



**GEORGIAN  
YOUNG  
LAWYERS'  
ASSOCIATION**

# 2021 Local Self-Government Elections GYLA Long-term Observation Mission I Interim Report

May-July



Georgian Young Lawyers' Association

# **2021 Local Self-Government Elections GYLA Long-term Observation Mission I Interim Report**

May-July

The report was prepared by Georgian Young Lawyers' Association (GYLA) with the financial support of Open Society Georgia Foundation (OSGF). The contents of this report are the sole responsibility of GYLA and do not necessarily reflect the views of the donor organization.



Tbilisi  
2021

Research supervisors: **Nikoloz Simonishvili**  
**Vakhushti Menabde**  
Lead researcher: **Mariam Latsabidze**  
Researchers: **Tatia Mikeladze**  
**Nikoloz Odikadze**  
**Koka Kighuradze**  
Editor: **Khatuna Kviralashvili**

Coping or Disseminating of publication for commercial purpose without GYLA's written permission is prohibited.

15, J. Kakhidze st. Tbilisi, Georgia, 0102  
+995 322 936101  
[www.gyla.ge](http://www.gyla.ge)

© Georgian Young Lawyers' Association / 2021

## Contents:

Introduction .....	5
1. Government's initiative on subsidizing loan obligations.....	7
2. Use of public resources for a party purpose in social network.....	8
3. Case of dismissal of Oleg Khubuluri .....	10

# Introduction

In May 2021, the Georgian Young Lawyers' Association started the implementation of the project - "Long-term Observation Mission of the Local Self-Government Elections in 2021."

The primary goal of long-term monitoring is to promote free, equal, and competitive elections. To that end, GYLA aims to increase transparency in the electoral process, ensure the effectiveness of legislative mechanisms by conducting/monitoring electoral disputes, and provide the public with credible, evidence-based information on important trends.

Within the framework of the long-term observation mission, the organization monitors the pre-election environment through 9 regional offices in Tbilisi, Adjara, Guria, Samegrelo-Zemo Svaneti, Imereti, Shida Kartli and Samtskhe-Javakheti, Kvemo Kartli, Mtskheta-Mtianeti, and Kakheti.

The present report covers violations identified from May 1 to July 31, 2021, as well as the bad practices, that do not in themselves constitute an offense but represent negative practices and damage the pre-election environment

The 2021 local self-government elections will be held under a mixed electoral system by newly staffed election administration. On June 28, the Parliament of Georgia, by 86 votes to 3,<sup>1</sup> approved amendments<sup>2</sup> to the Electoral Code.<sup>3</sup> This was preceded by political crisis and lengthy negotiation process between the ruling party and the opposition. The political agreement of 19 April 2021, reached through mediation initiated by European Council President Charles Michel, contributed in de-escalation of the crisis. The April 19 agreement impacted 2021 elections in two ways, namely, the document provided basis for the election reform and prescribed preconditions for an early Parliamentary elections.<sup>4</sup> The latter was defined as follows: Parliamentary elections will be called in 2022 if the Georgian Dream party receives less than 43% of the actual proportional vote in the October 2021 local elections.<sup>5</sup> The political agreement gave the local self-government elections the power of a referendum: by voting in the elections, citizens would have decided whether to dissolve the Parliament and hold new elections. Nevertheless, on July 28, Georgian Dream annulled the agreement causing a significant shift in the situation.<sup>6</sup>

---

<sup>1</sup> The factions from the parliamentary opposition, "United National Movement - United Opposition "Power is in Unity" and "Lelo - Partnership for Georgia" did not support the election amendments.

<sup>2</sup> GYLA's assessment of 2021 Electoral Reform, see Latsabidze M. "What should (not) we expect from the October 2 elections?", official website of the Georgian Young Lawyers' Association, July 22, 2021, accessible: <https://bit.ly/3ywJsnL>, updated: 18.08.2021.

<sup>3</sup> "Parliament adopted amendments to the Election Code by 86 votes", official website of the Parliament of Georgia, June 28, 2021, accessible: <https://bit.ly/3kvl54x>, updated: 13.08.2021.

<sup>4</sup> "The President of the European Council, Charles Michel, publishes the new proposal he made today to the Georgian political parties", EU Delegation to Georgia - official website, April 18, 2021, accessible: <https://bit.ly/3koqoTs>, updated: 18.08.2021.

<sup>5</sup> Ibid.

<sup>6</sup> "Georgian Dream Announces April 19 Agreement Canceled", information portal "Radio Tavisupleba", July 28, 2021, accessible: <https://bit.ly/3gedlx7>, updated: 18.08.2021.

In accordance with the reformed legislation, the CEC chairperson and two professional members were elected for the October 2021 self-government elections. Following the announcement of the vacancies, the President of Georgia, according to the Presidential Decree of July 1, 2021, established a special competition commission.<sup>7</sup> According to the President's decree, the commission consisted of 11 members, 5 - represented by non-governmental organizations operating in Georgia, and 6 - from the academic field.<sup>8</sup> The commission supported 2 candidates for the position of CEC chairperson by a majority, while the commission nominated 5 candidates for the position of CEC member.<sup>9</sup> GYLA, together with other CSOs joined a commission. The organization did not vote for any of the candidates for the presidency, while supporting 3 professional member candidacies.<sup>10</sup> Other commission member CSOs<sup>11</sup> also did not support any of the candidacies for the position of the chairperson.<sup>12</sup>

The political agreement of April 19 defined, and was later reflected in the legislation, the obligation of the CEC to establish Advisory Group consisting of at least 9 and no more than 15 members,<sup>13</sup> which unites representatives of the Public Defender's Office, local NGOs, and international organizations, within 10 days of the date of calling the elections.<sup>14</sup> The composition of the group is approved by the CEC ordinance.<sup>15</sup> The Advisory Group is authorized to submit recommendations to the CEC regarding the process of reviewing election disputes, including the review procedure, the search for relevant materials, and/or the examination of relevant evidence.<sup>16</sup> GYLA did not join the Group.

Political tensions rose as the 2021 local government campaign approached; however, during the reporting period, party activities were less visible in terms of the campaign.

During this time, GYLA has registered cases that involve the ruling party's use of public resources for electoral purposes on the one hand, and the dismissal of a public servant due to opposition opinion on the other.

---

<sup>7</sup> Decree N01/07/01 of the President of Georgia of July 1, 2021, on Holding an Open Competition for Candidates for the Chairpersonship and Membership of the Central Election Commission of Georgia and Establishing a Competition Commission for Candidates for the Chairpersonship and Membership of the Central Election Commission of Georgia, official website of the President of Georgia, July 16, 2021, accessible: <https://bit.ly/3B0i6HU>, updated: 18.08.2021.

<sup>8</sup> Ibid.

<sup>9</sup> Minutes of the meeting of the Competition Commission for the Chairpersonship and Candidates Selection of the Central Election Commission of Georgia, established by the Decree of the President of Georgia N01/ 07/01 of July 1, 2021, official website of the Administration of the President of Georgia, July 08, 2021, accessible: <https://bit.ly/2W3OqLo>, updated: 18.08.2021.

<sup>10</sup> "Nika Simonishvili - Candidates for the position of CEC chairperson are associated with the elections, which caused great distrust - the commission made a bad and low standard decision", information portal "Interpressnews", July 9, 2021, accessible: <https://bit.ly/3rhEBod>, updated: 18.08.2021.

<sup>11</sup> These organizations are Transparency International Georgia, the International Society for Fair Elections and Democracy, and the Institute for Development of Freedom of Information.

<sup>12</sup> Minutes of the meeting of the Competition Commission for the selection of candidates for the chairpersonship and membership of the Central Election Commission of Georgia, established by the Decree of the President of Georgia N01/ 07/01 of July 1, 2021, p. 5.

<sup>13</sup> The Election Code of Georgia, Article 16<sup>1</sup>, Part 1.

<sup>14</sup> Ibid, Part 2.

<sup>15</sup> Ibid, Part 1.

<sup>16</sup> Resolution №44/2021 of the Central Election Commission of Georgia of July 29, 2021, on the approval of the Statute of the Advisory Group of the Central Election Commission of Georgia, Article 5, Paragraph 1.

## Government's initiative on subsidizing loan obligations

On June 25, Prime Minister Irakli Gharibashvili presented to Parliament, along with last year's government report, the priorities of the 10-Year Economic Development Plan, which will allow large families, as well as families who will have a new-born, to benefit from the mortgage subsidy and create/improve living conditions.<sup>17</sup> In case of having the first and second new-born, families will benefit from 5-8% of the mortgage loan with state co-financing.<sup>18</sup> The government passed the relevant resolution on August 2, one day before the start of the official pre-election campaign, and the date of enactment of the resolution is set for September 1, 2021.<sup>19</sup> It is no coincidence that the time for the approval of this initiative is the day before the official start of the election campaign.<sup>20</sup> Thus, the government avoided the regulation, which would not allow the implementation of this initiative from the following day, and considered it as a use of administrative resources.<sup>21</sup> This is a manipulation aimed at winning the hearts of the voters. GYLA considers that the use of harsh social conditions of citizens for electoral purposes is unacceptable and contrary to the principles of an equal and competitive pre-election campaign.

---

<sup>17</sup> "Report of the Prime Minister in the Parliament", official website of the Government of Georgia, June 25, 2021, accessible: <https://bit.ly/2W4DOMf>, updated: 18.08.2021.

<sup>18</sup> "In order to facilitate the purchase of housing for families, the family will benefit from the co-financing of a mortgage loan for the newly-born child", official website of the Government of Georgia, July 6, 2021, accessible: <https://bit.ly/3gdfPBe>, updated: 18.08.2021.

<sup>19</sup> Resolution №388 of the Government of Georgia of August 2, 2021, on the approval of the state program "Subsidized Mortgage".

<sup>20</sup> According to Article 45, Part 1 of the Election Code of Georgia, the pre-election campaign (agitation) starts 60 days before the polling day. This means that the official start date for the October 2, 2021, election campaign is August 3, 2021.

<sup>21</sup> The Election Code of Georgia, Article 48, Part 1.

## Use of public resources for a party purpose in social network

On several official government Facebook pages, GYLA registered posts in support of the ruling party. For example, on July 20, a video of the Georgian Dream party's mayoral nomination ceremony appeared on social media, which was broadcast live on the official Facebook page of the Georgian Prime Minister and was sponsored by the Georgian government.<sup>22</sup>

The screenshot displays a Facebook post from Irakli Garibashvili. The main content is a video titled "თბილისის მერობის კანდიდატის წარდგენა" (Nomination of Tbilisi Mayor Candidate). The video shows a man in a blue suit speaking at a podium with the Georgian Dream logo. The post includes engagement metrics: 3,5 likes and 541 comments. Below the video, two ad details are shown for a sponsored version of the video. Both ads are sponsored by the Georgian government (საქართველოს მთავრობა) and have an amount spent of approximately \$100 and a potential reach of 500K-1M people.

On July 30, the official Facebook page of Oni Municipality published the following post: "Success to the Georgian Dream-Democratic Georgia Oni mayoral candidate, Mr. Sergi Khidasheli."<sup>23</sup>

The screenshot shows a Facebook post from the official page of Oni Municipality. The post text reads: "წარმატებები "ქართული ოცნება-დემოკრატიული საქართველო"-ს ონი მუნიციპალიტეტის კანდიდატს, სტოპ სერგი ხიდაშელს!!! წარსადგენად გამოვლინდა" (Success to the Georgian Dream-Democratic Georgia Oni mayoral candidate, Mr. Sergi Khidasheli!!!). The post includes a photo of Mr. Khidasheli sitting at a desk. The post has 184 likes and 59 comments.

<sup>22</sup> Nomination of Tbilisi Mayoral Candidate, official Facebook page of the Prime Minister of Georgia, July 20, 2021, Sponsored by the Government of Georgia, official Facebook Page of the Prime Minister of Georgia, Facebook Ad Library.

<sup>23</sup> "Success to Oni mayoral candidate from Georgian Dream Democratic Georgia, Mr. Sergi Khidasheli!!!", the official Facebook page of Oni Municipality, July 30, 2021.



Considering the fact, that the regulations that prohibition the misuse of the administrative resources has not yet taken an effect, these actions do not violate the Electoral Code.<sup>24</sup> Nevertheless, GYLA considers the use of public resources in support of the party as bad practice, providing the majority with an unfair advantage while placing other parties in unequal conditions. At the same time, Government's actions oppose the demand that the party and the state shall be separated. GYLA suggests, that the misuse of public resources for election campaign purposes shall be prohibited at all times.

---

<sup>24</sup> The Election Code prohibits using administrative resources during the campaign period, as well as, using to use means of communication, information services, and other kinds of equipment designated for state authorities, The Election Code of Georgia, Article 48, Part 1, "b".

## Case of dismissal of Oleg Khubuluri

On June 15, 2021, Oleg Khubuluri, Deputy Head of Administration and Procurement of Gori City Hall, was dismissed as a result of disciplinary proceedings.<sup>25</sup> Oleg Khubuluri claims that he was fired for expressing an opposition viewpoint. According to Khubuluri, his immediate supervisor demanded his resignation on May 13 because he was a member of the team of Giorgi Khojevanishvili, a majoritarian MP from Gori-Kaspi and a member of the political party "For Georgia". At the same time, the supervisor explained to Khubuluri that he was fulfilling the Mayor's request.

On May 13 and 14, 2012, by the order of the Mayor of Gori Municipality, the Internal Audit and Inspection Service registered the attendance of the employees of the structural units.<sup>26</sup> Oleg Khubuluri was not at work during the registration period, nor was he at work on May 17.<sup>27</sup> By the order of the Mayor of Gori, disciplinary proceedings were initiated on this fact.<sup>28</sup> During the proceeding process, Oleg Khubuluri confirmed the fact of not reporting for work on the specified days. He stated that on May 17, he sent a short text message informing the supervisor about the fact and reasons for his absence.<sup>29</sup> However, during the proceeding process, it was established that Oleg Khubuluri did not address the supervisor immediately with a notice of non-appearance at work.<sup>30</sup> It was found that his absence from office on 13, 14, and 17 May had not been agreed with his immediate superior.<sup>31</sup>

During the proceeding process, the statement made by Oleg Khubuluri on TV Pirveli - "There is discrimination against people and public officials who may have different political views"<sup>32</sup> was discussed.<sup>33</sup> Oleg Khubuluri stated that by making this statement, he was expressing his thoughts on certain processes and that his comments did not refer to any specific institution.<sup>34</sup> Additionally, Khubuluri noted that he did not want to specify details within the proceedings.<sup>35</sup> During the proceeding, his words were assessed as damaging the public interest and the reputation of the

<sup>25</sup> Order Nð20.202116612 of June 15, 2021 of the Mayor of Gori Municipality, on the application of the disciplinary measure – dismissal towards Oleg Khubuluri, Deputy Head of the Administrative and Procurement Service of Gori Municipality.

<sup>26</sup> Order Nð20.202114128 of the Mayor of Gori Municipality of May 21, 2021, on the commencement of disciplinary proceedings.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Nodar Meladze's Saturday, May 15, 2021, part 2, "TV Pirveli", May 15, 2021, accessible: <https://bit.ly/3DaanZW>, updated: 23.08.2021.

<sup>33</sup> Order Nð20.202116612 of June 15, 2021, of the Mayor of Gori Municipality, on the application of the disciplinary measure – dismissal towards Oleg Khubuluri, Deputy Head of the Administrative and Procurement Service of Gori Municipality.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

mayor of the municipality.<sup>36</sup> The proceedings found that Oleg Khubuluri had violated a government decree on "Defining General Rules of Ethics and Conduct in a Public Institution," which states: "A public servant refrains from making public comments on matters of personal interest arising in the course of their official activities, which may damage the reputation of the public institution."<sup>37</sup> The proceedings assessed Khubuluri's disciplinary misconducts, in combination, as a serious disciplinary violation on the grounds of damaging the reputation and public interest of the public institution,<sup>38</sup> and by order of the Gori Mayor of June 15, the form of disciplinary liability was defined as "dismissal" for Oleg Khubuluri.<sup>39</sup>

According to GYLA, this decision of the administrative body is not in compliance with the law. As previously stated, it does not appear that Oleg Khubuluri is referring to any specific institution in his comment. He is referring to a broader, systemic issue that, on the one hand, cannot be considered a matter of personal interest while, on the other hand, endangering the reputation of a specific public institution (as required by the disposition of a norm in accordance with the general rules). Keeping this in mind, Khubuluri's actions do not fall within the scope of the article that prohibits to discredit organization. As a result, GYLA believes that Oleg Khubuluri's dismissal is linked to expressing his opposition viewpoint and expression.

Concerning the period of absence from work. Committing a serious disciplinary offense is one of the mandatory grounds for dismissal under the Civil Service Law.<sup>40</sup> The law specifies the circumstances in which disciplinary misconduct is considered serious misconduct.<sup>41</sup> Oleg Khubuluri's unauthorized departure from work and/or absence from work during working hours under the conditions prescribed by law cannot be considered serious misconduct, especially if the individual has not previously committed disciplinary misconduct, and thus cannot be grounds for dismissal.

---

<sup>36</sup> Ibid.

<sup>37</sup> Government Resolution N200 of 20 April 2017, on the Definition of General Rules of Ethics and Conduct in Public Institutions, Article 11, Paragraph 5.

<sup>38</sup> Law of Georgia on Civil Service, Article 85, Part 1, Subparagraphs "b" and "d".

<sup>39</sup> Order N020.202116612 of June 15, 2021, of the Mayor of Gori Municipality, on the application of the disciplinary measure – dismissal towards Oleg Khubuluri, Deputy Head of the Administrative and Procurement Service of Gori Municipality.

<sup>40</sup> Law on Public Service, Article 107, Part 1, Subparagraph "e".

<sup>41</sup> Law on Public Service, Article 85, Part 3.