

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## Final Evaluation of Pre-Election Environment

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Georgian Young Lawyers' Association, the International Society for Fair Elections and Democracy, and the Transparency International – Georgia released a final evaluation of pre-election environment during the press conference held on September 29, 2012.

The October 1, 2012 parliamentary elections is an event of paramount importance for Georgia, as in addition to the country's transition to the system of a mixed government, weight of the legislative authority will be significantly changed. Election processes are greatly affected by the pre-election period as in order for the whole process to be deemed as fair, it is important that the pre-election environment provides for a fair and level playing field. The pre-election period was characterized with tough competition, strained atmosphere and multiple violations. Regrettably, there was a lack of pre-election campaigning focused on discussion of election programs and thematic debate. To the contrary, the pre-election campaign involved plentiful use of compromising information, multiple violations of law, active use of hate speech, violent and aggressive clashes.

During active election processes the following key trends and violations have been revealed:

#### **Abuse of state resources:**

- Use of legal resources of the state for political and election purposes, and changes in the election laws – although some new regulations introduced in the election legislation are positive, the authorities frequently initiated amendments that served interests of the ruling party only. In this respect, we'd like to highlighted a number of new regulations in the Election Code and the law of Georgia on Political Union of Citizens. Party funding legislation was tightened while laws related to oversight of misuse of administrative resources remained disproportionately soft.
- Selective enforcement of law – Frequently state authorities and the State Audit Service in particular selectively reacted to individual actions of the ruling and opposition parties by being loyal to the United National Movement and excessively strict towards opposition parties. Hereby, we'd like to also highlight disproportionate sanctions (fines) established by the law on political unions, which paralyzed activities of opposition parties in a number of cases, whereas significant violations committed by the ruling party were left without a response. Due administration of justice has become a pressing issue. In light of the fact that a number of serious flaws were revealed in the work of the State Audit Service, it is important for the judiciary to be impartial and fair, acting as a guarantor of balance and rights. Monitoring of ongoing

processes has revealed that the judiciary is too loyal of the State Audit Service, which is confirmed by the fact that courts do not turn down motions of the SAS with serious lack of argumentation or substantiation.

- Spending of state funds for election purposes – there were instances of using state and municipal funds for programs without any long-time prospects, aimed to win over large masses of voters – e.g. the Summer Job program for students, Students' Festival, etc. Number of contract employees hired at municipal level for a short term was increased without any substantiation. Funding for social and amenities programs

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was increased.

- Use of institutional resources of the state for political and election purposes – institutional resources of the state (public servants, means of transportation, etc.) were frequently used in favor of the ruling party by giving unlawful tasks to public servants, collecting personal information of citizens for unidentified purposes, politicizing diplomatic service and using public service announcements for political purposes.

### **Pressure, threats and violence on political grounds:**

- Arrests and detentions on political grounds – there were rarecases of politically motivated arrests or detentions throughout the year; however, as the election campaigning entered its active phase, number of arrests was increased. By late September, there was an unprecedented raise of such incidents, reaching alarmingly large scale. After September 19 more than 40 activists of opposition political unions were arrested on administrative grounds without due evidence and in violation of human rights standards.
- Dismissals from work on political grounds – there were frequent dismissals from work on political grounds both in public and private sectors, total of 57 cases recorded by us.
- Politically motivated violence and threats – throughout the year there were reports of threats and intimidation of activists of political parties, frequently with the involvement of officials, public servants and law enforcement officers. During the pre-

election monitoring we recorded up to 50 cases. As campaigning entered its active phase in the regions, violent actions and physical assaults increased and became particularly large scale in the second half of September. We believe that the law enforcement authorities failed to duly and timely react to these incidents, to investigate them in an effective and timely manner.

## Media environment

- Enactment of the must carry and must offer regulations – enactment of the regulations was a positive step forward, as they obligated cable providers to transmit all Georgian TV channels and prohibit TV companies from withdrawing their programming from cable providers. Such regulations play an important role in providing voters with diversified information; however, they won't be kept beyond the Voting Day, which may have a greatly negative impact on keeping public informed about the process of elections.
- Impounding of satellite dish antennas – there were several cases when property of private companies was impounded illegally. In this regard, impounding of satellite dishes of the Global Contact Consulting and Maestro TV Company is particularly noteworthy. The process was conducted in violation of law, which is particularly alarming when it affects free work of media outlets.
- Disruption of journalistic reporting – disruption of journalistic work, exerting pressure and making threats against journalists was frequent. Almost none of these incidents was effectively investigated and prosecuted.

- Restriction of audio and video recording at election precincts – several days ago the Central Election Commission (CEC) adopted a resolution about restriction of audio and video recording at election precincts, which contradicts Georgian legislation. Under the decision, representatives of media outlets and observers will be subject to unjustified and blank prohibitions, which will have an adverse impact on transparency of the process and will greatly limit the possibility to record any violations observed. Further, it is noteworthy that the changes were made several days prior to the elections, which is unreasonable in general.

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### **Voter lists**

- The Voter List Verification Commission (VLVC) – as a result of the work of the VLVC, information about citizens residing abroad, the deceased and those not residing at the registration address were verified unlike previous elections. Nevertheless, it was decided to include voters removed from registration or whose registration had been annulled back to the voter list, which further increased number of voters on the list and left room for illegal manipulation with these voters on the Election Day.

In view of these circumstances, it is safe to conclude that the pre-election environment was sharply unequal. It seemed that the competition was between the state and the opposition, as opposed to between political parties, caused by absence of boundary between the ruling party and the state's administrative function. This amounts to a significant violation of internationally recognized standards and makes it almost impossible to have a healthy political competition. Further, it is regrettable that the pre-election period completely lacked thematic discussions. To the contrary, public witnessed extreme polarization of political forces, confrontation, aggression and active use of hate speech.

This time, political parties as well as relevant state authorities must do their best to have the Polling Day under peaceful circumstances and in full compliance with legal requirements, in order to allow free expression of will of voters, which will be duly reflected in tabulation of election results.

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