011-e](https://www.venice.coe.int/webforms/documents/default.aspx?PdfFile=CDL-PI(2021)011-e)

⁴⁴ Ibid para.34

- **Amendments in relation with the use of administrative resources**

In the frame of the reform, the range of individuals working in the state-funded organizations who are prohibited to conduct election campaigning while performing their professional duties, as well as during working hours, increased. Besides, some restrictions were introduced for the civil servants, as well as people working in the public schools and kindergartens in relation to the gathering based on their official capacity, in the course of the pre-election campaigning or electioneering. This change is significant step forward. For years, Human Rights Center reported about the need to establish similar restrictions. However, prohibition of the personification and identification of concrete state-funded projects and programs with the political parties or political leaders is still a problem. In accordance with the current legislation, this issue is still vague and requires more concretization in order to qualify similar action as the misuse of administrative resources.

- **New Terms to Discuss the Election Complaints**

Within the framework of the amendments, the terms to consider the election complaints and appeal the decisions was partly extended from 1 day up to 2 calendar days. As for the examination of the DEC decisions, the term was extended from 2 up to 4 days. At the same time, it was made possible to send the appeal online that shall be evaluated as a progress. In accordance with the amendments, online registry was created, where authorized persons are registered; at the same time, new rule was determined for finding complaint inadmissible and this decision shall be made collegially by the election commission.

- **Changes in the perimeter of the polling station and prevention of the control on the voters' will**

In accordance with the amendments, on the Election Day, the distance from the polling station where voters shall move without physical obstacles was increased from 25 meters up to 100 meters. According to the amendments, the gathering of the people, as well as making written records regarding the voters are prohibited in this area. In accordance with the amendments, the Ministry of

Internal Affairs is authorized to enforce this regulation. If violators are identified, the MIA is authorized to fine the violator.

This regulation is a positive development as it prevents making written records regarding the voters unlawfully. However, the HRC monitors observed that in many polling stations the 100-meter distance was violated considering the urban location and other factors related to the electoral precincts.

- **Changes in summing up and revision procedures of the election results**

Considering the 2020 Parliamentary Elections and subsequent developments, in order to increase trust towards the election results, according to the new amendments, in each Election District it will be obligatory to re-count the results of five polling stations, chosen according to the principle of random selection. At the same time, the law prohibited to draw up correction protocol of the final protocol after the election polling station is sealed up. Now DEC is authorized to draw up correction protocols of those final protocols where the correction was made without the correction protocol, based on the verification of the election results.

- **Consultation group of the CEC**

The amendments created a new instrument. Namely, with the initiatives of the political parties, a consultation group will be established at the CEC, which will present recommendations to the CEC in regard to election disputes. The consultation group is composed of the experts nominated by the local and international organizations.

HRC welcomes creation of the new instrument but believes that it is important to form the consultation group impartially, whose activities will be unbiased.

- **The selection commission of CEC members under the Administration of President of Georgia**

In the frame of the reform, the composition of the commission for the selection of the CEC members was changed and the number of the commission members was specified. According to the new rule, the commission will be composed of maximum 10 members and it shall unite the representatives of academia and

nongovernmental organizations, who have minimum 7-year experience in the field of the election monitoring and human rights.

- **State funded CEC membership**

In accordance with the general rules, the right of the political party to have a member in the CEC is linked to the support it gains in the elections. Regardless of this rule, for 2021 elections, it was determined by the transitional provision that the right of the political party to have a member in the CEC would be linked to its state funding. Considering the existing reality, with these changes, the Labor Party was deprived of the right to have its member in the CEC regardless the general rules. This amendment creates an impression that the decision was made against concrete political party. The normative act is obligatory act, aimed for multiple usage and applied to wide range of individuals. By applying similar transitional provision, the manipulation with the law-making process is alarming and creates dangerous precedent.

- **Another amendment made in favor of the concrete political party**

The amendments offered another innovation, which aimed to support another political subject. Namely, according to the amendments, the political party is not authorized to appoint a member in the election commission if all members of parliament from this political party leave the party and all together join the another political party. This amendment, in fact, was introduced in favor of the European Socialists, whose members left the political party, Alliance of Patriots, after the 2020 elections and established an independent political party.

- **New rule on obligatory gender quota**

The rule on obligatory gender quota was amended for the municipal elections. Instead of the previous rule, according to which every second candidate on the proportional lists of the political parties must have been of different sex, according to the new rule, every third candidate shall represent different sex. Unfortunately, this amendment worsened the previous provision and contradicts its initial goal – to promote more engagement of the women in politics.

- **Amended authorities of the PEC members**

In accordance with the new amendments, the functions of the commission members were changed. Namely, based on the new regulation, the commission members appointed by the political parties cannot become the registrars of the voters on the Election Day. Also, only non-party members of the election commissions are allowed to be elected to the position of the commission chair, deputy chair and secretary. These amendments place the commission members in unequal conditions although the Election Code determines equal authorities of the election commission members.

- **Reduced terms between the ballots**

In accordance with the April 19 agreement, 4-week term was envisaged for the procedure against the possibility to block the CEC chairperson and/or professional members. According to the legislative amendments, this term was reduced to 1 week. The reduction of the term limited the possibility to achieve consensus between the political parties that harms the political process.

ELECTION PROCESS UP TO THE ELECTION DAY

REGISTRATION OF THE ELECTION SUBJECTS

The registration process of the candidates for the 2021 Municipal Elections was conducted mostly in inclusive manner. Despite that, in the reporting period, the HRC observed the facts when the candidates from the opposition political parties withdrew their candidacies⁴⁵, because of the alleged oppression from the side of the representatives of the ruling party.

On the October 2 elections, throughout the country, the voters had to elect mayors from 239 mayoral candidates⁴⁶ and municipal assembly members from 2

⁴⁵ The list of single mandate candidates who were refused to get registered for October 2 elections <https://bit.ly/3ecmlim>

Official list of the mayoral candidates who cancelled their candidatures: <https://bit.ly/3rcifbs>

⁴⁶ See the list of mayoral candidates registered in the self-government municipalities for October 2 elections: <https://bit.ly/3e546yi>

771 single mandate candidates⁴⁷ and from 18 895 proportional candidates⁴⁸, who were nominated by 43 political parties and 68 initiative groups.

Pursuant to the resolutions of the CEC, the legislative conditions were narrowed and possibility to annul the registration of the candidates and voters lists was limited because the estimated number of candidates was not respected or full documents were not submitted.

UNIFIED VOTERS LISTS

The third chapter of the Election Code of Georgia regulates the procedures related with the voters' lists. In order to revise the unified voters list, the respective state bodies⁴⁹ send the data on the citizens with and without voter's rights to the election administration four times a year⁵⁰. By October 2, 2021 Municipal Elections, the election administration managed to process the data received from the institutions determined under the Article 31 of the Organic Law of Georgia on the Election Code of Georgia and revised the unified voters lists.

By October 2, 2021 Municipal Elections of Georgia, the number of the voters according to the election districts was 3.497.345⁵¹.

Like in 2020, the CEC offered several ways to the voters to check their registration in the unified voters' lists. A voter could check his/her registration on the official website of the CEC - voters.cec.gov.ge. The voters' lists were presented in the polling stations too and in accordance with the law the voters could check their data in similar way.

FACTS OF VIOLENCE, INTIMIDATION AND HINDERED PRE-ELECTION CAMPAIGNING IN THE PRE-ELECTION PERIOD

In the pre-election period of the October 2, 2021 Municipal Elections, an alarming trend was the alleged pressure on and intimidation of opposition

⁴⁷ See the list of the registered single mandate candidates for the October 2 elections (by September 20) <https://bit.ly/3fqkkgu>

⁴⁸ See the list of registered political party lists for the October 2 elections: <https://cesko.ge/geo/list/show/125583-2-oqtombris-archevnebisatvis-registrirebuli-partiuli-siebi>

⁴⁹ See the Election Code of Georgia Article 31, Paragraph 5 – a and c

⁵⁰ On February 1, on May 1, on July 15 and on November 1.

⁵¹ See information about the unified list of voters <https://cesko.ge/geo/list/show/125876-2-oqtombris-archevnebisatvis-amomrchevelta-saerto-raodenoba-3-497-345-sheadgens>

candidates across the whole country. According to the information from the Public Defender of Georgia, during the pre-election period, 59 opposition candidates were allegedly pressured to withdraw their candidacies, including through threats of physical violence, threatening the security of their family members and relatives, and firing from jobs. The candidates avoid talking about these facts in public, which allegedly indicates the real danger of execution of the threats against them⁵². There have also been widespread allegations of dismissal and harassment on alleged political grounds for affiliation with the opposition political party founded by the former Prime Minister Giorgi Gakharia⁵³. Job pressures were mainly directed against those employed in the public agencies, which, like the trends in previous years, still represents the problem of erasing the line between the state and the ruling party and equating the state institutions with the ruling party.

With the elections approaching, violent incidents also increased. On September 20, a supporter of the United National Movement was attacked in Rustavi⁵⁴. On September 21, two supporters of the political party United National Movement were wounded in Kvemo Kartli, Dmanisi Municipality⁵⁵. On September 25, strangers opened fire against the car of the mayoral candidate of the political party Gakharia for Georgia in Tsageri municipality⁵⁶.

On September 10, Human Rights Center received a letter from the political party Georgian Dream about various violations committed against their political party during the pre-election period. The provided information mostly listed the facts of illegal inscriptions on the election posters and offices of the political party. Also, the notice provided information about the fact of September 25, when the supporters of the UNM verbally insulted the leaders of the Georgian Dream and employees of the election campaign⁵⁷.

⁵² Statement of the Public Defender of Georgia regarding human rights violations during the pre-election period: <https://www.ombudsman.ge/geo/akhali-ambebi/sakartvelos-sakhalkho-damtsvelis-gantskhadeba-tsinasaarchevnoperiodshi-adamianis-uflebebis-darghvevebtan-dakavshirebit>

⁵³ Ibid

⁵⁴ See the article of the Radio Liberty/Free Europe <https://www.radiotavisupleba.ge/a/31470862.html>

⁵⁵ "Two people were wounded with a cold weapon during the confrontation in Dmanisi:" <https://1tv.ge/news/dmanisshi-dapirispirebisas-ori-piri-civi-iaraghit-dachres/>

⁵⁶ See more information <https://netgazeti.ge/news/565055/>

⁵⁷ See more information <https://bit.ly/3b2ksw8>

INCUMBENT MAYORS AS MAYORAL CANDIDATES

During the pre-election period, there were several cases when the incumbent mayors simultaneously were the mayoral candidates⁵⁸. Although it is not prohibited under the law, it was problematic in terms of the unlawful use of the administrative resources that created the line between state government and the political party vague. OSCE 1990 Copenhagen Document, which is obligatory for Georgia too, requires “a clear separation between the State and political parties.”⁵⁹

The work carried out by the mayor’s office of the municipalities during the pre-election period was actively covered through the information/communication means, official websites, and social networks intended for the mayor’s office. For example, the official Facebook page of the Mayor's Office of Terjola Municipality often posted information about ongoing infrastructure projects, urban renewal projects, construction-rehabilitation, and social assistance projects ongoing in the municipality. When posting information related to such works, Lasha Gogiashvili, the incumbent mayor of Terjola, who is a mayoral candidate at the same time, was tagged on the Facebook page administered by the mayor’s office⁶⁰. Another case was observed by the HRC’s long-term observer in Kutaisi. In this case, the current mayor of Kutaisi, Ioseb Khakhaleishvili was the mayoral candidate. Information about his activities was posted on the official website of the Kutaisi City Hall. Particularly, his visits to the ongoing infrastructural projects in the city and posting information about this on the official website of the City Hall⁶¹.

All similar facts aimed to gain the support of the citizens that often mislead the voters because the main intention was to support concrete election subject. Consequently, similar activities were part of the pre-election campaign that is one of the ways of the misuse of administrative resources that places other mayoral candidates in unequal conditions.

⁵⁸ See the Monitoring of Pre-Election Period – Key Findings of HRC, 2021

<http://www.hrc.ge/files/175monitoring%20of%20pre-election%20period,%202021.pdf>

⁵⁹ Organization for Security and Co-operation in Europe, Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (Copenhagen: Organization for Security and Co-operation in Europe, 1990), para 5.4, available at <https://www.osce.org/files/f/documents/9/c/14304.pdf>

⁶⁰ Official Facebook page of the Mayor's Office of Terjola Municipality: <https://www.facebook.com/terjolimeria>

⁶¹ “Kutaisi Mayor Ioseb Khakhaleishvili continues site visits to infrastructure projects carried out in the city”: http://www.kutaisi.gov.ge/open_news/760

Interestingly, the Georgian legislation does not prohibit incumbent mayors from being the mayor candidates at the same time. According to the Code of Local Self-Government of Georgia, the ground for termination of the mayor's authority is to run as a candidate in presidential or representative body elections. However, mayoral elections do not belong to any of these types of elections. Further, we have to mention the Law on Civil Service, according to which the grounds for suspending the official authority of a civil servant are the nomination of the civil servant as a candidate in the elections of the President of Georgia, a representative body, or a mayor of a municipality. However, a mayor is a political official and not a civil servant. Accordingly, the requirements of suspension of the civil servants' authority do not apply to mayors in case of participation in the elections as a candidate⁶².

All the same, according to Article 48 of the Election Code of Georgia, during the pre-election campaigns, it is prohibited to use administrative resources, including the communication means and information services intended for state agencies⁶³.

According to the assessment of the HRC, the use of information/communication means owned by the mayor's offices of Terjola and Kutaisi municipalities was intensified during the pre-election period in a way that it went beyond the need of informing the public about the performance of official duties and attained a character of a pre-election campaign related to specific electoral subjects. Accordingly, the given cases shall be considered as the use of administrative resources for electoral purposes⁶⁴. It should be underlined that current legislative regulations are not sufficient to completely prevent the misuse of administrative resources by incumbent mayors. Consequently, it is important to continue discussions on this issue, through the engagement of wider society.

⁶² See the Monitoring of Pre-Election Period – Key Findings of HRC, 2021
<http://www.hrc.ge/files/175monitoring%20of%20pre-election%20period,%202021.pdf>

⁶³ See the Organic Law of Georgia Election Code of Georgia Article 48

⁶⁴ See the Monitoring of Pre-Election Period – Key Findings of HRC, 2021
<http://www.hrc.ge/files/175monitoring%20of%20pre-election%20period,%202021.pdf>

OTHER FACTS OF MISUSE OF THE ADMINISTRATIVE RESOURCES AND INFLUENCE ON THE WILL OF VOTERS

From the 60th day before and including Election Day, Article 49 Part 3 of the Election Code prohibits to implement projects/programs that have not been previously included in the respective budget, except for the cases when the funds for the projects/programs are envisaged in the budget at least 60 days before Election Day⁶⁵. This norm aims to promote realization of the fundamental principle of separation of the state and the political party, to prevent unlawful use of administrative resources and to avoid unlawful influence on the will of the voters.

During the previous elections, the municipalities often neglected this norm and to gain the support of the voters, they often increased the budget in the mentioned period. The HRC requested information about the budgets and introduced amendments in them from all municipalities, in the project targeted regions. The observed tendency revealed that the municipalities refrained to violate the law and increased the budgets before the official election campaign started.

Thus, based on the monitoring findings, the municipal assemblies mostly amended the budgets in June-July of 2021, and majority of those amendments focused on infrastructural and social projects. In Tbilisi, similar fact was observed before the second round of the elections; the incumbent mayor of Tbilisi and mayoral candidate Kakhi Kaladze announced to assign 500 GEL vouchers to socially indigent retired people living in Tbilisi 10 days before the second round of the elections⁶⁶. When similar practice is applied, mostly the formal legality is respected but the objective of the law-maker within the Article 49 of the Election Code, is not achieved in reality. Therefore, pursuant to the acting legislative regulations, the use of the administrative resources during the pre-election period is not fully respected and it aims to influence the will of the voters.

Although ensuring formal legality, the government of Georgia deviates from the real aspiration of the law, together with the municipal bodies. Before the

⁶⁵ See the Election Code, Article 49.3

⁶⁶ See the official facebook page of Kakha Kaladze

<https://www.facebook.com/kakhakaladzeofficial/photos/a.128025017300943/3746231088813633/>

official start of the pre-election campaign of the 2021 Municipal Elections, new state programs were actively initiated. Their implementation, considering the widespread practice, coincided with the official period of the pre-election campaign.

Before the pre-election period started, on April 26, 2021 the Prime Minister of Georgia Irakli Garbiashvili made an announcement about large-scale renovation of the country and launch of large infrastructural projects in 63 municipalities. The starting price of the project was 500 million GEL and in the frame of the project, 15 000 new working places were to be created. The activities of this project intensified during the pre-election period⁶⁷.

Besides that, like 2020 elections, before the pre-election period of 2021 elections started, based on the decision of the Government of Georgia, another amnesty was announced on the administrative or criminal offences committed in violation of the pandemic related regulations⁶⁸. It is noteworthy that both laws went in force on September 10, 2021⁶⁹. So, before the elections, 245 000 individuals and 344 legal persons were discharged of criminal and administrative liabilities. In total, they were discharged of the responsibility to pay the fines of about 76 million GEL for the violation of isolation, quarantine and facemask wearing rules⁷⁰.

Another initiative of the PM, which was announced on August 9, 2021, was connected with the planned increase of salaries for civil servants. Namely, based on the initiative, from January 2022, the salaries of the civil servants will significantly raise and the mayors' salaries will be doubled⁷¹. The CSOs criticized the statement of the PM⁷².

On August 30, 2021, at the session of the GoG, the PM announced another initiative, according to which about 300 IDP families will receive accommodations

⁶⁷ See more information <https://civil.ge/archives/415897>

⁶⁸ See the statement of the Prime Minister Irakli Garibashvili <https://www.facebook.com/georgiangovernment/videos/981908049223853>

⁶⁹ See more <https://parliament.ge/legislation/22384>

⁷⁰ See more information: <https://bit.ly/3jy63m2>

⁷¹ See the statement of the PM <https://bit.ly/2Zj2kLn>

⁷² See the statement of the IDFI: <https://bit.ly/3r4hrdb>

for symbolic price and the factual owners of the spaces will become real owners of the flats and subsidiary spaces⁷³.

On June 25, 2021, the PM stated that from September 1, the co-financing program to support the mortgage loans of the families will launch. The program aimed to subsidize the mortgage loans from 5% to 8% for the families with the first and second newborn children and with 8% for the third and next new born child from the state budget⁷⁴.

On July 26, 2021, the Minister of Environmental Protection and Agriculture announced the co-financing program on agricultural technics. Total budget of the program was 50 million GEL. The Minister said that the interested people could apply to the program from September 1⁷⁵.

Commencement of these and other initiatives before the start of the pre-election campaign and coincidence of their implementation with the pre-election period, gives grounds to the doubts about purposeful budget expenditures before elections. Although the legislation was formally followed, unfortunately, the current practice demonstrates misuse of administrative resources, which aimed to allegedly impact the election results. Obviously, it creates privileged conditions for the ruling party that hinders the voters to demonstrate their free will during elections.

CIVIL SERVANTS IN THE DISTRICT ELECTION COMMISSIONS

Another significant problem identified by HRC during the pre-election period was the staffing of district election commissions in violation of the requirements of the existing legislation.

In Kvemo Kartli region, the active employees of the Property Management and Logistical Services of Tetrtskaro Mayor's Office and that of the Agricultural and Economic Development Support Services of the same Mayor's Office were elected as professional members of District Election Commission N26 of Tetrtskaro Municipality. A similar problem was observed in District Election

⁷³ See the official facebook page of the gog <https://bit.ly/3Cg9pdC>

⁷⁴ See more information: http://gov.ge/index.php?Lang_id=-&sec_id=288&info_id=79720

⁷⁵ See the July 26, 2021 statement of the Minister <https://mepa.gov.ge/Ge/News/Details/20456>

Commission N20 in Rustavi, where the current employees of Rustavi City Hall were elected as professional members of the commission.

According to the assessment of the HRC, electing the current employees of the City Hall as professional members of the DEC's contradicts Decree NN11/2017 of the Central Election Commission determining the Issues related to Labor Relations, and that of Job Incompatibility of the Elected Members of the CEC and DEC's⁷⁶.

In connection with the above-mentioned issue, HRC applied to the CEC and demanded the termination of the authority for the members of DEC N20 and DEC N26 who were at the same time active employees of the mayor's office. The CEC did not satisfy the petition of the organization. At the same time, the election administration did not clarify the grounds of the refusal⁷⁷.

VIOLATION OF THE RULES FOR PRE-ELECTION CAMPAIGNING AND ELECTIONEERING

As it was already mentioned, in June 2021, some amendments were made to the Georgian legislation in order to reform the electoral system. Alongside other amendments, the changes introduced new rules in the electoral system in the process of pre-election campaigning, electioneering and staffing of the election administrations. One of the progressive achievements of the legislative novation was sub-paragraph “d” in the Article 48 Part 1 of the Election Code, which widened the list of the individuals, who are prohibited to participate in the campaigning and electioneering⁷⁸.

This legislative amendment was significant progress. During the elections in the past years, forced engagement of the civil servants and employees of the public schools in the pre-election campaigning and electioneering was particularly grave problem. Previous legislative regulations failed to guarantee prevention of similar facts and to effectively respond to these violations.

⁷⁶ See the Monitoring of Pre-Election Period – Key Findings of HRC, 2021
<http://www.hrc.ge/files/175monitoring%20of%20pre-election%20period,%202021.pdf>

⁷⁷ Ibid p. 3-4

⁷⁸ See the Article 48 Part 1 – d of the Organic Law of Georgia Election Code of Georgia

HRC long-term observer identified a case in the region of Kvemo Kartli when the above-mentioned and other significant rules defined by the law, as well as the rules about the pre-election campaigning and electioneering were violated.

Namely, on September 1, in the village Kosalari of Tetrtskaro Municipality, the mayor candidate Giorgi Tsiklauri met the voters for pre-election campaigning purposes. This meeting was organized together with the principal and teachers of the school of village Kosalari, who at the same time are the chairperson and members of precinct election commission N23 of village Kosalari. As part of the pre-election monitoring, HRC obtained a photo depicting the meeting from the official Facebook page of Giorgi Tsiklauri.

As this fact contradicted the election law, the HRC long-term observers filed a complaint on the fact with DEC N26 and requested to find the mayoral candidate, the chairperson, and the members of PEC N23 as administrative offenders as there was a clear violation of the rules of pre-election campaigning and electioneering under Article 45(4) (a) and Article 48(1)(d) of the Election Code of Georgia⁷⁹.

The chairperson of DEC N26 rejected the claim of the observer of HRC. During the hearing of the complaint, the chairperson and the members of the PEC submitted explanatory statements reading that they were in the village at a funeral, from where they accidentally arrived at a gathering of people. According to them, they discovered all of a sudden that they were at a pre-election meeting and unexpectedly heard some electioneering speeches which is why they left the meeting soon. The DEC considered the explanatory statements by the chairperson and members of the PEC to be true, even though the statements failed to match with the photographs attached to the complaint as evidence⁸⁰.

HRC appealed to Tetrtskaro District Court against the decision of DEC N26. The judgment of Tetrtskaro District Court constituted a landmark decision⁸¹. Namely, the court examined the appeal and concluded that the Chairperson and members of the Kosalari village PEC 23 had violated the Article 45 Part 1 – A of

⁷⁹ See the Election Code of Georgia, Article 45 Part 4 – a and Article 48, Part 1-d
<https://matsne.gov.ge/en/document/view/1557168?Publication=69>

⁸⁰ See the Monitoring of Pre-Election Period – Key Findings of HRC, 2021
<http://www.hrc.ge/files/175monitoring%20of%20pre-election%20period,%202021.pdf>

⁸¹ See the Press release by Human Rights Center: <http://www.hrc.ge/280/eng/>

the Election Code of Georgia. According to this article, the PEC members are prohibited to participate in the pre-election campaigns. The court noted that the PEC chairperson bears more responsibilities than other members of the commission and considering his position, the judge fined him with GEL 2,000 under the report of administrative offense. While, against the members of the commission, the court issued a reprimand as an administrative sanction. Above that, the judge clarified that minor sanction was result of their short-term engagement and the fact that the PEC members were not active during the meeting⁸².

Regarding the issue of participation in the electioneering event by the members of the election commission, the court noted: "*The legislator has placed the members of the election commission in the first place in the list of persons not eligible to participate in the electioneering process as the involvement of the commission members in this process is considered to be the most detrimental for the voting process, because these particular persons manage the polling process, they summarize the results and their decision is the basis for the final results. Therefore, the involvement of the election commission members in electioneering is absolutely inadmissible.*"⁸³

As for the issue of liability of Giorgi Tsiklauri, the mayoral candidate in Tetrtskaro Municipality, the court found that he violated Article 48(1)(d) of the Election Code. According to the assessment by the court, he has organized the meeting and he was the main source of electioneering there and, consequently, his responsibility was to ensure that the requirements of the Election Code of Georgia in the electioneering process were met, according to which: it is inadmissible to gather principals and teachers of general education institutions for electioneering purposes on account of their official capacity, which he failed to comply with allowing the involvement in the electioneering of not just one or two but 6 teachers of Kosalari public school. Moreover, the court found that this was not accidental but had an intentional and organized character⁸⁴.

According to the assessment by the court, when it comes to placing principals and teachers of schools to a special rank and distinguishing them in a certain way,

⁸² See the decision of the Tetrtskaro district court (case N170510321005036111; 27.09,21)

⁸³ Ibid p.6

⁸⁴ Ibid p.8

the legislator here as well: *"believed that in order to ensure fair elections, taking into account the existing experience, the involvement in the electioneering process of these persons on account of their professional occupation is particularly damaging to the election process and [the legislator] ruled for the prevention of such gatherings at the statutory level."* The court emphasized that the two witnesses in the present case paid particular attention to the presence of the teachers at the meeting bearing a natural influence upon the people⁸⁵.

Tetritskaro District Court found Giorgi Tsiklauri as an administrative offender under Article 88 of the Election Code of Georgia, according to which the use of administrative resources and official authorities during the pre-election campaigning and electioneering in violation of the requirements of the Election Code shall result in a fine in the amount of GEL 2,000. The court fined Giorgi Tsiklauri GEL 2,000.

The fact observed in Gantiadi village, Tsalka municipality is similar to the one in Kosalari village, Tetritskaro municipality. On September 9, the mayoral candidate from the Georgian Dream Ilia Sabadze organized electioneering meeting with the village population in the frame of his pre-election campaign in Gantiadi village. The PEC N29 deputy chair Roland Tchelidze and two members of the PEC N29 Revaz Dvaladze and Roland Dzirkvadze participated in the meeting. Ilia Sabadze uploaded the photo of the meeting on his facebook page. After the HRC long-term monitor obtained the photo, he applied to the Tsalka District Election Commission N25 with the complaint. He argued the violation of the Article 45 (pre-election campaigning (electioneering)) and Article 48 (prohibition of the use of administrative resources during pre-election campaigning and electioneering) of the Election Code by the members of the Tsalka municipality PECN29 and requested the DEC to respond to the violation.

Like the Tetritskaro DEC N 26, the Tsalka DEC N25 also rejected the complaint of the HRC. The DEC N25 found convincing the explanatory statements by the PEC N29 chairperson and members claiming that they happened to be at the pre-election meeting by chance. The DEC N25 also found the argument that the mayoral candidate did not know in person the mentioned PEC members to be sufficiently convincing.

⁸⁵ Ibid p.8

HRC appealed the decision of DEC N25 with Tetrtskaro District Court within the timeframe set by law, after which the appeal was referred to the Magistrate Judge of Tetrtskaro District Court within Tsalka Municipality as provided by the procedure of the venue of the court. In Tsalka Municipality, the Magistrate Judge of the Tetrtskaro District Court granted in full the complaint of Human Rights Center and held the Mayoral Candidate for Tsalka Municipality Ilia Sabadze as an administrative offender for violating Article 48 Part 1-d of the Election Code, according to which any person authorized to participate in the pre-election campaign is prohibited to use administrative resources in the course of the electioneering and election campaigning in support or against any political party, candidate of the election subject and election subject. The judge fined him GEL 2,000 under the sanction of Article 88 of the Election Code.

The court also found Roland Chelidze, Deputy Chairperson of Precinct Election Commission N29 of Tsalka, and members of the same PEC, Revaz Dvaladze and Roland Dzirkvadze as administrative offenders for the violations provided for in Article 45(4) of the Election Code, which prohibits the PEC members to participate in the electioneering process. All of the named persons were fined GEL 2,000 each under Article 79(1) of the Election Code.

The court found the positions and arguments of the mayoral candidate and the PEC members ungrounded and inconsistent⁸⁶. The court ruled that Ilia Sabadze had been the mayor of Tsalka municipality for years. He had been the candidate of the political party Georgian Dream – Democratic Georgia. The deputy chair of the Tsalka district PEC N29 clarified that he had been the campaigner of the Georgian Dream in the previous years. Consequently, the mayoral candidate should have known the deputy chair of the PEC, while the latter and other members of the PEC should have known the purpose and goal of the meeting⁸⁷. The court also paid attention to the photo presented as an evidence in the case files, which clearly demonstrated that none of the mentioned individuals were moving and it was evident that photo depicted a pre-election campaign. The evidence contradicted the arguments of the PEC members, who

⁸⁶ See the decision of the Tetrtskaro district court, Case N081510321005117837

⁸⁷ Ibid. P.6

claimed that they turned up in the meeting during the break by accident because the meeting was close to the administrative building of the PEC⁸⁸.

The assessment provided by the Tsalka DEC N25 regarding the participation in the election campaigning is also problematic. According to the DEC, participation in the electioneering meeting is not electioneering unless the individual performs concrete public act at the meeting which promotes or hinders election of the candidate⁸⁹. In contrary to that, the Tetrtskaro district court concluded in regard to the abovementioned two cases that the physical presence – attendance (not accidental) of the PEC members at the electioneering meeting was participation in the electioneering. When giving this qualification, the Court did not find additional public act necessary ⁹⁰.

ASSESSMENT OF THE WORK OF THE ELECTIONS INTER-AGENCY TASK FORCE

Pursuant to the Article 48 of the Election Code of Georgia, in order to ensure that public officers prevent and respond to violations of the electoral legislation of Georgia, an interagency commission shall be set up under the auspices of the Ministry of Justice of Georgia. The Task Force is re-established no later than July 1 in every elections year⁹¹.

Based on the June 29, 2021 order No728 of the Minister of Justice, to ensure that civil officers prevent and respond to violations of the electoral legislation of Georgia, to coordinate the inter-agency work and to develop respective recommendations, the interagency commission on free and fair elections was established. The members and the resolution of the commission was also approved⁹².

HRC was usually present at the sessions of the interagency task force together with the representatives of other international and local election observation organizations. In 2021 the commission chair held the first session on July 13 in

⁸⁸ Ibid. P.6

⁸⁹ Tsalka District Election Commission N25, case N25/102, 10.10.2021.

⁹⁰ See the decision of the Tetrtskaro district court, Case N081510321005117837

⁹¹ See the Article 48.3-4 of the Organic Law of Georgia “Election Code of Georgia”
<https://matsne.gov.ge/ka/document/view/1557168>

⁹² See the June 29, 2021 Order No728 of the Minister of Justice about “Establishment the interagency task force for free and fair elections and approval of the resolution,”
<https://www.matsne.gov.ge/ka/document/view/5203076?Publication=0>

accordance with the law. Considering the COVID pandemic, most of the meetings were held online via zoom platform and only few of them were held in the building of the Ministry of Justice. The sessions were held minimum once in a fortnight, but after the deadline of the election subjects' registration expired, they were held at least once a week. In the reporting period, the interagency task force held 13 sessions⁹³.

It is noteworthy that majority of the issues raised during the sessions were discussed and examined superficially; concrete facts were not examined in depth, positions of all parties were not presented. Consequently, clarifications of the commission members were rather standard and formal and the commission failed to study the issue in reality and to respond to the problems adequately.

On September 29, 2021 the interagency task force issued two recommendations towards the civil servants of the central and local authorities, heads of the educational resource-center, employees of the public schools and kindergartens, as well as to the election subjects⁹⁴.

In the first recommendation, the interagency task force recommended the heads of the educational resource-centers, employees of the public schools and kindergartens that in the work hours, or when they are directly performing their duties, shall not take part in election agitations. Also, to avoid politicization of the education process, refrain from political agitation/counter-agitation using social media, also, refrain from including their pupils/students in the pre-electoral activities and separate their professional life from the electoral political process⁹⁵.

According to the second recommendation, the commission called on the civil servants not to take part in electioneering in the duration of the work hours, or/and when they are directly performing their duties and to refrain from meeting any electoral candidate in order to eliminate the possibility of physical and verbal altercation on the political grounds, and for the candidates to communicate with the voters in a free and harmonious environment⁹⁶.

⁹³ See the protocols of the sessions: <https://www.justice.gov.ge/Ministry/Index/1614>

⁹⁴ See the recommendations of the interagency task force: <https://www.justice.gov.ge/Ministry/Index/1616>

⁹⁵ See the recommendation of the interagency task force for free and fair elections to the teachers: <https://bit.ly/3nh4vxf>

⁹⁶ See the recommendation of the interagency task force for free and fair elections to the civil servants: <https://bit.ly/3jrdfvp>

Unlike the previous elections, the commission has not published the interim report of its activities that could enable the interested parties to analyze the tendency how the recommendations of the commission were/were not fulfilled. At the same time, most part of the opposition political parties did not attend the commission sessions that worsened the quality of the discussion process.

MEDIA ENVIRONMENT

The election campaign for the 2021 Municipal Elections was conducted under restrictions but in competitive environment. The campaigns of the political parties were actively covered by media and online editions and demonstrated the different views of election subjects.

Regardless the pluralistic media environment in the country, with the approaching elections, traditionally, the level of media polarization increased. Although there was local self-government elections and logically local issues should have been under the focus of media, mostly all political subjects tried to blame each other about the miscarriages in the election process that diminished the importance of the local issues. This situation was particularly triggered after the opposition political parties stated the municipal elections were referendum and the ruling party activated the marginalization campaign against the former ruling party.

With the approaching elections, the media polarization significantly increased. In the pre-election period, the facts of hindering the professional activities of journalists and unacceptance of the critical opinions by political officials increased. The media polarization had impact on the editorial policy of various TV-Companies for what several journalists had to quit jobs in the pre-election period. Allegedly politically motivated dismissal of the journalist from the Georgian Public Broadcasting was also noteworthy fact.

Director General of the GPB fired the anchor of the TV Program “Weekly Interview” – Irakli Absnadze on August 9, 2021. The official reason for the decision was significant violation of the labor policy of the GPB. Absnadze himself believed that his dismissal was connected to his critical assessments about

July 5-6 events and that it had political motives⁹⁷. On July 12, Absnadze was among the detainees, who were arrested during the protest rally in front of the Georgian Dream's office; his arm was broken during the detention⁹⁸. Before dismissal from the GPB, he openly criticized the news story about the Davit Gareji monastery aired by the GPB and said that it stimulated the hatred against the defendants of this case. Absnadze became the subject of insulting from the Vice Prime Minister and Minister of Justice Thea Tsulukiani in his own TV-show, because of his critical questions⁹⁹.

CSOs critically evaluated the dismissal of Absnadze from the GPB stating it was silencing the critical position and violation of the fundamental principles guaranteed under the law¹⁰⁰.

In the pre-election period, on August 12, initially the TV anchor Guram Rogava¹⁰¹ and later, on August 17, journalist Natia Tskhomelidze¹⁰² left the TV-Company Rustavi 2. Both journalists explained their decisions with the significant change of the editorial policy of the TV-Company, interference from the side of the government and restriction of their journalistic activities.

On August 25, the Tbilisi City Court convicted the defendants in the case of assault on journalist Vakho Sanaia to minimal punishment – 6 months imprisonment, and the term of imprisonment expired on the date the verdict was announced and consequently the convicted people were freed from the courtroom on the same day¹⁰³. The Coalition for Media Advocacy criticized the court decision. According to the Coalition, *“justice in Sanaia’s case has not been properly delivered,”* adding that *“the soft stance of the court towards the attack on the journalist and his family members poses another threat of growing aggression against critical media.”*¹⁰⁴

⁹⁷ Journalist Irakli Absnadze Dismissed from Georgian Public Broadcaster <https://civil.ge/archives/436190>

⁹⁸ Newspaper Publika – “Irakli Absnadze Was Arrested” <https://publika.ge/kheli-momtekhes-mklavi-savaraudod-saoperacioa-irakli-absnadze/>

⁹⁹ See the Weekly Interview, November 25, 2019 <https://www.youtube.com/watch?V=c8rm--owhok>

¹⁰⁰ See the statement of the Coalition for Media Advocacy <https://www.qartia.ge/ka/siakhleebi/article/89000-irakli-absandzis-gathavisufleba-sheadzloa-mis-kritikul-mosazrebebs-ukavshirdebodes>

¹⁰¹ See the article of the Radio Liberty/Free Europe <https://www.radiotavisupleba.ge/a/31405202.html>

¹⁰² See the article of civil.ge: <https://civil.ge/archives/437000>

¹⁰³ See more information: <https://civil.ge/archives/437571>

¹⁰⁴ See the statement of the Coalition: <https://bit.ly/3jvdjyh>

On August 26, the pro-governmental TV Company Imedi refused the political party European Georgia to air their political advertisement. Their clarification about the refusal was the hate speech used in the advertisement¹⁰⁵. The PM Irakli Garibashvili publicly appreciated the decision of the TV-Company¹⁰⁶.

The European Georgia evaluated the decision as unlawful¹⁰⁷ and on September 7, they made an appeal to the National Communications Commission¹⁰⁸. Later, the National Communications Commission satisfied the appeal of the EP against the TV-Company Imedi and drew up the violation protocol against the broadcaster. The National Communications Commission examined the political advertisement in accordance with the standards of the political advertisement determined by the Supreme Court of Georgia (March 25, 2021, ruling Nbs-1168(k-20)) and concluded that the content of the advertisement did not contradict the general principles and requirements determined by the Constitution, which are reflected in the respective legislation¹⁰⁹.

In the reporting period, diverse media environment was extremely polarized that left limited space for analytic and investigative reporting. Coverage of the 2021 Municipal Elections was largely selective that significantly limited the possibility for the voters to make informed choice. In the news programs, televisions often violated professional ethics and used the method of manipulating with the facts.

It is still alarming that alongside the active election processes, the facts of interference in the professional activities of journalists, violence against journalists, facts of intimidation and insulting increased. The Government of Georgia did not take any measures to improve the media environment. The State does not protect the lives and safety of the media representatives. The senior officials of the ruling party continue to oppose the critical media. They traditionally use the hate speech, aggression and boycott against some TV-Companies that stimulates increased assaults on media.

¹⁰⁵ See the statement of the TV-Company Imedi: <https://bit.ly/3puqwa5>

¹⁰⁶ See the assessment by the PM Irakli Garibashvili: <https://bit.ly/3Ccf8RG>

¹⁰⁷ See the statement of the leader of the European Georgia Giga Bokeria: <https://bit.ly/3jtm30>

¹⁰⁸ See more information: <https://bit.ly/3jx8f6f>

¹⁰⁹ See the September 12, 2021 statement of the Communications Commission: <https://bit.ly/3pvty2j>

COVID-19 AND ELECTIONS

The pandemic caused by the spread of the novel coronavirus – COVID 19 had significant impact on every field of the public life, including such an important instrument for functioning of the democratic society like elections. On October 2, 2021, the second elections were held in Georgia in the environment of coronavirus pandemic.

Regardless the vaccination process in the country, this year, like in many countries across the world, holding elections was a huge challenge to maintain balance between the protection of public health and respect of the right of citizens to vote. On October 1, 2021, 1751 new cases of COVID-19 were reported in Georgia; 30 persons died. A week before the elections, there were 19.057 active cases in the country and 4.169 patients were treated in hospitals¹¹⁰.

The experience from 2020 Parliamentary Elections, greatly helped the CEC to conduct the municipal elections in safe environment during the pandemic that was positively evaluated by local¹¹¹ and international organizations¹¹². At the same time, it is noteworthy that regardless the existing regulations, the necessary sanitary hygienic norms for the prevention of the spread of the pandemic were not adequately followed in many polling stations.

For the October 2, 2021 Municipal Elections, the CEC elaborated several draft resolutions together with the nongovernmental organizations, Human Rights Center among them. The parties worked on the resolutions inclusively and together with the CEC's past year experience, various technical remarks of the parties, which aimed to ensure safe election environment, were considered.

The CEC, through the consultations with the parties in the election process, in due respect to the past year experience, approved the epidemiologic protocol for the polling day. On August 23, 2021 the CEC passed the Decree N52/2021 - On determining certain election related measures and sanitary and hygiene requirements for the polling day of 2 October 2021 elections of the municipality

¹¹⁰ See detailed information about the COVID-infected patients: <https://stopcov.ge/>

¹¹¹ See the Monitoring the Parliamentary Elections of October 31, 2021, HRC, 2020 p. 24-28 <http://hrc.ge/files/reports/25saparlameto%20archvnebi%20eng%20%202020-full%20el%20version-eng.pdf>

¹¹² See the Interim Report of the OSCE/ODIHR Limited Election Observation Mission Georgia Parliamentary Elections, 31 October 2020 https://www.osce.org/files/f/documents/7/9/467364_0.pdf

bodies in order to prevent the spread of the infection (Covid-19) caused by the novel coronavirus (SARS-CoV-2)¹¹³.

With this decree, the CEC determined those sanitary-hygiene requirements, which were necessary to follow for the voters to participate in the elections and in accordance to which the PEC members and involved parties had to act on the Election Day. As a result of the consultations with the involved parties, the document was elaborated that determined the rules to enter, to leave, to stay in and to move about the polling station, to use temperature-screening, to wear facemask and the rule to replace authorized persons in the polling stations.

Before entering the polling station, the members of the precinct election commission and all other authorized persons to be in the building were entitled to take temperature screening; they were entitled to clean the hands in accordance with the protocol as well as to wear the facemask. The PEC members were additionally supplied with the protection face-shields and single-use gloves. Like in the last year, disinfection barriers, the liquid to disinfect the hands and information about the measures to be taken for the prevention of the spread of the virus were placed at the entrance to the polling stations. Besides that, the election administration under the 2021 decree took responsibility to appropriately disinfect the surfaces in the polling stations as well as to ensure natural ventilation of the rooms.

On August 23, 2021, the CEC also passed the Decree N53/2021, on the participation of voters staying in inpatient medical facilities and in isolation (quarantine, self-isolation) in the 2 October 2021 municipal elections, the establishment of electoral precincts and special groups, and the determination of some election related events and sanitary-hygienic requirements¹¹⁴.

In accordance with the decree, voters of this category staying in inpatient medical facilities were allowed to vote through the mobile ballot boxes of electoral precincts, who will be served by the special group of maximum 17 members¹¹⁵.

¹¹³ See the CEC Decree N52/2021 <https://cesko.ge/eng/list/show/124587-dadgenileba-52/2021-23082021>

¹¹⁴ See the CEC Decree N53/2021: <https://cesko.ge/eng/list/show/124588-dadgenileba-53/2021-23082021>

¹¹⁵ Ibid Article 2.3

The Decree determined that a voter staying in self-isolation shall verbally apply the CEC call/information center through the telephone requesting the mobile voting from 25 September 2021 through 27 September 2021, from 10:00 a.m. to 10:00 p.m.¹¹⁶.

The abovementioned provision of the Decree, like in the last year, excluded the participation of those individuals in the polling process, who will go to self-isolation after 10:00 p.m. on September 27 as the hotline was active only from 25 September 2021 through 27 September 2021, from 10:00 a.m. to 10:00 p.m.¹¹⁷ Consequently, the mentioned decrees granted unreasonably short term to the voters to enjoy their active election rights that is guaranteed under the Constitution of Georgia¹¹⁸.

On the Election Day, among other problems, the HRC monitors observed the facts of violation of sanitary-hygiene norms determined by the epidemiological protocol. Regardless the measures taken by the CEC, the monitoring revealed that in many electoral precincts the norms determined by the decree were not followed. In majority of precincts, the persons responsible to regulate the flow of voters did not properly regulate it; in majority of the precincts in Marneuli and Bolnisi municipalities, the space of the polling stations disabled the commission members and observers to be inside the facility together. Besides the limited space of the precincts, it was impossible to air most of them, the voters did not respect the distance inside the building that was often caused by the small space. People – voters, commission members and observers stayed in the polling stations without facemasks. At the same time, despite the pandemic, almost in every monitored electoral precinct, the commission members had lunch together inside the polling station.

ELECTIONS AND ETHNIC MINORITIES

Participation of the ethnic minority population in the political, civil or culture life of the country plays key role in the establishment of the democratic and human rights based state. Based on the 2014 census of the Georgian National

¹¹⁶ Ibid Article 5.8

¹¹⁷ Ibid

¹¹⁸ See the Monitoring the Parliamentary Elections of October 31, 2020; Human Rights Center, 2020. P. 25 <http://hrc.ge/files/reports/25saparlamento%20archvnebi%20eng%20%202020-full%20el%20version-eng.pdf>

Statistics Office, the ethnic minority population makes 13, 20% of the general population of Georgia¹¹⁹. Regardless the obligations taken under the international agreements and significant legislative amendments in the past decade¹²⁰, full engagement of the ethnic minority population in the political life of the country is still unresolved problem.

The programs of the political parties for the 2021 Municipal Elections were not oriented on the complaints, challenges and needs of the local population¹²¹. The issues related with the ethnic minorities were weakly reflected in the pre-election campaign, except for the messages about the need of integration. The researches in the past years demonstrated that people living in the regions inhabited with ethnic and religious minorities have feeling of alienation, insecurity and injustice¹²². They have low trust towards political parties that demonstrate weak links between the political parties and voters. Finally it affects the political engagement of the minority population¹²³.

The monitoring again revealed serious problem of language barrier in the ethnic minority population that creates barrier for them to get engaged in politics. Consequently, very few representatives of the ethnic minority population apply to the local self-governments. Interpretation resources into the languages of the ethnic minorities are not created for the administrative proceedings and public communication yet. Ethnic minorities have the least representation in the central and local governments that, together with various factors, is caused by deficiency of necessary political will to change the situation.

The women from the ethnic minority communities are extremely vulnerable group in the process of political estrangement and exclusion. Even though women's participation in the Georgian politics is generally very low, this

¹¹⁹ See the data of the geostatistics <https://www.geostat.ge/en>

¹²⁰ The Constitution of Georgia grants full political rights to the national minorities and prohibits all forms of discrimination based on national, ethnic, religious or language signs as well as formation of such political parties, which encourage ethnic conflict and are established due to territorial belongings. The Election Code stipulates that the election programs must not encourage ethnic controversies.

¹²¹ See the analytic document of the Social Justice Center – Analysis of the Pre-election Programs of the Political Parties in the View of the Needs of the Ethnic Minorities," <https://bit.ly/3vstcgm>

¹²² "Study of the Participation of Ethnic Minority Representatives in Political Life", Open Society Georgia Foundation, 2021 <https://bit.ly/3CVpaGu>

¹²³ Kakhishvili L (2019). Decreasing level of trust in Georgian political parties, Tbilisi: Georgian Institute of Politics

indicator is extremely low in case of the women from the minority groups¹²⁴. Nevertheless, in the 2021 municipal elections, there was some positive tendency in terms of women's engagement in the elections; while as a result of the 2017 Municipal Elections, there were not a single ethnic minority woman in the Marneuli municipality assembly, after the 2021 Municipal Elections, there will be 5 women from ethnic minority communities in Marneuli municipal assembly.

Perceiving the ethnic minority groups in the context of state security is still a serious challenge and it additionally hinders the integration process of these groups. For 2021 Municipal Elections, like in the past, the practice of the clan governance was particularly problematic in the ethnic minority inhabited regions and in some cases, the local voters were subjects of unlawful oppression¹²⁵.

To promote the participation of ethnic minorities in the elections, the Georgian legislation envisages preparation of the election documentation and election materials in the languages of ethnic minorities and ensures that the ethnic minority population had access to those materials in the electoral precincts located in the ethnic minority inhabited areas. In accordance with the election code, ballot papers are printed in Georgian language and in Abkhazian language in Abkhazia and in case of necessity – in the language understandable for the local population. The voters' lists of the precincts, where ethnic minority voters are registered, must be published in the languages of the minorities on the official website of the CEC. The election legislation also envisages possibility to prepare the logbook and final protocols in Georgian language and in the languages of ethnic minorities. Pursuant to the election code, the logbook is filled out in Georgian language but for the electoral district where ballot papers are printed in ethnic minority languages, the logbook may be processed in minority languages too. Similar approach is used with regard to the final protocols.

For the October 2, 2021 Municipal Elections, 348 electoral precincts were created in the ethnic minority inhabited areas¹²⁶, among them: 211 were Georgian-

¹²⁴ Institute of Social Studies and Analysis. (2019); Participation of the Ethnic Minority Representatives in Political Life. Tbilisi: OSGF

¹²⁵ See the Elections in ethnic minority regions: Analysis of key tendencies and practices, Social Justice Center, 2021. <https://bit.ly/310ugV4>

¹²⁶ CEC, "October 2, 2021 Municipal Elections – the electoral precincts in the ethnic minority inhabited areas": <https://cutt.ly/9tjxzfl>

Azerbaijani; 133 – Georgian-Armenian and 4 – Georgian-Armenian-Azerbaijani. In accordance with the existing regulations, the voters registered in these electoral precincts shall have access to the unified voters list, ballot papers, the rules how to fill out the ballot paper and poster about polling process in the ethnic minority languages¹²⁷.

As monitoring revealed, low awareness of the ethnic minorities about the election procedures and polling process, like in the past years, was still significant problem during the October 2, 2021 Municipal Elections. The Government shall take more effective measures to promote awareness raising of the ethnic minority electorate about the main aspects of the election process. More shall be done by the state in order to facilitate the learning of the state language and ensure their full civic, political and social integration in the general population.

ASSESSMENT OF THE ELECTION DAY

HRC monitored the 2021 Municipal Elections through 51 qualified election observers in three regions of Georgia – Kakheti, Imereti and Kvemo Kartli. 1. Kakheti - in the villages of Sagarejo, Kvareli, Telavi and Lagodekhi municipalities inhabited with ethnic minorities; 2. In Kvemo Kartli: in the villages of Gardabani, Marneuli and Bolnisi municipalities inhabited with ethnic minorities (Nakhiduri, Talaveri, Savaneti, Tchapala, Mamkhviti, Kvemo Artevani, Keshalo, Lambalo, Duzagrama, Sazatendi, Kalinino, Marneuli, Azizkendi, Sabirkendi and Kizilajlo); 3. In Imereti in the special polling stations in Kutaisi, Khoni and Tskaltubo, where election violations are most expected.

Majority of the monitors stayed in the polling stations throughout the day, while coordinators were moving about the concrete election districts and visited various electoral precincts.

When static observers identified problems, the coordinators used to immediately arrive at the polling station. Having studied the situation on the place and receiving the information about the violations or incidents, they

¹²⁷ CEC, information about ethnic minorities: <https://cesko.ge/geo/list/show/124313-informatsia-etnikuri-umtsiresobebistvis-2021>

communicated to the Tbilisi office, from where the information was disseminated in the society.

Throughout the Election Day, the interested parties could get information about the election violations from the HRC website www.hrc.ge and from the facebook page and other social network pages of the HRC. At the same time, the HRC representative, together with the representatives of other partner election observation organizations, worked in the election media center of the Open Society Georgia Foundation, where 3 briefings on the Election Day and 1 briefing on the second day was delivered by the HRC. At the briefings, the HRC presented the information about the violations and general tendencies observed in the course of the election process monitoring.

On the Election Day, polling stations were open at 07:00 am and from 08:00 am the first voters arrived in the precincts¹²⁸. The monitoring mission of Human Rights Center observed several instances, when concrete polling stations were opened with delay. The HRC monitors were allowed to enter all precincts without any obstacles and to conduct their duties there. The obstacles were created in several instances. For example, in the polling station N48 of the Marneuli DEC N23, the HRC monitor was not allowed to move inside the polling station. However, after the monitor clarified to the PEC chairperson about the observer's rights, similar facts did not repeat in the polling station. In some electoral precincts, the monitors were hindered to conduct monitoring. In some of the Marneuli district precincts, the ballot procedures were conducted through the violations and despite the HRC monitors remarks, the PEC did not respond to the violations and the problems were eradicated only after the District Election Commission interfered in the situation.

In two polling stations in Kizilajlo village of Marneuli Election District #22 the polling booths were placed incorrectly and it was impossible to ensure privacy of voting; the problem was eradicated in the precincts after the HRC observer gave remarks to the PEC members. However, regardless the immediate reaction of the HRC monitor in the polling station N48 in Marneuli DEC N22, the problem of the incorrect location of the polling booths was eradicated only several hours later, after the DEC members interfered in the situation.

¹²⁸ See the October 2 statement of the CEC: <https://bit.ly/3xvrras>

Throughout the Election Day, the violations observed by the HRC monitors were mostly of procedural and technical character and they could not affect the final results of the elections. The violations were caused by the low qualification of the PEC members that was a common tendency during the previous elections too; in the regions inhabited with the ethnic minority population – the violations were caused by language barrier and poor knowledge of the election legislation. Like in the past year, the lack of knowledge about the additional regulations introduced to prevent the spread of the COVID-19, was another trigger of the election violations.

Except for rare cases, the PEC members accepted the verbal and written remarks of the monitors and when it was possible, the problems were eradicated shortly. In most cases, the HRC monitors did not encounter artificial barriers to observe the polling process or to register their remarks or complaints in the logbooks.

HRC monitored the 2021 Municipal Elections of October 2, 2021 through 51 qualified election observers. Throughout the day, to respond to and to eradicate the election violations, the HRC monitors lodged 24 complaints and made 48 notes in the logbooks. 10 complaints were sent to the District Election Commissions.

The District Election Commissions partially satisfied 1 complaint of the HRC. More precisely, the Sagarejo DEC N11 used disciplinary sanction against Imran Velyev, chairman of the Lambalo village PEC N50 – disciplinary reprimand. The DEC concluded that the HRC observer was deprived of the right to freely register the complaint in the mentioned electoral precinct. In accordance with the DEC decision, pursuant to the Article 41 Paragraph 5 of the Election Code, the election commission is obliged to create all conditions for the observer to freely implement his/her duties and responsibilities with regard to all polling procedures. The PEC chairperson is responsible to ensure adequate conditions for the observers.

Marneuli DEC N22 fully granted 1 complaint of the HRC. The DEC annulled the results from the mobile ballot box of the PEC N65 in the Marneuli election district N22, as the seal of the box was damaged. The observers learned about the damage of the seal after the mobile polling box returned to the polling station. Nevertheless, the PEC chairperson and members wanted to count the ballot

papers together with general votes. This election violation was prevented by the HRC observer, who contacted the DEC chairperson and informed about the violation. The DEC chairperson arrived at the precinct, the PEC members wrote explanation letters and the former made decision to seal the box on the place and take it to the district election commission. The DEC chairperson also clarified that the DEC will discuss the issue related with the mobile polling box. As a result of the examination of the HRC complaint, the DEC decided to annul the results from the mobile box.

The DEC's did not satisfy 8 complaints of the HRC. The organization appealed to the district court in regard to 5 complaints. The appeals were made regarding following electoral precincts:

- 1) Electoral precinct N11 of Kvareli Election District N16 (extra ballot papers were dropped in the ballot box);
- 2) Electoral precinct N65 of Marneuli Election District N22 (the PEC member did not implement his duties properly);
- 3) Electoral precinct N50 of Bolnisi Election District N23 (violation of the polling procedure);
- 4) Electoral district N40 of Bolnisi Election District N23 (violation of the polling procedure);
- 5) Electoral district N48 of Marneuli Election District N22 (repeated voting).

The first instant courts did not satisfy the appeals of the HRC. After this, the organization appealed the **4 decisions** of the district courts to the Appellate Court. The appeals in the Appellate Court refer to:

- 1) Electoral precinct N11 of Kvareli Election District;
- 2) Electoral precinct N65 of Marneuli Election District N22;
- 3) Electoral district N48 of Marneuli Election District N22;
- 4) Electoral precinct N50 of Bolnisi Election District N23.

The Appellate Court did not satisfy the appeals of the Human Rights Center.

Although according to the HRC's assessment, most of the violations observed in the frame of the monitoring mission could not affect the final results of the elections, in some cases, the identified election violations were grave that harms the principle of the fair and safe election environment in the country. Like in the

last year, most violations were observed in Marneuli municipality. The organization observed various violations. Together with the technical-procedural issues, the HRC monitors observed such grave election violations, like: physical violence, interference in the activities of journalists, unlawful campaigning and more.

Violent incidents observed on the Election Day: On October 2, the facts of physical violence were observed only in Marneuli election district N22.

In the electoral precinct N48 in Kizilajlo village of Marneuli municipality, where the HRC observer monitored the polling process all day long, a citizen tried to vote several times and it caused argument in the precinct. The PEC member standing at the polling box did not allow him to drop the envelope, claiming that he had voted already. He still managed to drop the envelope in the box by force that was followed by an argument.

During the incident, the HRC observer was also injured, who was subject of the aggression from the side of the PEC chairman. The latter pushed the HRC observer against the wall. Consequently, the observer had to call the Marneuli DEC N22. After the DEC members arrived in the precinct, the situation temporarily calmed down but after they left the area, the chaotic situation continued.

Another grave incident was observed in the precinct N52 of the Marneuli municipality, where the member of the Labor Party was stabbed¹²⁹.

Reportedly, on October 2, the Ministry of Internal Affairs started investigation into 16 criminal offences¹³⁰. According to the MIA, the police arrested 7 persons under the administrative law, 3 of them were arrested in Marneuli.

Mobilization of the supporters of the ruling party near the electoral precincts:

As it was already mentioned above, as a result of the 2021 amendments to the election legislation, the previous restriction on 25 meter distance from the premises of the electoral precincts for public gathering was extended up to 100

¹²⁹ See the TV-reportage of the TV-Company Formula [Formula • ფორმულა - activist of the Labour Party was stabbed near the precinct in Marneuli | Facebook](#)

¹³⁰ See full information <https://netgazeti.ge/news/566893/>

meter distance. However, the problems identified by the HRC monitoring mission demonstrate that the new regulation does not work adequately.

One of the reasons why the new regulation does not work is the location of the electoral precincts. Big part of the precincts where the HRC observed the polling process were located in a small space. At the same time, they are located next to the commercial offices or other institutions for what it was impossible to respect the 100-meter distance restriction.

At the same time, the monitoring revealed several facts, when coordinators and campaigners of the ruling party were mobilized in the vicinities of the polling stations to make written records regarding the voters. The unlawful activities of the coordinators and representatives of the ruling party were not adequately monitored, controlled and reacted from the side of the state institutions. The police is responsible to eradicate similar illegal facts but the PEC chairpersons are authorized to inform the police about these violations that negatively affect the healthy election environment in the polling stations they supervise. However, frequently, the PEC chairpersons refrain from reporting about the incidents to the police and claim that it is not within their competence.

A woman was standing at the entrance to the yard of the polling station #3 of the Gardabani election district #21, who was writing down the names of all voters arriving at the precinct in her notebook. The observers several times rebuked her and asked to leave the area but in vain. According to the HRC monitor's report, the police took the woman away from the yard at about 10:00 am but later she returned back. Consequently, the HRC observer had to call the patrol police and they took the woman away from the vicinities of the polling station. The law enforcement officers took the woman away from the vicinities of the polling station again.

At about 09:30 am, so-called coordinators of one of the political parties (supposedly of the Georgian Dream) were standing in the vicinities of the precinct # 51 of Savaneti village in Bolnisi municipality, who had argument with the representatives of the polling company Edison Research. The argument finished soon but the coordinators did not leave the area and actively tried to mobilize the voters in the polling station. They were looking for the numbers of the concrete voters in the voters' lists.

HINDERING THE WORK OF THE OBSERVERS

Both during the polling and the vote counting process, in several electoral precincts, the PEC members hindered the HRC observers to perform their duties, insulted and intimidated them.

In the polling station N48 in Marneuli Election District N22 the PEC chairperson physically and verbally insulted the HRC observer. He was particularly aggressive towards the observers of other NGOs too. All day long he did not allow them to take photos or video-record the violations and threatened with “breaking her fingers”. The problem was resolved only after the representatives of the DEC N22 intervened.

In the polling station #50 in the Sagarejo Election District #11 the PEC chairperson hindered the activities of the observers. The observers lodged a complaint. The HRC observer submitted the complaint to the Sagarejo DEC #11 regarding this issue.

The similar situation developed in the polling station #39 in Sagarejo Election District #11 too, where the PEC chairperson was even more aggressive and hindered the observers to conduct their duties. The complaint was prepared and the HRC observed lodged it in the Sagarejo DEC # 11.

VIOLATION OF THE SECRECY OF VOTING

In the electoral precincts N48 and N49 of the Marneuli election district N22, the HRC observed that the polling booths were not placed correctly and their location violated the secrecy of voting.

In the precinct N49 of the Marneuli election district N22, the HRC observer noticed that the representative of the UNM was violating the secrecy of voters. Namely, the UNM representative tried to stand on the place, from where she could observe the process of voting inside the polling booth. Regardless verbal remarks and a written remark in the logbook, she continued the same. Later, she accompanied the voter into a booth and marked the election subject herself. The HRC observer lodged a complaint to the PEC chairperson and requested to expel the UNM representative from the precinct. However, the PEC chairperson gave only verbal reprimand to her.

In the precinct N51 in Bolnisi election district N23, several facts of the violation of secrecy of voting were observed. Namely, unauthorized persons accompanied the voters into the polling booths claiming that they tried to help the voters.

OBSERVATION ORGANIZATIONS WITH SUSPICIOUS REPUTATIONS

During the October 2, 2021 Municipal Elections, another significant problem was high number of the representatives of such observation organizations, which demonstrated support to the ruling party Georgian Dream and in some cases to the political party United National Movement.

The observation organizations are responsible in front of the society to act as neutral observers of the polling process and promote holding the elections in fair and transparent environment.

The representatives of such suspicious observation organizations committed several incidents and other influential observation organizations also reported about them .On the Election Day, the HRC monitors observed when several representatives of one observation organization were present at one precinct¹³¹. After the observers reacted to the fact, the incidents were eradicated.

COVID REGULATIONS

Due to the spread of the COVID-19, respect of the special measures determined by the election administration was still a serious challenge this year. In some cases, the regulations were violated not because of negligence or purposeful action of the PEC members, but because of the incompliance of the election infrastructure with the established rules.

Despite that, almost in every observed polling station, the HRC monitors observed the fact when the PEC members intentionally breached the regulations that were not adequately reacted by the PEC chairperson either.

¹³¹ In precinct N51 of Bolnisi election district N53 the organization Youth Initiative for Democracy had 3 observers simultaneously that is violation of the law.

IN BETWEEN FIRST AND SECOND ROUNDS OF THE ELECTIONS

Although the representatives of the ruling party stated that they would win the elections in the first round, the second round was scheduled in 20 municipalities throughout the country. It is noteworthy that after the first round, about 1 300 complaints were lodged to the District Election Commissions. 900 of them referred to re-counting the election results but most of those complaints were not satisfied¹³². Despite the protest against the protest results, the opposition political parties decided to take part in the second round.

The opposition political parties called the elections “referendum” even after the second round. Their statements relied on the concrete paragraph in the “Charles Michel Agreement”, according to which if the Georgian Dream had gained less than 43% of votes in the municipal elections, the snap parliamentary election was expected. It is noteworthy that after the first round of the elections, the discussion about this issue did not continue actively. It may have been caused by the fact that according to the CEC, the Georgian Dream gained 46, 74% of votes in the first round. However, the opposition political parties continued contest in the elections of mayors and majoritarian members of the municipal assemblies.

Initially, the opposition political parties gained more votes than the ruling party in 6 municipalities but they failed to gain enough votes to celebrate the victory in the first round. In the end, in all five self-governing cities and additionally in 15 cities, second round of elections was set to elect the mayors. Besides that, second round of polls were scheduled to elect the majoritarian members of the municipal assemblies in 24 election districts.

On October 1, 2021, the ex-president Mikheil Saakashvili disseminated information that he was in Georgia. The ruling party Georgian Dream “denied¹³³” the information and stated that Saakashvili was in the Ukraine and had not left the territory of the Ukraine. However, later on, at the briefing with the Minister of Interior Vakhtang Gomelauri and the head of the State Security Service Grigol Liluashvili, the PM Irakli Garibashvili stated that Mikheil Saakashvili was arrested. More precisely, on October 2, 2021, the MIA reported that the law

¹³² See more information: <https://bit.ly/3k9a8ww>

¹³³ See full information: <https://www.radiotavisupleba.ge/a/31487335.html>

enforcement officers, as a result of the operative and investigative activities conducted together with the Security Service and the Prosecutor's Office General, arrested fugitive Saakashvili in Tbilisi¹³⁴, who was convicted for criminal offenses by all three instances of the Georgian court. Saakashvili started hunger-strike in jail on the same day.

Initially, the route of Mikheil Saakashvili to enter the country was unknown; but later it was reported that he illegally crossed the state border. The MIA started the investigation into illegal crossing of the state border of Georgia by Mikheil Saakashvili under the Article 344 of the Criminal Code of Georgia¹³⁵.

On October 4, 2021, demonstration was organized in front of the Rustavi penitentiary facility to support Mikheil Saakashvili. The colony of several dozens of cars left Tbilisi for Rustavi under coordination of the UNM. The supporters demanded the freedom of Mikheil Saakashvili.

On October 14, 2021, large-scale demonstration was organized in Tbilisi in support of Mikheil Saakashvili. Citizens from different cities of Georgia arrived in Tbilisi in an organized manner, by cars; on their way to Tbilisi, opponents of the National Movement met them with brooms and crutches – according to their clarifications with the symbols of the crimes committed by the UNM government¹³⁶.

On October 27, 2021 the ruling power – Georgian Dream organized so-called Closing Gathering of their supporters at the Liberty Square in Tbilisi. The ruling party brought citizens from the western and eastern Georgia. In parallel to that, information about the misuse of the administrative resources and official powers by the Georgian Dream was disseminated actively. ODIHR EOM observers received credible reports that public employees were instructed by their supervisors to participate in the rally held by GD, raising concerns of abuse of office by the ruling party¹³⁷.

¹³⁴ See the statement of the MIA: <https://bit.ly/3BIOQFD>

¹³⁵ Ibid

¹³⁶ See full information: <https://www.radiotavisupleba.ge/a/31509892.html>

¹³⁷ See the Statement of Preliminary Findings and Conclusions, OSCE/ODIHR: <https://www.osce.org/files/f/documents/8/c/502704.pdf>

In accordance with the OSCE/ODIRH preliminary report, „Sharp imbalances in resources, and an undue advantage of incumbency further benefited the ruling party and tilted the playing field.” With the focus on the statement of the PM Irakli Garibashvili, who said that *“any municipality won by the opposition would be detached from the central government without a possibility to implement any project.”*¹³⁸

All in all, for the second round, the election campaign was characterized with the assaults and worsened negative rhetoric. Before the second round, particularly in the last two weeks, some incidents happened, among them were confrontations in front of the office of the ruling party and arrest of the police officers, who were affiliated with the opposition political parties¹³⁹.

As for the media environment, it was still polarized. Many private TV-Companies either openly demonstrated their support to the ruling party and negatively reported about the opposition political parties, or vice versa, were very biased against the ruling party.

SECOND ROUND

MONITORING MISSION OF THE SECOND ROUND OF THE MUNICIPAL ELECTIONS

On October 30, HRC monitored the second round of municipal elections at polling stations in three municipalities - Kutaisi, Telavi, and Rustavi with 9 observers. During the elections, HRC mobile groups covered all of the possible polling stations in these three cities to the extent possible. The monitoring was carried out in election district N17 of Telavi at four polling stations located in the village of Karajala, populated by ethnic minorities. HRC observer could monitor the ongoing process in the vicinities of the polling station too.

In parallel to that, Human Rights Center disseminated information about the observed violations and tendencies in various polling stations. On the Election Day, the HRC representative held two briefings in the media center, which was created by support of the OSGF. The information provided by the observers was published on the online newspaper www.humanrights.ge in Georgian and

¹³⁸ Ibid

¹³⁹ See full information: <https://mtavari.tv/news/61091-standartuli-ghonisdziebia-araperi>

English languages as well as on the facebook page of the organization <https://www.facebook.com/humanrights.ge>.

KEY FINDINGS

In accordance with the information reported by the HRC observers, in all three cities, the polling process was conducted mainly in a peaceful and fair environment. The observers have not identified the substantial violations at the polling stations that could have affected the outcome of the election.

A large number of observers were mobilized at the polling stations during the second round of the elections. The observers of the opposition parties were particularly active as following their instructions some technical shortcomings were being immediately eliminated.

The electoral precincts, where HRC had assigned the observers, were opened timely. Unlike the first round, opening of the polling stations, designation of the duties among the PEC members and other procedures were conducted in accordance with the election rules.

The voting booths at the polling stations were arranged in accordance with the new recommendations. Observers see the voter in the booth from the front, however, the observer could not see the casting of a vote on the ballot paper by the voter. Such polling booths are arranged according to the new instructions of the CEC and aim to prevent the possibility of manipulation by the voter (for example, taking the ballot paper away or replacing the ballot paper). Considering the results of the vote counting, arrangement of the booths in accordance with the new rules, based on the results of the monitoring mission, was quite effective. In comparison with the previous years, the difference between the ballot papers handed to the voters and those dropped in the ballot box was significantly reduced.

Nevertheless, during the polling process, some election violations were observed, such as unlawful campaigning, violation of the polling procedures, insulting of the observers and more.

At polling station N39 of Telavi election district N17, a voter flow regulating officer allowed two voters with expired ID cards to enter the polling station,

which was noticed by one of the observers and the persons with wrong IDs had to leave the polling station¹⁴⁰. Regarding this fact, the HRC observer called on the chairperson of the commission to instruct the flow regulating officer to pay more attention to the process so that similar facts would not occur again. In response, the chairperson of the commission and one of the members of the commission, who turned out to be a spouse of the chairperson verbally abused the HRC observer. Due to this incident, the observer wrote a complaint at the polling station and demanded that the chairperson and the member of the commission be held accountable for the action. HRC filed a complaint with the Telavi District Election Commission N17 claiming the same actions against the chairperson and the member of the PEC¹⁴¹. The DEC did not satisfy the complaint of the HRC, and the HRC appealed the DEC decision at the Telavi district court.

The HRC observers identified some cases of voter registration by Georgian Dream representatives near polling stations.

In polling station N3 of Rustavi election district N20, the representative of Georgian Dream - Democratic Georgia was writing names and surnames of the voters in his notebook¹⁴². The observer appealed to the chairperson of the precinct election commission regarding this fact. The observer submitted a comment into the polling day logbook after which the chairperson took measures and eliminated the violation.

In the vicinity of around 100 meters to polling station N4 of Rustavi election district N 20, unidentified persons who did not say their names to the observer also were registering the voters arriving at the polling station. The persons had some lists with them checking the voters approaching the polling station¹⁴³. The HRC observer took a video¹⁴⁴, in which the individuals state that they are ordinary voters and have no lists with them.

In polling stations N83, N5, and N8 of Rustavi election district N20, the observers submitted comments to the polling day logbook regarding the fact that a voter registrar was making notes of the registration numbers of the appearing

¹⁴⁰ See more information: <http://www.humanrights.ge/index.php?A=main&pid=20424&lang=eng>

¹⁴¹ Ibid

¹⁴² See more information: <http://www.humanrights.ge/index.php?A=main&pid=20421&lang=eng>

¹⁴³ See more information: <http://www.humanrights.ge/index.php?A=main&pid=20422&lang=eng>

¹⁴⁴ See video: <https://www.youtube.com/watch?V=0q5otzq9nki>

voters on a separate sheet. The observers called on the chairpersons of the election commissions to eliminate the violations after which the registrars stopped to make notes of registration numbers of the voters on a separate sheet.

A similar action by the registrars resulted in a conflict near polling station N74 of Rustavi election district N20 with the police arresting Giorgi Kapanadze, a member of United National Movement. The conflict at the polling station began after an opposition observer filed a complaint about the violation. Giorgi Kapanadze interfered in support of the observer, however, the police removed him from the polling station.

The monitoring mission of the HRC did not observe any significant violations during the second round of the municipal elections. The process of drawing up the final protocols, examination and uploading process of the protocols was conducted mostly transparently and effectively.

KEY ASPECTS OF THE MEDIA MONITORING

Besides the election monitors, Human Rights Center received information about the ongoing election procedures during the second round from various media sources.

Violent incidents and confrontations observed in some electoral precincts where the media representatives were also insulted were alarming¹⁴⁵. In Tbilisi, near the polling station N62 of Vazisubani district, mayoral candidate of the opposition political parties in Tbilisi – Nika Melia was also physically abused¹⁴⁶. It is important that the investigation commenced by the MIA¹⁴⁷ was conducted impartially and objectively and all perpetrators, who participated in this incident, were adequately punished. It is also important to investigate all facts of interference in the professional activities of the journalists on the Election Day. It is necessary that the MIA timely and accurately informed the society about the ongoing investigation and its results.

The statement of Kakha Kaladze, the acting mayor and the mayoral candidate of the Georgian Dream, was alarming. He called on the campaigners and the

¹⁴⁵ See more information: <https://bit.ly/2zwvfo9>

¹⁴⁶ See more information: <https://bit.ly/2ZVRXNU>

¹⁴⁷ See more information: <https://bit.ly/3001L9i>

activists of the ruling party to continue use of the voters' lists and making written records regarding the voters in the vicinities of the electoral precincts. More precisely, Kakha Kaladze said: *"According to the Georgian legislation, citizens, including electioneers and activists of the parties may have voter lists with photos and may make written records regarding the voters according to the lists. This is not a violation and therefore, no one may dare try to create any tension on this ground. I again call on these people, the members of our party, electioneers. Colleagues, you have the right to legally maintain the lists and stay beyond a 100-meter radius [from polling stations], carry on your activities. This is not a problem."*¹⁴⁸

According to Article 45(12) of the Election Code of Georgia, it is prohibited to physically hinder the movement of a voter appearing to the polls in the polling station or within 100 meters from the polling station, further, no gatherings and registration of voters are allowed on the polling day within 100 meters of the polling station.¹⁴⁹

According to HRC, the registration of voters appearing to the polls even beyond the radius of 100 meters from the polling station is still a problem. Such actions expose control over the expression of the free will of voters and impede the conduct of free and fair elections.

During the monitoring of the October 2, 2021 local elections, HRC identified the cases of voter registration on the polling day (both in the first and second round of the elections) both within 100 meters of the polling station and beyond 100 meters of the polling station.

Instead of urging the party members to stop the actions hindering the free expression of will by the voters, he as the incumbent mayor of Tbilisi and at the same time, the mayoral candidate encouraged such unlawful actions during the polling process.

CONCLUSION

The key symbol of the legitimacy of the government and public institutions is the trust of the society towards them. The pre-condition of the success of public

¹⁴⁸ See the statement of Kakha Kaladze: <https://www.radiotavisupleba.ge/a/31537083.html>

¹⁴⁹ See the Article 45 Paragraph 12 of the Election Code of Georgia

policy is based on the legitimacy of the actions and decisions of the government and public institutions.

Considering the deficiency of the public trust towards the state institutions, higher democratic level of the elections is becoming more important. On its side, democracy of the elections shall be evaluated in complexity and it cannot depend only on how compliant the polling day or various procedures were with the law. To ensure the democratic level of the elections, it is necessary to create relevant legal framework, to adapt the election system and election processes to the European and international standards; to ensure transparency of all stages of the election process and creation of the guarantees to enable all citizens to vote by ensuring the principle of equality. Comprehensive education and better informing of the voters plays the key role in this process, as well as pluralist access to impartial and balanced media coverage so that voters really manage to make informed and free choice.

In this regard, the amendments made to the Election Code of Georgia in June 2021 may be evaluated as a positive step towards the democratic development of the country. As a result of the election reform, new model of formation of the election commissions created possibility to disable the ruling party to have dominant position in the commissions; however, after the anti-crisis model of staffing the commissions appeared, considering the mono-party parliamentary majority, this possibility is reduced to minimum. Though, as a result of the amendments, control of summing up the polling results in the polling stations became more realistic; the preventive measures to combat the misuse of administrative resources improved; clear criteria to repeatedly count the ballot papers after the polling results are determined, was improved. These and many other amendments in the Georgian legislation in the frame of the election reform, regardless some flaws in the law, created good opportunities to hold democratic elections.

Unfortunately, although the election legislation created the possibility to hold high level democratic elections in the country, it was impossible to use this opportunity. In accordance with the current regulations, it would be possible to hold better elections only in combination of the legislation, its steadfast enforcement and relevant political will.

Unfortunately, the violations observed during the pre-election period, mostly committed by the government representatives include faulty practice of the misuse of administrative resources, diminishing of the lines between the state and political party, worsened polarization and hate speech, etc. This made it impossible to hold the 2021 Municipal Elections with high democratic standards. This will negatively affect the democratic development of the country.

RECOMMENDATIONS

To conduct the pre-election campaign in better environment, it is important to fulfill the following recommendations:

To political parties:

- All political subjects involved in the election process shall refrain from using the hate speech and disinformation during the pre-election campaign that deepens the political polarization. Also, the parties shall avoid campaign based on personalities and assaults on concrete individuals. Instead, concentrate on issues significant for the votes.
- To ensure knowledge-based choice of the voters the candidates nominated by the political subjects shall get engaged in the pre-election campaigns more actively, meet the electorate more intensively and spend more time on presenting their political programs to them. As for the regions with ethnic minorities, they shall provide the electorate with the mentioned information in the languages of the minority electorate;
- To promote healthier election process, it is necessary that the leaders and candidates of the political parties were aware of the code of conduct of the political parties and to ensure that they respect it;
- To ensure fair and equal elections, all political parties participating in the elections shall ensure utmost respect to the election legislation; they must say no to the violence, bribery of the voters or their intimidation;
- To increase the accountability of the political parties, inter-party, clear and strict sanctions shall be determined;
- The candidates of the ruling party shall stop misuse of the administrative resources, including the use of civil servants and employees of the public schools for the electoral purposes. The acting mayors, who simultaneously

are the mayoral candidates in the municipal elections, shall refrain from the misuse of the administrative resources, including the official information and communication means of the city halls; in the period of the pre-election campaign or in the post-election period, they must reinforce the respect of the public healthcare norms when communicating with the electorate;

- To promote engagement of the women in the party activities and for this purpose, to ensure creation of the inter-party mechanisms;
- To promote engagement of ethnic minorities in all levels of the political activities. Among them, they must ensure elaboration of the inter-party mechanism to increase the representation of the ethnic minorities and for the development of the local democracy. The communication with the population of the ethnic minorities inhabited regions shall be improved.
- The representatives of the political parties shall stop the faulty practice of controlling the voters' will, influencing their free will and making written records regarding the voters in the vicinities of the electoral precincts.

To the Central Election Commission:

To staff the election commissions with qualified members;

- To take efforts to improve the knowledge of the DEC and PEC members about the pre-election campaigning and electioneering rules and about the inadmissibility of the misuse of the administrative resources for the election purposes;
- To take efforts to improve the knowledge of the PEC members about the rights of the observers;
- To promote raising the awareness of the voters about election procedures and polling rules.

To the Parliament of Georgia:

- Through legislative changes, to ensure determination of the minimal space for the electoral precinct so that the people authorized to be present in the polling station had possibility to freely move about and observe the polling procedures;

- Through close cooperation with other institutions, among them through the engagement of the political parties and the nongovernmental organizations working in the field, to ensure that the procedures related with the appeals and complaints about voter counting and election results were simplified;

To the investigative bodies:

- To timely, objectively and impartially investigate the cases of oppression and intimidation of the candidates and supporters of the political parties;
- To timely, objectively and impartially investigate the facts of violence and interference of the professional activities of the journalists and media outlets.

To the Ministry of Internal Affairs:

- To adequately respond to the cases of unlawful registration of voters near the electoral precincts and to fine the offenders in accordance with the Article 79 of the Election Code.