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**GEORGIAN
YOUNG
LAWYERS'
ASSOCIATION**

Free, Fair and Equal Electoral-Political 2019-2022 Cycle in Georgia

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INTRODUCTION

Georgian Young Lawyers' Association (GYLA) started the implementation of the project - "Free, Fair and Equal Election Political Cycle 2019-2022" throughout the country in August 2019. One of the goals of the project is to promote the improvement of the election environment through monitoring and evidence-based advocacy. To achieve this, the organization will monitor ongoing political processes and develop recommendations that will be communicated to the public and presented to decision-makers. We present the №23 bulletin, which describes the events that took place in August that had an impact on the political environment.

I. NETWORK MEETINGS WITH POLITICAL PARTIES

In July and August, GYLA held network meetings with political parties at both central and regional levels.¹ The meetings were held as part of the USAID-funded project "Free, Fair and Equal Election Political Cycle 2019-2022". The purpose of the event was to assess the electoral environment for the 2021 local government elections. Representatives of political parties participated in the network meetings and discussed the challenges such as controlling the electorate's will, using administrative resources, funding political parties, and more.

II. THE NEW CHAIRPERSON OF THE CEC

At the plenary session of the extraordinary session of the Parliament on August 2, the majority of the full composition of the Parliament voted for the chairpersonship and membership candidates of the Central Election Commission (CEC) of Georgia.² Giorgi Kalandarishvili, who was running for the post of CEC chairperson, won the support of 83 deputies against 3.³ As a result, he was elected as the new CEC chairperson. As for the commission members, two of the four candidates⁴ - Gia Tsatsashvili and Maia Zaridze - won the support of the Parliament.⁵ According to the election legislation, the persons elected by the majority of the full composition of the Parliament will hold the respective positions for six months.⁶

This voting was the fourth in a row for the election of the CEC Chairperson and commission members. The election of candidates by a simple majority was part of the anti-crisis mechanism of the April 19 agreement, which provided for a much larger number of votes to elect a chairperson and members for the first three times. In addition, the voting process was shortened from four to one week. According to GYLA, as a result, the CEC Chairperson and members of the Commission were elected without a consensus between the majority and the opposition parties, only by a majority of the total membership. The election of professional members with bilateral support was a good opportunity to build trust in the election administration, but the Georgian Parliament failed to seize this opportunity.

¹ GYLA regional offices in Kutaisi, Batumi, Zugdidi, Ozurgeti, Dusheti, Gori, Rustavi and Telavi held network meetings with political parties.

² "Parliament supported Giorgi Kalandarishvili's candidacy for the position of the Chairperson of the Central Election Commission with 83 votes", official website of the Parliament of Georgia, August 2, 2021, accessible: <https://parliament.ge/media/news>, updated: 15.09.2021.

³ Ibid.

⁴ The candidates for CEC membership were Gia Tsatsashvili, Lela Taliuri, Tamar Sartania and Maia Zaridze. See. Ibid.

⁵ Ibid.

⁶ Ibid.

III. GEORGIAN DREAM'S REFUSAL TO RECEIVE MACRO-FINANCIAL ASSISTANCE FROM THE EUROPEAN UNION

On August 23, the President of the European Council, Charles Michel, met with the Prime Minister of Georgia Irakli Gharibashvili in Kyiv.⁷ They attended the Crimean Platform Summit.⁸ After the meeting, Charles Michel pointed out that the deadline for macro-financial assistance to Georgia was approaching. It was important for the Georgian government to demonstrate its commitment to the agreements and reforms.⁹ A week after the meeting, Irakli Kobakhidze, the Chairperson of the Georgian Dream, said that the aid was no longer financially significant because of the high economic growth in the country.¹⁰ He said considering the EU's refusal to provide financial assistance as a "sanction" would be speculation.¹¹ The next day, according to Irakli Gharibashvili, the government decided to refrain from getting financial support in the form of a loan from the European Union, as the issue had acquired major political importance.¹²

The statement of the Georgian Dream representatives was responded to by the Acting Head of the EU Delegation to Georgia, Julien Crampes.¹³ He said that although the European Union had sought to justify the Georgian government's decision, Georgia had failed to meet the requirements of macro-financial assistance.¹⁴ In particular, he said it concerned judicial reform, which was also part of the April 19 agreement.¹⁵

The move of the ruling party was criticized by MEP Viola von Cramon. According to her, Georgia has not fulfilled the conditions of macro-financial assistance.¹⁶ Consequently, the government could not refuse what it was not entitled to.¹⁷

Representatives of opposition parties criticized the decision of the Georgian Dream. Khatia Dekanoidze, a member of the United National Movement, said the move had jeopardized the EU-Georgia Association Agreement.¹⁸ Mamuka Khazaradze, Chairperson of the Lelo for Georgia party, called the decision irresponsible.¹⁹ Giorgi Vashadze, the leader of Strategy Aghmashenebeli, stated that the government had not fulfilled the April 19 agreement and had not carried out reforms, which would have resulted in appropriate sanctions.²⁰ Ana Dolidze, the leader of the party For the People, commented on the sanctions.²¹ She expressed hope that the EU would respond to such a severe and alarming step by imposing personal sanctions on members of the ruling party.²²

The incident was negatively assessed by the President of the country, Salome Zurbashvili. In her opinion, it was incomprehensible for the Georgian Dream to put the reduction of the international debt as a priority above the

⁷ "Irakli Gharibashvili met with Charles Michel in Kiev", Information portal Civil.ge, August 24, 2021, accessible: <https://civil.ge/ka/archives/437481>, updated: 15.09.2021.

⁸ Ibid.

⁹ Charles Michel, Twitter post, 24 August 2021, 10:09 AM, accessible: <https://twitter.com/eucopresident/status>, updated: 15.09.2021.

¹⁰ "According to Irakli Kobakhidze, EU macro-financial assistance no longer has a financial significance", Information portal Civil.ge, August 30, 2021, accessible: <https://civil.ge/ka/archives/437814>, updated: 15.09.2021.

¹¹ Ibid.

¹² "Prime Minister: We are determined to refrain from taking an EU loan", Information portal Civil.ge, August 31, 2021, accessible: <https://civil.ge/ka/archives/437861>, updated: 15.09.2021.

¹³ "Statement by the Acting Head of the EU Delegation, Julien Crampes, on the Georgian government announcement refraining from requesting €75 million in macro-financial assistance from the European Union", EU Delegation to Georgia, August 31, 2021, accessible: <https://eeas.europa.eu/delegations/georgia>, updated: 15.09.2021.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Viola von Cramon, Twitter post, 31 August 2021, 9:23 PM, accessible: <https://twitter.com/ViolavonCramon/status>, updated: 15.09.2021.

¹⁷ Ibid.

¹⁸ Khatia Dekanoidze's Facebook page, August 31, 2021, accessible: <https://www.facebook.com/khatia.dekanoidze.7>, updated: 15.09.2021.

¹⁹ Mamuka Khazaradze's Facebook page, August 31, 2021, accessible: <https://www.facebook.com/mamuka.khazaradze>, updated: 15.09.2021.

²⁰ "Giorgi Vashadze - "The Dream" is still working to deceive the people, they want someone to believe that it refused to receive an aid, do you really believe that Georgia does not need EU help?", Information portal Interpressnews, September 1, 2021, accessible: <https://www.interpressnews.ge/ka/article>, updated: 15.09.2021.

²¹ "Ana Dolidze – "Gharibashvili's statements are alarming - I hope the EU will adopt personal sanctions", Information portal Interpressnews, September 1, 2021, accessible: <https://www.interpressnews.ge/ka/article>, updated: 15.09.2021.

²² Ibid.

plight of the citizens.²³ According to her, it was the responsibility of the government to hold fair elections and fulfill its obligations. The opposition should not be given chance to provoke destabilization without cause by questioning the legitimacy of the elections.²⁴

The decision of the government was responded to by a joint statement of non-governmental organizations.²⁵ According to them, with this step, the Georgian Dream once again refused to fulfill its obligations to the European Union, thus endangering the country's democratic development and Euro-Atlantic integration.²⁶

GYLA believes that this decision of the ruling team was related not so much to the protection of the country from the excess debt but to the unwillingness to fulfill its obligations; otherwise, nothing has prevented them from pursuing reforms in parallel with the refusal to get the loan.

IV. VIOLATION OF EQUAL SUFFRAGE IN LOCAL SELF-GOVERNMENT ELECTIONS

The principle of equality of suffrage should not be violated in determining the respective constituencies within the local self-government elections,²⁷ the votes should be given equal weight.²⁸ A similar standard was set by the Constitutional Court in its 2015 ruling.²⁹ In the Court's view, while it was impossible to ensure an equal "weight" of votes in all constituencies under a majoritarian electoral system, a system in which one constituency's vote was more "valued" than the other would lead to a significant deviation from the principle of equality of votes.³⁰ As a result, the Court declared the disputed norm, which regulated the rule of determining the majoritarian constituencies, unconstitutional.³¹ At the same time, since the number of voters in each constituency is different and it is impossible to achieve full equality between them, according to the international approach, only 10-15% deviation is allowed.³²

In accordance with these international standards and the principle of equality of votes, GYLA compared the average number of voters in each constituency to the number of seats allocated in the same constituency in the upcoming local elections across Georgia.

As a result, from the counted constituencies, the deviation of the average number of voters is 11% or more in 506 out of 664 constituencies, and in 437 - it is more than 15%.³³

²³ "Salome Zurabishvili – "the announced refusal to accept an EU loan is an incomprehensible step - it is incomprehensible that the reduction of international debt has become a priority over the crisis of its own citizens", Information portal Interpressnews, September 2, 2021, accessible: <https://www.interpressnews.ge/ka/article>, updated: 15.09.2021.

²⁴ "President - I do my best to ensure that neither the government nor the destructive opposition, which today brazenly signed the document, which they had undermined for six months, can disrupt the European direction", Information portal Interpressnews, September 2, 2021, accessible: <https://www.interpressnews.ge/ka/article>, updated: 15.09.2021.

²⁵ The organizations signing the statement are: Georgian Democratic Initiative (GDI); Transparency International - Georgia (TI); Institute for Democracy and Safe Development (IDSD); Human Rights Center (HRC); Georgian Reform Association (GRASS); Union of Democratic Meskhetians; Liberal Academy; Open Society Foundation (OSGF); International Society for Fair Elections and Democracy (ISFED); Civic Integration Fund; Media Development Fund (MDF); United Nations Association of Georgia (UNAG); Partnership for Human Rights (PRH). "Refusal of EU assistance is an open declaration of Georgia's deviation from the Euro-Atlantic course", International Society for Fair Elections and Democracy, August 31, 2021, accessible: <https://www.isfed.ge/geo/gantskhadebebi>, updated: 15.09.2021.

²⁶ Ibid.

²⁷ Code of Good Practice in Electoral Matters, Guidelines and Explanatory Report, European Commission for Democracy Through Law (Venice Commission), 2002, paras. 13-17, accessible: <https://www.venice.coe.int/webforms>, updated: 15.09.2021.

²⁸ Ibid.

²⁹ Decision N1/3/547 of the Constitutional Court of Georgia, May 22, 2015, "Citizens of Georgia Ucha Nanuashvili and Mikheil Sharashidze v. Parliament of Georgia", I-10-11.

³⁰ Ibid, II-13.

³¹ Ibid, II-41.

³² Code of Good Practice in Electoral Matters, Guidelines and Explanatory Report, European Commission for Democracy Through Law (Venice Commission), 2002, para. 15.

³³ In the above data, the deviation for visibility in the majoritarian constituencies is shown by taking into account the average number of voters, however, according to GYLA, in order not to violate the principle of equality of votes, the difference between the number of voters in the largest and smallest constituencies should not exceed 10%.

GYLA considers this a gross violation of the constitutional principle of equal suffrage and equal vote. The existing deviation is so significant and high that it leads to disproportionate representation and does not create equal opportunities for voters to have an equal impact on election results.

V. HEALTH SAFETY STANDARDS FOR CONDUCTING ELECTIONS UNDER THE COVID-19 PANDEMIC

On August 23, the CEC set sanitary-hygienic standards for the safe elections in the conditions of a pandemic for the 2021 local self-government elections.³⁴ The COVID-19 related regulations were first drafted for the 2020 parliamentary elections, and, for the 2021 elections, these rules were approved almost unchanged.

The COVID-19 regulations include the Epidemiological Protocol for Election Day, as well as the sanitary requirements for inpatient voters, voting by persons in penitentiary institutions, participation in election commission buildings, and training. These rules are mandatory for voters, election administration staff, as well as other parties involved in the election process.

Sanitary-hygienic norms to be observed on the polling day

In order to prevent the spread of COVID-19, the CEC has developed sanitary-hygienic norms to be observed in the polling station for the 2021 elections.³⁵

The temperature of the voter arriving at the polling station is not checked;³⁶ however, before entering the building, body temperature for both members of the Commission and persons entitled to be present at the polling station will be measured.³⁷ In case of fever (37°C or more than 37°C), the person's temperature will be checked at 5-minute intervals, and in case of repeated fever, they will not be allowed in the polling station.³⁸ Measuring the body temperature in the polling station is provided by a person authorized by the Chairperson of the relevant precinct election commission.³⁹

All persons in the polling station, including the voters, must wear a mask.⁴⁰ Voters will have to remove their masks twice for a short time in order to be identified and registered when they arrive at the polling station.⁴¹ In case of refusal, the voter will not be allowed in the polling station, and the ballot paper will not be issued to them.⁴²

The use of the mask is not required for those who have difficulty wearing it due to health reasons, and this is confirmed by a relevant doctor/physician.⁴³ It is not necessary to obtain a new certificate if there is already some document confirming the illness.⁴⁴

A person is obliged to follow the rule of wearing a mask defined by this decree. Otherwise, they are subject to warning.⁴⁵ If despite the warning, the person continues to violate the rules of wearing a mask, the Chairperson of the precinct election commission is obliged to instruct them to leave the polling station.⁴⁶ If this person does not voluntarily comply with the instruction to leave the polling station, the Precinct Election Commission, in

³⁴ "The election administration is preparing for the October 2 elections in a safe environment for health", official website of the Central Election Commission, August 23, 2021, accessible: <https://bit.ly/3tqdlot>, updated: 03.09.2021.

³⁵ Resolution of the Central Election Commission of Georgia №52/2021 of August 23, 2021, on determining some election measures and sanitary requirements for the municipal body election day of the October 2, 2021, in order to prevent the spread of infection (COVID-19) caused by the new coronavirus (SARS-CoV-2), official website of the Central Election Commission, accessible: <https://bit.ly/3yk7h1I>, updated: 31.08.2021.

³⁶ Ibid, art. 2, para. 6.

³⁷ Ibid, para. 1.

³⁸ Ibid, para. 2.

³⁹ Ibid, para. 5.

⁴⁰ Ibid, art. 3, para. 1.

⁴¹ Ibid, para. 2, Subparagraphs "a", "b".

⁴² Ibid.

⁴³ Ibid, para. 3.

⁴⁴ Ibid, para. 4.

⁴⁵ Ibid, para. 5.

⁴⁶ Ibid.

accordance with the law, makes a decision to expel them from the polling station.⁴⁷

A disinfectant, a solution for hand disinfection, and information on preventing the spread of the virus will be placed at the entrance to the polling station.⁴⁸

Rules for participation in elections of inpatients and isolated persons

The CEC shall establish at least one polling station within the boundaries of each municipality and at least 10 polling stations in the city of Tbilisi to ensure the participation of inpatients and isolated persons in elections.⁴⁹ In order to carry out the functions of these precinct election commissions, the CEC by decree creates special groups consisting of no more than 17 members.⁵⁰ The terms and conditions of the selection of the mentioned persons shall be determined by an ordinance of the CEC.⁵¹

A self-isolated voter must send notice that they want to participate in the election and request a mobile ballot box to the Central Election Commission Information Center from September 25 to September 27, 2021, from 10 am to 10 pm⁵² Information about the notification will be immediately forwarded to the CEC Election Process Management Department for the purpose of compiling the mobile ballot box lists. Similar deadlines applied to the 2020 elections; however, in previous elections, the CEC extended the deadline by 4 hours to allow more citizens to participate in the elections.⁵³

The election subject, depending on how many mobile ballot box lists were compiled in the respective polling station, has the right to appoint one representative, local observer organizations - one observer, international organizations - one observer with one translator, and other media and press - 2-2 representatives.⁵⁴

It should be noted that even in the case of voting by a special group with a mobile ballot box, a person is obliged to remove their masks for a short period of time for identification purposes.⁵⁵ A safe distance of at least 1.5 meters must be maintained between the voter and the member of the special group when removing the mask.⁵⁶

On the establishment of polling stations in the penitentiary institutions of the Special Penitentiary Service, staffing of precinct election commissions/special groups, determination of some election events/deadlines, and establishment of sanitary-hygienic rules

No voting procedure is conducted through the mobile ballot box in the penitentiary institution.⁵⁷ The CEC will set up polling stations no later than September 13 to ensure the voting process.⁵⁸

The CEC elects/appoints the members of the precinct election commission/members of the special group set up in the penitentiary institution no earlier than 16 days before the election day (September 16) and no later than 15

⁴⁷ Ibid.

⁴⁸ Ibid. art. 1, Subparagraphs “a”, “b”, “c”.

⁴⁹ Resolution of the Central Election Commission of Georgia №53/2021 of August 23, 2021 on Determining the preconditions for the participation in the October 2, 2021 elections of the municipal bodies, for the voters in inpatient medical institutions and isolation (quarantine, self-isolation), the creation of polling stations and special groups, art. 2, para. 1, official website of the Central Election Commission, accessible: <https://bit.ly/3Bh7a9j>, updated: 31.08.2021.

⁵⁰ Ibid, art. 2, para. 3.

⁵¹ Ibid, para. 4.

⁵² Ibid, art. 5, para. 8.

⁵³ Mariam Latsabidze, Newsletter № 13, October, Georgian Young Lawyers’ Association, 2020, pp. 1-2, website of the Georgian Young Lawyers’ Association, accessible: <https://bit.ly/3Bt3hOE>, updated: 31.08.2021.

⁵⁴ Ibid, art. 4, para. 3, Subparagraphs “a”. “b”, “c”, and “d”.

⁵⁵ Ibid, art. 9, para. 1. Subparagraph “g”.

⁵⁶ Ibid.

⁵⁷ Resolution of the Central Election Commission of Georgia №54/2021, August 23, 2021, Tbilisi, in order to prevent the spread of New Coronavirus (SARS-CoV-2) infection (COVID-19), to establish polling stations in the penitentiary institutions of the state sub-department of the Ministry of Justice of Georgia for the October 2, 2021 municipal elections. On staffing of special groups, determination of some election measures/terms and establishment of sanitary-hygienic rules, art. 1, official website of the Central Election Commission, accessible: <https://bit.ly/3t3eJ04>, updated: 31.08.2021.

⁵⁸ Ibid.

days (September 17).⁵⁹ Within 2 days after the announcement of the competition, it will be possible to submit the competition documents to the CEC to fill the vacancies of 8-8 members of precinct election commissions/special groups.⁶⁰

Members of the Precinct Election Commission (Special Group), representatives of political entities and the press, as well as observers of local and international observer organizations, are required to undergo mandatory quarantine from 10:00 am on September 23, 2021, until the opening of the polling station, and do a PCR (COVID-19) test on October 1.⁶¹

It should be noted that if a member of the election commission (Special Group), observer, representative of a political union, or the press leaves the polling station on polling day, they will no longer be allowed in the polling station.⁶² It is also prohibited for observers and representatives of the election subject to be replaced by other registered representatives of the nominating organization.⁶³

VI. CHANGES IN THE RULES OF BUDGET FINANCING

According to the amendments to the rules on budget financing,⁶⁴ the political party that lost the right to receive funding from the budget obtained on the basis of the 2020 parliamentary elections will be able to restore it from August 1.⁶⁵ In addition, they will be given all the money they would have received if they had not lost the right to receive funding.⁶⁶ The initiators of this bill were members of the parliamentary majority.⁶⁷

After the announcement of the results of the parliamentary elections, the parties Aleko Elisashvili - Citizens and Girchi refused to receive budget funding.⁶⁸ Aleko Elisashvili said that receiving budget funding was incompatible with the boycott of the election results.⁶⁹ Zura Japaridze, the leader of Girchi, considered the receipt of state funding in the conditions of the boycott as a move supporting the Georgian Dream.⁷⁰ However, soon the party Girchi was divided into two parts.⁷¹

These changes affected the state funding of Aleko Elisashvili - Citizens and Girchi.⁷² According to the proposed amendment, from August 1, 2021, the parties Citizens and Girchi will be reimbursed the budget funding obtained on the basis of the 2020 elections, which in the case of Girchi - 777,990 GEL, and Citizens - 497,406 GEL.⁷³

The idea of budgetary financing of political parties serves to ensure the viability of the parties and the development of the party system.⁷⁴ According to Georgian law, in order to receive budget funding, a party must apply to the

⁵⁹ Ibid, art. 2.

⁶⁰ Ibid, art. 3.

⁶¹ Ibid, arts. 11 and 12.

⁶² Ibid, art. 14.

⁶³ Ibid.

⁶⁴ Draft Law on Amendments to the Organic Law of Georgia on Political Union of Citizens, official website of the Parliament of Georgia, July 26, 2021, accessible: <https://info.parliament.ge/#law-drafting/22454>, updated: 12.08.2021.

⁶⁵ Organic Law on Amendments to the Organic Law of Georgia on Political Unions of Citizens, art. 3, part 1.

⁶⁶ Ibid, part 2.

⁶⁷ Ibid.

⁶⁸ The list of parties that received budget funding, Annex to Ordinance №263/2020 of the Chairperson of the Central Election Commission of Georgia of December 11, 2020, official website of the Central Election Commission, accessible: <https://bit.ly/37BL70g>, updated: 12.08.2021

⁶⁹ “What money does (not) the opposition receive - what does consent to funding mean?”, Information portal Radio Liberty, December 4, 2020, accessible: <https://bit.ly/3z1vvOI>, updated: 13.09.2021.

⁷⁰ Ibid.

⁷¹ “Girchi is divided - according to Japaridze, he is not going to do Girchi together with Khvichia, Megrelishvili and Rakviashvili”, November 26, 2020, accessible: <https://bit.ly/3ld3IG0>, updated: 13.09.2021.

⁷² Explanatory Card on the Draft Organic Law of Georgia on Amendments to the Organic Law of Georgia on Political Associations of Citizens “On Amendments to the Organic Law of Georgia”, para. “b” and “c”.

⁷³ Ibid.

⁷⁴ Conclusion of the Young Lawyers’ Association on the amendments to the Organic Law of Georgia on Political Associations of Citizens and the accompanying laws, 23.12.2020, accessible: <https://bit.ly/3fVD6Yf>, updated: 12.08.2021

CEC within the timeframe established by law and submit a written consent to receive next year's budget funding.⁷⁵ If the party does not submit the relevant consent within the timeframe set by the CEC, it loses the right to receive next year's budget funding.⁷⁶ After refusing to receive funding from the state budget, the mentioned amount is returned to the state budget.⁷⁷ In case of refusal of the budget funding by the party, no mechanism for recovery of funding is provided by law during the next one year, until the period of re-emergence of the right.

The explanation of the changes does not present the necessity and objective substantiation of its acceptance in the card.⁷⁸ According to the bill, the expenses will be covered by the budget within the existing allocations for the relevant agency.⁷⁹ This explanation implies that the amount of budget funding for the party Citizens and Girchi should be allocated from the CEC budget, while the amount was returned to the state budget after the refusal of funding. Thus, in the absence of these changes, they would be able to receive their budget funding only from February 2022.⁸⁰

VII. ACTIVITIES OF THE INTERAGENCY COMMISSION

An interagency commission is established with the Ministry of Justice to prevent violations of Georgian election legislation by public servants and to respond to violations.⁸¹ The composition of the interagency commission is determined by the order of the Minister, and the rules of activity of the Commission are determined by the statute of the Commission.⁸² The Interagency Commission meets at the invitation of the Chairperson of the Commission, as needed, but not less than once every 2 weeks, and after the expiration of the registration period for election subjects - at least once a week.⁸³ Political parties receiving funding from the state budget, as well as other political unions (one time), participate in the activities of the Interagency Commission with a deliberative vote and provide the Interagency Commission with information on violations of election legislation by public servants.⁸⁴ Representatives of local and international observer organizations may be invited to the commission meeting to ensure publicity of the interagency commission.⁸⁵ The Interagency Commission will review media reports related to violations of election law by public servants. Violation information is also provided to the Interagency Commission by political election subjects or observer organizations.⁸⁶ In case of confirmation of the fact of violation, the Commission is authorized to recommend any public institution with a request to take appropriate measures within a reasonable time.⁸⁷

The Interagency Commission for Local Government Elections of October 2, 2021, was established on June 29, 2021.⁸⁸ According to the statute, it included high-ranking officials - representatives of ministries and agencies, including a representative of the election administration and a deputy state inspector.⁸⁹ It should be noted that the last two were not part of the Commission set up for the 2020 parliamentary elections.⁹⁰

⁷⁵ Organic Law of Georgia on Political Union of Citizens, art. 30, part 4.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Explanatory Card on the Draft Organic Law of Georgia on Amendments to the Organic Law of Georgia on Political Unions of Citizens "On Amendments to the Organic Law of Georgia".

⁷⁹ Ibid. p. 3.

⁸⁰ The Law of Georgia on Political Union of Citizens, art. 30.

⁸¹ The Election Code of Georgia, art. 48, part 3.

⁸² Ibid, part 5.

⁸³ Ibid.

⁸⁴ Ibid, part 6.

⁸⁵ Ibid, part 8.

⁸⁶ Ibid, part 7.

⁸⁷ Ibid, part 9.

⁸⁸ Order №728 of the Minister of Justice of Georgia of June 29, 2021, on the Establishment of an Interagency Commission for Free and Fair Elections and the Approval of the Statute, official website of the Ministry of Justice of Georgia, accessible: <https://bit.ly/3jG6nst>, updated: 03.09.2021.

⁸⁹ Ibid, art. 1, Subparagraphs "k¹" and "n¹".

⁹⁰ Order № 560 of the Minister of Justice of Georgia of 30 June 2020 on the Establishment of an Interagency Commission for Free and Fair Elections and the Approval of the Statute, official website of the Ministry of Justice of Georgia, accessible: <https://bit.ly/3eIEIDB>, updated: 03.09.2021.

Two meetings of the Commission were held in August, on August 11 and 25.⁹¹ Given the epidemiological situation in the country, the sessions of the Commission were held online. The minutes of the meeting of the Commission are publicly available; however, the minutes of the meetings held in August were published on the website of the Ministry a few days late.

At the August 11 sitting, the information received as a result of the media monitoring and the issue of relevant responses were discussed.⁹² These included cases of alleged illegal dismissals and/or pressure on civil servants in different regions, their attendance at the nomination of ruling party candidates during working hours, possible use of administrative resources, activities of ruling party candidates before the campaign has started, use of social networks by civil servants for agitation during the working hours.⁹³

The Commission has decided on a general approach to contacting the victims directly in addition to the administrative body to investigate the fact, for example, in cases of dismissal on political grounds.⁹⁴ However, nothing was said about this communication.

One of the cases of dismissal of public servants was related to the dismissal of Gori City Hall employee Oleg Khubuluri. Which, according to GYLA, is related to his oppositional opinion and expression and, therefore, is illegal.⁹⁵ At the meeting of the Interagency Commission, during the discussion of this issue, the focus was on Khubuluri's absence from office several times for unreasonable grounds, while the aspects related to the issue of freedom of expression of the public servant were completely ignored.⁹⁶

Notably, a CEC representative said that the CEC recommends public officials not to use personal social networks for agitation.⁹⁷ They said that the issue is not directly regulated by the legislation; however, the issue of the use of administrative resources during the previous elections was regulated by a memorandum on the use of administrative resources. It should be noted that the CEC, in previous years, did not consider such an action a violation of the law, and the memorandum ignored the issue of online agitation.⁹⁸

Representatives of political parties, international and local observer organizations were invited to the August 25 meeting.⁹⁹ The sitting discussed the facts of dismissal on probable political grounds, cases of alleged voter bribery, registration in precinct election commissions against the will of individuals, facts of arrest, persecution, obstruction, and pressure on supporters of the party For Georgia, cases of the use of administrative resources by the ruling party and activation of infrastructure projects during the pre-election period.¹⁰⁰

GYLA appealed against the use of administrative resources to the Batumi District Election Commission.¹⁰¹ The case concerned the transfer of chairs to the central office of the Georgian Dream in Adjara by a car owned by Batumi Water Ltd., which is established by the Batumi Municipality with a 100% share of the authorized capital, and the partnership authority is exercised by the Batumi Municipality.

Before that, the Commission met twice in July.¹⁰² Issues related to the unified list of voters and electoral changes

⁹¹ Minutes of the Sessions of the Interagency Commission for Free and Fair Elections, official website of the Ministry of Justice of Georgia, accessible: <https://bit.ly/2WIulux>, updated: 03.09.2021.

⁹² Minutes of the 3rd Session of the Interagency Commission for Free and Fair Elections, official website of the Ministry of Justice of Georgia, accessible: <https://bit.ly/3jC8YDD>, updated: 03.09.2021.

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ Mariam Latsabidze, et al., 1st Interim Report of the Long-Term Observation Mission for the 2021 Local Self-Government Elections, May-July (Tbilisi: Georgian Young Lawyers' Association) pp. 11-12, official website of the Georgian Young Lawyers' Association, accessible: <https://bit.ly/3BFgXpC>, updated: 03.09.2021.

⁹⁶ Minutes of the 3rd Session of the Interagency Commission for Free and Fair Elections, official website of the Ministry of Justice of Georgia, accessible: <https://bit.ly/3jC8YDD>, updated: 03.09.2021.

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ Minutes of the 4th Session of the Interagency Commission for Free and Fair Elections, official website of the Ministry of Justice of Georgia, accessible: <https://bit.ly/2WSdB3N>, updated: 03.09.2021.

¹⁰⁰ Ibid.

¹⁰¹ Georgian Young Lawyers' Association Complaint N79-30 to Batumi District Election Commission, August 18, 2021, accessible: <https://bit.ly/2Yfdkby>, updated: 03.09.2021

¹⁰² Ibid.

were discussed at these sessions, which were presented by the representatives of the relevant agencies.¹⁰³

Apart from the information received as a result of the media monitoring, no complaints/statements were submitted to the Commission during the four sessions. The Commission has not developed a recommendation for any of the cases monitored by the media and considers the information received from the administrative bodies to be sufficiently substantiated in all of them.

VIII. POLITICAL RATINGS AND PUBLIC ATTITUDES IN STUDIES BY THE INTERNATIONAL REPUBLICAN INSTITUTE AND THE NATIONAL DEMOCRATIC INSTITUTE

According to a survey published by the International Republican Institute on August 2, 28% of citizens polled supported the Georgian Dream in the October 2 local elections; 15% named the National Movement and 9% the political party For Georgia as their preferred party.¹⁰⁴ When asked which party they would not vote for under any circumstances, 30% of respondents named the National Movement and 24% the Georgian Dream.¹⁰⁵ In addition, 14% of respondents believe that the elections will definitely be free and fair, while 13% believe that the upcoming elections will not be like that.¹⁰⁶ When asked whether they supported the opposition's demand for early elections, 29% of respondents said yes, 22% partially supported the demand, 12% partially opposed it, 27% strongly opposed it, and 10% said that they did not know or did not want to answer.¹⁰⁷

On August 12, the National Democratic Institute released the results of a public opinion poll.¹⁰⁸ 61% of respondents answered positively to the question of whether they would participate in the municipal elections if they were held tomorrow.¹⁰⁹ And 10% answered the question negatively.¹¹⁰ According to the survey, the majority of the population did not know or did not name the party that stood closest to their views.¹¹¹ Only 30% of respondents named a specific party.¹¹²

IX. PUBLIC DISCUSSION OF CONSTITUTIONAL AMENDMENTS

On August 16-17, Tbilisi and Kutaisi held a public discussion on the planned amendments to the Constitution of Georgia. The constitutional amendments were drafted after the Georgian Dream, and part of the parliamentary opposition signed a document initiated by European Council President Charles Michel on April 19.¹¹³ The changes include several issues: (1) the threshold for the next two parliamentary elections will be lowered to 2%; (2) 4 instead of 7 MPs will be required to form a parliamentary faction; (3) The Prosecutor General shall be elected by a qualified majority of Parliament. In case they are not elected, the support of 76 deputies will be enough.¹¹⁴

International and non-governmental organizations, representatives of various circles of the society, and experts

¹⁰³ Minutes of the 1st and 2nd Sessions of the Interagency Commission for Free and Fair Elections, official website of the Ministry of Justice of Georgia, accessible: <https://bit.ly/2Wlulux>, updated: 03.09.2021.

¹⁰⁴ „Georgia Pre-election Poll Shows Public Demand for Responsive Economic Policy and Consensus-based Governance, Increased Vaccine Hesitancy”, International Republican Institute, 2 August, 2021, accessible: <https://www.iri.org/georgia>, updated: 15.09.2021; „Public Opinion Survey Residents of Georgia”, International Republican Institute, June 2021, p. 24, accessible: <https://www.iri.org/sites/default>, updated: 15.09.2021.

¹⁰⁵ Ibid, p. 26.

¹⁰⁶ Ibid, p. 27.

¹⁰⁷ Ibid, p. 30.

¹⁰⁸ “Public Opinion in Georgia, Results of the July 2021 Telephone Survey”, National Democratic Institute, August 2021, accessible: <https://www.ndi.org/sites/>, updated: 15.09.2021.

¹⁰⁹ Ibid, p. 64.

¹¹⁰ Ibid.

¹¹¹ Ibid, p. 65.

¹¹² Ibid.

¹¹³ “Public discussion of the planned changes in the Constitution of Georgia was held in Tbilisi”, official website of the Parliament of Georgia, August 17, 2021, accessible: <https://parliament.ge/media/news>, updated: 15.09.2021.

¹¹⁴ Ibid.

were involved in the public discussion of the constitutional amendments. They also had the opportunity to express their opinions and participate in the question-answer mode.¹¹⁵ The discussion was broadcast on the official website of the Parliament and on social media (Facebook).¹¹⁶

GYLA welcomes the draft constitutional amendments and considers that it is in line with the agreement reached on April 19, drafted by the President of the Council of Europe, and is an important step forward in correcting the shortcomings in the legislation. With this in mind, the organization calls on the Parliament to strictly implement the agreement and to adopt the constitutional amendments unchanged.

¹¹⁵ Ibid.

¹¹⁶ Ibid.