



# Government should solve several important problems prior to 2014 elections

The local self-governmental elections will be announced in the nearest future and electoral campaign will commence officially. The upcoming elections are unprecedented, since members of the local councils and Mayors/Governors will be directly elected on a local level. This is a significant step forwards to decentralization and strengthening of the local self-government.

Though, it should be noted, that despite the appeals from the civil society and the political parties, the procedure of declaring mistrust to Mayors and Governors has not been altered. Furthermore, no substantial changes have been carried out in an electoral system: Existence of multi-mandated districts and prohibition of individual candidates from taking part in Mayors'/Governors' elections are still problematic.

Additionally, we would like to refer to the challenges that remain relevant at this moment and influence pre-electoral environment.

## 1. Election Legislation

As noted above, despite the reforms, certain issues still require further improvements. This is especially problematic within the context of upcoming elections. The Parliament of Georgia is considering a draft of amendments to the Election Code. The draft was initiated after the Election Code underwent amendments as suggested by the Inter-Faction group. It is noteworthy, that one of the recommendations of the international organizations referred to importance of prohibition of any changes in the election legislation shortly before the election date.

## 2. Voters' List

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



According to the amendments, the biometric registration of the voters will not take place. It was supposed to have identified the exact number of the voters and would have eliminated mistakes in the electoral lists, which was one of the most important results of the work of the 2013 Inter-Factional group. Instead, the State Services Agency is comparing pictures in its database and is correcting duplications. More specifically, the recent picture of a voter will be compared to all of his/her pictures as depicted in the State Services Agency database. If duplications are observed, the Agency will study it individually and in case of a confirmation of such a duplication, will make a decision in accordance with the law. In addition, on elections day, each polling station will be provided with the lists, that would include voters' photos. This way, the voters who arrive at the polling station will be compared to the pictures that are registered in the database. However, this is not a biometric registration of voters and cannot provide a trustworthy list. Moreover, effective use of the photo-lists in a manner that it does not impede the election process, will depend on the quality of each photo, its parameters and the skills of the members of the Commission.

The amendments also envision the possibility for persons eliminated from the registration and persons registered without an address to take part in elections according to their factual addresses. This might lead to certain manipulations regarding the votes of such voters.

Furthermore, the amendments specified the procedure of voting by the staff of the Ministry of Internal Affairs. Such voters, who are required to be in a different place than their registration address, are entitled to participate only in the proportional elections of local councils. As for the majoritarian and Mayors/Governors elections, the voters from the Ministry of Internal Affairs can take part if the place of their dislocation coincides with the place of their registration. It should be noted, that this amendment is a positive step, however, the staff of the Ministry of Internal Affairs whose place of dislocation and the place of registration are not the same should not have the right to vote even in proportional election of local councils and should not elect the self-governmental bodies in the districts where they do not live permanently. We recommend that such persons should participate in balloting according to the location of their permanent registration address, rather than a temporary place of dislocation.

### **3. Determination of the District Borders**

It is noteworthy, that the issue of creating new self-governmental communities has not been decided yet and this process is taking place without public consultations or involvement of population at large. Therefore, the border and names of districts are still unclear. This impedes the political parties from planning and carrying out election campaigns.

### **4. Investigation Procedures Against the Members of the “United National Movement”, Including the Former Officials**

Recently, the investigation bodies started to actively summon individuals (to examine them or to bring charges), who are involved in active political activities. The Inter-Agency Commission issued several recommendations prior to the Parliamentary and Presidential elections and urged the investigatory bodies to refrain from such activities during pre-election campaign unless there was an urgent necessity. We consider this recommendation to be still relevant.

### **5. Commencement of Work by Inter-Agency Commission**

Regretfully, an Inter-Agency commission has not been created which had important preventive function in the recent years. According to the 2014 amendments, for the 2014 local self-governmental elections an Inter-Agency Commission would be created within 10 calendar days after the entry into force of the amendments. It should also be noted, that the date of publication of the amendment was defined as the date of their entry into force. The bill was published on March 14, which entails that the Inter-Agency Commission should have already commenced working. We believe that the Inter-Agency commission should start functioning immediately and should ensure implementation of its functions as granted by the law.

### **6. State Social Programmes**

Recently, state authorities announced about start of social projects that seem to be motivated from electoral purposes. More specifically, such projects include granting social benefits for large families two weeks before the election date and initiation of a memorandum on solving the problem of so-called “Khrushchovkas” in Tbilisi. The

Government should refrain from initiating such projects during pre-election campaign, since it undermines competitiveness of the electoral environment and constitutes misuse of administrative resources.

## **7. Discharge of Public Servants from the Local Self-Governmental Bodies**

The law adopted by the Parliament is also problematic. After the elections it transfers all public servants of municipal agencies from their permanent positions to the temporary positions of acting public servants. Not only is this a significant pressure on public servants, which compels them to be involved in electoral processes, but it is also a direct violation of the Constitution of Georgia and the labor rights of civil servants. We urge the government to undertake effective steps to improve these gaps and to guarantee equal and fair electoral environment.

Georgian Young Lawyers Association (GYLA)

Transparency International Georgia

International Society for Fair Elections and Democracy (ISFED)

Civil Development Agency (CiDA)

Human Rights Education and Monitoring Center (EMC)