



MONITORING THE PARLIAMENTARY ELECTIONS OF OCTOBER 31, 2020



2021

MONITORING THE PARLIAMENTARY ELECTIONS OF OCTOBER 31, 2020



THE REPORT WAS PREPARED BY HUMAN RIGHTS CENTER

AUTHORS: Giorgi Tkebuchava, Nino Tsagareishvili
EDITOR: Aleko Tskitishvili
TRANSLATED BY: Nikoloz Jashi
PHOTO ON COVER: Lia Khuroshvili and Nino Liparteliani/RHC's Observers

Non-governmental organization the HUMAN RIGHTS CENTER, formerly the Human Rights Information and Documentation Center (HRC) was founded on December 10, 1996 in Tbilisi, Georgia. The HRIDC aims to increase respect for human rights, fundamental freedoms and facilitate the peace-building process in Georgia. To achieve this goal, it is essential to ensure that authorities respect the rule of law and principles of transparency and separation of powers, to eliminate discrimination at all levels, and increase awareness and respect for human rights among the people in Georgia.

THE HUMAN RIGHTS CENTER IS A MEMBER OF THE FOLLOWING INTERNATIONAL NETWORKS:

- International Federation of Human Rights (FIDH); www.fidh.org
- World Organization against Torture (SOS-Torture – OMCT Network); www.omct.org
- Human Rights House Network; www.humanrightshouse.org
- Coalition for International Criminal Court; www.coalitionfortheicc.org

ADDRESS:

Akaki Gakhokidze Str. 11a, 3rd Floor, 0160 Tbilisi

TEL: (+995 32) 237 69 50, (+995 32) 238 46 48

FAX: (+995 32) 238 46 48 Email: hridc@hridc.org

WEBSITE: <http://www.humanrights.ge>; hrc.ge

The Report is published with the financial support of the Open Society Foundation and the Norwegian Helsinki Committee. The views expressed by the authors in the report may not necessarily reflect the positions of the Foundation and the Committee. Accordingly, the Foundation and Committee are not responsible for the content of the material.



Norwegian
Helsinki Committee



CONTENT

GENERAL OVERVIEW	4
METHODOLOGY.....	6
ELECTION PROCESS BEFORE THE POLLING DAY	7
REGISTRATION OF ELECTORAL SUBJECTS.....	7
UNIFIED LIST OF VOTERS.....	7
EVALUATION OF THE ACTIVITIES OF INTERAGENCY COMMISSION	9
FACTS OF VIOLENCE, INTIMIDATION AND OBSTRUCTION OF PRE-ELECTION CAMPAIGNS	11
ELECTORAL SYSTEM AND LEGISLATIVE FRAMEWORK	16
CONSTITUTIONAL AMENDMENTS	16
AMENDMENTS TO THE ELECTION CODE.....	17
GENDER QUOTAS AND THE INVOLVEMENT OF UNDERREPRESENTED GROUPS	18
OPENNESS AND TRANSPARENCY OF THE ACTIVITIES OF THE ELECTION ADMINISTRATION....	22
COVID-19 AND THE ELECTIONS	24
VOTER AWARENESS.....	28
CODE OF CONDUCT FOR POLITICAL PARTIES	29
CAMPAIGN FUNDING	31
EVALUATION OF THE POLLING DAY.....	34
OPENING OF POLLING STATIONS AND START OF POLLS	36
VOTER MARKING	36
INTERFERENCE WITH THE ACTIVITIES OF OBSERVERS	38
PRESSURE ON THE JOURNALIST OF HUMANRIGHTS.GE	39
ELECTIONEERING AT THE POLLING STATION	39
OTHER VIOLATIONS AND COMMENTS	40
PRELIMINARY RESULTS OF THE PARLIAMENTARY ELECTIONS AND PROTEST DEMONSTRATIONS.....	45
FROM THE FIRST ROUND TO THE SECOND ROUND.....	49
EVALUATION OF THE SECOND ROUND OF THE ELECTIONS.....	50
BALLOT PAPERS FROM PRESIDENTIAL ELECTIONS IN THE PARLIAMENTARY ELECTIONS.....	52
INVALIDITY OF BALLOT PAPERS.....	53
ELECTION OBSERVATION	53
MEDIA AND INFORMATION ENVIRONMENT	55
RECOMMENDATIONS	56

GENERAL OVERVIEW

Based on the Decree issued by the President of Georgia on August 31, 2020, the date of the Parliamentary Elections of Georgia was set as October 31, 2020, and the date of the launch of the official election campaign as September 1, 2002.¹ The fundamental significance of these Elections was evident from the beginning, both for the process of European integration of Georgia and because of the challenges of unprecedented scales posed to the democratic world by the spread of the new coronavirus, Covid19.

Postponement of the elections in the countries of democratic order is often followed by long-term negative consequences. Thus, in the conditions of the pandemic, the decision to hold elections in Georgia was supported both at the national level and by the international partners of the country.

On the background of protests by representatives of the opposition parties² and some arrests of civil activists³, the pre-election campaign was preceded by the Constitutional Amendments adopted with the involvement of international partners resulting in affirmation of a fairer electoral system standing close to the proportional system which has a fundamental significance for the actual realization of the principle of a more just and democratic State and that of the people's sovereignty⁴. Furthermore, the Parliamentary Elections of October 31, 2020 are the last elections which are held after the restoration of the independence of Georgia where the people have elected the candidates of majoritarian MPs in addition to the candidates nominated under the proportional lists of the parties. In accordance with the new version of the Constitution of

¹ Based on the Decree of the President of Georgia from August 31, 2020, the Elections of the Supreme Council of the Autonomous Republic of Adjara were also announced. see.: Decrees of the President of Georgia: 1) <https://bit.ly/3h0ZVcC>; 2) <https://bit.ly/37xdM7m>.

²see: 1) Legal Assessment of the Criminal Cases ongoing against Giorgi Ugulava, Human Rights Center. 2020: <https://bit.ly/33SqbZx>; 2) Legal Analysis of the Cases related to the Events of June 20-21, 2019, Human Rights Center. 2020: <https://bit.ly/2XUIHFf>; 3) Legal Assessment of the Criminal Cases ongoing against Irakli Okruashvili, Human Rights Center. 2020: <https://bit.ly/31NEpka>.

³see: *Legal Analysis of Criminal Cases connected with the Events of June 20-21, 2019*, Human Rights Center. 2020: <https://bit.ly/2XUIHFf>. further: 1) Criminal Case of Giorgi Rurua, Legal Analysis, Human Rights Center. 2020: <https://bit.ly/2CkSOfd>; Legal Assessment of ongoing Criminal Case against Nika Gvaramia: Human Rights Center, 2020: <https://bit.ly/33NqhAb>.

⁴ Monitoring the Pre-Election Environment of 2020 Parliamentary Elections, Interim Report, Human Rights Center, 2020. <https://bit.ly/3rd6CNo>.

Georgia, from 2024 the Parliament of Georgia shall be elected only through a proportional electoral system.

According to the general assessment of Human Rights Center (HRC), the Parliamentary Elections of October 31, 2020 taking into account the pre-election period, were marred by irregularities and shortcomings, which raised suspicions that the elections had been rigged and, consequently raising protests. In parallel with the state of emergency and the state policies of strict isolation due to the coronavirus pandemic accompanied by a severe economic crisis, a wave of protests by disgruntled voters created a severe political crisis that in itself is detrimental to the interests and democratic development of the State.

The problems identified in hearings the complaints by the district election commissions and general courts raise some concerns. Further, an unprecedented number of amendment protocols were drawn up to the summary protocols during the Parliamentary Elections of October 31, 2020. In particular, the amendment protocols (for the proportional system) were drawn up at 507 precincts amounting to 13.8% of the polling stations throughout the country. For comparison: During the 2016 Parliamentary Elections the number was 353 (9.57%). As for the summary protocols from the majoritarian polls, the amendment protocols were drawn up at 584 polling stations amounting to 15.39% of the polling stations throughout the country. During the 2016 Parliamentary Elections this figure was 271 (7.46%)⁵.

⁵ see: Statistics on amendment protocols and explanatory notes . <https://bit.ly/2KC2wNY>.

METHODOLOGY

The observation by Human Rights Center (HRC) included the pre-election period⁶ and the polling process on the Election Day⁷.

Due to the COVID-19 pandemic, international missions had fewer observers than usual. This factor further increased the importance of credible and impartial local observer groups.

Within the framework of the projects, the HRC observers have monitored the Parliamentary Elections in Kvemo Kartli: in the villages inhabited by ethnic minorities, in Gardabani, Marneuli and Bolnisi municipalities; in Shida Kartli: in the conflict adjacent villages of Gori, Khashuri and Kareli municipalities; in Kakheti: in the villages inhabited by ethnic minorities of Sagarejo and Akhmeta municipalities; and in Samegrelo: in the conflict adjacent villages of Zugdidi municipality⁸. Moreover, within another project, monitoring was carried out in Imereti, Adjara and Samtskhe-Javakheti regions⁹.

In total, HRC observers monitored the Parliamentary Elections of Georgia in seven regions of Georgia.

The current Report is based on the reports prepared by HRC long-term observers from September 1, 2020 to October 31, 2020, as well as the reports of the observers of the Election Day of October 31, 2020 Parliamentary Elections and second round of the Elections on November 21, 2020 describing the irregularities and other observations. Moreover, the Report is based on existing local and international legislation and standards in the field of electoral law, according to which the violations were assessed as identified by the observers both during the

⁶see: 1) Monitoring the Pre-Election Environment of 2020 Parliamentary Elections, Interim Report, Human Rights Center, 2020. <https://bit.ly/3rd6CNo>. 2) Pre-Election Environment in the Regions of Georgia (Adjara, Imereti and Samtskhe-Javakheti), Human Rights Center, 2020. <https://bit.ly/34xdjji>; 3) Monitoring the Pre-Election Environment of 2020 Parliamentary Elections, Second Interim Report, Human Rights Center, 2020. <https://bit.ly/3h3luJu>.

⁷see: Monitoring 2020 Parliamentary Elections in the Regions of Georgia (Adjara, Imereti, Samtskhe-Javakheti), Human Rights Center, 2020. <https://bit.ly/2J8oXtQ>.

⁸see: Statement by Human Rights Center: <https://bit.ly/34Qb6jw>.

⁹see Report: Monitoring of 2020 Parliamentary Elections in the Regions of Georgia (Adjara, Imereti and Samtskhe-Javakheti), Human Rights Center. 2020 <https://bit.ly/3p9xqMQ>.

pre-election period and on the polling day and afterwards including the second round of the Elections.

At the same time, the report draws on the assessments of the analyst of the electoral system and constitutional amendments allowing the stakeholders to have a clearer picture of the pre-election period and about the events developed afterwards directly related to 2020 Parliamentary Elections.

ELECTION PROCESS BEFORE THE POLLING DAY

REGISTRATION OF ELECTORAL SUBJECTS

The Central Election Commission (CEC) has registered 50 electoral subjects out of 78 applications submitted by political parties¹⁰. Of these, 48 were parties and 2 were electoral blocs including 7 parties. The CEC denied the registration to the parties the applications of which were submitted by unauthorized persons. Further, the registration was denied to the parties having submitted the applications after the deadline or those not having corrected inaccuracies in the applications or those not having submitted the list of candidates. Some parties were denied the registration on their own accord¹¹. More than 490 candidates ran in the majoritarian elections.

UNIFIED LIST OF VOTERS

In order to update the unified list of voters, the relevant state agencies¹² shall send to the election administration 4 times a year¹³ the data on persons with a right to vote and those without such right.

¹⁰see: Election subjects participating in the Parliamentary Elections of October 31, 2020 of Georgia in the sequence order of the applications they have submitted: <https://bit.ly/38k1hLp>.

¹¹ The following parties were denied the registration or their registration was revoked for the Parliamentary Elections of October 31, 2020: *Party "Motherland"; Political League (Union) of Mountaineers of Georgia; Party of National Unity of Georgia; Democratic Party of United Georgia; "People's Party"; "Voice of Mother and Voice of Nation"; "New"; National-Christian Party of Georgia; Friendship Union, Independence and Prosperity; Political Organization "Mamuli"; "Unity of the Peoples of Georgia - United, for a Democratic State (SAKHE +)"; "Ioseb Shatberashvili, Kakhaber Dzagania - Left Alliance"; Georgian Conservative (Monarchist) Party; "Christian-Conservative Party"; "Georgian Unity and Development Party"; Georgian Social-Democratic Party; Davit Chichinadze - Tribune; "Union of Pensioners of Georgia"; "Unity of the Iberians"; "Georgia's Euro-Atlantic Way"; Unity of Georgian Nationalists - Gaioz Mamaladze; "Our United Georgia". <https://bit.ly/2KcmW0k>.*

¹²Paragraph 5 of Article 31 of the Election Code of Georgia:

¹³ On February 1, on May 1, on July 15 and on November 1.

For the purposes of the Parliamentary Elections of October 31, 2020, the Election Administration has processed the data submitted by the institutions as provided for in Article 31 of the Organic Law of Georgia - the Election Code of Georgia and has updated the unified list of voters.

According to the constituencies, the number of voters for the Parliamentary Elections of Georgia of October 31, 2020 amounted to 3,526,023¹⁴. The CEC offered voters several opportunities to verify their registration data. Voters could check this information on the CEC website: voters.cec.gov.ge. Further, since October 1, 2020, the lists of voters were posted in the premises of precinct election commissions, so that the voters could verify their data in this way as well.

In the run-up to the Elections, a number of cases were identified where unfamiliar persons were registered to real properties without the authorization of the owners of the properties. One of the illustrative examples is the case of Konstantine Kublashvili, the former Chair of the Supreme Court of Georgia. He found out from the unified list of voters of the CEC that a person unknown to him, M.R. was registered to his real estate along with his other family members.

Konstantine Kublashvili approached the State Services Development Agency with a formal request to find out how a person unknown to the owner could have registered to the property, and to revoke the registration. Instead of investigating the basis on which the registration was made, the Agency asked the owner to fill in the application form designated for natural person requesting to remove (a) person(s) from the register due to the fact that the person no longer lives there for more than 6 months. Paragraph 6 of this form provides for the revocation of registration if the persons indicated in the application no longer reside at the address for more than 6 months. Afterwards, HRC became interested in the case and, with the consent of Konstantine Kublashvili, requested from the agency to explain how the citizen could have been registered at the address without the consent of the owner. According to the response of the State Services Development Agency under the Ministry of Justice of Georgia, the registration of R.M. to the apartment of Konstantine Kublashvili was revoked. However, the

¹⁴see: Number of Voters for the Parliamentary Elections of Georgia of October 31, 2020: <https://bit.ly/3nF87Sq>.

response letter of the Agency does not explain the grounds on which the person who never lived at the address was initially registered to the address. An important fact is that the person registered under uncertain circumstances is completely unknown to the owner of the real estate and the registered person has not lived a single day at the address.

Such cases were identified during the pre-election period, when voter invitation cards were received from the election commissions to the apartments or the citizens got acquainted with the database of the unified list of voters. Consequently, the owners, who are at the same time, voters, had a feeling that these cases were related to the elections.

HRC applied to the Services Development Agency under the Ministry of Justice of Georgia to study this problem. Owners should have detailed information regarding who, when and on what basis the Agency registers strangers to the properties¹⁵.

EVALUATION OF THE ACTIVITIES OF INTERAGENCY COMMISSION

In accordance with the election legislation¹⁶, on June 30, 2020, an Interagency Commission for Free and Fair Elections was set up¹⁷. The Commission consisted of high-ranking officials from various ministries and agencies. The Commission was chaired by the Minister of Justice. All political parties, NGOs and accredited observer groups had the right to attend and participate in the sessions. A representative of HRC also attended the sessions of the Commission. Ten sessions of the Commission were held before the Election Day.

In accordance with the Election Code of Georgia, the mandate of the Interagency Commission is to review election violations identified by the media or other sources in which civil servants are involved. However, in reality, a wider range of issues were initiated and discussed at the meetings of the Interagency Commission of 2020. Moreover, the stakeholders raised specific issues, but the Commission refused to hear them due to lack of relevant authority.

¹⁵see: Statement by Human Rights Center: <https://bit.ly/37EgjfH>.

¹⁶see: Election Code of Georgia, Articles 48. <https://bit.ly/2J3j4Om>.

¹⁷see: Order №560 of the Minister of Justice of Georgia setting up the Interagency Commission for Free and Fair Elections and approving the Regulations of the Commission, June 30, 2020, Tbilisi. <https://bit.ly/2WsBWcK>.

According to Section XII of the Report of the Observation Mission of OSCE / ODIHR for the Presidential Elections of Georgia (October 28, 2018 and November 28, 2018), only those issues are included in the agenda of the meetings that concern the facts of violations of the electoral law or other use of administrative resources by civil servants. Any other issue raised before the Commission may not be included in the agenda and the issue shall be forwarded to the relevant authority for further response in accordance with the general rules established by the law; and the applicant shall be notified about this in writing¹⁸.

The Interagency Commission has issued three non-binding recommendations¹⁹ calling on civil servants and political actors to refrain from electoral violations.

For 2020 Parliamentary Elections of Georgia, the Commission issued a recommendation on August 25, 2020 stipulating a uniform standard for the prohibition of the use of administrative resources including the prohibition of the use of communications, information services and various equipments financed from the State Budget of Georgia. This recommendation was given to civil servants of the central and local governments. Further, local authorities were asked to once again remind the civil servants employed in their structures of what they are entitled to and what is prohibited for them in the pre-election period. Moreover, the Ministry of Regional Development and Infrastructure of Georgia was once again asked to provide information to the municipalities and to carry out some explanatory work with them in order to implement the above recommendation.

By October 22, 2020, the Interagency Commission had examined 500 cases of alleged violations related to the elections on the part of civil servants and found 48 of the cases to come under the mandate of the Commission. Of these, 17 were related to alleged use of administrative resources, 10 - alleged violence, 5 - alleged vote bribing and 16 - other alleged violations. In two cases, the

¹⁸see: Paragraph 7 of Article 3 of Order №560 of the Minister of Justice of Georgia setting up the Interagency Commission for Free and Fair Elections and approving the Regulations of the Commission.

<https://bit.ly/2WsBWcK>.

¹⁹See: Recommendations of the Interagency Commission for Free and Fair Elections: *August 25, 2020; October 7, 2020; October 28, 2020*: <https://bit.ly/37Efi7T>.

Interagency Commission found the violation to have taken place, while other 5 cases are still under inquiries²⁰.

Eventually, the efficiency of the Interagency Commission and its importance were significantly prejudiced by several factors. On the one hand, unlike in previous years, the Commission focused mainly on issues related to violations of the election law by civil servants. According to the Interagency Commission, the scope of issues to be heard was reduced on the basis of the recommendations by OSCE/ODIHR²¹. On the other hand, the majority of opposition parties did not attend the sessions of the Commission, which also significantly reduced the quality of hearings of the issues. Consequently, the work of the Interagency Commission did not have a great impact on the election process of October 31, 2020.

FACTS OF VIOLENCE, INTIMIDATION AND OBSTRUCTION OF PRE-ELECTION CAMPAIGNS

During monitoring the pre-election environment of 2020 Parliamentary Elections, HRC identified number of violent incidents. Such cases became particularly alarming during the clashes taking place in Bolnisi and Marneuli in September and October. Representatives of political parties, activists/citizens, representatives of the media and observer organizations were injured as a result of the physical assaults. The involvement of public figures in such incidents was of particular concern. Firearms were used in the assaults as indicated by leaders of both the opposition and the ruling party.

Violence and intimidation are unacceptable in a democratic society, especially in the pre-election period and on the Election Day. Authorities and political parties have repeatedly called on civil servants and party activists to refrain from violence and instigations. Further, they signed the Code of Conduct for Political Parties, through which they took obligations *inter alia* to respect the rule of law and refrain from violence, hate speech, xenophobia, misuse of administrative resources, voter intimidation, discrimination, spreading false news, etc.

²⁰see: Interim Report of the Interagency Commission for Free and Fair Elections. <https://bit.ly/3au47Ai>.

²¹see: Paragraph 7 of Article 3 of Order №560 of the Minister of Justice of Georgia setting up the Interagency Commission for Free and Fair Elections and approving the Regulations of the Commission. <https://bit.ly/2WsBWcK>.

Nevertheless, in various electoral districts, long-term observers of HRC identified a number of acts of violence that required special attention from the State to ensure a peaceful election environment for the Election Day.

1. Confrontation in Dmanisi

On September 21, 2020, several people were wounded in Dmanisi as a result of the conflict and shootings near the local office of *Georgian Dream*. According to TV company *Mtavari Arkhi*, the activists of ruling groups attacked each other with firearms at the campaign office of *Georgian Dream*. One of the participants in the arguments was Z.O. who is a figure within a criminal world, wounding three members of the campaign office with a firearm²². Gogi Meshveliani, the majoritarian candidate for *Georgian Dream* from Bolnisi, Dmanisi, Tetrtskaro and Tsalka majoritarian electoral districts, identified the signature of *National Movement* in the incident and said that the opposition wished to do more harm to the election process and create an illusion of an illegitimate election environment²³.

In connection with the incident, the investigation began under Article 117 of the Criminal Code of Georgia (intentional severe damage to health)²⁴ and Article 236 (illegal purchase and storage of firearms)²⁵.

2. Attack on activists of European Georgia

On September 28, 2020, in village Sadakhlo of Marneuli, one of the activists of *European Georgia* was allegedly shot with a wind gun. The incident took place when an activist was placing an election banner in the village²⁶.

An investigation has been instituted in the incident under article 120 of the Criminal Code, envisaging an intentional minor damage to health²⁷.

²²see Humanrights.ge article: Violent Pre-Election Environment in Kvemo Kartli: <https://bit.ly/2HLKjwb>; See also: <https://bit.ly/3e6CpcF>.

²³see: More information: <https://bit.ly/2GdAG90>.

²⁴see: Articles 117 and 236 of the Criminal Code of Georgia. <https://bit.ly/3jBO44b>.

²⁵see: More information: <https://bit.ly/2HLKjwb>

²⁶see: More information: <https://bit.ly/34F0K6e>.

²⁷see: article 120 of the Criminal Procedures Code of Georgia. <https://bit.ly/3jBO44b>.

3. Confrontation in Bolnisi between Georgian Dream and United National Movement

On September 27, 2020, according to *United Opposition*, the brother of Gogi Meshveliani, of the majoritarian MP candidate for Georgian Dream, broke into a tea parlour with dozens of supporters, attacking the opposition activists and physically assaulting them. Several activists suffered bodily injuries²⁸. Representatives of *Georgian Dream* denied the allegations and accused the opposition instead in instigations and physically attacking their supporters. The conflict continued also the next day in Bolnisi, when stones and bottles were thrown in protest at the cars moving in convoy from Tbilisi. As a result, one of the cars was damaged²⁹. An investigation has been launched into the incident under Article 126(1¹)(b) of the Criminal Code of Georgia envisaging violent acts committed by a group of persons.³⁰

Furthermore, on October 4, 2020, the prosecutor's office charged Arif Yusupov, a supporter of *United National Movement* and *United Opposition*, with a battery. The next day, the court remanded the accused on bail of GEL 4,000³¹.

When covering the events taking place both in Nakhiduri and Dmanisi, several media outlets were spreading in parallel mutually exclusive reports. Regarding the physical confrontations taking place during the pre-election period, HRC released a special Appeal along with the recommendations emphasizing the particular aspect of the problem³².

4. Confrontation in Marneuli between Georgian Dream and United National Movement

On September 29, 2020, there were clashes in Marneuli among the supporters of *United National Movement* and *Georgian Dream*³³. The incident was caused by the issue of staffing the district election commissions³⁴.

²⁸see: More information: <https://bit.ly/34IBIZD>.

²⁹ Ibid.

³⁰see: Article 126 (1¹)(b) of the Criminal Code of Georgia. <https://bit.ly/3jBO44b>.

³¹see: More information: <https://bit.ly/3mzNo1f>.

³² see **Appeal of HRC regarding the facts of violence revealed during the pre-election period:** <https://bit.ly/2JhXLZj>.

³³see more information at: <https://bit.ly/2HNYktt>.

On the same evening, according to the available information, Lasha Kveladze, a supporter of *National Movement* and a member to the district election commission, along with three other persons was attacked³⁵. Further, physical assaults were also suffered by reporting crews³⁶ of *Mtavari Arkhi* and *Public Broadcaster* and by Giorgi Mumladze, a representative of monitoring organization *Platform 2020*³⁷. Jeyhun Muhammad Ali, a reporter of *Mtavari Arkhi* was hospitalized with injuries³⁸. The equipments of the reporters were also damaged³⁹.

It should be noted that Jeyhun Muhammad Ali was also threatened and verbally abused in Bolnisi, where on September 16, Vugar Isayev, a member to City Council for *Georgian Dream*, allegedly threatened the reporter with a knife when the reporter was performing his professional duties⁴⁰.

In connection with the above-mentioned incident, the Ministry of Internal Affairs has launched an investigation into the facts of damage to health and interfering with journalistic activities⁴¹. According to the Ministry of Internal Affairs, two people were arrested in connection with the incident on charges of battery⁴². The investigation revealed that on September 29, in the evening, they verbally and physically assaulted the activists of *National Movement*. Givi and Lasha Kveladzes⁴³.

5. Attack on a representative of United Opposition

On October 1, 2020, unknown individuals damaged the advertising van⁴⁴ of Kakha Okriashvili with stones, the candidate for *United Opposition* from Bolnisi majoritarian electoral district; before that, on September 23, 2020, they attacked

³⁴see more information at: <https://bit.ly/32aAaAv>; See also *Pre-Election Violent Environment in Kvemo Kartli*, Human Rights Center. <https://bit.ly/2HLKjwb>.

³⁵see more information at: <https://bit.ly/3oNAC1c/>.

³⁶see more information at: <https://bit.ly/37RPsOb>.

³⁷see more information at: <https://bit.ly/37RPsOb>.

³⁸ Ibid.

³⁹see more information at: <https://bit.ly/34ByPnO>.

⁴⁰see more information at: <https://bit.ly/3mwqOqi>.

⁴¹see more information at: <https://bit.ly/37TxWvS>.

⁴²see more information at: <https://bit.ly/34BeLSv>.

⁴³see Statement of the Ministry of Internal Affairs: <https://bit.ly/34BeLSv>.

⁴⁴see more information at: <https://bit.ly/3jzwDKU>.

the campaign office of Okriashvili where some posters were torn down from Okriashvili's campaign office, further some video cameras were damaged and insulting words were written on the walls⁴⁵.

Members of the opposition blamed again Gogi Meshveliani, the majoritarian MP candidate for *Georgian Dream* and his brother for the incidents⁴⁶. According to reports, the scene was under investigation until late that night, further, the surveillance camera recordings were seized, but, so far as HRC is informed, none of the assailants has been arrested.

6. Attack on the representative of European Georgia

On October 11, 2020, Oktay Skandarov, a member of *European Georgia*, was reportedly attacked in village Karajala of Gardabani district. According to Skandarov, *Georgian Dream* activists attacked him⁴⁷.

An investigation was on in the incident under article 126 of the Criminal Code, envisaging battery or other form of violence⁴⁸.

7. Violent incident in Akhalubani

On October 16, 2020, some local residents broke up the meeting Levan Tarkhnishvili the majoritarian candidate of *European Georgia* from Gori and Kaspi majoritarian electoral districts was holding with local population in village Akhalubani. According to Tarkhnishvili, the instigators were supporters of the ruling party.

Tarkhnishvili claims that about six people interfered in the pre-election campaign and instigated them. The confrontation in village Akhalubani took place when Eter Jalaghania, the chairwoman of the local branch of *European Georgia*, tried to use her cell phone for taking a photo of the fact that a poster of Giorgi

⁴⁵see more information at: <https://bit.ly/3mA9Yqg>.

⁴⁶see more information at: <https://bit.ly/2HLKjwb>; See also: <https://bit.ly/2TzSbn5>.

⁴⁷see more information at: <https://bit.ly/37SPqFK>.

⁴⁸see article 126 of the Criminal Procedures Code of Georgia. <https://bit.ly/3jBO44b>.

Khojevanishvili, a candidate from *Georgian Dream*, was placed over a poster of Levan Tarkhnishvili⁴⁹.

ELECTORAL SYSTEM AND LEGISLATIVE FRAMEWORK

CONSTITUTIONAL AMENDMENTS

The system of the parliamentary elections defines the rules for how to form a legislative (representative) body and how to transform it into mandates⁵⁰. The fair results of the elections are directly proportional to the electoral system⁵¹.

The electoral system existing prior to the changes has been criticized in terms of failure to ensure fair election results. After using the majoritarian component of the parallel electoral system, there is an unjustified, unjust discrepancy between the number votes and mandates received by the parties. Therefore, at the request of the public, civil society and opposition parties, with a high extent of legitimacy in support of the changes, the reform of the system became a major issue on the government agenda. Despite many difficulties, this has finally been achieved with the involvement of international partners⁵²: on June 29, 2020, the Parliament of Georgia, in the third hearing, voted in favor of the draft laws "on Amendments to the Constitution of Georgia" and "on Amendments to the Constitutional Law of Georgia"⁵³.

In accordance with the changes made to the Constitution of Georgia, 2020 Parliamentary Elections should have been held under a mixed system: 120 members shall be elected to the Parliament under the proportional system and 30 members under the majoritarian system.

⁴⁹see more information at: <https://bit.ly/3kjjiil>. Further see: Violent incident in Akhalubani and mutual accusations during pre-election campaigns, Human Rights Center. <https://bit.ly/37W4xy2>.

⁵⁰see: Document of the Research Center of the Parliament of Georgia. "Proportional electoral systems in European countries and their peculiarities". March 27, 2020 <https://bit.ly/3jIEym3>.

⁵¹see: Document of the Research Department of the Parliament of Georgia. Election systems. <https://bit.ly/2YEEkhW>.

⁵²see: Monitoring of the Pre-Election Environment of 2020 Parliamentary Elections: Interim Report, Human Rights Center; 2020. <https://bit.ly/3alkv1o>.

⁵³See: The Constitutional Law of Georgia on making Amendments to the Constitution Law of Georgia regarding making Amendments to the Constitution of Georgia: <https://bit.ly/3gIHYO6>.

As a result of the elections under the system adopted on June 29, 2020, the mandates of the members of the Parliament of Georgia will be distributed to those political parties that will receive at least 1 percent of the real votes of the voters participating in the elections. Further, the mandates shall be distributed to the electoral blocs of the political parties whose percentage of real votes is at least 1 percent multiplied by the number of political parties in the electoral bloc.

AMENDMENTS TO THE ELECTION CODE

At the regular sitting of the Parliament of Georgia on July 2, 2020, with 94 votes against one, in the third hearing, the Organic Law on Amendments to the Organic Law of Georgia - the Election Code of Georgia was adopted⁵⁴. Most of the changes represented in it are based on the recommendations of the OSCE Office for Democratic Institutions and Human Rights (OSCE / ODIHR)⁵⁵. These recommendations refer to the improvement of the electoral legislation in the main directions like: The electoral environment and prevention of the use of administrative resources; media campaign and airtime; hearings of election disputes.

The main essence of the changes:

1. Election environment and administrative resources

- ✓ Like civil servants, pre-election campaigning was banned during working hours for employees of legal entities under public law and of non-entrepreneurial (non-commercial) legal entities, including public school teachers (Article 45.4(j) of the Election Code);
- ✓ During 8 hours prior to the Election Day and until 20:00 on the Election Day, it was forbidden to place and broadcast the pre-election advertisement and programs of election subjects on television and radio. Further, it was also forbidden to make automated telephone calls and send

⁵⁴see: Organic Law of Georgia on Amendments to the Organic Law of Georgia - the Election Code of Georgia. <https://bit.ly/2D55Duk>.

⁵⁵see: Office for Democratic Institutions and Human Rights. GEORGIA PRESIDENTIAL ELECTION, 28 October and 28 November 2018. ODIHR Election Observation Mission Final Report: <https://bit.ly/3b2CQTG>.

short text messages for election purposes (Article 184.17 of the Election Code);

- ✓ It was forbidden to place campaigning material within the radius of 25 meters from the polling station, as well as to physically hinder the movement of voters within the radius of 25 meters from the polling station (Article 45.12 of the Election Code).

2. Media campaign and airtime

- ✓ It was also forbidden for election subjects to place an advertisement within own advertising time serving the campaigning purposes of another election subject (Article 51.1 of the Election Code);
- ✓ It was forbidden to devote more time by the broadcaster to the customer than the fee paid for placing paid advertisements; further, in case of placing free advertisement, giving more time than determined by the law to the election subject shall be considered as an illegal donation (Article 51.14 of the Election Code);
- ✓ Free airtime will be used by the parties, which cross the threshold of 1% in 2020 Parliamentary Elections, and from 2024 it will be necessary to cross the threshold of 3% (Article 51.2 of the Election Code);

3. Electoral Disputes

- ✓ The time limits became shorter for drawing up the reports on offenses in election commissions and the National Communications Commission (Article 83.2 of the Election Code);
- ✓ The time limits for hearing the disputes related to the use of administrative resources in election commissions were reduced from 30 to 10 days (Article 93.6 of the Election Code).

GENDER QUOTAS AND THE INVOLVEMENT OF UNDERREPRESENTED GROUPS

The electoral legislation was further amended in relation to *gender quotas*. Gender quota is the legally established level of representation of women and men in government bodies. The main idea of the gender quota is to substantially

increase women's participation in political processes and not to isolate them from these processes⁵⁶.

On July 2, 2020, the Parliament of Georgia adopted amendments to the Election Code of Georgia setting up a mechanism of 25% gender quota according to which political parties were required to have at least one member with a different gender in every four candidates under the proportional lists.

Changes related to the gender quotas resulted in different opinions among the political circles. Among them, the political party *European Georgia* and *Girchi* are critical of the changes. Representatives of *Girchi* claimed that the Constitutional Court should have suspended such a norm, because registration of a party under such obligations was not fair⁵⁷.

The Constitutional Court partially granted the constitutional complaint of *Girchi* regarding the gender quotas. In particular, the Court found unconstitutional the normative content of the first sentence of Paragraph 2 of Article 203 of the Organic Law of Georgia - the Election Code of Georgia stipulating that one person in every four on the party list for the Parliamentary Elections of Georgia to be held before October 26, 2024, shall be male, in relation to the first sentence of Paragraph 1 of Article 24 of the Constitution of Georgia. However, the constitutional complaint was rejected in the part of the claim that concerns the constitutionality of the normative content of the first, third and fourth sentences of Paragraph 2 of Article 203 of the Organic Law of Georgia - the Election Code of Georgia stipulating that at least one person in every four on the party list for the Parliamentary Elections shall be female for the Parliamentary Elections of Georgia to be held before the October 26, 2024⁵⁸.

⁵⁶See: Women's Information Center Survey: "Gender quota as one of the mechanisms for ensuring gender equality in political life." <https://bit.ly/3jqmqYy>.

⁵⁷see: Statement of *Girchi*: <https://bit.ly/2XjaQWk>.

⁵⁸see: Judgment of the Constitutional Court on the case - political union of citizens "New Political Center" N(N)LE, Herman Sabo, Zurab *Girchi* Japaridze and Ana Chikovani against the Parliament of Georgia: <https://bit.ly/3n606Gf>.

The main essence of the changes:

- ✓ According to the amendments, in every parliamentary elections to be held until 2028, parties (election subjects) shall submit the party lists to the CEC Chairperson, where at least one candidate from every four would be of a different gender. Otherwise the party shall not be registered;
- ✓ For the parliamentary elections of October 28, 2028 and until 2032, parties (election subjects) shall submit the party lists to the CEC Chairperson, where at least one candidate from every four would be of a different gender. Otherwise the party shall not be registered;
- ✓ Until 2032, any member (if any) leaving the Parliament of Georgia shall be replaced by the next candidate of the same gender on the same list, provided the candidate gives consent to the membership of the Parliament of Georgia within 15 days after the vacancy arises. Otherwise, the next candidate of the same gender on the list shall take the vacant place.
- ✓ In the general elections of local self-government bodies to be held until 2028, every second on the list submitted by the party to the chairman of the relevant district election commission shall be a candidate with a different gender. Otherwise the party shall not be registered;
- ✓ Even in the case a member leaves *Sakrebulo* (a local assembly/city council) the rule of succession envisaged for the Parliament shall apply (the member who left shall be replaced with a candidate of the same gender).

These amendments are important inasmuch as against the background of the fact that 120 deputies in the Parliament of Georgia will be elected by the proportional system, the change will increase the potential representation of women in the legislature to at least 30 deputies, which is 20% of the total number of MPs. However, despite the positive legislative changes, in 2020 Parliamentary Elections, the two largest parties - Georgian Dream and United National Movement met only the minimum requirements of the gender quota. Further, the

parties nominated women candidates at the last positions from the four. Further, 29 parties including European Georgia, Democratic Movement - United Georgia, the party For Justice, Strategy Builder and the Patriots Alliance had at least 1 (one) woman candidate in every 3 (three) candidates in the party lists. From the candidates elected through proportional system, 30 women managed to win the seats in the Parliament⁵⁹.

As what the majoritarian system concerns, it shall not be subject to gender quotas according to the legislative changes. Consequently, nominating women as majoritarian candidates for a number of leading political parties proved to be less important. For example, Georgian Dream nominated only 1 woman as a majoritarian candidate, Lelo: 8, European Georgia: 5, Patriots Alliance: 4, and United National Movement: 3 women. Overall, 107 women were running as majoritarian candidates (less than 22 percent of all majoritarian candidates)⁶⁰. None of them won a mandate in the first round. In the second round, three women were to continue competing that did not happen due to the distrust and boycott of the election results by different political parties.

To the Parliament of the 10th convocation, 30 women MPs were elected, increasing the participation of women in the Parliament of Georgia slightly⁶¹. However, given that opposition parties refuse to enter the Parliament because they do not trust the CEC results, we must assume that the female candidates (14) nominated by them will be deducted from the total number and 16 women (Georgian Dream) MPs will remain in the Parliament.

⁵⁹see: Report on 2020 Parliamentary Elections, National Democratic Institute (NDI). November 2, 2020, P. 20. <https://bit.ly/3aj1i1r>

⁶⁰ Ibid: P. 20.

⁶¹See: Resolution of the Parliament of Georgia on Recognition of the Powers of the Members of the Parliament of Georgia. December 11, 2020. <https://bit.ly/3nrG1d2>.

OPENNESS AND TRANSPARENCY OF THE ACTIVITIES OF THE ELECTION ADMINISTRATION

The Election Administration of Georgia is an independent administrative body, which within its authority is free from the influence of other state bodies and acts in accordance with the Constitution of Georgia and the Election Code⁶². The Election Administration shall ensure holding of the elections of the President of Georgia, the Parliament of Georgia, the local self-government representative body - Sakrebulo (city council), the local self-government executive body - the mayor / Gamgebeli, further, referendums and plebiscites, and shall control the enforcement and uniform application of the election legislation of Georgia throughout the whole territory of Georgia⁶³.

The highest body of the Election Administration of Georgia is the Central Election Commission (CEC), which within its authority directs and controls all levels of election commissions⁶⁴. The CEC consists of a chairperson and 11 members. The CEC chairperson is also a member of the CEC. Five members of the CEC are elected by the Parliament of Georgia on the recommendation of the President of Georgia, and 6 members are appointed by the political unions defined by the Organic Law of Georgia - the Election Code of Georgia⁶⁵.

The term of office of the CEC Chairperson and members elected by the Parliament of Georgia is 5 years⁶⁶. The organization and conduct of fair, credible, transparent elections is ensured by the CEC staff, which, through its structural units, provides organizational, legal and technical support to the activities of the election administration, and promotes the activities of the CEC.

In the run-up to 2020 Parliamentary Elections, regular sessions of the CEC were open to election subjects, international and local organizations, accredited observers and media representatives.

⁶²see: Article 7.1 of the Organic Law of Georgia - the Election Code of Georgia. <https://bit.ly/2J10R48>.

⁶³see: see.: the Organic Law of Georgia - the Election Code of Georgia. <https://bit.ly/2J10R48>.

⁶⁴see: Article 7.3 of the Organic Law of Georgia - the Election Code of Georgia. <https://bit.ly/2J10R48>.

⁶⁵see: Article 10 of the Organic Law of Georgia - the Election Code of Georgia. <https://bit.ly/2J10R48>.

⁶⁶see: Article 12 of the Organic Law of Georgia - the Election Code of Georgia. <https://bit.ly/2J10R48>.

HRC actively participated in the meetings and sessions organized by the CEC including for the preparation of various documents and for the development of recommendations. One such document is the Epidemiological Safety Protocol for Major Polling Stations⁶⁷ and the Code of Conduct for Political Parties for 2020 Parliamentary Elections⁶⁸.

The announcement of the preliminary results of the Elections aroused much controversy⁶⁹. In particular, at the stage of hearing the complaints, in some cases, the representatives of opposition parties were not allowed to enter the premises of District Election Commissions and participate in the vote count. The denial to the request was followed by clashes at various district election commissions between political parties, their supporters and the officers of the law enforcement bodies which raised questions in the public about the independence and transparency of the CEC. The conflict further exacerbated after the most of the complaints filed by NGOs and political parties were rejected at the precinct and district commission levels. According to the political parties, the review process of complaints in the election commissions was performative⁷⁰, provoking protests in election subjects and their supporters.

Ultimately, similar facts have had a negative impact on the independence, impartiality and transparency of the CEC.

⁶⁷see: Election Administration of Georgia, Decree №38/2020 of the Central Election Commission of Georgia from September 18, 2020. <https://bit.ly/3oYe0du>.

⁶⁸see: Code of Conduct of Political Parties for 2020 Parliamentary Elections. <https://bit.ly/2WmxTif>.

⁶⁹see: More information: <https://bit.ly/3aheuHD>.

⁷⁰ For example, a confrontation between Aleko Elisashvili, representatives of the youth wing of opposition parties and law enforcement officers at the premises of Saburtalo District Election Commission. see.: more information at: <https://bit.ly/2I2esHu> and <https://bit.ly/3mSPZng>. Last seen: 15-Dec-20. Further, there was a physical confrontation between the protesters and the law enforcement officers near the premises of Isani District Election Commission. see more information at: <https://bit.ly/2I2esHu> and <https://bit.ly/3mSPZng>. Last seen: 15.12.2020.

COVID-19 AND THE ELECTIONS

On the background of the spread of the new coronavirus, Georgia like other countries around the world⁷¹ faced a great challenge in maintaining a balance between protecting public health and ensuring the right of citizens to vote. Accordingly, international organizations operating in the field of electoral law⁷² and local NGOs⁷³, including HRC referred to the need to take strict preventive measures to protect the health of citizens arriving at polling stations. Further, such measures did not require any special legislative changes to the election law and could have been laid down just by the normative acts of the CEC.

The CEC has indeed taken a number of measures to protect public health. The measures taken were generally developed in an inclusive process and were positively assessed by all stakeholders involved in its development. The CEC, in consultation with the parties involved in the elections, developed and issued a Decree⁷⁴ approving the Epidemiological Protocol for the Election Day. This document defined the sanitary-hygienic rules, according to which the voters should participate in the elections and according to which the members of the precinct election commissions and the stakeholders should act.

At the initiative of the CEC, a special working group was set up, which included representatives of the election administration, political parties, civil society and international organizations. As a result of consultations with the stakeholders involved, a document was drafted, which regulated the rules applied on the Election Day for entering, leaving, staying, moving in the polling station, for thermal screening, using a face mask, and replacing a person assigned to a task at a polling station with another person, etc.

⁷¹ **Note:** Like Georgia, elections were held in October in the following countries: Austria, Bosnia, Czech Republic, Lithuania, Moldova, Montenegro and Ukraine.

⁷² See: Indelible Ink in Elections: Mitigating Risks of COVID-19 Transmission While Maintaining Effectiveness; International Foundation For Electoral Systems. 15 Apr 2020. <https://bit.ly/3oWWvtW>.

⁷³ see: Statement of local NGOs: "Particular Steps needed to reduce Pandemic Risks in the Parliamentary Elections." <https://bit.ly/3nzwpqs>.

⁷⁴ See: Decree №38/2020 of the Central Election Commission of Georgia, Election Administration of Georgia,

Tbilisi, September 18, 2020. <https://bit.ly/2Wswl69>.

Prior to entering the polling station, both the members of the precinct election commissions and the persons entitled to be present at the polling station were obliged to undergo thermal screening; they were also instructed to process their hands in accordance with the protocol and to wear face masks.

The PEC members were additionally provided with protective shields and disposable gloves. It should be noted that a dezo barrier, solution for hand disinfection and information on preventive measures against the spread of the virus were placed at the entrances of the polling station. The election administration has committed itself to proper disinfection of frequently touched surfaces and natural ventilation of polling stations to the extent possible.

Further, on October 19, 2020, the CEC passed a Decree regulating the participation of voters in inpatient facilities and quarantine facilities (quarantine, self-isolation) in the Elections⁷⁵.

In accordance with the Decree, such categories of voters would be able to vote with mobile ballot boxes, which would be served by special groups of 12 members⁷⁶.

The decree stipulated that persons who were in self-isolation or undergoing treatment at home would be included in the mobile ballot box list only if they applied to the CEC from October 24, 2020 to October 26, 2020, from 10:00 to 22:00⁷⁷.

Because of the content of the norm of the Decree, the voters who would have to go to self-isolation after 22:00 on October 26 were excluded from the elections, as the hotline was valid only from October 24, 2020 to October 26, 2020, from 10:00 to 22:00⁷⁸. Thus, under the given Decree the voters were provided with unreasonably short period of time to exercise their right of active suffrage as guaranteed by the Constitution.

⁷⁵see: Decree №45/2020 of the CEC from 19 October, 2020 on the participation of voters in inpatient facilities and isolation (quarantine, self-isolation) in the October 31, 2020 elections, setting up polling stations and special groups, defining certain election measures and sanitary and hygienic requirements. <https://bit.ly/34otpMm>.

⁷⁶ Ibid: Article 2.3

⁷⁷ Ibid: Article 5.8.

⁷⁸ Ibid: Article 5.8.

Under the given Decree, the risks of prejudice to the rights of active suffrage recognized by the Constitution of Georgia were abstract. In particular, under the conditions of a pandemic caused by the COVID-19 virus infection, anyone who had not come through the virus was at the risk of contracting the virus. Consequently, there was a real risk that they would be infected by October 31.

The problematic norms of the Decree did not meet the grounds for the test of necessity to restrict the freedom of suffrage. In particular, according to the practice of the Constitutional Court, the principle of proportionality is the measure for assessing the restrictions of the constitutional rights. This principle is a mechanism to bind the legislator in restricting the human rights and, consequently, an element of the constitutional control. The requirement of the principle of proportionality is that the legal regulations restricting the rights must be a useful and necessary means of achieving a valuable public (legitimate) goal. Furthermore, the intensity of the restriction of the right must be proportionate to the public goal to be achieved. It is inadmissible to achieve a legitimate goal at the expense of excessive restrictions of human rights⁷⁹.

In the given case, the restrictions imposed by the regulation was not a less restrictive means of achieving the goal, as the regulation completely excluded the possibility of participating in the elections of all citizens who went into self-isolation/quarantine on October 26, 2020, leaving tens of thousands of voters without the right to active suffrage.

Number of judgments of the Constitutional Court state that administrative difficulties cannot become a self-sufficient ground for restriction of rights [...]; that technical / administrative difficulties cannot provide a sufficient basis for a blanket and, moreover, indefinite restriction of the right. The burden of carrying the administrative difficulties rests with the State⁸⁰. Moreover, the Decree contradicts the standard established by the Constitutional Court of Georgia, according to

⁷⁹See: Judgment N3/1/512 of the Constitutional Court of Georgia from June 26, 2012 on the case *Citizen of Denmark, Heike Kronquist v. the Parliament of Georgia*, II-60.

⁸⁰See: Judgment N2/2/558 of the Constitutional Court of Georgia from October 28, 2015 on the case "Citizen of Georgia Nodar Mumlauri v. the Parliament of Georgia." <https://bit.ly/34pOh65>.

which the restriction of the right should be not only a useful means of achieving the goal, but also the least restrictive, proportionate means⁸¹.

Therefore, the CEC was obliged to rationally assess such threats in the current situation. Moreover, the CEC should have automatically included the above persons to the list of the mobile ballot box and should have allowed them to be removed from the list following a formal written request.

By the Decree, the CEC abandoned the initial decision to set up special polling stations in the inpatient facilities or quarantine premises where there were more than 50 voters. The voting procedure was conducted only through a mobile ballot box, and the number of people who could observe the process during the voting process through the mobile ballot box was limited. Therefore, in order to ensure the full exercise of the right to active suffrage and for transparency, it would be better to conduct the process in the manner (*in special polling stations*) allowing the relevant subjects to observe in full the voting procedure.

In accordance with the Decree, one mobile ballot box could be accompanied by only one local and international observer, one representative of one election subject and one representative of the press and mass media. According to the assessment by HRC, such quotas should have been increased to at least to two persons in order for the stakeholders to be better able to carry out their functions.

Despite the measures taken by the CEC, the sanitary and hygienic rules provided for by the Epidemiological Protocol were not observed in many polling stations. In many polling stations, the flow of voters was not properly regulated by flow regulators; further, no distance was maintained between the voters; in some polling stations, there was not possible to air the room; moreover, in many cases, the social distance between the members of the commission was not observed, and in some polling stations there was no mandatory thermal screening of observers at all.

⁸¹See: Judgment N2/2/558 of the Constitutional Court of Georgia from February 27, 2014 on the case "Citizen of Georgia Ilia Chanturia v. the Parliament of Georgia." <https://bit.ly/2KDldAZ>.

In the regions, many polling stations were of small size, and even before the entry of voters, only commission members and static observers filled the space in the polling station completely, which may have increased the risk of spreading the virus. Moving to polling stations without a face mask was a big problem. There were cases when voters did not obey the demands of observers, commission members and the chairman, and did not wear a face mask even though they did not have a medical certificate regarding the problems with the respiratory tract, exempting them from the obligation under the Decree of the CEC to wear the face mask.

VOTER AWARENESS

The right to free suffrage ensures the freedom of forming and expressing opinions by voters. In this context, education and proper awareness enable voters to receive information on election-related processes, and make relevant decisions. Providing information not only helps to raise the awareness of voters, but also to increase their confidence in the overall election process and to make informed choices. Conducting the campaigns oriented on evaluation of voter education is of great significance as it helps to identify potential problems that may arise during the voter registration process, or directly on the Election Day⁸².

According to the observers of HRC, in 2020 Parliamentary Elections lack of awareness of voters remains a systemic problem. The uncertainty of the voters as to how to fill out the ballot paper should be mentioned as a frequent problem. This problem has become even more acute due to the large number of candidates on the ballot paper. Often, voters were unable to fill out the ballot papers properly, independently, which in some cases became the basis for invalidating the ballots.

According to the observers of HRC, the problem of awareness of the voters is especially acute in the polling stations opened in the ethnic minority regions, where they poorly speak Georgian or do not speak at all. However, the language barrier is not the only obstacle, because, often when a citizen spoke Georgian

⁸²See: Application of International Electoral Standards, Council of Europe Guidelines for Civil Society Organizations. <https://bit.ly/34qLFF4>.

fluently, it was still difficult to him/her to fill out the ballot papers. Therefore, it is proved that not speaking Georgian is not the only obstacle and it is necessary to raise general awareness among the public.

In the villages inhabited by ethnic minorities in Sagarejo and Akhmeta municipalities of Kakheti region, there were frequent cases when voters were accompanied by family members or relatives to the polling booth. It was unclear whether this action served to control them or to assist them in voting. Similar incidents were particularly frequent in the case of female voters accompanied by male family members to the polling booths. Voters often appeared together with other individuals also in the villages inhabited by ethnic minorities in Kvemo Kartli region. According to the accompanying persons, the voters needed assistance in voting due to their health conditions. In accordance with the Election Code, in case of need of assistance, the voter should be assisted by another voter standing next in line and not by an accompanying person. Following the remarks of the HRC observers and the respective instructions from the chairperson of the commission, the assistance of the voters was provided by another voter in compliance with the law.

CODE OF CONDUCT FOR POLITICAL PARTIES

The CEC, with the support of the Swiss Government, the United States Agency for International Development (USAID) and the International Republican Institute (IRI), has facilitated the process of development of the Code of Conduct⁸³ for Political Parties for 2020 Parliamentary Elections.

The Code of Conduct for Political Parties is a set of voluntary ethical norms aimed at protecting democratic values and fundamental freedoms; further, aimed at carrying out substantive, program-oriented, inclusive election campaigns providing equal opportunities for the participants of the election process. The document is based on the principles of universally recognized ethics of elections and includes the norms on fair and honest competition, further it includes the recognition and respect for the rights of voters and participating parties.

⁸³see: Code of Conduct for Political Parties. <https://bit.ly/37ulb7p>.

In accordance with the Code which consists of four chapters, the signatory parties recognized the rule of law and they would act only within the Constitution of Georgia, would respect all political parties, the rights of candidates and voters, would not use hate speech, xenophobic or intimidating language, and would do everything to ensure a peaceful environment for the elections. Further, the parties took responsibility not to obstruct the campaign activities and distribution of campaigning materials of their rivals, including not to mobilize and confront their activists and supporters at the campaign events of rival political parties / candidates, or to condemn such acts. The parties having signed the Code of Conduct took the responsibility not to use administrative resources to gain an advantage in the electoral process. They shall refrain from the use of human as well as financial and other administrative assets, except as permitted by the law. About 40 parties have signed the Code of Conduct developed by the CEC⁸⁴.

The process of selecting non-partisan members in precinct election commissions (PECs) and electing the leadership of PECs has led to numerous complaints and confrontations between representatives of Georgian Dream and the opposition on several occasions. The CEC has made several official statements in this regard, criticizing the opposition for trying to discredit the election administration⁸⁵. Following this, in many municipalities members of district and precinct election commissions from European Georgia and United National Movement refused to sign the CEC Code of Conduct prepared by the CEC.

In the end, the signatory parties almost never adhered to the Code of Conduct for Political Parties. On the background of mutual accusations, the representatives of different political parties often violated the provisions of the Code of Conduct. Regarding the ban on the use of administrative resources, it is especially noteworthy that a few days before the polling day, on October 6, 2020, the Kartu Foundation affiliated with the Chairman of Georgian Dream Bidzina Ivanishvili announced the donation of a 36-hectare park to Tbilisi⁸⁶. On October 21, 2020,

⁸⁴see: More information: <https://bit.ly/3r9fTGf>.

⁸⁵See: 1) Statement of the CEC regarding false accusations against the election administration; 21.09.2020. <https://bit.ly/2K8ROPf>; 2) Statement regarding attempts to discredit the election administration; 29.09.2020. <https://bit.ly/3oZjNPY>; 3) Statement regarding the discrediting of the election administration and the attempt to damage the election environment; 27.10.2020. <https://bit.ly/2KHYymM>.

⁸⁶see: More information: <https://bit.ly/2LLKZU1>.

the Chairman of Georgian Dream opened a new campus of Kutaisi International University⁸⁷. As part of its election campaign, Georgian Dream promised to build a football academy in Kutaisi, irrigate 40,000 hectares of land, and allow private owners to register ownership of 1,200,000 hectares of state-controlled land⁸⁸.

In addition to the above, the video clip of Patriots Alliance of Georgia was problematic as it violated the provision on the prohibition of inciting religious and ethnic hatred. The video clip had an anti-Turkish content. The party was fined with GEL 2000⁸⁹. Patriots Alliance of Georgia also was criticized for placing anti-Turkish billboards⁹⁰.

CAMPAIGN FUNDING

The preparation and conduct of elections depends on many factors, including monetary funds. Financing of the elections means the financing of the activities necessary for the organization and conduct of the elections on one hand and financing of the expenses related to the conduct of the election campaign by election subjects on another hand.

The main legal basis for regulating political financing are defined by the Organic Laws on Political Associations of Citizens and the Election Code, as well as by the following Laws: on the State Audit Office, the General Administrative Code, the Code of Administrative Offenses, and by Order of the Auditor General of the State Audit Office.

Election subjects have two main sources of revenues: donations and budget funding.

Election donation is cash transferred by individuals and legal entities to the account of the relevant election subject during the election / referendum campaign, as well as all types of material assets and services received free of charge, except for free airtime received in accordance with the Election Code.

⁸⁷see: More information: <https://bit.ly/3myvPhM>.

⁸⁸see: More information: <https://bit.ly/3nz5yRM>.

⁸⁹see: More information: <https://bit.ly/3ar0X0m>.

⁹⁰see: More information: <https://bit.ly/2KzIDbs>.

In accordance with the Election Code of Georgia⁹¹, the election subject receives one-time funding from the State budget to cover the expenses incurred during the election campaign. The amount of funding depends on the percentage of votes received by the election subject in the elections. For example: An election subject that receives 5 percent or more of the votes cast in the parliamentary elections under the proportional system will receive no more than GEL 1,000,000 from the State budget of Georgia at once to cover the expenses incurred during the election campaign.

In order to finance the expenses of the election campaign, the election subject in advance, no later than the 38th day before the elections⁹² shall file with the CEC a formal written request. The requested amount shall be credited to the account of the election subject following the CEC summary protocol of election results and submission of the financial report, no later than the 15th day after the election results are summarized⁹³.

For the purposes of the Parliamentary Elections of 2020, the parties united in the parliamentary factions as well as the parties that reached the 3% threshold in the last parliamentary or local elections were eligible for state funding.

According to the research by Transparency International, 29 of the 50 election subjects (parties and blocs) that participated in the elections received donations from January 1, 2020, to October 15, 2020. The total amount of donations attracted by these entities amounted to GEL 35,376,394 of which GEL 17,086,626 was donated to the ruling party Georgian Dream-Democratic Georgia, GEL 5,075,844 to party Lelo for Georgia, and the parties under the electoral bloc United National Movement - United Opposition 'Strength in Unity' attracted a total of GEL 3,735,583⁹⁴.

⁹¹see: Article 56 of the Election Code of Georgia. <https://bit.ly/3rdDC80>.

⁹² Ibid: 56.2.

⁹³ Ibid: 56.3.

⁹⁴See: Transparency International Georgia, Funding for the 2020 Parliamentary Election Campaign in Georgia - Interim Report, October 30, 2020. <https://bit.ly/34qlhcZ>. Further see: State Audit Office, Interim Report on Financial Monitoring of the October 31, 2020 Elections, October 23, 2020. <https://bit.ly/3h26hZl>.

The data show that 48% of the total donations of all election subjects were received by the ruling party Georgian Dream - Democratic Georgia. Further, most of the individual donations were much lower than the maximum allowable amount of GEL 60,000, however, the ruling party received much more individual donations than any other party.

When discussing the issue of campaign financing, it is important to mention the journalistic investigation of the platform of investigative journalism called Dossier, published in two parts on August 24⁹⁵ and August 31⁹⁶, 2020 and telling about the ties and financial relations of Patriots Alliance of Georgia with the Kremlin. On August 25, 2020, the Prosecutor's Office addressed the State Audit Office inquiring about the party financing of Patriots Alliance, following an appeal of Elene Khoshtaria, the majoritarian MP candidate of European Georgia towards the Prosecutor's Office to investigate the finances of the party. On August 31, 2020, Elena Khoshtaria received a reply from the Prosecutor's Office that no grounds were identified to launch an investigation against Patriots Alliance⁹⁷.

In accordance with paragraph 194 of the Guidelines on Political Party Regulation developed by ODIHR and the Venice Commission, the transparency of the election campaign is important because the public has the right to be informed. Voters must have relevant information as to the financial support given to political parties in order to hold parties accountable⁹⁸.

The case of Patriots Alliance once again underlined that the State Audit Office does not have the relevant powers and legal leverage to be able to investigate such cases.

⁹⁵See: How the Kremlin interferes in the internal politics of the neighboring countries: Part one: Elections in Georgia, Dossier Center, 24.08.2020. <https://bit.ly/2J7ZYYS>.

⁹⁶See: How the Kremlin interferes in the internal politics of the neighboring countries: Elections in Georgia: Continued, Dossier Center, 31.08.2020. <https://bit.ly/37uAb5d>.

⁹⁷see: More information: <https://bit.ly/38j1SNt>.

⁹⁸see: Paragraph 194 of Guidelines on Political Party Regulation, developed by ODIHR and the Venice Commission. *[Transparency in party and campaign finance, as noted above, is important to protect the rights of voters and to prevent corruption. Transparency is also important because the public has the right to be informed. Voters must have relevant information as to the financial support given to political parties in order to hold accountable parties].* <https://bit.ly/3nzVhVh>.

EVALUATION OF THE POLLING DAY

HRC observers monitored the election process: 1) In Kvemo Kartli: the villages inhabited by ethnic minorities, in Gardabani, Marneuli and Bolnisi municipalities; 2) the Shida Kartli region: in the conflict adjacent villages of Gori, Khashuri and Kareli municipalities. 3) In Kakheti region: the villages inhabited by ethnic minorities of Sagarejo and Akhmeta municipalities 4) in Samegrelo region: the conflict adjacent villages of Zugdidi municipality.

Most observers were assigned to the polling stations throughout the day, while coordinators and media observers traveled in mobile groups across a specific electoral district, to different polling stations. When static observers identified the problem, coordinators and mobile groups of media observers went to the polling station. After studying the situation on the ground and receiving information about violations or various incidents, the public was instantly informed by communicating with Tbilisi office. Throughout the day of the Parliamentary Elections, interested parties had the opportunity to obtain information as per the website of Human Rights Center - www.humanrights.ge, as well as through the Facebook page of Human Rights Center and other social networks. Moreover, an HRC representative, along with representatives of partner organizations, worked throughout the day at NGO briefings at the Election Media Center organized by Open Society Georgia Foundation where HRC in every 4 hours provided information on the irregularities and general trends identified in polling stations.

The monitoring carried out by HRC during the polls mainly revealed procedural and technical violations that could not affect the overall outcome of the elections. No cases of intentional rigging were reported by the monitors. The vast majority of violations, like in previous elections, were related to the lack of qualifications among PEC members, linguistic barriers in ethnic minority areas, and adherence to additional regulations designed to prevent the spread of the new coronavirus⁹⁹.

⁹⁹see: Preliminary Assessments of Election Observations by Human Rights Center: <https://bit.ly/3mAdYHl>.

PEC members, for the most part, were taking into account the verbal and written warnings given by observers, and where possible, the problems were remedied within a short period of time. In the most cases, HRC monitors were not hindered with artificial barriers to observe the process or to register their comments or written complaints in the polling day log-books.

The most acute problem significant in scale as identified by HRC monitors on the Election Day remains the mobilization of activists, coordinators and electioneers of various parties, especially of Georgian Dream in the vicinity of the polling stations. In accordance with the applicable laws, voters may not be hampered within radial distance of 25 meters from the polling stations. Nevertheless, monitors have identified a number of cases of registration of voters and electioneering in the vicinity of the polling stations. In most of the cases, in parallel with registration of voters, the appeals were made to support individual parties. Further, in order to mobilize the voters, the facts of collective transportation and bringing them to the polling stations were also observed. Beside the representatives of the ruling party, there were also cases when the representatives of the observer non-governmental organization recorded information about the voters in their lists¹⁰⁰.

On the Election Day, it was evident that Opinion of Venice Commission and the assessments of various public organizations were true and valid in terms of inadequacy of the 25-meter distance. In some cases, similar electioneering took place beyond 25 meters. However, the effect of the influence on the will of the voters, against which above mentioned provision of Election Code should work, was high in also this case underlining once again the need for further improvement of the election legislation in this regard.

Following the spread of Covid-19, compliance with the special measures taken in advance by the election administration is another important issue. The reason for the violations, in some cases, was not the direct negligence or deliberate action of the election commission members, but the incompatibility of the election infrastructure to these rules.

¹⁰⁰see: Chapter of the current Report "Various violations and comments"

During 2020 Parliamentary Elections, a significant problem was the large number of observers revealing the support to the ruling party Georgian Dream. Observer organizations are accountable to the public to observe the election process in the role of a neutral observer, and in this way facilitate the conduct of the process in a fair and transparent environment. This principle is violated when non-governmental organizations are registered as observer organizations, which in fact represent the ruling party and "observe" the processes in order to pursue their interests. The ruling party has the right to register its official representatives / observers and assign them to observe the voting process. The additional registration of non-governmental observers supporting the ruling party and particularly large number of their representatives on the election day creates environment supportive to the ruling party in the polling stations in contradiction to the principle of free and fair elections.

OPENING OF POLLING STATIONS AND START OF POLLS

In accordance with the Election Code of Georgia, the polling stations shall open at 07:00 of the polling day¹⁰¹, and polls shall begin at 08:00 of the polling day¹⁰².

Despite the legislative requirement, polling station N51 in village Savaneti, Bolnisi Municipality, was opened 15 minutes in late, at 07:15. The members of the PEC failed to organize a polling station and distribute ballot papers in a timely manner. After opening the polling station, many individuals were allowed to enter the polling station at the same time, due to which the recommended social distancing could not be maintained. The above fact was soon remedied as a result of a verbal remark by the HRC monitor.

VOTER MARKING

On the polling day, except of some particular cases, no systemic gaps were identified by the monitors related to the marking procedure.

¹⁰¹See: Paragraph 1 of Article 61 of the Election Code of Georgia. <https://bit.ly/3p53e5e>.

¹⁰²See: Paragraph 11 of Article 61 of the Election Code of Georgia. Opening polling stations. <https://bit.ly/3p53e5e>.

At the polling station N14.23.47 of Bolnisi municipality, one of the registrars of the PEC did not mark one of the voters who arrived at the polling station. The HRC monitor made a remark of this fact in the log-book. According to the registrar, the case was caused by her negligence. Later, an observer from the party European Georgia noticed that the same registrar had not performed the marking procedure again. This fact was followed by a loud verbal argument between the observers and the members of the PEC at the polling station.

The representative of HRC drew up a formal complaint on the name of the chairperson of the PEC requesting to replace the registrar by another member of the PEC. The chairman of the PEC granted the complaint in about 1 hour after it was written. Since then, no incident has occurred at this polling station due to a breach of the marking procedure.

Problems with the marking procedure were also reported to take place at other polling stations of Marneuli and Bolnisi. However, as a result of the verbal remarks made by the monitors, the incidents were remedied and during the day no similar violations were repeated.

At the polling station N16.32.63 in village Megvrekisi of Khashuri electoral district N16, the registrar first marked the voter and then found him in the voter list. The voter was not on the list. The chairman of the PEC made a remark to the registrar and assigned another function to the registrar. An observer from HRC made a note about this in the log-book.

At polling station N 09.11.50 in village Lambalo of Sagarejo municipality, a person who had been marked was allowed to the polling station. He said he wanted to assist an accompanying elderly voter who could not vote independently. The HRC observer pointed this out to the chairman of the PEC who immediately remedied the problem and the marked voter had to leave the polling station, and another voter in the polling station assisted the citizen in need of assistance.

INTERFERENCE WITH THE ACTIVITIES OF OBSERVERS

The chairperson of the PEC illegally expelled the observer of HRC from the polling station N72 (village Algeti) of the election district N22 of Marneuli municipality.

According to the observer, at polling station N72 in Marneuli, two policemen were present during the whole day, presumably wearing service firearms and frequently communicating with the chairman of the PEC.

Under the applicable legislation, police officers may be present at the polling station only where it is necessary to prevent violations of or to protect the public order. There was no such need in polling station N72 of the electoral district N22 of Marneuli municipality. HRC observer informed the chairman of the PEC regarding the presence of the police officers at the police station who called on the police officers to leave the premises, but they did not leave the polling station. The HRC observer again addressed the chairperson of the PEC after which the chairperson of the PEC and other members of the PEC verbally abused the observer of HRC and requested the HRC observer to immediately leave the polling station. The PEC members also drew up a report and illegally coerced the observer to leave the polling station.

During the incident, the CEC representative was at the scene telling the HRC observer that they could do nothing because the report was already drawn up. However, the CEC representative had information about the incident even before the report was drawn up and did not take any action.

Shortly afterwards, with the permission of the PEC members, the HRC observer returned to the polling station and continued to observe the polling process. Presumably, the return of the observer to the polling station was also due to the fact that the HRC mobile team arrived to the polling station with representatives of the international observer organization who were aware of the incident.

The HRC observer registered the relevant complaints about the incident and demanded that the members of PEC in breach be held accountable.

In polling station N16.32.63 of village Megvrekisi in electoral district N16 of Khashuri municipality, the representative of the non-governmental organization International Observatory of Lawyers did not allow the journalist of HRC to take videos and photos in the yard. The mentioned person stated that he was called from headquarters of Georgian Dream and he was warned that no one has the right to take videos.

At polling station N15.32.91 in village Tirdznisi, a representative of the ruling party hindered the way to the media observer of HRC as the observer entered the yard of the polling station. According to him, he was the "head of the precinct" and was instructed by the election headquarters not to allow anyone to film with a video camera. HRC representatives explained to him that he had no right to restrict observers from moving and taking a video. The mentioned person said that he would contact a supervising person to clarify the situation. Afterwards, the representatives of HRC were able to continue their work without obstacles. After leaving the polling station, the same person told the representatives of HRC that he had wrong information.

PRESSURE ON THE JOURNALIST OF HUMANRIGHTS.GE

In village of Savaneti, outside polling station N51, two unidentified individuals harassed Idris Rustamov, a journalist within an online magazine of humanrights.ge, accredited by the CEC to cover the election process. They tried to seize the camera from the journalist. After the Bolnisi coordinator of HRC arrived on the spot to clarify the situation, the persons left the territory of the precinct without any statement. Such an incident never repeated.

ELECTIONEERING AT THE POLLING STATION

The pre-election campaign (electioneering) begins as soon as the legal act on the appointment of elections is published, and involves a set of measures taken by a political party / candidate / electoral subject to participate in and win the elections. The pre-election campaign also includes electioneering i.e. appeals to the voters to support or oppose a political party / candidate / election subject. In accordance with the Election Code of Georgia, electioneering is prohibited in the

polling station on the polling day¹⁰³. Further, it is not allowed to place campaigning material within a distance of 25 meters from the entrance of the polling station, otherwise the material would be subject to removal / uninstallation / taking off. Moreover, it is prohibited to physically hinder the movement of a voter appearing to the polls in the polling station or within 25 meters from the polling station¹⁰⁴.

HRC observers have identified a case where a representative of the organization "to be elected" was engaged in electioneering in polling station N38 of electoral district N22 of Marneuli, in particular, he advised voters which number on the ballot paper to check violating the election legislation and international legal standards.

At polling station N15.32.38 in village of Ditsi, a representative of political party Lelo wore a Lelo branded bracelet, which he removed after being noted by an observer of HRC.

OTHER VIOLATIONS AND COMMENTS

Marneuli. Polling station N11 in village Sabirkendi received first voter at 08:44 instead of 08:00 despite having been opened at 07:00, HRC observer made a note regarding this fact in the log-book. Further, there were 9 members of the PEC present at the polling station while others gradually were joining them.

Bolnisi. At polling station N14.23.62, the HRC monitor identified the fact of casting a vote instead of someone else, on which a complaint addressing the PEC chairperson was drawn up. According to the registrar, this fact was related to a mechanical error made by her. Afterwards, no such fact took place.

Bolnisi. There was a fact identified where a photo was taken in the polling booth in polling station N14.23.37, the observer made a note about this fact in the polling day log-book.

¹⁰³see: Paragraph 11 of Article 45 of the Election Code of Georgia. <https://bit.ly/2WxPwvz>.

¹⁰⁴see: Paragraph 12 of Article 45 of the Election Code of Georgia. <https://bit.ly/2WxPwvz>.

At polling station N14.23.37 in village Khidiskuri of Bolnisi Municipality, there was a person registered on the list of mobile ballot box whom the box never reached. Family members later brought the person to the polling station to vote, but it turned out that someone else had already signed instead of him on the list of mobile ballot box. As it was found out, instead of the real voter the mobile ballot box was brought to another person living in the same village. The HRC observer put down a complaint addressed to the district election commission (DEC) requesting to cancel the data of the mobile ballot box at the precinct which was rejected.

Bolnisi. On the election day, a photo was posted on social media showing Dimitri Shashkin former Minister and member of United National Movement walking with his supporters and wearing a firearm¹⁰⁵. According to media reports, the photo was taken in village Talaveri, Bolnisi Municipality, near the polling station. Dimitri Shashkin confirmed that he was indeed wearing a firearm in village Talaveri, but categorically denied that it was happening at the polling station. Kakha Okriashvili, the majoritarian candidate of National Movement for Dmanisi, Tsalka, Bolnisi and Tetrtskaro majoritarian electoral district also commented on this fact. According to him, he was also carrying a firearm and Shashkin also had the right to carry a firearm¹⁰⁶.

According to the assessment by HRC, although it is possible for a person to have the right to carry firearms in accordance with the law, such facts cast a serious shadow over a peaceful election environment and raise suspicions that it is in the interest of political entities to influence the free will of voters which would be even more disturbing to be seen on the polling day when moving within or around the polling station. It is true that this practice (if a person with a gun is not immediately present at the polling station) is not a violation of the law, but it creates discomfort for voters, raises feelings of control and restricts independent and free choice.

Moreover, in order to prevent control over the will of the voters, according to the current regulations, the presence of the police officers and armed persons in

¹⁰⁵see: More information: <https://bit.ly/38oBiXr>.

¹⁰⁶see: More information: <https://bit.ly/2WshicK>.

general is allowed only in exceptional cases in the vicinity of the polling station, but not in the premises of polling station. Further, police officers may be present without the request and consent of the PEC chairperson provided this is absolutely necessary to prevent violations of or to protect the public order. In all other cases, the presence of armed persons at and near the polling station is prohibited, and the purpose of the prohibition is to avoid any of the harmful effects that may affect the free will of the voters¹⁰⁷.

At polling station №13.21.40 in village Nazarlo of Gardabani municipality, in the corridor near the polling room, at the entrance of the polling station, representatives of the non-governmental organization "Youth Center - Georgia" were sitting around a table, stopping the voters appearing to the polls, asking for their first and last names and putting down the data on a paper. Representatives of the organization wore the badges of observers. Such actions contradict Article 45 of the Election Code prohibiting the physical interruption of voters appearing to the elections within 25 meters of the polling station. The HRC observer informed the chairperson of the PEC about this fact, who called on the above-mentioned persons to stop their illegal actions. They obeyed the instructions of the chairman of the PEC and left the place. However, they moved to the yard 25 meters further from the polling station and continued to record information about the voters at the gate of the yard. This case demonstrates that the prohibition of interrupting voters within 25 meters of the polling station is not a sufficient guarantee to prevent the influence on free expression of their will. There is a significant risk of influencing the free expression of the will of voters when they are interrupted at the entrance to the yard of the premises of polling station. Creating the feeling to the voter that he/she will be monitored when he/she arrives at the polling station and the issue of whether he/she appears to the elections is under control may be a form of psychological influence on the free expression of his/her will. Therefore, it is necessary to amend the Electoral Code and prohibit voter interruption within much larger area adjacent to the polling station than 25 meters. According to the recommendation of HRC, the interruption of voters must be prohibited within a radius of one hundred meters from the polling station.

¹⁰⁷see: Statement by Human Rights Center: <https://bit.ly/2Kb3iSn>.

At polling station N13.21.54 in village Keshalo, the HRC observer was provided with a copy of the summary protocol of proportional voting system where the columns from 1 to 27 were not filled in. After the observer of HRC indicated the issue, the chairperson of the PEC entered the data in pen on the copy of the summary protocol handed to the observer¹⁰⁸. The correction of the summary protocol in such a manner is a violation. The summary protocol must be corrected on the basis of the amendment protocol. In connection with this violation, HRC filed a complaint with DEC N22 of Marneuli requesting the annulment of the summary protocol of the polling results of the precinct, as well as recounting of votes, and instituting disciplinary actions against the chairperson and secretary of the PEC. DEC N 22 of Marneuli rejected the complaint by HRC¹⁰⁹. In the given case, a summary protocol of the mentioned precinct was posted on the CEC website, the data of which match the data that was corrected with a pen in the copy of the summary protocol handed to the observer¹¹⁰. Columns 1 to 27 are filled in on the original of the summary protocol. However, no amendment protocol has been submitted. These data are entered in the protocol after the summary protocol was signed by the chairperson, deputy chairperson, secretary and other members of the PEC and after a copy of the summary protocol was handed to the observer, which is confirmed by the copy of the summary protocol handed to the observer¹¹¹.

At polling station N 09.11.50 in village Lambalo of Sagarejo municipality, one of the members of the PEC brought alcohol to the polling station. The HRC observer addressed the chairman of the PEC indicating to him that it was strictly forbidden to take alcohol at the polling station. The chairman of the PEC said that this is Georgia and such a thing is not a problem. Afterwards, the PEC chairman and other male members of the commission began to take alcohol. The HRC observer made a note regarding this fact in the polling day log-book. The HRC observer also contacted the coordinator of HRC for the region. The PEC chairperson and other members of the PEC tried to exert pressure on the HRC observer. The observer was told that [his] behavior was wrong, and that he should

¹⁰⁸ <https://sachivrebiapi.cec.gov.ge/api/file/DownloadFile?id=c7b2e3b0-fb06-4c72-b75d-ddcd0e6d597a>

¹⁰⁹ <https://sachivrebiapi.cec.gov.ge/api/file/DownloadFile?id=215ba1da-b945-4b37-9bbd-f856cdd5f2f8>

¹¹⁰ https://results.cec.gov.ge/#/ka-ge/election_43/prot/fcdb923c-c630-49cb-be8a-64017e50c62e

¹¹¹ <https://sachivrebiapi.cec.gov.ge/api/file/DownloadFile?id=c7b2e3b0-fb06-4c72-b75d-ddcd0e6d597a>

not have called anyone, and should not have made a note of the fact in the log-book because he could not prove that it really was alcohol.

The HRC observer prepared a complaint and requested to register the complaint at the polling station. The chairman of the PEC refused to register the complaint. The observer explained to the chairman of the PEC that he had the right to write a complaint, and they had an obligation to register the complaint in the log - book. The chairperson and secretary of the PEC did not allow the observer to do so. Moreover, the PEC chairperson threatened the observer that "he would tear the paper at once." The HRC observer contacted the superior district election commission which sent a representative to the mentioned polling station. Following the instructions of the person sent from the DEC, the PEC chairperson and secretary agreed to register the complaint of the HRC observer. However, the pressure on the observer continued. The PEC secretary shouted at the observer, saying that such an incident had never taken place at their polling station and a complaint had never been lodged and that the behavior of the observer was wrong. The chairperson was verbally assaulting the observer. Finally, the complaint of the HRC observer was registered in the log-book. HRC also filed a complaint with Gurjaani DEC requesting to institute disciplinary actions against the chairperson of the PEC.

By the decision of DEC N12 of Gurjaani, a disciplinary action was imposed on the chairperson of PEC N 09.11.50 of village Lambalo for the aggression and verbal abuse of the observers and he was reprimanded.

At polling station N 13.22.48 in village of Kizilajlo of Marneuli municipality in Kvemo Kartli, a voter was registered and cast a vote based on driving license. The vote and ballot papers cast by the voter were annulled.

At polling station N15.32.38 in village Ditsi of Gori municipality, the polling booths were placed in such a manner that the principle of secrecy of the ballot was infringed. In particular, a large space was left at the back of the booths and the action inside the booth was well visible. Following comment by the HRC observer, members of the PEC changed the placement of the booths.

A significant problem in the conflict adjacent villages of Zugdidi municipality was the small size of polling rooms where it was impossible to maintain physical distancing between the persons authorized to be present at the polling station in order to prevent the spread of the pandemic. Further, frequently there were long queues of voters, non-observance of physical distancing and unregulated flows of voters. As a result, in the polling rooms there were more voters gathered than it was allowed by the law. The existing situation created significant risks for spreading the coronavirus as well as the problems with free movement of observers and overall observation of the process. In some cases, following the note by the HRC observers, the regulator of flow of voters called on the voters to maintain physical distancing, managed to regulate the flow and to eliminate the problem.

The technical malfunctions of photocopiers on a regular basis was a problem in the conflict adjacent villages of Zugdidi municipality and also the lack of sufficient amount of A4 papers for making copies of summary protocols.

PRELIMINARY RESULTS OF THE PARLIAMENTARY ELECTIONS AND PROTEST DEMONSTRATIONS

Following the announcement of the preliminary results of the Parliamentary Elections, protest demonstrations began in various cities of Georgia, demanding early elections.

On November 4, 2020, protest rallies by opposition parties and their supporters were held in Tbilisi in front of the premises of DEC of Vake, Saburtalo and Isani, hearing the complaints related to the elections. The supporters of the following parties were present at the rallies: Supporters of "Strategy Aghmashenebeli", "Lelo for Georgia", "European Georgia", "Aleko Elisashvili - Citizens". They objected the results of the Parliamentary Elections and referred to the alleged rigging of the results. Aleko Elisashvili requested to be allowed to the DEC and to participate in the process of vote count, but was not allowed to do so. This was followed by a confrontation between Aleko Elisashvili, representatives of the youth wing of the opposition parties and law enforcement officers¹¹². As a

¹¹²See: more information at: <https://bit.ly/3kTFnnr>. Last seen: 09-Dec-20.

result of this confrontation, three persons were detained near the premises of Saburtalo DEC under Articles 166 and 173 of the Code of Administrative Offenses¹¹³. Among the detainees was one of the leaders of United Georgia, Otar Tavartkiladze¹¹⁴.

According to political parties, hearings of the complaints in the election commissions were performative¹¹⁵, provoking protests in the election subjects and their supporters and leading to physical confrontations between the protesters and law enforcement officers in front of the premises of Isani DEC¹¹⁶. Several persons felt unwell during the confrontation. Seven persons including Giorgi Kapanadze, a member of United National Movement and a majoritarian candidate, were detained under Articles 166 and 173 of the Code of Administrative Offenses stipulating petty hooliganism and disobedience to the instructions of a law enforcement officer or committing other illegal actions against the officer¹¹⁷.

On November 8, 2020, a large-scale protest demonstration was organized in front of the Parliament by opposition parties and civil society organisations. The protesters showed distrust towards the results of the Parliamentary Elections held on October 31, 2020 and demanded: early parliamentary elections; resignation of CEC Chairperson, Tamar Zhvania and release of the persons detained on political grounds¹¹⁸. Opposition parties have stated that the results were not real, the elections were rigged and people were deprived of their constitutional rights.

On November 8, 2020, at 20:00, the candidate for the membership of the Parliament of Georgia, Nikanor Melia (UNM), informed the participants of the rally about the response of the Executive Secretary of the Georgian Dream, Irakli Kobakhidze and the Speaker of the Parliament of Georgia, Archil Talakvadze. They said the talks would take place on November 9, 2020. Afterwards, the opposition

¹¹³See: Articles 166 and 173 of the Code of Administrative Offenses of Georgia. <https://bit.ly/2Kc0hk0>.

¹¹⁴See: more information at: <https://bit.ly/2I2esHu> and <https://bit.ly/3mSPZng>. Last seen: 09-Dec-20.

¹¹⁵see: more information at: <https://bit.ly/3jTVeRv>. Last seen:

¹¹⁶see: more information at: <https://bit.ly/3eyfR4L>. Last seen: 09-Dec-20.

¹¹⁷see: Articles 166 and 173 of the Code of Administrative Offenses of Georgia. <https://bit.ly/2Kc0hk0>.

¹¹⁸See: More information: <https://bit.ly/34rPDqI>.

called on the public to move from Rustaveli Avenue to the premises of the CEC and continue the protest demonstrations¹¹⁹.

Within minutes of the arrival of a small number of protesters at the CEC, the law enforcement officers used special means - water cannons and so-called pepper spray – without any warning, in order to disperse the protesters¹²⁰. The use of special means was preceded only by an attempt of several participants of the demonstration to dismantle the fence made of iron plates. The remaining part of the demonstrators protested peacefully.

Before using the water cannons, law enforcement officers made no attempts to defuse the situation in front of the CEC through less damaging means. Moreover, law enforcers did not demand from the protesters who were trying to break through the protective barrier to stop such actions. Further, the police did not warn the demonstrators about the use of force. According to media reports and reports from the representatives of HRC, water cannons were also used against peaceful protesters and members of the media¹²¹.

Media representatives were injured and the equipment was damaged when law enforcers used the special means¹²². When using special means, law enforcement officers did not comply with their obligation under both national and international law: not to interfere with activities of journalists bearing the identification signs covering the gatherings or demonstrations.

After the first use of water cannons and pepper spray, the police intensively warned the citizens to disperse for about 1 (one) hour, "otherwise the measures provided by the law would be used to restore the law and order and establish civil peace." At around 00:10, police resumed their use of water cannons and directed water cannons at the protesters uninterruptedly for about 20 minutes. In response, part of the protesters cursed the police and threw against the police some objects they could find. The video footage released by the police shows that

¹¹⁹see: More information: <https://bit.ly/34rPDqI>.

¹²⁰see: More information: <https://bit.ly/37AdHjn>.

¹²¹see: Footage from the dispersal of the November 8 rally: <https://bit.ly/3kfG2OV>.

¹²²see: More information: <https://bit.ly/370N4n7>.

the protesters throw stones and burning wood towards water cannon vehicles. The windshields of the water cannon vehicle were shattered from the stones¹²³.

According to the assessment by HRC, using in the first stage water cannons and so-called pepper sprays against the protesters gathered in front of the CEC was a disproportionate force grossly violating the requirements of Georgian law and international human rights standards. As for the second stage, the aggression and resistance of the participants of the rally after the first dispersal of the demonstration by unwarned use of special means was provoked by the violent behavior of the police, and this is an element to be considered when assessing the freedom of assembly.

On November 9, 2020, activists of "Shame" were detained at a rally of the United Opposition near the Parliament of Georgia. The demonstration was to be carried on from 22:00 through organization by "Shame". The Ministry of Internal Affairs (MIA) argues that the administrative offenders committed petty hooliganism and disobedience to the lawful request of a law enforcement officer being on duty or verbally abused the officer. At the court proceedings held in Tbilisi City Court, the defense stated that no offense had been committed by any of the detainees. The arrests were of a preventive nature and there were no grounds for any arrests.

In respect to the culpability of one of detainees, the subject matter of the hearing was the extent to which the firewood brought to the protest rally for heating was a prohibited item as provided for by Article 11(2)(a)(b) of the Law of Georgia on Assemblies and Manifestations. Further, the court adjudicated on the matter of lawfulness of the request by the police officer and in what particularly the disobedience of the detainee was manifested. However, in respect to the culpability of other two detainees, the significant facts to be established were in what the petty hooliganism was manifested, on one hand, and in what the disobedience to the lawful request of a law enforcement officer or verbal abuse of the office was manifested, on another hand.

¹²³ see: The video footage released by the police showing the stones are thrown in the direction of water cannon vehicles at the moment when the water cannon is in action: <https://bit.ly/3oIEQyj>.

Tbilisi City Court found all three detainees liable for committing administrative offenses under the relevant articles of the Administrative Offenses Code of Georgia¹²⁴.

FROM THE FIRST ROUND TO THE SECOND ROUND

(October 31 - November 21, 2020)

Based on the results of October 31, 2020 Parliamentary Elections, the second round of the Parliamentary Elections of Georgia was held on November 21. However, it was boycotted by the opposition, on the grounds that the elections were rigged and the official data of the CEC did not reflect the reality. Therefore, they did not participate in the second round of 2020 Parliamentary Elections.

Under the election legislation, the political boycott could not hinder carrying out of the second round of the elections throughout the country. Despite the boycott announced by the entire opposition spectrum for the second round of the elections, formally, the two candidates with the best results in the respective majoritarian electoral districts participated in the second round of elections on October 31, in total, the candidates nominated by 6 election subjects.

It is noteworthy that the opposition also boycotted the second round of elections during 2016 Parliamentary Elections.

Based on the results of the first round, the second round was held in 17 majoritarian electoral districts, where, according to the official CEC data, none of the majoritarian candidates in the first round could receive the required number of votes to win the first round i.e. more than 50% of the votes¹²⁵.

¹²⁴ Alex Machavariani was fined with GEL 1,000 for committing the offense under Article 173 of the Code of Administrative Offenses of Georgia. Nodar Rukhadze was fined with GEL 1,500 for committing the offense under Articles 166 and 173 of the Administrative Offenses Code of Georgia. Giorgi Mzhavanadze was sanctioned to 3 days of administrative detention for the offense under Articles 166 and 173 of the Code of Administrative Offenses of Georgia.

¹²⁵see: Official statement of the Central Election Commission: <https://bit.ly/2J3V5j4>.

Voter turnout in the second round of the Parliamentary Elections held on November 21, 2020 was 26.29% of the voting population. By the end of the polling day, 562,664 voters appeared to the polling stations¹²⁶.

EVALUATION OF THE SECOND ROUND OF THE ELECTIONS (November 21, 2020)

HRC observed the second round of 2020 Parliamentary Elections in electoral precincts of Khashuri-Kareli and Rustavi-Gardabani municipalities¹²⁷. HRC monitors were observing the election process from the opening of the polling stations till the end of voting, as well as the counting process and the completion of summary protocols¹²⁸.

In Khashuri-Kareli electoral district, in the second round of the Parliamentary Elections, Zaal Dugladze, the majoritarian MP candidate of the ruling party, Georgian Dream - Democratic Georgia, was opposed by Nato Chkheidze, the majoritarian MP candidate election bloc N5 United National Movement - United Opposition.

In the Rustavi-Gardabani electoral district, in the second round of the Parliamentary Elections, Nino Latsabidze, the majoritarian MP candidate of the ruling party, Georgian Dream - Democratic Georgia, was opposed by Davit Kirkitadze, the majoritarian MP candidate from electoral bloc №5 - United National Movement - United Opposition.

Since the opposition boycotted the second round of the Parliamentary Elections, it is likely that this was the reason for the low turnout of voters in these electoral districts in the second round. The boycott, in turn, had particular outcomes in the elections, as a result of which the candidate of Georgian Dream won in both electoral districts.

¹²⁶ see.: Activity statistics (*Activity throughout Georgia*), Central Election Commission. <https://bit.ly/2LTDQRN>.

¹²⁷ see: Main trends identified by HRC in the second round of the Parliamentary Elections. <https://bit.ly/3p2XOHO>.

¹²⁸ see: Statement by Human Rights Center: <https://bit.ly/2KiPfkq>.

According to general assessment of HRC, the second round of elections took place in a calm and largely fair environment. The monitors did not identify any type of irregularities that could have affected the overall election results.

Compared to the first round, there were fewer procedural irregularities, the special regulations against the spread of coronavirus were applied better also due to the small number of voters.

During the voting, the precinct election commissions had 6 members elected by the district election commissions, 3 members nominated by the ruling party Georgian Dream, and in some cases, 1 member nominated by the opposition party Patriots Alliance.

Opposition parties United National Movement and European Georgia having the rights to appoint members to the PECs, were not represented among the PEC members. The opposition parties themselves refused to allow their appointed members to participate in the work of the precinct election commissions in the second round.

Representatives of opposition political parties, who had the right to observe the voting process, were not assigned to the PECs either.

A significant trend in the second round was the lack of qualified and objective NGO observers at polling stations. There were lots of representatives of the organisations registered as observers at the polling stations whose activities are unknown to the general public. The actions by the organisations and their conversations with other individuals revealed that they were supporters of the ruling party. According to the assessment by the HRC observers, the members of Georgian Dream working in the PEC, the voters appearing to the polling stations and such observers were close acquaintances.

As in the first round of elections, the problem was still the presence of unidentified individuals in the vicinity of polling stations, who frequently spoke to members of the PECs from the ruling party, as well as to representatives of observer NGOs supporting the ruling party. The content of such actions and

conversations left the impression that they were acting in a coordinated manner and observing how many people appeared to the elections in support of them.

Due to the covid infection, voting via mobile ballot box was not possible in several households where COVID 19 was confirmed¹²⁹.

Due to the fact that number of opposition parties did not assign their representatives to the PECs, the PECs had less than 12 members as provided for by the law, and in some cases there were only 9 and in some cases 10 members. Because of this, the number of registrars in some precincts was less than the statutory number (at least 1 registrar for every 300 voters). The Election Code allows for a reduction in the number of registrars when the number of commission members is not sufficient to perform key functions. Accordingly, the number of registrars was reduced in compliance with the law.

Few number of registrars did not cause problems, considering low voter turnout. However, under a moderate or high voter turnout, the number of registrars may not have been sufficient and caused overcrowding.

BALLOT PAPERS FROM PRESIDENTIAL ELECTIONS IN THE PARLIAMENTARY ELECTIONS

On November 21, at polling station N8 in village Avlevi of Kareli municipality, where an accredited journalist of online newspaper www.humanrights.ge of HRC was observing the voting and counting process, at the beginning of the vote count of the second round of the Parliamentary Elections, there were 6 ballot papers from the presidential elections found in the ballot box. Each ballot paper was placed in a separate envelope along with the majoritarian ballot papers for 2020 Parliamentary Elections. The specific candidate was marked in the ballot papers of Presidential Elections and it had a signature and a stamp¹³⁰.

As HRC observers verified, the signature did not belong to any of the registrars in the precinct. Further, the seal number did not match the seal number of the mentioned precinct.

¹²⁹see: Statement by Human Rights Center: <https://bit.ly/3h1egpr>.

¹³⁰see: Statement of Human Rights Center: Ballot papers from the presidential elections found in the Parliamentary Elections. <https://bit.ly/38f1uj6>.

At the request of the HRC observer, the PEC decided to send the wrong ballot papers with other ballot papers to the DEC.

The CEC stated that the ballots for the presidential election were brought to the polling station by voters in the second round of the Parliamentary Elections. According to the spokesperson of the CEC, Natia Ioseliani, the ballots were kept by the voters "apparently for discrediting the election administration" and "this was probably an unscrupulous behavior on the part of the voters."¹³¹.

INVALIDITY OF BALLOT PAPERS

In Shida Kartli, after closing of polling station N16.35.37 in Tsagvli, during the counting of votes, the members of the PEC attempted to attribute the invalid ballot papers where candidates of both parties were checked to Georgian Dream. The HRC observer objected this and did not allow these ballot papers to be considered in favor of Georgian Dream. For this purpose, the observer took a photo of the ballot papers, after which the members of the commission were induced to annul the ballot papers. Moreover, they expressed aggression towards the observer indicating that [he] had no right to behave like that in their village, accusing him of being a supporter of National Movement.

ELECTION OBSERVATION

According to the practice all over the world, the election observation is carried out by local and international observer organizations. Observer organizations, as impartial and neutral institutions involved in the electoral process, ensure election monitoring, providing objective information to the population and international organizations on the election process. Raising the extent of public confidence towards the elections depends significantly on the assessments prepared by the observer organizations.

The local and international observer organizations registered in the election commission in accordance with the rules established by the Organic Law of

¹³¹see: statement of the Central Election Commission: <https://bit.ly/3atroll>. Further see: <https://bit.ly/3pcfyAT>; <https://bit.ly/3h2MsRu>.

Georgia - the Election Code of Georgia¹³², have the right to observe the elections in Georgia.

A local observer organization may be a local non-profit (non-commercial) legal entity registered no later than 1 year before the polling day, whose regulations or statute (organizational documents) provides for election monitoring and/or human rights protection at the time of registration¹³³. The local observer organization monitors the elections through a representative, a local observer of the organization. One organization has the right to have no more than one observer in a polling station at the same time¹³⁴.

An international observer organization may be a representative of another State, an organization registered in another State or an international organization whose founding documents / charter provides for election monitoring, protection of human rights and whose activities are based on the following internationally recognized principles¹³⁵: political impartiality; refraining from obstructing the electoral process; respect for Georgian legislation, sovereignty and norms of international human rights, etc.

For the purposes of October 31, 2020 Elections, the CEC registered 132 local observer organizations¹³⁶ with 47,000 individual observers; further, the CEC registered 48 international organizations¹³⁷ and 118 local media outlets with more than 6,000 journalists¹³⁸ contributing to the general transparency of the election process.

¹³² The rule for registration of observers is given in Chapter V of the Election Code of Georgia.
<https://bit.ly/3anyJU4>.

¹³³ See: Election Code of Georgia, Article 39.2. <https://bit.ly/3anyJU4>.

¹³⁴ See: Election Code of Georgia, Article 39.3. <https://bit.ly/3anyJU4>.

¹³⁵ See: Election Code of Georgia, Article 39.5. <https://bit.ly/3anyJU4>.

¹³⁶ see.: Local observer organizations registered for October 31, 2020 Parliamentary Elections of Georgia.
<https://bit.ly/3h61PZl>.

¹³⁷ See: International observer organizations registered for October 31, 2020 Parliamentary Elections of Georgia.
<https://bit.ly/3msOw6o>.

¹³⁸ See: Media organizations registered for October 31, 2020 Parliamentary Elections of Georgia.
<https://bit.ly/34Jlq9>.

MEDIA AND INFORMATION ENVIRONMENT

In the run-up to and after October 31, 2020 Elections, the diverse and pluralistic broadcast media was sharply polarized and biased. The main problem was the lack of discussion based on analytical journalism and policies, which prevented voters from making a fully informed choice. This issue, as in previous years, remains a significant challenge in the light of the fact that the majority of the population names television as the primary source of information.

The Election Code of Georgia obliges broadcasters to ensure fair and impartial coverage of the campaign¹³⁹. Broadcast media is obliged to allocate free airtime and invite to the debates only the entities that are eligible for funding from the State budget. Other parties are allowed to receive relatively less free airtime only on the Public Broadcaster¹⁴⁰. The broadcasting media was required to allocate a significant amount of free airtime and invite to the debates only those parties that are eligible for State funding. The political parties which were not eligible for the state funding, were given much less free airtime, and only on public media outlets, that put them at a disadvantage¹⁴¹. According to the opinion of OSCE/ODIHR, broadcast media was polarized between political and business interests¹⁴².

It should be noted that the representatives of the ruling party Georgian Dream refused to visit the programs of Mtavari Arkhi, TV Pirveli, Formula, TV Kavkasia, while they often participated in the programs of Imedi and POSTV.

During the pre-election period, facts of physical assault on journalists were identified; further, cases of verbal abuse and threats against critical media outlets or their representatives by high-ranking officials have been repeatedly identified. Journalists were injured on November 8, during the dispersal of a protest rally in front of the CEC. Like previous years, none of these cases has been followed by an appropriate legal response from the State, which encourages such cases and significantly damages the media environment during the pre-election period.

¹³⁹see: Paragraph 1 of Article 51 of the Election Code of Georgia. <https://bit.ly/3ro0PVo>.

¹⁴⁰see: Election Code of Georgia, Articles 51. <https://bit.ly/3ro0PVo>.

¹⁴¹see: International Election Observation Mission to Georgia - Parliamentary Elections, 31 October 2020, Report on Preliminary Findings and Conclusions Preliminary Findings, p. 3. <https://bit.ly/3rbeLBT>.

¹⁴² Ibid: P. 23. <https://bit.ly/3rbeLBT>.

RECOMMENDATIONS

To the Parliament of Georgia:

- ✓ *To review the activities of the Interagency Commission and discuss the development of mechanisms that will make the Commission more efficient, timely and impartial in responding to complaints about the use of administrative resources, voter bribery and intimidation;*
- ✓ *To amend the Election Code of Georgia and instead of 25 meters from the polling station, to prohibit the placement of pre-election campaigning materials or to physically impede the movement of voters within a radius of 100 meters;*
- ✓ *To consider ways to strengthen the independence of the Public Broadcaster and increase its coverage area;*
- ✓ *The Election Code of Georgia to provide for the minimum size of a polling station in such a way that persons authorized to be in the polling station have the opportunity to move freely and observe the voting process in full;*

Investigative bodies:

- ✓ *To investigate in a timely and effective manner, the facts of pressure and threats against the representatives of political parties, their activists and supporters, as well as the facts of interference with the campaign of political parties;*
- ✓ *To investigate allegations of violence or intimidation against a journalist or media outlet in a timely and impartial manner, as well as allegations of obstruction of journalistic activities;*
- ✓ *To perform the function prescribed by the law, to launch an investigation into the authenticity of publicly disclosed facts, to identify suspicious funding of specific parties, and to identify alleged crimes against the State.*

To the Government of Georgia:

- ✓ *To discuss with the Parliament the creation of a more comprehensive legal framework for legal regulation, oversight, investigation and disclosure of issues related to the transparency of finances of political party campaigns;*

- ✓ *To raise awareness of civil servants employed at various state institutions through informational and educational activities, in order to prevent the use of administrative resources for the electoral purposes;*
- ✓ *To take more effective measures to promote the teaching of the state language to ethnic minorities, which is essential to their political, social and civil integration.*

To media outlets:

- ✓ *To fulfill the responsibility taken before the public in good faith and to ensure balanced, non-discriminatory and pluralistic coverage of all facts or views in news programs.*
- ✓ *When reporting facts, to refrain from arbitrarily manipulating information, which is even more important when the Georgian media environment is extremely polarized and part of the TV media is favoring particular political force as evidenced from the editorial policies of the media.*

To the Central Election Commission:

- ✓ *To discuss with the Parliament of Georgia the ways of simplifying the existing procedures for complaints, especially in terms of applications with regard vote counting and election results. Moreover, to improve and simplify the rules / format for filling in summary protocols;*
- ✓ *In order to maintain the balance of representation of political parties in the election commissions, together with the Parliament, to discuss the changes in the rules of redistribution of the members of the election commissions, which will strengthen the degree of transparency and impartiality;*
- ✓ *The District and Precinct Election Commissions to be staffed with qualified personnel. Moreover, PEC representatives should be provided with additional training on the rights of observers, emphasizing the need to strictly and consistently follow the procedures established by the law;*
- ✓ *On the polling day, in case of non-compliance with the requirements of the Election Code, the superior election commission to apply sanctions under Article 28 of the Election Code of Georgia against members of the district and precinct election commissions (except for members appointed by the parties);*

- ✓ *To raise awareness of electoral procedures and voting rules among voters;*

To the political parties:

- ✓ *Not to allow pressure, threats and violence against the candidates and supporters of the opposing political parties;*
- ✓ *Pre-election campaign and related activities should be carried out in a peaceful manner within the framework established by the law.*
- ✓ *On the polling day, to refrain from any violent actions and respect the requirements of the law so the elections are held in a peaceful and fair environment.*
- ✓ *Political parties and candidates to ensure the rule of law, including the proper response to the use of administrative resources, violence and voter bribery;*
- ✓ *To promote the involvement of women and to take appropriate measures to promote them to leadership positions;*
- ✓ *Parties that have received additional funding for exceeding the gender quota requirement should use this funds to take initiatives to empower women in the parties;*
- ✓ ***To facilitate the nomination of persons with disabilities and the persons representing the minorities;***
- ✓ *To ensure compliance with the provisions of the Code of Conduct for Political Parties;*
- ✓ *To abandon the practice of influencing the free will of voters and recording information about the voters on the territory adjacent to polling stations by the representatives of opposition political parties.*