



Office for Democratic Institutions and Human Rights

GEORGIA

PARLIAMENTARY ELECTIONS 8 and 30 October 2016

OSCE/ODIHR Election Observation Mission Final Report



Warsaw
3 February 2017

TABLE OF CONTENTS

I.	EXECUTIVE SUMMARY.....	1
II.	INTRODUCTION AND ACKNOWLEDGMENTS.....	4
III.	BACKGROUND AND POLITICAL CONTEXT.....	4
IV.	ELECTORAL SYSTEM AND LEGAL FRAMEWORK.....	5
V.	ELECTION ADMINISTRATION.....	6
VI.	VOTER REGISTRATION.....	8
VII.	CANDIDATE REGISTRATION.....	9
VIII.	ELECTION CAMPAIGN.....	11
IX.	CAMPAIGN FINANCE.....	13
X.	MEDIA.....	15
	A. MEDIA ENVIRONMENT.....	15
	B. LEGAL FRAMEWORK.....	15
	C. MEDIA MONITORING FINDINGS.....	17
XI.	PARTICIPATION OF NATIONAL MINORITIES.....	19
XII.	CITIZEN AND INTERNATIONAL OBSERVERS.....	20
XIII.	COMPLAINTS AND APPEALS.....	21
XIV.	ELECTION DAY (FIRST ROUND).....	23
	A. OPENING AND VOTING.....	23
	B. COUNTING.....	24
	C. TABULATION.....	24
XV.	POST FIRST ROUND DEVELOPMENTS.....	25
	A. COMPLAINTS AND APPEALS.....	25
	B. PREPARATIONS FOR THE SECOND ROUND.....	27
XVI.	ELECTION DAY (SECOND ROUND).....	28
	A. OPENING AND VOTING.....	28
	B. COUNTING.....	29
	C. TABULATION.....	29
XVII.	POST ELECTION DEVELOPMENTS.....	29
XVIII.	RECOMMENDATIONS.....	30
	A. PRIORITY RECOMMENDATIONS.....	30
	B. OTHER RECOMMENDATIONS.....	31
ANNEX I:	FINAL RESULTS.....	34
ANNEX II:	LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION.....	36
ABOUT THE OSCE/ODIHR.....		45

GEORGIA
PARLIAMENTARY ELECTIONS
8 and 30 October 2016

OSCE/ODIHR Election Observation Mission Final Report¹

I. EXECUTIVE SUMMARY

Following an invitation from the authorities of Georgia, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) to observe the 8 October 2016 parliamentary elections and remained in the country to follow second round contests on 30 October. The OSCE/ODIHR EOM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. For both election days, the OSCE/ODIHR EOM was joined by delegations from the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), and the European Parliament (EP) to form an International Election Observation Mission (IEOM). Each of the institutions involved in this IEOM has endorsed the 2005 Declaration of Principles for International Election Observation. The IEOM also included the Parliamentary Assembly of NATO for the 8 October election day.

The Statement of Preliminary Findings and Conclusions issued by the IEOM concluded that the 8 October elections “were competitive, well-administered and fundamental freedoms were generally respected. The calm and open campaign atmosphere was, however, impacted by allegations of unlawful campaigning and some incidents of violence. The election administration and the management of voter lists enjoyed confidence. The media is pluralistic, but some monitored broadcasters lacked balance in their campaign coverage. Debates offered a useful platform for contestants to present their views. Voting proceeded in an orderly manner, but counting was assessed more negatively due to procedural problems and increased tensions.”

The Statement of Preliminary Findings and Conclusions issued for the second round concluded that the 30 October run-offs “were competitive and administered in a manner that respected the rights of candidates and voters, despite the lack of a legal framework for the second round. In the period between the rounds, contestation of the first round results dominated political discourse. Further, the principle of transparency and the right to effective redress were often not respected in the investigation and adjudication of election disputes by election commissions and courts. All this weakened confidence in the election administration. In the short and subdued campaign, media coverage was more balanced than for the first round. Election day procedures were conducted in a smooth and professional manner and assessed positively by observers, as election commissions were better prepared and adherence to procedures improved.”

These were the first parliamentary elections held under the semi-presidential system that was introduced after the 2012 parliamentary elections. The elections were held against a backdrop of public discontent with the political establishment. Tensions between the two leading parties permeated most aspects of the political environment and the atmosphere for elections.

While the legal framework is conducive to holding democratic elections, in some instances, it lacks clarity and leaves room for varied interpretations. Late amendments to the Election Code impacted electoral operations and the campaign. Recent legal changes also resulted in the drawing of new constituency boundaries aiming to respect the principle of equal suffrage, as previously recommended

¹ The English version of this report is the only official document. An unofficial translation is available in Georgian.

by the OSCE/ODIHR. However, some deviations remain and the changes did not provide sufficient parameters for determining boundaries or set procedures for future review. The Election Code does not regulate procedures for the second round and this lack of regulations was noted by many stakeholders, providing room for subjective interpretations and inconsistencies in the application of the law.

The elections were contested by 25 parties and blocs with over 3,500 candidates on party lists and 816 candidates in majoritarian contests. There were 53 independent candidates and more than 1,440 female candidates. Seven of nine eligible parties met the non-binding quota of least 30 per cent of candidates of the less represented gender among every 10 candidates on their lists. Second round contests were held in 50 of 73 single-mandate constituencies. Ninety-seven candidates from four political parties along with three independent candidates contested the run-offs. While voters could select from a wide range of contestants, the late introduction of changes to political party legislation impacted the registration of some parties and the inclusiveness of the registration process.

The election administration, led by the Central Election Commission (CEC), worked in a timely and professional manner. Three CEC members are women, including the chairperson, and women comprised approximately 62 per cent of District Election Commission (DEC) and 69 per cent of Precinct Election Commission (PEC) members. The initial high level of confidence that the CEC enjoyed amongst electoral stakeholders weakened following the first round largely due to how the election administration addressed election day procedural errors and handled complaints, according to IEOM interlocutors. Allegations of commissions lacking impartiality when appointing lower-level commission members persisted throughout the elections, partially due to the discretion in the legal framework.

Voter registration is passive. The CEC is responsible for compiling voter lists based on data from the Public Service Development Agency and other relevant authorities. There is general trust in the voter registration process and confidence in the accuracy of voter lists. Election commissions gave voters ample opportunity to verify their information on the lists. Legal amendments temporarily eased registration procedures for previously disenfranchised voters and improved the inclusiveness of voter lists, but were introduced too late to be fully effective.

The campaigns for both rounds were competitive and largely calm, despite isolated violent incidents during the first round. While fundamental freedoms were generally respected and contestants were able to campaign freely, several parties voiced allegations of pressure on candidates and campaign staff. The tone of the campaign between the two leading parties was confrontational, and incidents of the misuse of administrative resources and unlawful campaigning were reported. For the second round, the political discourse focused on the possibility and impact of one party achieving a constitutional majority in parliament.

Amendments to campaign finance regulations only partially addressed recommendations for a more uniform legal framework and proportionate and dissuasive sanctions for infringements. The State Audit Office (SAO), responsible for overseeing party and campaign finances, investigated 1,016 donations and imposed sanctions on 10 donors. Partially due to new procedures requiring the SAO to obtain court approval for its investigations, campaign finance violations were often not addressed in a timely manner, undermining the effectiveness of SAO oversight. Reports on second round campaign finances were not required prior to the run-offs.

The legislation provides a sound framework for the freedom of media, and there was consensus that the overall pluralism of the media landscape has improved, despite media outlets still being perceived as polarized. The Georgian National Communications Commission did not comprehensively disclose the findings of its monitoring and did not react in a timely and effective manner to alleged violations.

OSCE/ODIHR EOM media monitoring showed that debates organized by broadcasters for the first round offered an inclusive and pluralistic platform for contestants to present their views. While some monitored broadcasters were biased in their news or current affairs programmes during the first round, they were more balanced in their coverage during the second round. Monitored broadcasters respected legal provisions pertaining to free and paid advertising, but did not comply with those on the publication of opinion polls.

Candidates from national minorities were nominated by several parties and blocs on their lists, although few in electable positions, and in majoritarian contests in minority populated regions. In the latter regions, the campaign was conducted in a free and competitive environment. It was more vivid in Azeri areas, characterised by instances of ethnic-based voter mobilization efforts, while it was more subdued in Armenian areas. Concerns were raised that some new boundaries between constituencies may have decreased the possibility for representation of national minorities.

In an inclusive process, the CEC accredited 55 international and 111 citizen observer organizations. The participation of numerous citizen observers at all stages of the process was seen as positive; however, on both election days, IEOM observers noted clear indications of party affiliations of some citizen observers. This, along with the apparent misuse of the media accreditation by organizations that openly stated they intended to use their media credentials only to observe the elections raised concerns about the adequacy of the accreditation process.

The 8 October election day generally proceeded in an orderly manner, but tensions increased during the day and several violent altercations took place near and in polling stations. Opening and voting were assessed positively in almost all polling stations. In the few polling stations where the process was assessed as negative, this was largely due to the interference in the work of the PECs by unauthorized persons. Counting was assessed notably less positively due to procedural problems and increased tensions. Tabulation was initially assessed more positively, but a number of weaknesses were noted during the completion of the process. Procedures for correcting protocols and deciding on recounts and annulments of results at the district level are insufficiently regulated, which led to inconsistent application of the law. Further, in some districts, DEC's finalized results while court appeals were pending.

Election day procedures for the second round were generally conducted in a smooth and professional manner. The overall assessment by IEOM observers was positive as PEC members were better prepared and adherence to procedures improved, particularly during counting. However, overcrowding inside polling stations, the presence of unauthorized persons and their interference in the work of PECs had a negative effect. Large crowds gathered outside many polling stations, with observers noting possible intimidation in a few cases.

The Election Code establishes a timely dispute resolution process for appeals of election commission decisions, but limits the voter's right to appeal, contrary to international commitments and good practice. Complaints filed during the campaign period were reviewed transparently in open sessions and parties were informed of the hearings. While the expedited deadlines for appeals appeared to be manageable in the pre-election period; between the two rounds, the short timeframes were inadequate for thorough investigation and therefore an effective remedy. Further, in open hearings, courts questioned their own authority to overrule election administration decisions even while acknowledging irregularities. In the campaign period, 187 complaints were submitted to the different levels of the election administration and the courts. Most concerned violations of campaign rules, including campaigning by unauthorized persons, the misuse of administrative resources or complaints requesting to file administrative protocols for alleged election violations.

The period between the two rounds was marked by numerous challenges of the first round results. There were 325 requests for annulment of polling station results and 10 were granted. In four PECs where the annulments could have influenced the results, repeat elections for majoritarian contests were held on 22 October. The final results protocol for the proportional contest was unsuccessfully appealed to the Tbilisi City Court by three parties on the basis of alleged violations in the campaign period.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the authorities of Georgia, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 30 August to observe the 8 October 2016 parliamentary elections. The OSCE/ODIHR EOM remained in the country to follow second round contests held on 30 October. The OSCE/ODIHR EOM was headed by Ambassador Alexandre Keltchewsky and consisted of 14 experts based in Tbilisi and 26 long-term observers deployed throughout the country for the first round and 14 for the second round, drawn from 21 OSCE participating States.

For both election days, the OSCE/ODIHR EOM was joined by delegations from the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), and the European Parliament (EP) to form an International Election Observation Mission (IEOM). The IEOM also included the Parliamentary Assembly of NATO for the 8 October election day. The IEOM deployed 420 observers from 39 countries on 8 October, and 156 observers from 27 countries on 30 October.

The OSCE/ODIHR EOM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. This final report follows Statements of Preliminary Findings and Conclusions that were released at press conferences on 9 and 31 October.²

The OSCE/ODIHR EOM wishes to thank the authorities for their invitation to observe the elections, and the Central Election Commission (CEC) and the Ministry of Foreign Affairs, including its Permanent Mission to the OSCE, for the assistance. The OSCE/ODIHR EOM also wishes to express its appreciation to other state institutions, political parties and civil society organizations and the international community representatives for their co-operation.

III. BACKGROUND AND POLITICAL CONTEXT

The 8 October 2016 parliamentary elections were the first elections held under the semi-presidential system introduced after the 2012 parliamentary elections. The 2012 elections marked Georgia's first peaceful transfer of power since independence. The ruling coalition, led by the Georgian Dream (GD), won 85 of 150 seats and the largest opposition party, the United National Movement, won 65 seats. National minorities were represented in the outgoing parliament by seven members.³ Political developments shortly before the 8 October elections led to a fragmentation of the ruling coalition and parliamentary parties.⁴ The GD and its previous coalition partners took part in the elections separately.

² See all previous [OSCE/ODIHR reports on Georgia](#).

³ Including three Armenians, three Azeri, and one Ossetian.

⁴ Since the 2012 parliamentary elections, the Free Democrats (FD), National Forum (NF) and the Republican Party (RP) left the GD-led coalition; four deputies left the GD to sit as independents. Before the 2016 elections, the GD was supported by 12 independent deputies, as well as the Industry Will Save Georgia and Conservative Party (CP) with six members each. Four members left the UNM and founded a new party – New Political Centre Girchi.

The political environment ahead of the elections was influenced by public disillusionment with the political establishment. Signed in June 2014, the Association Agreement with the European Union also impacted the context of elections and raised discussions over Georgia's geopolitical orientation. Tensions between the GD and UNM permeated most aspects of the political environment and the atmosphere of elections.

IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The 150 members of parliament (MPs) are elected for four-year terms under a mixed electoral system. Of these, 77 members are elected under a closed party list proportional component in a nationwide constituency and 73 in single-mandate constituencies through a majoritarian component. Parties and blocs must surpass a five per cent threshold of valid votes cast to qualify for proportional seat allocation. In majoritarian contests, candidates must receive more than 50 per cent of valid votes cast to be elected. If no candidate receives the required number of votes, a runoff is held no later than 25 days after the first round between the two candidates who received the highest number of votes.

The elections are primarily regulated by the 1995 Constitution and 2011 Election Code (last amended in June 2016) as well as decrees and ordinances of the CEC.⁵ The legal framework is conducive to holding democratic elections, but some provisions of the Election Code lack clarity and leave room for varied interpretations, particularly in the handling of complaints (See *Complaints and Appeals* section) and consideration of requests for annulments and recounts.

To ensure uniform application and provide further clarity on the legal framework, a thorough review of the Election Code should be conducted in an inclusive manner well in advance of the next elections.

The Election Code does not regulate procedures for the second round. The lack of regulations for the second round was noted by many stakeholders, including the CEC, and gave room for subjective interpretations and inconsistencies in the application of the law.⁶

The Election Code should be amended to provide explicit provisions for possible second round contests, including campaign and campaign finance regulations, terms of service for election officials, rights of observers and party representatives, procedures for updating voter lists and the withdrawal of candidates, and the peculiarities of run-off procedures.

Contrary to international good practice, the legal framework, including key provisions, was amended less than a year prior to the elections.⁷ Significant amendments were made to the Election Code in December 2015 increasing the threshold for majoritarian contests from 30 to 50 per cent and

⁵ Other applicable laws include the 1997 Law on Political Unions of Citizens, Criminal Code, Administrative Offences Code, Administrative Code, 2008 Law on the State Audit Office and 2004 Law on Broadcasting. The CEC adopted 43 decrees and 315 ordinances for these elections.

⁶ The understanding of term 'elections' used in Election Code was, in some cases, interpreted by the CEC as the entire process and in other instances only as the first round.

⁷ The 2002 [Council of Europe's European Commission for Democracy through Law \(Venice Commission\) Code of Good Practice in Electoral Matters \(Code of Good Practice\)](#) states that the fundamental elements of electoral law, in particular the electoral system, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election. Also see [the Interpretative Declaration on the Stability of the Electoral Law \(CDLAD\(2005\)043\)](#).

introducing new procedures for constituency boundary delimitation.⁸ These amendments were followed by a package of technical amendments adopted in June.⁹

In addition, in May, the Law on Political Unions of Citizens was amended and new provisions came into force as late as 20 June, after the start of the campaign. The amendments introduced a requirement for parties to update their data with the Public Registry within 10 days after the changes took place. These changes affected the registration status of multiple parties.

To provide stability in the legal framework and ensure that all stakeholders have a clear understanding of their rights and of the procedures, authorities should refrain from amending fundamental elements of the electoral legislation in the year before an election.

The amendments on boundary delimitation prescribed the redrawing of constituencies in a two-stage process, defined the boundaries for 43 of 73 single-member constituencies and mandated the CEC to delimitate the remaining 30 constituencies in municipalities where more than one election district should be created. The amendments did not provide specific parameters for determining constituency boundaries, such as population size, number of registered voters, number of persons actually voting, or a mechanism applicable to minority-populated areas. The law also does not specify criteria for permitted deviations in the number of voters and does not sufficiently address the issue of managing future boundary reviews. Further, the largest deviations from the average number of voters still contravene international good practice, and a few constituencies do not satisfy the principle of connectivity.¹⁰ Many OSCE/ODIHR EOM interlocutors reported that the delimitation process lacked sufficient transparency and engagement of relevant stakeholders.¹¹

Consideration should be given to revisiting legislation on constituency delimitation to fully address identified shortcomings, in particular to ensure equality of the vote, as previously recommended by the OSCE/ODIHR and Venice Commission.

V. ELECTION ADMINISTRATION

The elections were managed by a three-tiered election administration: the CEC, 73 District Elections Commissions (DECs) and 3,634 Precinct Election Commissions (PECs).¹² For these elections, 53 DECs fully exercised their functions prescribed by law, while the remaining 20 DECs acted as Subsidiary District Election Commissions (SDECs).¹³

⁸ Procedures for constituency boundary delimitation were adopted aiming to respect the principle of equal suffrage and to address previous OSCE/ODIHR recommendations.

⁹ Among the most important changes are the transitional provisions that ease conditions for some categories of voters to be registered at their factual or previously registered address. Other amendments defined the number of voters necessary to register an initiative group to support the nomination of independent candidates, decreased the amount of free airtime provided to contestants on public and private broadcasters, and allowed police, in exceptional cases to prevent violence, to be present near polling stations without a request from polling staff.

¹⁰ The largest deviation in numbers of voters from the average size of a constituency is 25.4 per cent.

¹¹ The [OSCE/ODIHR and Venice Commission Joint Opinion on Amendments to the Election Code of Georgia, 14 March 2016](#) notes that “many electoral stakeholders criticised the initial stages of creating the constituencies as lacking transparency, impartiality and broad engagement. Later stages of consultation on the proposed boundaries suffered from a lack of stakeholder engagement, which further undermined the inclusiveness of the process”.

¹² In addition, 11 special precincts were established in penitentiary institutions and medical facilities. For out-of-country voting, 57 PECs were established in 41 countries.

¹³ SDECs mainly provided logistical, administrative and information support to DECs. There was no tabulation of results at SDECs.

All election commissions are composed of 13 members, including 7 nominated by the political parties that qualify for public funding having obtained at least 3 per cent of the votes in the last parliamentary or local elections. At lower-levels, the remaining six are appointed by higher-level commissions following open competition process.¹⁴ For the CEC, the remaining members are appointed by the parliament upon the nomination by the president with separate procedures for selecting the chairperson.¹⁵ Three CEC members are women, including the chairperson. Women comprised approximately 62 per cent of DEC and 69 per cent of PEC members.¹⁶

The elections were managed at all levels in a timely and professional manner. The CEC operated transparently. All sessions were open to observers, party and media representatives and the CEC regularly conducted briefings and meetings with stakeholders. Further, the CEC promptly posted decrees, ordinances, decisions and minutes of meetings on its website. DEC members are only obliged to publish their decisions by posting them outside their premises.

To increase the transparency of the district-level election administration, consideration should be given to requiring the publication of all DEC decisions on the CEC website.

In the pre-election period, the CEC enjoyed a high level of confidence amongst stakeholders. However, allegations were made about the election administration, particularly DEC members, lacking impartiality when appointing lower-level commission members. While there are criteria for the selection of DEC members, including passing an exam, the legal criteria for selecting PEC members are vague. Some DEC members were also accused of using unofficially agreed lists when appointing PEC members. In response, the CEC made efforts to increase the transparency of PEC recruitment, for example, by publishing information on PEC members' experience and those previously appointed by parties.

Authorities should consider improving procedures and increasing transparency of the recruitment process for lower-level commission members by further elaborating and publishing clear criteria for their selection.

PECs were established and held their first sessions electing the chairperson, deputy chairperson and secretary by the legal deadline, with the exception of 258 PECs that had to re-run their first sessions and re-elect commission leadership. The selection process for these positions was carried out in accordance with the law. In the vast majority of PECs, DEC-appointed members were selected.¹⁷ However, in 373 precincts where party appointees were selected as chairpersons, the results heavily favoured the GD.¹⁸

Positively, the authorities made a concerted effort to facilitate access for persons with disabilities. The CEC announced that 1,115 polling stations would be barrier-free, including arrangements for special booths for wheelchair users, and equipping all polling stations with magnifying sheets and tactile

¹⁴ The seven political parties that received the highest amount of state funding include the UNM, GD, CP, RP, FD, Industry Will Save Georgia and DM.

¹⁵ The president nominates three candidates and then the party-appointed CEC members (with exception of the member appointed by the party with the best results in the previous parliamentary elections) elect the chairperson. If the CEC members fail to elect the chairperson within the prescribed deadline, the parliament has seven days to elect him or her.

¹⁶ Based on CEC information provided for the 8 October elections.

¹⁷ In 3,261 of 3,634 PECs.

¹⁸ According to the CEC, there were 300 GD appointments, followed by the CP – 30, Topadze – Industrials, Our Homeland – 25, UNM – 6, Democratic Movement (DM) – 6, RP – 3 and FD – 3. Deputy chairpersons: DEC-appointed members – 2,934, GD – 470, CP – 86, Topadze – Industrials, Our Homeland – 51, RP – 32, UNM – 23, FD – 19, DM – 14. Secretaries: DEC-appointed members – 3,075, GD – 241, CP – 118, Topadze – Industrials, Our Homeland – 94, RP – 40, UNM – 13, FD – 32, DM – 21.

frames for visually impaired voters. However, the lack of legislative guarantees to assistance in everyday life and the general environment still hampers the full participation of persons with disabilities as voters, candidates or staff of election administration.¹⁹

The training centre of the CEC conducted comprehensive trainings for DEC and PEC members in three phases. Training sessions observed by the OSCE/ODIHR EOM were generally well attended and conducted in a professional and interactive manner. Despite that, widespread procedural mistakes were observed on election day, especially related to the counting process (See *Election Day* sections for both rounds).

The CEC voter education and information campaign was well prepared and comprehensive. Video messages on various aspects of the electoral process were available in minority languages and sign language and were broadcasted on public and private TV channels. For the second round, the OSCE/ODIHR EOM noted fewer voter education and information campaigns with one video message aired and a few public outreach activities organized.

VI. VOTER REGISTRATION

Voter registration is passive. The CEC is responsible for compiling voter lists (VLs) based on data provided by the Public Service Development Agency (PSDA) within the Ministry of Justice and other relevant authorities.²⁰ Citizens over 18 years of age have the right to vote, except for prisoners sentenced to more than five years imprisonment.²¹ Some of the prisoners who have the right to vote were disenfranchised in practice, since they did not have access to valid identity documents while in penitentiary institutions.²²

To ensure that eligible voters in penitentiary institutions are able to exercise their right to vote, those responsible for compiling voter lists in these institutions should ensure that all eligible voters have access to valid identity documents.

There were 3,513,884 voters were on final VLs.²³ Some 49,700 voters were registered abroad. The OSCE/ODIHR EOM observed VLs were properly posted for public scrutiny in polling stations from 8 September, and additions and corrections were permitted until 22 September. Voters were given ample other options for verifying their data through the CEC website, mobile phones, and a special application through 7,000 payment terminals around the country. The CEC reported that between June and September, approximately 950,000 voters checked their information via these three methods.

The PSDA is in the process of introducing biometric data in the state registry.²⁴ To remove inconsistencies in VLs, door-to-door verification was conducted and facial recognition software is

¹⁹ See Article 9 of the Convention on the Rights of Persons with Disabilities that is prescribing that states need to ensure "appropriate measures to ensure to persons with disabilities access, on an equal basis with others...to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas" and Article 29 prescribing that states "shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others".

²⁰ Ministry of Defence, Ministry of Corrections and Legal Assistance, Ministry of Internally Displaced Persons, local self-government bodies and the Supreme Court.

²¹ Following Constitutional Court Decision #2/4/532,533 of 8 October 2014, on citizens recognized as incapable, in March 2015, persons without legal capacity were granted the right to vote.

²² OSCE/ODIHR EOM observers noted that, for example, in Gladi prison, only 200 voters had possession of their identification documents out of more than 800 registered voters.

²³ Population data according to the National Statistics Office.

²⁴ Currently, the PSDA has biometric data for some 2,400,000 voters.

being used to remove duplicate records. In addition, a photograph of the voter is included on VLs, which, according to OSCE/ODIHR EOM interlocutors, appears to be largely accepted by the public. In general, an increased level of trust and confidence in the accuracy of VLs was noted.

Amendments in force from 12 July gave voters without an officially registered address or valid documents the opportunity to register and be added to the VLs according to the address of their previous or factual residence by 1 August. Despite the intention of the authorities to increase inclusiveness, the timeframe was insufficient. Considering the short period, the CEC adopted a special decree extending the period for registration for these categories of voters until 22 September. The CEC informed the OSCE/ODIHR EOM that 62,362 voters previously removed from the VLs were re-included following these changes.

Consideration could be given to adopting a permanent solution for voters without an officially registered address instead of repeatedly introducing transitional provisions. Amendments to voter registration requirements should be made in a timely manner to ensure they can be implemented effectively.

For the second round, the VLs were only updated to reflect recently deceased voters and voters who turned 18 years old. Voters were given the opportunity to verify their data on the CEC website, but there was no opportunity to request changes.

VII. CANDIDATE REGISTRATION

Any citizen of Georgia who has the right to vote, has attained the age of 21, and speaks Georgian may be elected. Citizens who have not resided in Georgia for the last two years and who did not register during this time with a consulate abroad, or those deemed a drug addict or user, may not be elected. The restrictions on language and residency are disproportionate and contrary to international standards and good practice.²⁵ Further, the possible post-election disqualification for failure to pass a drug test challenges paragraphs 7.9 and 24 of the 1990 OSCE Copenhagen Document.²⁶

The language and residency requirements for candidacy should be re-considered in line with international standards. Provisions that may prevent elected candidates who have obtained the necessary number of votes from being duly installed in office should be lifted.

The CEC registered 25 candidate lists for the proportional contest, with 19 parties running separately, and 16 running in 6 electoral blocs. Parties had to first register with the CEC as prospective contestants to be able to apply for registration of their candidate lists.²⁷ Out of 64 parties/blocs that applied for pre-registration, 29 were either rejected or their registration was later revoked, mainly for failure to submit the required documents.

²⁵ Paragraph 15 of the [1996 UN Human Rights Committee General Comment 25](#) to Article 25 of the International Covenant on Civil and Political Rights states that “any restrictions on the right to stand for election [...] must be justifiable on objective and reasonable criteria. Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation”. See also section 1.1(c) of the Code of Good Practice.

²⁶ Paragraph 7.3 of the [1990 OSCE Copenhagen Document](#) states that the participating States will “guarantee universal and equal suffrage to adult citizens”, while paragraph 24 provides that restrictions on rights and freedoms must be “strictly proportionate to the aim of the law”.

²⁷ Parties represented in the outgoing parliament and those who qualified for state funding had to collect 1,000 signatures to register as prospective contestants, the others had to collect 25,000 signatures.

Changes introduced in May 2016 to the Law on Political Unions of Citizens impacted the inclusiveness of the registration process. The amendments came into force during the election period on 20 June, which included introducing new requirements to update party data with the Public Register within 10 days after changes took place and to have a notary present at all general meetings. Following these amendments, informal inquiries were made regarding the status of a few parties, and the registration of the Centrists and Kvaratskhelia-Socialists parties as prospective contestants was annulled by the CEC. In the case of the Centrists, there are strong indications that the authorities applied the new requirements in a selective and possibly politically motivated manner.²⁸ A few other parties were unable to register as potential contestants due to the late amendments. The consequences of late legislative changes and the lack of a formal and efficient communication mechanism between the CEC and the Public Registry affected the inclusiveness of the candidate registration process challenging OSCE commitments and international good practice.²⁹

To provide equal opportunity for participation in elections, authorities should ensure that all procedures for verifying party information are applied in a uniform and timely manner and not retroactively. Consideration should also be given to establishing an efficient communication mechanism among relevant authorities to eliminate the possibility of an inconsistent approach towards parties.

There was a total of 816 majoritarian candidates, including 53 independents. For majoritarian contests, candidates could be nominated by parties, blocs or run independently if nominated by an initiative group of at least five voters. An initiative group had to submit its application to the respective DEC by the legal deadline and then collect the required number of signatures. Independent candidates had to submit supporting signatures of at least one per cent of the voters registered in the district. Incumbent independent candidates were exempt from this provision. Twenty-seven initiative groups had their registration cancelled for not submitting the necessary documentation or voluntarily withdrew.

Seven of nine eligible parties met the voluntary quota of at least 30 per cent of candidates of the less represented gender among every 10 candidates of their respective list, which qualified them to receive additional 30 per cent of public funding.³⁰ This incentive encouraged women's participation in the proportional contest, but did not address the majoritarian component. There were 1,304 registered female candidates (out of 3,524, 37 per cent) in the proportional and 143 (18 per cent) in majoritarian contests. In 2014, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee recommended that Georgia ensure full and equal participation of women in political and public life.³¹

To further increase the political participation of women, consideration could be given to introducing a binding gender quota for political parties in addition to financial incentives. Additionally, existing financial incentives could be extended to majoritarian contests.

²⁸ On 13 August, the party's controversial political advertisement was aired, and on 15 August, the Public Registry placed the information about the registration status of the party on its website and sent it to the CEC, which the Registry stated was in the interest of the public.

²⁹ See Paragraph 7.6 of the OSCE Copenhagen Document and paragraph 68 of the 2011 ODIHR/Venice Commission [Guidelines on Political Party Regulation](#).

³⁰ Political parties that met this requirement were the DM, Labour Party (LP), APG, FD, Labour Socialist Party, RP and the Left-Wing Alliance.

³¹ CEDAW/C/GEO/CO/4-5, [Concluding observations on the combined fourth and fifth periodic reports of Georgia](#), 18 July 2014. See also paragraph 191 of the 2011 ODIHR/Venice Commission [Guidelines on Political Party Regulation](#).

On 30 October, a second round of elections was held in 50 of 73 single-mandate constituencies. The run-offs were contested by 97 candidates representing four political parties and blocs as well as 3 independent candidates.³²

VIII. ELECTION CAMPAIGN

The campaign officially began on 8 June, upon the call for elections. The campaign was competitive and largely calm. Isolated violent incidents, including the bombing of an MP's vehicle, were observed during the campaign of the first round.³³ Campaign activities intensified and visibility increased notably across the country two weeks before election day. Freedom of assembly was generally respected in the campaign period and contestants were able to campaign freely and without undue restrictions.

The tone of the campaign between the GD and UNM was confrontational and the two parties accused one another of exacerbating the situation.³⁴ In addition, the timing of published surveillance recordings affected the image and reputation of involved candidates and negatively impacted the campaign atmosphere.³⁵ It also resulted in an investigation started by the State Security Service.³⁶

The law obliges local authorities to provide equal conditions for all contestants, including access to campaign premises and advertising space; this was generally respected. Most campaigning in the first round was conducted in the media. In addition, contestants reached out through billboards, posters, door-to-door canvassing, community meetings and mainly small-scale rallies. The OSCE/ODIHR EOM observed 53 rallies and meetings and noted that contestants were unhindered in speaking with voters. A few parties campaigned through social media and the Internet. The first round campaign was dominated by the GD, UNM, Paata Burchuladze – State for People, Alliance of Patriots of Georgia (APG), while the Free Democrats (FD), Republican Party (RP), Democratic Movement (DM) and several independent candidates featured to a lesser extent. Few female candidates were notable throughout the campaign.

Although changes in municipal budgets during the 60 days before election day are prohibited, several interlocutors, including contestants, claimed that the government reallocated funds immediately prior to this deadline to optimize the campaign effect and were promoting the completion of infrastructure and renovation projects shortly before election day. This raised concerns about the equality of the playing field among contestants during the elections.³⁷

³² The GD, UNM, FD and LP had candidates in second round contests.

³³ On 16 September, in Gamarjveba village, a UNM campaign activist was attacked and an investigation was opened. On 28 September, in Marneuli, an SP candidate was attacked allegedly by a UNM candidate's relatives. On 1 October, in Didinedzi, three GD campaign activists were beaten up allegedly by UNM activists. On 2 October, in Gori, at a meeting with voters, two shots were fired in the direction of an independent candidate, Irakli Okruashvili, leaving his bodyguard and a campaign activist wounded. On 4 October, in Tbilisi, a vehicle of a UNM MP was blown up, five persons were injured.

³⁴ As an example, on 14 September, the Prime Minister and chair of the GD accused the UNM of radicalizing the situation in the country, and, on the same day, the executive secretary of the UNM accused the GD of continuing intimidation and pressure on UNM party members.

³⁵ Surveillance recordings published on 13 September included private conversations between the SP chair and the *Rustavi 2* TV channel director. On 26 September, a compilation from conversations between former president of Georgia, Mikheil Saakashvili, and UNM party officials and candidates was published.

³⁶ Several UNM MPs and campaign activists were interrogated.

³⁷ For instance, on 27 September, the municipality of Batumi made changes to the local budget to implement the renovation of infrastructure.

In several areas, cases of contestants being obstructed from placing campaign materials and damage to campaign offices were noted.³⁸ The vast majority of campaign incidents noted by the OSCE/ODIHR EOM related to vandalized campaign posters and billboards.³⁹ As of 16 November, investigative authorities opened 111 cases on election-related criminal matters, the majority of which were on incidents that occurred in the campaign period.⁴⁰

The official campaign period for the second round started on 19 October, once the CEC decree establishing the date for the run-offs was published. The law does not explicitly regulate the end of the campaign period for the first round and its re-start for the second. The CEC only verbally informed contestants that the official run-off campaign began with the call for the second round.

Most second round races were contested by GD and UNM candidates. Campaign activities between the two rounds were limited, and took place in a generally calm environment with the exception of a few reported physical altercations.⁴¹ This campaign was more subdued, although the intensity varied among constituencies. An increased use of social media and the Internet by candidates in the second round was observed.

During both campaigns, the OSCE/ODIHR EOM received numerous allegations regarding pressure on public employees, including requirements to attend campaign events, intimidation of campaign staff and voters as well as the misuse of administrative resources. A few incidents of pressure on local public employees and teachers to attend GD campaign events, at odds with paragraph 7.7 of the 1990 OSCE Copenhagen Document, were reported before election day.⁴² In other cases, parties did not substantiate their allegations with formal complaints to the relevant authorities. Several parties expressed a deep mistrust in law enforcement institutions.

To ensure public confidence in the electoral process and the protection of electoral rights, relevant authorities should take prompt and effective steps to properly investigate allegations of voter and campaign staff intimidation.

While the law prohibits campaigning by certain public officials during working hours, provisions permit officials to take vacation time to campaign. On multiple occasions when public officials were observed at campaign meetings, the OSCE/ODIHR EOM was informed that the officials were on vacation. In some instances, public officials opened public events that GD candidates used for the purpose of campaigning, raising concerns about the blurring of the line between the state and party at

³⁸ For example, on 11 August, in Dedoplistskaro, the UNM's office was damaged; on 2 September, in Tbilisi, a UNM candidate's office was raided; on September 19, in Saburtalo, a GD office was broken into by three individuals. In Gardabani, the UNM billboard was taken down and replaced by one of the GD on the same building. In Rustavi, the UNM was prevented from contracting a large billboard on the main street.

³⁹ For instance, in Akhaltsikhe, Dedoplistskaro, Khelvachauri, Kvemo Bolnisi, and numerous areas of Adjara and Guria region. As of 28 September, the OSCE/ODIHR EOM was aware of 23 criminal cases of damaging campaign materials, 20 of them under investigation.

⁴⁰ Among those, 28 were cases of violent incidents.

⁴¹ In the second round campaign period, police investigations were opened regarding two incidents: on 27 October, in Akhaltsikhe and on 28 October, in Gori. Citizen observers reported police investigations were also opened in two other incidents from 10 October in Kharagauli and 11 October in Tbilisi.

⁴² Paragraph 7.7 of the 1990 OSCE Copenhagen Document provides for "political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates"... "casting their vote free of fear of retribution". For example: on 12 September, in Zestaponi, teachers were pressured against attending a UNM campaign event. On 9 September, in Gurjaani, teachers were asked to attend a campaign meeting of the GD majoritarian candidate.

odds with paragraph 5.4 of the OSCE 1990 Copenhagen Document.⁴³ Foreign citizens are also prohibited from campaigning; however, a former president of Georgia, now a citizen of Ukraine, campaigned for the UNM.⁴⁴

Consideration should be given to removing legal loopholes and strengthening provisions prohibiting the misuse of administrative resources and campaigning by public officials.

IX. CAMPAIGN FINANCE

Aiming to address previous OSCE/ODIHR recommendations, amendments to the legal framework regulating party and campaign finance were adopted in August 2013, March 2014 and most recently in June 2016. They lowered sanctions for violations of campaign finance rules, adjusted types of permitted donations, introduced regulations related to independent candidates and allocated public funds to cover TV advertising expenses for qualified election subjects.⁴⁵ However, recommendations from the Council of Europe's Group of States against Corruption (GRECO), such as the establishment of a more uniform legal framework, prevention of the misuse of all types of administrative resources and the introduction of proportionate and dissuasive sanctions for all infringements remain only partially addressed.⁴⁶

From 8 June to 8 October, parties and blocs declared a total of GEL 24,776,421 (approximately EUR 9,194,880) in donations from over 1,990 donors to 17 parties and blocs as well as 22 independent candidates.⁴⁷ There was a substantial imbalance in the amount of funds that parties and, particularly independent candidates were able to raise. In addition to public funding, qualified parties could also claim reimbursement of their campaign expenses from the state budget up to one million GEL. Contrary to international good practice, independent candidates are not entitled to receive public funds, even if they are elected.⁴⁸

Consideration could be given to amending the law to provide equal opportunities for independent candidates to access public funding for the reimbursement of campaign expenses.

To cover campaign expenses, the GD was the only party to take out a loan (one million GEL) from a commercial bank.⁴⁹ While not a violation of campaign finance regulations, it was seen by stakeholders

⁴³ Paragraph 5.4 of the 1990 OSCE Copenhagen Document provides for “a clear separation between State and political parties”. For example, on 23 August, in Chiatura, the Minister of Interior along with a GD majoritarian candidate opened a fire station. On 20 September, in Khreiti, the GD majoritarian candidate attended and campaigned at the opening of a museum organized by municipality. See also paragraph II.B.1.3 of the [2016 OSCE/ODIHR and Venice Commission Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#).

⁴⁴ On 25 September, in Batumi, Mr. Saakashvili via video message, endorsed the UNM in front of an audience. On 26 September, in Zugdidi, Mr. Saakashvili gave a speech at a UNM rally via video message. This resulted in a complaint to the court by a citizen observer group.

⁴⁵ There are 11 qualified subjects that passed the three per cent threshold in the last municipal and parliamentary elections and are entitled for public funding: GD, CP, Industry Will Save Georgia, RP, FD, NF, UNM, Christian-Conservative Party of Georgia, DM, APG, and LP.

⁴⁶ See the 2015 [GRECO Second Compliance Report on Georgia](#).

⁴⁷ 1 EUR equals approximately 2.55 Georgian Lari, GEL. During the reporting period, the following contestants received the highest amount of donations: GD - GEL 16,319,913; SP - GEL 4,823,330; APG - GEL 1,287,598; UNM - GEL 1,003,008; FD - GEL 686,690; DM - GEL 180,021; Topadze - Industrials, Our Homeland - GEL 177,535; NF - GEL 112,027. Of 1,990 donors, 31 were legal entities.

⁴⁸ See Paragraph I.2.3 of the Code of Good Practice and paragraph 190 of the 2011 ODIHR/Venice Commission [Guidelines on Political Party Regulation](#).

⁴⁹ The bank, Cartu Bank, is allegedly linked to former Prime Minister Bidzina Ivanishvili.

as inappropriate, in particular, because there are no special regulations concerning loan terms and the loan could be paid back from public funds.⁵⁰

According to the State Audit Office (SAO), the body responsible for overseeing campaign finances, the majority of contestants complied with their periodic reporting requirements. Only 5 parties and 18 independent candidates failed to submit their three-week income and expenditure reports within the legal deadlines. Before imposing sanctions, the SAO informed these contestants of the violation and provided them additional time to meet the requirements. During the entire campaign period, the SAO sanctioned six parties and five independent candidates for not submitting reports on time.

In its review of reports received, the SAO only focused on the income portion, but still published all reports on its website every three weeks to ensure greater transparency. The SAO noted that it had limited human resources to investigate and oversee both income and expenditures. Furthermore, the law neither sets deadlines for the SAO to scrutinize the reports nor obliges it to publish its oversight conclusions, contrary to international good practice.⁵¹

To ensure the efficient oversight and transparency of campaign finances, the SAO's resources and capacity, including human resources, should be increased to be commensurate with its responsibilities. Consideration should be given to the publication of conclusions by the SAO on contestant financial reports, both before and after election day.

The vast majority of donors contributed to the GD.⁵² The SAO investigated 1,016 donors to verify contributions and the origins of funds. The SAO informed the OSCE/ODIHR EOM that ten donors were fined for unlawful donations.⁵³ The SAO also received 43 complaints related to different campaign finance violations and 28 related to vote-buying.⁵⁴ In consideration of these complaints, the SAO conducted investigations in 20 cases and found no violations. The OSCE/ODIHR EOM was informed that new procedures requiring the SAO to obtain court approval as well as to receive requested information from other institutions delayed its investigations. According to the SAO, since there is no expedited legal deadline to respond to campaign finance violations, most would only be addressed after the run-offs. This weakened the effectiveness of campaign finance oversight.

The law should clearly define timeframes for the SAO to verify and address campaign finance violations. Timely access to relevant information and cooperation with other authorities should be clearly regulated to enable the SAO to provide effective oversight.

For the second round, the SAO informed contestants that financial reports were due by 2 November. This deadline was insufficient for the proper oversight of campaign finances and made it impossible to verify and publish reports before the run-offs. For the second round period, two parties/blocs and two independent candidates received donations totaling GEL 2,016,237 (approximately EUR 748,254) from 73 donors.⁵⁵ Within the second round campaign period, the SAO received 10 complaints.⁵⁶

⁵⁰ According to the SAO, loans are regulated by banks and procedures for paying off a loan should be done according to the procedures and terms stated in the contract.

⁵¹ See paragraphs 194, 200 and 214 of the 2011 ODIHR/Venice Commission [Guidelines on Political Party Regulation](#)

⁵² Out of the 1,016 interviewed donors (including legal entities), 579 contributed to the GD, 194 to SP, 49 to UNM, 50 to APG, 38 to FD, 10 to DM, 17 to Industrials, Our Homeland, 6 to NF, 1 to Georgian Dasi.

⁵³ Of the ten donors sanctioned, seven donated to the SP, two to the GD, one to the APG.

⁵⁴ Of the 43, 16 were found to be not under SAO jurisdiction, 2 were sent to the court for sanctioning, 3 were sent to the Chief Prosecutor Office and 2 cases are pending.

⁵⁵ The GD received GEL 1,785,030; and UNM – GEL 16,899. Of the 73 donors, 17 were legal entities.

⁵⁶ Five were found to be not under the SAO jurisdiction, three cases were investigated, no breach of the law was found, two were still under consideration.

X. MEDIA

A. MEDIA ENVIRONMENT

Georgia has a lively media environment, with TV as the primary source of information.⁵⁷ Print media have limited circulation, while the role of online media as an alternative source of information is growing. Despite the high number of broadcasters, two private TV channels, *Rustavi 2* and *Imedi*, together enjoy more than 50 per cent of the national audience, while the others have more limited viewership. The *First Channel* of the Georgian Public Broadcaster (GPB-1) enjoys no more than five per cent of national audience.

According to all OSCE/ODIHR EOM interlocutors, there were improvements since 2012 in the overall pluralism of the media landscape. Nevertheless, the limited advertising market does not allow the majority of media outlets to be financially viable and therefore fully independent from external pressures, including from political actors. Several media outlets, especially broadcast media, are perceived as polarized along political lines and, in some cases, broadcasters' ownership is clearly politically linked. Changes in ownership of several media outlets or in their management occurred or were attempted ahead of the elections, partially reshaping the media landscape and triggering tensions.⁵⁸

Civil society organizations play an important role as media watchdogs and contribute to the overall transparency of the sector by conducting media monitoring and publishing periodic reports. They observe the media environment, including election coverage, compliance with professional and ethical standards as well as the dynamics of the advertising market and media ownership.

B. LEGAL FRAMEWORK

Media legislation provides a sound framework for freedom of the media. The Constitution guarantees freedoms of speech and of the press and prohibits censorship, libel is not a criminal offence, and freedom of information provisions in legislation ensure access to public information. However, in the two last years, court actions related to a case over the ownership of *Rustavi 2*, sparked concerns and has been cited by civil society and international organizations as an attempt to restrict media freedom.⁵⁹ The ongoing case did not affect *Rustavi 2*'s capacity to cover the elections and, with the exception of a few reported incidents of harassment of journalists, freedom of media to cover the elections was respected.

The Law on Broadcasting stipulates that both public and private broadcasters should ensure pluralistic and non-discriminatory coverage of all relevant views in their news programmes, while the Election

⁵⁷ Currently, there are 115 active broadcasters (available via cable operators, digital TV, satellite and Internet streaming), and 313 print media outlets.

⁵⁸ The most discussed case ahead of these elections was a court case over the ownership of *Rustavi 2*, the most popular TV channel in the country, and the main media with a pro-UNM editorial line. The court case was initiated on 4 August 2015 by a former owner of the channel who is allegedly close to the ruling party. He claimed to have been forced to sell the channel. On 10 June 2016, the Tbilisi Court of Appeals upheld the plaintiff's claim recognizing his full ownership of the TV channel. *Rustavi 2* appealed to the Supreme Court, which on 22 November 2016, transferred the case to the Grand Chamber of the Court.

⁵⁹ On 5 November 2015, the Tbilisi City Court directly interfered with the editorial independence of the media outlet by temporarily replacing its management – the court suspended *Rustavi 2*'s General Director and Financial Director from their positions. On 13 November 2015, the Constitutional Court suspended this decision and on 30 September 2016, ruled the 5 November 2015 Tbilisi City Court action as unconstitutional. See also [the 6 November 2015 OSCE Representative on Freedom of the Media statement](#).

Code contains detailed provisions regulating free and paid advertisements during the election campaign and the publication of opinion polls. There is no specific regulation of the second round, and the same Election Code provisions were applied to the official second round campaign period. The period before the official call of the second round, from 9 to 18 October, was not regulated and broadcasters did not have to abide by election-related regulations, namely on free and paid advertising as well as the publication of opinion polls. However, the absence of regulation did not affect the media coverage during this period.

Recent amendments to the Election Code reduced the amount of free airtime granted to contestants that qualified for public funding on both public and private broadcasters to not more than 90 seconds per every three hours. For these elections, the CEC identified 11 eligible parties, of which 9 took part in the first round and four in the second. The Election Code requires the Georgian Public Broadcaster (GPB) and *Adjara TV* to also offer equal airtime to non-qualified contestants, but does not specify the amount of time.⁶⁰ The GPB and *Adjara TV* decided to offer non-qualified subjects limited airtime (10 seconds per day) but only one party took advantage of this opportunity.⁶¹

To increase voter access to information on contestants, non-qualified subjects could be granted a minimum amount of free airtime to convey their messages on the public broadcaster.

The Election Code allows paid advertising without an expenditure ceiling for contestants; broadcasters are obliged to publish advertising fees and their airing schedule.⁶² Opinion polls are allowed, but their publication shall be accompanied by detailed information on the organizers and the methodology, much of which is not fully verifiable. These requirements significantly exceed international good practice.⁶³ The publication of opinion polls is prohibited from 48 hours before election day until the end of voting. While media outlets generally respected legal provisions on free and paid advertisement, they did not abide by the disclosure requirements for the publication of opinion polls.

Consideration could be given to streamlining disclosure requirements for information that must accompany the publication of opinion polls according to good international practice.

The Georgian National Communications Commission (GNCC) is responsible for overseeing media compliance with regulations. In addition, during the election period, the GNCC is responsible for overseeing Election Code provisions concerning free and paid advertisement as well as opinion polls. The regulatory body conducted media monitoring and published six reports covering the period from 8 June to 30 October and a final report.⁶⁴ However, these reports did not comprehensively disclose monitoring findings and the GNCC did not react in a timely and effective manner to most violations detected during the campaign. Most violations were related to non-compliance with disclosure rules in the publication of opinion polls. In this regard, the GNCC's decisions were at times inconsistent.⁶⁵

⁶⁰ *Adjara TV* was a local government funded broadcaster based in Batumi, which became a public broadcaster due to amendments to the Law on Broadcasting from 25 December 2013.

⁶¹ The category of non-qualified subjects does not extend to independent candidates. For the second round, there were no non-qualified subjects.

⁶² Qualified subjects were also entitled to receive additional public funds to cover TV advertising costs, and all nine made use of available funds.

⁶³ See paragraph 8 of the Council of Europe [Recommendation CM/Rec\(2007\)15 of the Committee of Ministers to member states on measures concerning media coverage of election campaigns](#).

⁶⁴ The GNCC informed the OSCE/ODIHR EOM that since 8 June it monitored 53 TV channels, 30 radio stations and 31 local government funded newspapers.

⁶⁵ For instance, in the last week prior to the 8 October election, *Rustavi 2* and *Imedi* violated the regulation on the publication of opinion polls, but the regulatory body only took prompt administrative action against *Rustavi 2*, while reaction to *Imedi's* violations came one month after the election. *Rustavi 2* published an opinion poll on 1 October, while *Imedi* published two opinion polls, on 29 September and 5 October. Neither *Rustavi 2* nor *Imedi* TV complied with all requirements on the publication of opinion polls as prescribed by the Election Code.

To increase transparency, the GNCC should be required to publish, in a timely manner on its website, detailed media monitoring reports, which should include all violations detected, complaints received and decisions taken.

According to the Law on Broadcasting and the Code of Conduct of Broadcasters, only the self-regulatory body of each broadcaster is entitled and responsible for considering complaints related to the content of its editorial coverage.⁶⁶ During the campaigns for both rounds, none of the self-regulatory bodies of major broadcasters received official complaints.⁶⁷

Consideration could be given to creating one self-regulatory body responsible for considering, based on the Code of Conduct of Broadcasters, complaints from parties and civil society organizations related to all broadcasters and addressing them in a timely and transparent manner.

The Election Code prohibits the use of messages inciting hatred and the Law on Broadcasting prohibits hate speech content in broadcast programmes. However, one political party produced an advertisement with anti-Turkish and xenophobic content, which was aired as free and paid advertisement by some major TV channels. The relevant authorities did not react immediately and, to the contrary, a broadcaster that took the advertisement off air on its own initiative was sanctioned by the broadcast regulatory body for removing the advertisement without consulting the concerned party.⁶⁸

To prevent the dissemination of hate speech, the relevant authorities should properly oversee and promptly intervene in case the use of hate speech is identified.

C. MEDIA MONITORING FINDINGS



OSCE/ODIHR EOM media monitoring showed that during the campaign for the 8 October elections, broadcasters widely covered the contestants in a variety of formats.⁶⁹ However, the distinction was often blurred between the formats of newscast and current affairs programmes. In general, media coverage focused on the GD and UNM, and the political discourse was marked by their constant confrontation rather than presentation of their respective electoral programmes. All monitored broadcasters, as well as several local broadcasters, invited qualified contestants to participate in debates and talk shows. Nevertheless, none of the TV channels was able to hold a debate between the leaders of the two main parties, as the prime minister and leader of the GD refused to participate in any debate.

According to the OSCE/ODIHR EOM media monitoring, the GD purchased 75 per cent of the total paid advertisement observed in the monitored broadcasters, SP followed with 17 per cent. Pressing

⁶⁶ However, on 8 September, three citizen observer organizations drew the GNCC's attention to the programme "Meeting with regional media" hosted by former Prime Minister Bidzina Ivashvili on *GDS TV* every Monday and Thursday, as a possible case of unfair and unbalanced coverage.

⁶⁷ On 12 September, the UNM addressed a letter to *Imedi TV* asking for one-hour of live coverage starting at 21:00 to present its electoral programme, as was provided to the GD on 8 September. The channel did not satisfy the UNM's request. On 27 September, the UNM addressed a complaint to the GNCC for being denied equal access to *Imedi TV*.

⁶⁸ As later confirmed by the court, the content of the advertisement, produced by the APG and first aired on 22 September, violated Article 45.3 of the Election Code. On 24 September, the Office of the President, followed by civil society organizations, urged the CEC to take action and on 3 October, the CEC took administrative action against the APG. On 7 October, the Tbilisi City Court fined the APG 2,000 GEL. In the meantime, the advertisement was broadcasted for several days. On 30 September, in response to a complaint from the APG, the GNCC took an administrative action against *Rustavi 2* for violating Article 51.6 of the Election Code when the channel removed the APG advertisement without consulting the party.

⁶⁹ The OSCE/ODIHR EOM conducted a quantitative and qualitative media monitoring of the primetime coverage (18.00-24.00) of six broadcasters: *GPB-1*, *Rustavi 2*, *Imedi*, *Maestro*, *GDS* and *TV Pirveli*, from 5 September to 30 October 2016.

issues such as unemployment, economy, development of infrastructure as well as social security were addressed by contestants.

In the monitored newscasts, *GPB-1* provided 25 per cent coverage to the GD and 18 per cent to the UNM, with mostly neutral tone.⁷⁰ Seven other parties were allotted between 2 and 6 per cent each. *GPB-1* devoted wide coverage to the prime minister and the government, 7 and 18 per cent, respectively, mostly in a neutral or positive tone, giving additional visibility that could have advantaged the ruling party. In addition, on 8 September, *GPB-1* and three private TV channels provided one-hour live coverage on primetime to a campaign event where the GD electoral programme was presented.⁷¹

Rustavi 2 devoted similar space to the GD and UNM in its newscast, 26 and 23 per cent, respectively, neutral in tone, and three other parties received significant coverage: the SP (11 per cent), RP and FD (8 per cent each). However, *Rustavi 2* devoted rather negative coverage to the ruling party in current affairs and entertainment programmes. *Maestro* and *GDS* covered the GD more extensively, devoting 26 and 36 per cent of news coverage, respectively, mainly neutral or positive in tone.⁷² *Imedi* dedicated 32 and 33 per cent of news coverage to the GD and UNM, respectively. In the last several days of the campaign, the UNM received a significant amount of coverage on these channels in connection with the bombing of a vehicle of a UNM MP, which affected the overall distribution of time among the parties.

Maestro and *GDS* also devoted significant coverage to the prime minister and the government, allotting them together between 18 and 20 per cent, neutral or positive in tone. In addition, in their news and current affairs programmes, especially during the last two weeks of the campaign, they focused on stories related to the previous government, often using a negative tone. *TV Pirveli* also devoted most of its news coverage, 24 per cent, to the ruling party, with the UNM receiving 18 per cent.

There was a vibrant discussion amongst civil society organisations sparked by an announcement from the GPB that it may conduct and publish an exit poll along with three private TV stations, including one owned by a family member of the GD founder. Despite calls from civil society organisations to refrain from this, the GPB proceeded with publishing the exit poll on 8 October.

While conducting its activities, including the publication of opinion and exit polls, the GPB should ensure its independence and neutrality.

Prior to the official call for the second round, from 9 to 18 October, media operated without specific election-related regulations. Among the monitored broadcasters, *Rustavi 2* devoted more coverage to election-related incidents and complaints.

Ahead of the second round, parties took advantage of free airtime, while no contestants purchased paid advertising.⁷³ Unlike during the first round, the *GPB-1* did not organize debates, nor covered election day. *Adjara TV* and several national and local broadcasters tried to organize debates, but found candidates were uninterested. Candidates and party representatives rarely presented their electoral

⁷⁰ Media monitoring results are for the period before the first round, from 5 September to 7 October.

⁷¹ Following the broadcast of a GD campaign event, *GPB-1* offered all qualified contestants one hour on primetime to broadcast live their electoral programme. However, contestants were asked to cover the costs of recording and the transmission of the live coverage, resulting in uneven access to the public broadcaster. Only the FD took advantage of this opportunity. *Imedi*, *Maestro* and *GDS* were the other three channels that gave one-hour live coverage of the GD campaign event on 8 September.

⁷² The *GDS* TV channel is owned by Bera Ivanishvili, son of Bidzina Ivanishvili.

⁷³ Four parties participated as qualified contestants for the second round: the GD, UNM, FD and Topadze-Industrials, Our Homeland. FD was the only party to not make use of the free airtime.

programmes, instead discussions were dominated by the possibility of one party obtaining a constitutional majority.

News coverage of the main political parties was more balanced than during the first round and there was a general decrease in the coverage devoted to the prime minister by all TV channels. *GPB-1*, *Rustavi 2*, *Imedi* and *TV Pirveli* provided balanced and mostly neutral in tone news coverage of the two main contenders, while *Maestro TV* covered the GD more extensively than the UNM, 39 per cent and 16 per cent, respectively. *GDS* devoted more time, but partially negative in tone, to the UNM compared to the GD, 36 per cent and 16 per cent, respectively.

XI. PARTICIPATION OF NATIONAL MINORITIES

According to the 2014 census, national minorities make up 13.2 per cent of the population. The most numerous groups are the Azeri (6.3 per cent) and Armenians (4.5 per cent).⁷⁴ The Constitution prohibits discrimination on ethnic or religious grounds and national minorities enjoy full political rights, including the right to use their mother tongue in private and public.⁷⁵ However, political participation of national minorities is limited. Several parties and blocs nominated candidates from national minorities on their party lists, but few in electable positions⁷⁶. There were also few such candidates for the majoritarian races in minority populated regions.⁷⁷

Following recent amendments to the Election Code, OSCE/ODIHR EOM interlocutors expressed concerns that some new constituency boundaries may further decrease representation of national minorities, particularly in the merged Akhalkalaki and Ninotsminda constituency.⁷⁸

The need for political representation of national minorities should be taken into account when considering future reform of the electoral legal framework, including with regard to determining constituency boundaries.

National minority issues and inter-ethnic relations did not feature prominently in the campaign.⁷⁹ However, some candidates occasionally used ethnicity as a mobilizing factor, which may have contributed to excessive polarisation of the campaign in the Marneuli district.⁸⁰ In the first round, instances of violence occurred in and around one polling station in the Azeri populated settlement of

⁷⁴ Followed by Russians (0.7), Ossetians (0.4), Yazidis (0.3), Ukrainians (0.2), Kists (0.2), Greeks (0.1), Assyrians (0.1) and other groups (0.4).

⁷⁵ Georgia has ratified the Council of Europe's Framework Convention for the Protection of National Minorities and signed, but not ratified the European Charter for Regional or Minority Languages (ECRML).

⁷⁶ On party lists: GD – 10 of 155 candidates; UNM – 13 of 200; SP – 20 of 197; FD – 10 of 200; LP – 8 of 167; APG – 8 of 195; DM – 6 of 165; none of these candidates were placed above the 14th position.

⁷⁷ Majoritarian contests: GD - 3 of 73 nominated candidates; UNM - 5 of 72; SP - 6 of 72; APG - 4 of 71; DM - 2 of 51; RP - 2 of 28; FD - 1 of 64; and 4 independents.

⁷⁸ The merger of Akhalkalaki and Ninotsminda into one constituency (as well as some villages of the former Akhalkalaki constituency merging with the Borjomi-Aspindza constituency) potentially decreases representation and dilutes the ethnic Armenian vote in the Samtskhe-Javakheti region. At the same time, the number of constituencies in the largely ethnic Azeri region of Kvemo Kartli has increased, but some boundary changes were unclear in terms of respect for the criteria on the concentration of minorities.

⁷⁹ However, on 19 September, in reply to a journalist's question about the ratification of the ECRML and granting Armenian the status of regional language, Bidzina Ivanishvili said there were no limitations on language use, but noted that the lack of proficiency in Georgian prevents Armenians from "assimilating".

⁸⁰ Ethnic mobilization was observed in DEC 36 (Marneuli) and to a lesser extent in DEC 33 (Bolnisi), where the GD fielded ethnic Georgian candidates and the UNM and other parties fielded ethnic Azeri candidates. In DEC 36 (Marneuli), GD and UNM candidates traded allegations that they used ethnic and religious mobilisation in their campaign rhetoric. Divisions led to a generational split within the Azeri community.

Kizilajlo. A tense repeat election was held there on 22 October.⁸¹ The environment in Marneuli during the second round continued to be tense, partially as a result of the pre-trial detention of several activists related to tensions in these areas on 8 October election day, but election day proceeded without incident.

Minority languages were widely used by parties and candidates in minority populated areas. Visible campaigns were conducted in a relatively free and competitive environment, especially in Azeri areas, while it was more subdued in Armenian areas. Candidates were generally able to campaign freely in minority areas, but the campaign was marked by a few instances of hate speech and violence, indirectly affecting inter-ethnic relations.⁸² National minorities were well represented in DECAs and PECs in Armenian populated areas, not represented at all in DECAs, and relatively well represented in PECs in Azeri populated areas, but lacked gender balance with majority of male members.

The Election Code contains provisions for the translation of voter lists, ballots, results protocols, and other election materials in minority languages, and the CEC provided voter education and information materials in Azeri and Armenian, including on the GPB. Further, the CEC operated a hotline in Georgian, Azeri and Armenian languages and provided information in the Abkhaz language on its website. The CEC held a small grants competition, awarding funds to eight non-governmental organizations to implement projects aimed at increasing the participation of national minorities in the electoral process.

Following the election results, national minorities are represented in the incoming parliament by 11 MPs.⁸³ However, they remain underrepresented relative to their share of the overall population.

XII. CITIZEN AND INTERNATIONAL OBSERVERS

The Election Code adequately provides for observation by citizen and international organizations, as well as representatives of election contestants. The legislation contains detailed provisions on the rights and responsibilities of observers and grants access to all stages of the electoral process. The CEC registered 111 citizen observer organizations with 41,158 observers and 55 international observer organizations with 1,661 observers. In addition, 184 media outlets were registered with 5,866 journalists. The registration process was inclusive.

Criteria for the accreditation of observers is provided in the law, but there are no clear criteria for the accreditation of media representatives. On election day, IEOM observers noted clear indications of party affiliation of some citizen observers and media representatives.

On both election days, IEOM observers noted a large presence of representatives of the online news portal, *Allmedia.ge*. *Allmedia.ge* registered over 3,400 representatives, the most among all observer organizations and media. The news portal informed the OSCE/ODIHR EOM that the majority of its representatives were volunteers recruited to observe and record violations. Granting media accreditation to *Allmedia.ge* representatives that were acting as observers raises concerns about the adequacy of the media accreditation process to prevent misuse.

⁸¹ The first round had instances of violence that disrupted the voting process in PEC 48 in Kizilajlo, when young SP and UNM activists tried to storm the polling station after learning of fraud allegations.

⁸² A paid TV advertisement and rallies by the APG contained anti-Turkish statements, which may have vexed part of the ethnic Azeri community. Representatives of the “Georgian Force” movement attacked oriental cafés in Tbilisi. A TV debate ended with a brawl between a Georgian and an Azeri candidate, but did not appear motivated on ethnic grounds.

⁸³ Including four ethnic Azeri, three Armenians, two Abkhaz, one Ossetian and one Kurd/Yazidi.

In recognition of the role of citizen observation and to prevent possible misuse, criteria for accreditation of citizen observers and media representatives could be further elaborated upon.

A variety of citizen observer organizations conducted long-term election observation activities focusing on different aspects of the election environment, campaign finance, media monitoring, national minority participation, and election dispute resolution. On election day, citizen observers observed procedures at all levels of the election administration and one organization conducted a parallel vote tabulation.

Parties, initiative groups and candidates can also nominate two representatives per election commission, but only one representative at a time can be present in commission meetings and in the PEC on election day. In addition to the large presence of observers and media representatives, the large number of party/candidate representatives in polling stations was observed to have contributed to overcrowding.

Stakeholders involved in the electoral process should respect a clear separation of partisan and non-partisan observation. Civil society organizations and media outlets should ensure that their representatives in the polling stations maintain impartiality when carrying out their functions and PEC officials should be empowered to promptly address violations.

XIII. COMPLAINTS AND APPEALS

The Election Code establishes an expeditious dispute resolution process for appeals of election commission decisions with one to two days allotted for appeal and consideration. In the pre-election period, adjudicating authorities showed the ability to adjust to such deadlines. After election day, observation showed that such timeframes were inadequate for thorough investigation and therefore an effective remedy. At the same time, the Constitution sets a short deadline (20 days after election day) for the first meeting of the new parliament.

Respecting Constitutional constraints, the time for filing and considering appeals should ensure that appellants have adequate time to prepare and adjudicating bodies can conduct a proper investigation.

Decisions of an election commission can be appealed to the respective higher-level commission and then to the district/city court with the Court of Appeals as the final instance. The Constitutional Court may examine the constitutionality of electoral legal provisions on the basis of a claim.⁸⁴ Representatives of parties, blocs, candidates and accredited observers have the right to file complaints in all cases. However, the law limits the list of representatives that are authorized to submit complaints at the different levels of election administration and courts. In practice, these limitations hindered the exercise of stakeholders' right to appeal.⁸⁵ Contrary to paragraph 5.10 of the 1990 OSCE Copenhagen Document, voters only have the right to file complaints on their non-inclusion in a voter list.⁸⁶

⁸⁴ President of Georgia, Public Defender of Georgia and one fifth of the members of parliament have the right to lodge constitutional claims regarding elections.

⁸⁵ The OSCE/ODIHR EOM observed numerous complaints being submitted by unauthorised persons.

⁸⁶ Paragraph 5.10 of the 1990 OSCE Copenhagen Document states that 'everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity'. At least three complaints from citizens were left without consideration based on the ground that citizens are not authorized to submit complaints. See also paragraph II.3.3.3.f of the Code of Good Practice, which states that "All candidates and all voters registered in the constituency concerned must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters on the results of elections."

To adequately protect the rights of all election participants, voters should be permitted to file complaints in all cases of possible violation of their suffrage rights, including against decisions and actions of election commissions.

The system of electoral dispute resolution provides for the possibility to file complaints on election violations with prosecutors, the GNCC, the SAO and local municipalities. Its complexity leaves stakeholders without clarity on the appropriate avenue to address complaints. In practice, complaints were filed with several bodies concurrently, also due to the lack of trust in the adjudicating authorities. The CEC produced a manual on election dispute resolution; however, the OSCE/ODIHR EOM noted there was insufficient knowledge about the complaints system, and citizen observers and party representatives were insufficiently trained.

Further training for citizen observers and party representatives on the procedures for election dispute resolution and documenting of election violations could be considered.

While the law requires the CEC to publish on its website all complaints and decisions taken by the CEC and courts within one day, DEC's lack such an obligation. During the pre-election period, despite the lack of regulations, complaints to DEC's and their decisions were posted in a timely manner on the CEC website; some delays were noted between the two rounds.

In the first-round campaign period, 187 complaints were submitted to the different levels of the election administration and the courts.⁸⁷ Most concerned violations of campaign rules, including campaigning by unauthorized persons (35 cases), the misuse of administrative resources (26 cases), or complaints requesting to file administrative protocols for alleged election violations (32 cases), and challenging the legality of the appointment of PEC members (7 cases). Sixteen complaints were satisfied and four were partially satisfied. During the campaign period, complaints considered by election commissions and courts were reviewed in a transparent manner at open sessions and parties were informed about the time and place of the hearings. Generally, decisions were well-grounded and substantiated.

The law allows judges to postpone payment or release the complainant from court filing fees in special cases.⁸⁸ Although, there is a practice of accepting election complaints and postponing payment until after the hearing, the absence of an explicit regulation potentially limits access to courts and undermines the effectiveness of the remedy.

There should be no unnecessary obstacles to filing an election complaint or appeal; the cost of lodging a complaint should be minimal or waived whenever possible. The law should be clear and consistent to discourage arbitrary interpretation.

The election administration, the GNCC and local municipalities are responsible for recording election-related administrative violations and have up to two months to take action. In practice, election commissions generally addressed such complaints within one month. Considering the required investigations and the limited resources at the DEC's' disposal this may be reasonable. At the same time, the OSCE/ODIHR EOM observed that in some cases DEC's were not making efforts to address complaints as promptly as possible. The CEC was able to decide on such requests in considerably less

⁸⁷ Of these, 98 submitted to DEC's, 55 to the CEC, 16 to Tbilisi City Court and 10 to the Court of Appeals.

⁸⁸ Court filing fees are a minimum of GEL 100 (some EUR 38) for first instance and no less than GEL 150 (some EUR 57) for appeals.

time.⁸⁹ Before election day, only 7 administrative cases were initiated by election commissions and 32 cases were pending action.

To ensure that election violations are addressed during the election period, consideration should be given to instructing DEC members to promptly investigate allegations and consider complaints in the shortest feasible time.

Around 30 of the complaints on administrative offenses requested election commissions take administrative action against public officials for the misuse of administrative resources. Commissions established violations and sought administrative responsibility in four cases. In OSCE/ODIHR EOM discussions with DEC members, they questioned their ability to decide on such violations and the sufficiency of resources at their disposal for proper investigation.

Consideration could be given to establishing a clear and effective mechanism for a specific authority to consider complaints, investigate and take action in cases of the misuse of administrative resources.

XIV. ELECTION DAY (FIRST ROUND)

For 8 October, the International Election Observation Mission (IEOM) deployed 420 observers from 39 countries, including 324 long-term and short-term observers deployed by the OSCE/ODIHR. Election day generally proceeded in an orderly manner, but tensions increased during the day with several violent altercations taking place near and in polling stations. While voting was assessed as generally positive, the assessment of counting was markedly worse due to procedural problems and increased tensions. Citizen observers and party representatives were present in almost all polling stations, but were frequently interfering in the work of the commissions.

A. OPENING AND VOTING

Opening was assessed positively by IEOM observers in 153 of 162 polling stations observed. Short delays in opening were observed in 80 polling stations, but did not affect the process. All necessary election materials were present in almost all polling stations and the understanding of the process by the PEC members was rated high. Procedures were generally followed, but some irregularities were noted: PECs did not announce or properly record information on the number of voters and ballots in 10 and 13 per cent of cases, respectively. Citizen observers and party representatives interfered in or directed PEC work in some 12 per cent of observations.

Voting was evaluated positively in over 97 per cent of the observed polling stations. In the few cases where the process was assessed negatively, this was largely due to interference in the work of the PECs by unauthorized persons. While the presence of citizen observers (87 per cent) and party representatives (99 per cent) in polling stations contributed to the transparency of the process, they were directing and interfering in the work of some 6 per cent of PECs observed. A few serious irregularities were observed, including voters with traces of invisible ink allowed to vote (2 per cent) and attempts at influencing voters (2 per cent).

Arrangements inside and outside of polling stations were assessed negatively in most cases and overcrowding was reported in over seven per cent of observations, which was also attributed to small and inadequate premises for voting. Almost 40 per cent of polling stations observed were not accessible

⁸⁹ For example, in one case of unlawful campaigning, the CEC was able to decide within 5 days, and in the case where the Ministry of IDPs from the Occupied Territories, Accommodation and Refugees of Georgia campaigned on their official Facebook page, the decision was taken within 10 days.

for voters with disabilities; however, accessibility was somewhat better in polling stations announced as barrier-free. In up to 2 per cent of cases, IEOM observers reported not having a clear view and not being able to properly observe or poor cooperation with PEC members, which had a negative impact on the overall assessment.

Authorities should make efforts to allocate appropriate premises for polling stations, to ensure decent conditions for voters to exercise their rights.

B. COUNTING

Counting was assessed as markedly worse – evaluated as bad or very bad in 31 per cent of observations. The negative assessments related, however, to PECs not following and not knowing procedures rather than deliberate falsification: PEC members did not invalidate unused ballots before counting (27 per cent), did not pack unused and spoiled ballots properly (20 per cent), did not mix ballots of the mobile and stationary boxes (9 per cent), valid and invalid ballots were not determined in a consistent and reasonable manner (9 and 11 per cent, respectively), and protocol data was not properly cross-checked after counting (11 per cent). PEC members did not determine the number of invalid ballots and did not enter the figure in the display protocol and PEC logbook in 12 per cent of observations. At the end of the counting, ballots were not packed according to the procedures in 13 per cent of cases. In half of the observations, unauthorized individuals participated in the count. Tensions or unrest in the vicinity of polling stations was observed in almost 13 per cent of cases. Persons attempting to disrupt or obstruct the process and intimidate PEC members was also observed in 5 per cent of cases.

Other serious irregularities negatively affected the assessment of the integrity and transparency of counting, including PECs signing protocols before completing them (11 per cent) and not recording the number of invalid and number of ballots per contestant in a proper manner (16 per cent). In over 7 per cent of PECs, observers lacked a clear view of the process. PEC members had difficulties filling protocols in 27 per cent of observations. Generally, election day procedures were noted by IEOM observers as being unnecessarily complicated and slowing the process without substantially contributing to its transparency and integrity.⁹⁰

Authorities could consider simplifying election day procedures to the extent possible without compromising the integrity of the process, as well as updating election materials and reducing the number of PEC members.

Election security became an issue towards the end of polling and during the count when violent altercations affected the process in four polling stations.⁹¹ In one PEC, voting had to be halted until the security and safety of PEC members and voters could be restored. Violent attacks in and around these four polling stations resulted in the destruction of polling materials, harm to citizen and international observers, interruptions in the counting process and eventual annulment of results.

C. TABULATION

The assessment of tabulation was more positive. In 46 of 58 DEC observed, the process was assessed as good or very good. In the remaining DECs, procedures were not followed (6 cases) and there were limitations in observation (5 cases). A main shortcoming was inadequate facilities for receiving election materials (17 DECs observed), which, in 11 cases, resulted in overcrowding, negatively

⁹⁰ Paragraph 31 of the Code of Good Practice states that “The voting procedures must be kept simple. Compliance is therefore recommended with the criteria set out.”

⁹¹ PEC 48 in Marneuli, PEC 90 in Kutaisi and PECs 108 and 79 in Zugdidi.

affecting tabulation. In 12 DEC's, facilities for intake and recording of results protocols were inadequate and PEC protocols were not completed correctly and in full when delivered to the DEC in eight instances. In eight observations, unauthorized persons were present at DEC's, and protocols were not checked correctly in nine instances.

Procedures allow for the correction of mistakes in PEC protocols identified by the DEC's solely based on an explanatory note from one PEC member describing the reasons for the mistake. A number of corrections were required for various reasons, including unclear instructions on how to count voter signatures in the special voter lists (those only voting in the proportional contest) when filling the protocols for the majoritarian results. Corrections to result protocols based on complaints further required a DEC decision. According to the CEC, polling stations protocols were corrected by PEC's in 9.54 per cent of proportional and 7.46 per cent of majoritarian contests. Corrections were made by DEC's to some 0.5 per cent of protocols. In addition, some 29 per cent of PEC's protocols attached explanatory notes due to procedural issues. In many cases, DEC's superficially investigated alleged mistakes, accepted basic explanatory notes from PEC members contacted at a later stage, and made corrections based on the explanations.

The CEC began announcing and posting preliminary results by districts, along with PEC protocols, from 1:00 the day after, on 9 October. This was a delay since CEC had a legal obligation to post summary protocols on its website at the time they were received from the PEC's. The CEC stated that it only began releasing preliminary results once it accumulated a representative sample. The preliminary voter turnout was reported at 51.63 per cent.

XV. POST FIRST ROUND DEVELOPMENTS

A. COMPLAINTS AND APPEALS

Following the 8 October election day, DEC's received 1,168 complaints, mainly in regards to PEC result protocols and the way they were completed. Many complaints were of a general nature and did not provide concrete facts or evidence about alleged violations. Those more grounded were mainly based on PEC results protocols not being reconciled and the way they were corrected as well as other procedural irregularities during counting. The main complainants were the Georgian Young Lawyers' Association (GYLA) (307 complaints), the International Society for Fair Elections and Democracy (239), the DM (234) and the UNM (221). Of the complaints, 265 were satisfied, 166 partially satisfied and 485 were not satisfied.⁹² Most complaints contained several requests.

The OSCE/ODIHR EOM was informed of 430 requests for recounts and 337 to annul PEC results. The Election Code lacks criteria for when recounts and annulments of polling results should be ordered. In the 5 cases where requests for recounts were granted and the 10 cases where results were annulled, these decisions were taken by DEC's in an inconsistent manner.⁹³

To ensure uniform application, the Election Code should clearly specify criteria for the annulment of PEC results and for ordering a recount.

⁹² In addition, 229 were left without consideration, 23 were withdrawn and 24 complaints were filed in relation to alleged administrative offences.

⁹³ DEC's need a 2/3 vote to decide on an annulment or recount. When inquiring about criteria for making these determinations, the CEC referred the OSCE/ODIHR EOM to this requirement only.

In reviewing many cases, DEC's did not find that the facts of violations were established, but still partially satisfied the complaints by taking disciplinary action against PEC members.⁹⁴ DEC's had no unified practice in applying disciplinary sanctions. Further, partially as a result of the short time given for the review of complaints and the number of complaints received by DEC's, a lack of thorough investigation was observed.⁹⁵ As a result, most decisions were not properly reasoned, contrary to paragraph 5.11 of the 1990 OSCE Copenhagen Document.⁹⁶

The election administration should conduct thorough investigations of all complaints, gathering and verifying all available information. Consideration could be given to have additional staff at DEC's to handle investigations after election day.

The OSCE/ODIHR EOM was informed by citizen observers that there were isolated cases when complainants were not notified about the time and place for consideration of the complaints and not provided with copies of the decisions.⁹⁷

Thirty-two cases were appealed to district/city courts; five were partially satisfied by imposing disciplinary sanctions. Sixteen district/city court decisions were appealed to the Tbilisi and Kutaisi Courts of Appeal. A similar lack of investigation was noted at the court level. Decisions were based on the documents presented and the OSCE/ODIHR EOM did not observe witnesses being called or additional documentary evidence requested. In some instances, courts orally acknowledged during hearings that serious violations had occurred, but questioned their own authority to overrule the election administration's decisions on results.

Efforts should be made to further raise the awareness of courts on the election dispute process, so they fully exercise their authority to consider appeals of administrative decisions.

DEC's finalized their results while some complaints were still pending review by the Court of Appeals. Some Election Code provisions require DEC's to wait for final court decisions before finalizing results, while others allow DEC's to proceed while appeals of district and city court decisions are still pending.⁹⁸

One complaint from the UNM and nine from the DM were submitted challenging DEC final protocols. The CEC left these complaints without consideration finding that they were submitted by unauthorized subjects.⁹⁹ On 23 October, the CEC published the results protocols for the proportional contest. These results were unsuccessfully appealed to Tbilisi City Court by the Labour Party, DM and APG. The Labour Party complained alleging electoral violations in the campaign period, such as the misuse of state resources, pressure on voters from the State Security Service and unlawful campaigning. The DM contested the final results referring to election day irregularities and the APG questioned the outcome of the mandate allocation.¹⁰⁰

⁹⁴ A total of 718 requests to take disciplinary actions against PEC members were made, mainly as an additional request in the majority of complaints.

⁹⁵ For example, in Case #3/7552-16 from 16 October - The Georgian Young Lawyers' Association against DEC 2 (Vake), the Tbilisi City Court while upholding the DEC decision stated there was a lack of investigation by the DEC on one of the complainant's requests and obliged the DEC to pay the court fees.

⁹⁶ Paragraph 5.11 of the [1990 OSCE Copenhagen Document](#) provides "administrative decisions against a person must be fully justifiable."

⁹⁷ The Code of Good Practice states that the right of both parties to participate in hearings must be protected.

⁹⁸ See Articles 21, 75 and Article 124.

⁹⁹ The UNM complaint was submitted by the UNM representative to the Marneuli DEC and DM's complaints were submitted by the party's representative in the CEC, the law requires that complaints be submitted by the party itself.

¹⁰⁰ On 17 October, the APG submitted a complaint to the Constitutional Court claiming contradiction between the Election Code and the Constitution on procedure of the mandate allocation. The complaint was admitted. The law provides nine months for Constitutional Court to consider complaints.

There were 337 requests for annulment of PEC results and 10 were granted. In four PECs where the annulments could have impacted the results, repeat elections for the majoritarian contests were held on 22 October.¹⁰¹ The OSCE/ODIHR EOM observed voting and counting in these four locations, which was generally smooth and well administered; however, overcrowding with observers, party representatives and the media negatively impacted the atmosphere in these PECs.¹⁰²

B. PREPARATIONS FOR THE SECOND ROUND

Preliminary results of the first round were accepted by the majority of contestants. Despite previous calls for a boycott, the UNM agreed to participate in the second round and enter parliament. Concerns raised over possible concentration of power through the constitutional majority of one party in parliament influenced the political discourse. A call to support the opposition in the second round was endorsed by two political parties.¹⁰³ One of the two candidates from the FD and one candidate from the UNM announced their desire to withdraw from the race.¹⁰⁴

Out of 150 MPs, 77 were elected in a single-round proportional contest. The GD received 48.68 per cent, UNM 27.11 per cent and APG 5.01 per cent of votes, thereby passing the threshold and qualifying for proportional seat allocation. These parties/blocs obtained 44, 27 and 6 seats, respectively. Of the 73 majoritarian seats, 23 candidates were elected in the first round; all from the GD. On 19 October, after receiving all DEC results protocols, the CEC announced 30 October for the second round for the remaining 50 majoritarian seats.

In light of insufficient regulation, on 17 October, the CEC adopted a decree to regulate a few aspects of the election process for the second round. The decree determined how voter lists would be updated, prolonged the authority of the current PECs, terminated the authority of some party representatives and extended the accreditation of observers. In some instances, the CEC interpreted the law while setting procedures in the decree. For example, while not explicit in the law, the decree only gives parties, blocs or candidates running in the second round the right to have PEC and DEC representatives. This interpretation was unsuccessfully appealed to the Tbilisi City Court and further to the Court of Appeals by the DM.¹⁰⁵ The decree also prescribes shorter deadlines for several procedures that contradict the Election Code deadlines which are general and not specific to the first or the second

¹⁰¹ Repeat voting was held in two precincts (PECs 38 and 79) of the village Jikhashkari and one precinct (PEC 108) of the village Ganmukhuri in the Zugdidi municipality and one precinct (PEC 48) of the village Kizilajlo, Marneuli municipality.

¹⁰² Overcrowding was especially problematic in PEC 36.22.48 in Kyzylajilo, Marneuli where interference in voting and counting by party representatives and observers was noted. While counting and tabulation were positively assessed in Zugdidi, procedural mistakes such as failure to manage the voter list and count the votes from the mobile ballot box marred the process in Marneuli. In total, eight complaints were submitted to the DEC in Marneuli, and one in Zugdidi in relation to the irregularities.

¹⁰³ The call came from individuals, including some civil society representatives and was supported by the New Georgia and the New Political Center Girchi parties.

¹⁰⁴ On 10 October, the FD chairman and candidate in Gori announced his withdrawal. On 23 October, a UNM candidate announced she would not continue participating in the election. However, according to the CEC interpretation, withdrawals are only allowed 10 days before the first round and if a candidate makes such an application after this time his/her name will remain on the ballot and the run-off will proceed accordingly and votes counted for the candidate.

¹⁰⁵ At issue was the legality of terminating the authority of party/bloc representatives that are not in the second round; the complaint argued that the election is a process that is only complete after the second round.

round.¹⁰⁶ On 23 October, seven days before the elections, the CEC adopted a second decree to address some gaps and contradictions in the procedures for the second round.

The late decision on regulations for the second round impacted the inclusiveness of the election administration process and the possibility for the CEC to address, in advance, issues such as PEC staffing, the timely updating of election day procedures and the holding of adequate training sessions. Still, in the limited time left when election preparations resumed, they were well-managed and the deadlines were generally respected.

The CEC decree determined that the PECs established for the first round of elections shall continue to function for the second round. Most PEC members from the first round also worked for the second round; however, some DEC members had to reopen recruitment to fill vacant positions. Parties were given the opportunity to replace their PEC members up to four days before election day. Two political parties, the DM and FD, withdrew their PEC members without replacing them. DEC members filled these vacant positions with non-partisan members through an open competition.

The CEC training centre organized additional training for PEC members on second round election day procedures. The training sessions, observed by the OSCE/ODIHR EOM, were well conducted and emphasized how to address some of the procedural shortcomings noted during the first round, including by international observers.

XVI. ELECTION DAY (SECOND ROUND)

A. OPENING AND VOTING

In a calm environment, election day procedures were conducted in a smooth and professional manner. The overall assessment of the process by observers was positive, as PEC members were better prepared compared to the first round and adherence to procedures improved.

Opening was assessed positively in all but 2 of 63 polling stations observed. There were noticeably fewer delays in opening. Procedures were mainly followed, but some errors were still observed, such as PECs not properly recording the number of voters and ballots in two and four instances, respectively, and not assigning party representatives to observe the registration of complaints in 11 polling stations. The wide presence of citizen observers was noted. In five cases, they and party representatives interfered in the process. There were more unauthorized persons present at the opening, including a few instances of police and security officials.

Voting was evaluated as good or very good in 97 per cent of the observed polling stations. The negative assessments were mainly due to interference by unauthorized persons, overcrowding, intimidation and tension. Overcrowding was reported in 5 per cent of observed polling stations, an increased presence of unauthorized persons and interference in the work of PEC members (6 per cent), mainly by citizen observers (four per cent) again had a negative effect. Large numbers of persons gathered outside of polling stations was reported in 38 per cent of observations, and in 3 per cent of observed polling

¹⁰⁶ Article 32 of the Election Code prescribes that special voter lists of electoral administration officers shall be completed no later than the fifth day before election day, but Decree #69/2016 sets a three-day deadline. Article 29 defines 15 days before election day as the last day for a PEC member to withdraw while the decree allows withdrawals up to four days before the second round and three days for repeat election (the repeat election were called only three days before they were held). Article 40 paragraphs 6 and 7 gives international observer organisations up to two days before election day to submit their lists of observers and five days for citizen observers, while the decree allows up to three days before election day.

stations, signs of voter intimidation were noted. The poor assessments further correlated to incidents of group voting (9 cases) and proxy voting (1 case), and a few serious irregularities were reported, such as attempts to influence voters and group voting in 10 and 8 instances, respectively, and indications of ballot box stuffing in one polling station. Voters with traces of invisible ink were detected in 13 cases (2.5 per cent) and the same person trying to assist multiple voters was observed in 3 cases (0.5 per cent). Still, adherence to procedures and voters' understanding of the process significantly improved.

B. COUNTING

Counting was evaluated positively in 51 of 53 polling stations observed. However, in three cases, interference by citizen observers and party representatives was noted. Procedural errors were observed in the recording of the number of voters (eight cases), the invalidation of unused ballots before counting (seven cases), the packing of unused and spoiled ballots (four cases). In 14 cases, the signed protocol was not posted or available for public display. Improvement was noted in the procedures for determining valid and invalid ballots, these were consistently applied in all but two counts observed. Overall, observers noted improvement in counting compared to the first round and election officials were more efficient during the second round.

C. TABULATION

Tabulation was assessed positively in 42 of 43 observations. In four instances, unauthorized persons were present, but did not interfere in the process. Issues such as a lack of space were noted, but only in two cases was overcrowding reported as a problem. The process was evaluated as more transparent and an improvement in the ability of DEC members to handle the complaints was also noted. Contrary to the first round, the CEC posted PEC results protocols on its website starting from 22:00 and released the first aggregated preliminary results at 09:00 on 31 October. PEC results protocols were significantly more accurate, thus fewer needed correction.¹⁰⁷

XVII. POST ELECTION DEVELOPMENTS

According to the CEC, DECs received 295 complaints regarding run-off proceedings and PEC results. Of these, 79 were satisfied, 45 were partially satisfied and 129 were not satisfied. Most complaints were filed in Marneuli district, followed by Kutaisi and Batumi. Complaints were about mobile ballot box irregularities, the presence of unauthorized persons at PECs, campaigning in polling stations, refusal to register complaints and the expulsion of observers and media representatives. There were also complaints on protocols not being reconciled and violations of counting procedures such as missing stamps or signatures on protocols as well as on the process of determining invalid ballots.¹⁰⁸

Compared to the first round, there were less requests for the annulment (32 cases) and recount of polling station results (24 cases); complaints mainly requested disciplinary sanctions (188 cases). Commissions were more prepared and appeared more competent in dealing with complaints and more willing to sanction PECs members for irregularities.

¹⁰⁷ PECs corrected 3.82 per cent of results protocols, and DECs 0.63 per cent; 5.47 per cent of PEC protocols contained explanatory notes on various procedural issues attached.

¹⁰⁸ For example, Georgian Young Lawyer's Association (GYLA) submitted a complaint to the Mtskheta DEC claiming that 43 ballots were declared invalid unlawfully based on a video posted in social media. GYLA asks for annulment of the protocol and a recount. While the complaint was not accepted on procedural grounds, the DEC on its own initiative, without a recount, recognised 16 ballots valid and gave the votes to the independent candidate.

In total, 17 complaints were appealed to district/city courts, of which one was partially satisfied. Eight were further appealed to Courts of Appeals, of which two were partially satisfied and one satisfied. In these appeals, the courts took disciplinary actions against election officials. DEC protocols for Marneuli and Mtskheta were unsuccessfully challenged to district city courts. The CEC final results protocol was unsuccessfully appealed by the APG and DM. A number of complaints filed lacked grounds and often complainants failed to show up to hearings.

After election day, at least 11 criminal cases were opened by prosecutor offices, including for using forged election badges, threats and violent incidents. Positively, some investigations were started based on information reported in the media without waiting for official complaints. As of 7 November, the OSCE/ODIHR EOM was informed of 21 complaints requesting investigation of election related criminal offences.¹⁰⁹ On 16 November, the CEC adopted and published final election results.

XVIII. RECOMMENDATIONS

These recommendations, as contained throughout the text, are offered with a view to enhance the conduct of elections in Georgia and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past OSCE/ODIHR recommendations that remain to be addressed, in particular in its final reports from the 2012 parliamentary and 2013 presidential elections. The OSCE/ODIHR stands ready to assist the authorities of Georgia to further improve the electoral process and to address the recommendations contained in this and previous reports.¹¹⁰

A. PRIORITY RECOMMENDATIONS

1. To ensure uniform application and provide further clarity on the legal framework a thorough review of the Election Code should be conducted in an inclusive manner well in advance of the next election.
2. The language and residency requirements for candidacy should be re-considered in line with international standards. Provisions that may prevent elected candidates who have obtained the necessary number of votes from being duly installed in office should be lifted.
3. Consideration should be given to removing legal loopholes and strengthening provisions prohibiting the misuse of administrative resources and campaigning by public officials.
4. To increase transparency, the GNCC should be required to publish, in a timely manner on its website, detailed media monitoring reports, which should include all violations detected, complaints received and decisions taken.
5. To minimize the dissemination of hate speech the relevant authorities should properly oversee, prevent and promptly intervene in case hate speech is suspected.

¹⁰⁹ This included alleged interference with the expression of voters' will, violence or threat of violence at polling stations, violence or threat of violence during canvassing or election campaign, interference with the work of election commissions, breach of the secrecy of the ballot, miscounting of votes or incorrect summing up of votes, electoral fraud.

¹¹⁰ According to the paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations".

6. To adequately protect the rights of all election participants, voters should be permitted to file complaints in all cases of possible violation of their suffrage rights, including against decisions and actions of election commissions.
7. In recognition of the role of citizen observation and to prevent possible misuse, criteria for accreditation of citizen observers and media representatives could be further elaborated upon.
8. The Election Code should be amended to provide explicit provisions for possible second round contests, including campaign and campaign finance regulations, terms of service for election officials, rights of observers and party representatives, procedures for updating voter lists and the withdrawal of candidates, and the peculiarities of run-off procedures.

B. OTHER RECOMMENDATIONS

Legal Framework

9. To provide stability in the legal framework and ensure that all stakeholders have a clear understanding of their rights and of the procedures, authorities should refrain from amending fundamental elements of the electoral legislation in the year before an election.
10. Consideration should be given to revisiting legislation on constituency delimitation to fully address identified shortcomings, in particular to ensure equality of the vote, as previously recommended by the OSCE/ODIHR and Venice Commission.

Election Administration

11. To increase the transparency of the district level election administration, consideration should be given to requiring the publication of all DEC decisions on the CEC website.
12. Authorities should consider improving procedures and increasing transparency of the recruitment process for lower-level commission members by further elaborating and publishing clear criteria for their selection.

Voter Registration

13. To ensure that eligible voters in penitentiary institutions are able to exercise their right to vote, those responsible for compiling voter lists in these institutions should ensure that all eligible voters have access to valid identity documents.
14. Consideration could be given to adopting a permanent solution for voters without an officially registered address instead of repeatedly introducing transitional provisions. Amendments to voter registration requirements should be made in a timely manner to ensure they can be implemented effectively.

Candidate Registration

15. To provide equal opportunity for participation in elections, authorities should ensure that all procedures for verifying party information are applied in a uniform and timely manner and not retroactively. Consideration should also be given to establishing an efficient communication mechanism among relevant authorities to eliminate the possibility of an inconsistent approach towards parties.

16. To further increase the political participation of women, consideration could be given to introducing a binding gender quota for political parties in addition to financial incentives. Additionally, existing financial incentives could be extended to majoritarian contests.

Election Campaign

17. To ensure public confidence in the electoral process and the protection of electoral rights, relevant authorities should take prompt and effective steps to properly investigate allegations of voter and campaign staff intimidation.

Campaign Finance

18. To ensure the efficient oversight and transparency of campaign finances, the SAO's resources and capacity, including human resources, should be increased to be commensurate with its responsibilities. Consideration should be given to the publication of conclusions by the SAO on contestant financial reports, both before and after election day.
19. The law should clearly define timeframes for the SAO to verify and address campaign finance violations. Timely access to relevant information and cooperation with other authorities should be clearly regulated to enable the SAO to provide effective oversight.
20. Consideration could be given to amending the law to provide equal opportunities for independent candidates to access public funding for the reimbursement of campaign expenses.

Media

21. To increase voter access to information on contestants, non-qualified subjects could be granted a minimum amount of free airtime to convey their messages on the public broadcaster.
22. Consideration could be given to creating one self-regulatory body responsible for considering, based on the Code of Conduct of Broadcasters, complaints from parties and civil society organizations related to all broadcasters and addressing them in a timely and transparent manner.
23. Consideration could be given to streamlining disclosure requirements for information that must accompany the publication of opinion polls according to good international practice.
24. While conducting its activities, including the publication of opinion and exit polls, the GPB should ensure its independence and neutrality.

National Minority Participation

25. The need for political representation of national minorities should be taken into account when considering future reform of the electoral legal framework, including with regard to determining constituency boundaries.

Citizen and International Observers

26. Stakeholders involved in the electoral process should respect a clear separation of partisan and non-partisan observation. Civil society organizations and media outlets should ensure that their

representatives in the polling stations maintain impartiality when carrying out their functions and PEC officials should be empowered to promptly address violations.

Complaints and Appeals

27. Respecting Constitutional constraints, the time for filing and considering appeals should ensure that appellants have adequate time to prepare and adjudicating bodies can conduct a proper investigation.
28. Further training for citizen observers and party representatives on the procedures for election dispute resolution and documenting of election violations could be considered.
29. There should be no unnecessary obstacles to filing an election complaint or appeal; the cost of lodging a complaint should be minimal or waived whenever possible. The law should be clear and consistent to discourage arbitrary interpretation.
30. To ensure that election violations are addressed during the election period, consideration should be given to instructing DEC's to promptly investigate allegations and consider complaints in the shortest feasible time.
31. Consideration could be given to establishing a clear and effective mechanism for a specific authority to consider complaints, investigate and take action in cases of the misuse of administrative resources.

Election Day

32. Authorities should make efforts to allocate appropriate premises for polling stations, to ensure decent conditions for voters to exercise their rights.
33. Authorities could consider simplifying election day procedures to the extent possible without compromising the integrity of the process as well as updating election materials and reducing the number of PEC members.

Tabulation and Post-Election Complaints

34. The election administration should conduct thorough investigations of all complaints, gathering and confirming information from all available sources. Consideration could be given to have additional staff at DEC's to handle investigations after election day.
35. Efforts should be made to further raise the awareness of courts on the election dispute process, so they fully exercise their authority to consider appeals of administrative decisions.
36. To ensure uniform application, the Election Code should clearly specify criteria for the annulment of PEC results and for ordering a recount.

ANNEX I: FINAL RESULTS

Summary Figures						
Total number of voters		3,513,884				
Number of voters who voted		1,825,054				
Voter Turnout		51,94 %				
Invalid ballots		62,678 (3.43%)				
	Name of Party/Electoral Bloc	Number of Votes (proportional)	Percentage (proportional)	Number of Received Mandates		
				Prop.	Maj.	Total
1	“Paata Burchuladze - State for People”	60,681	(3.45)	0	0	0
2	Progressive Democratic Movement ("From You, For You, With You")	1,010	(0.06)	0	0	0
3	“Nino Burjanadze - Democratic Movement”	62,166	(3.53)	0	0	0
4	“Jondi Baghaturia - Kartuli Dasi”	2,182	(0.12)	0	0	0
5	“United National Movement”	477,053	(27.11)	27	0	0
6	“Usupashvili-Republicans”	27,264	(1.55)	0	0	0
7	“Tamaz Mechiauri for United Georgia”	2,805	(0.16)	0	0	0
8	“Davit Tarkhan-Mouravi, Irma Inashvili - Alliance of Patriots of Georgia, United Opposition”	88,097	(5.01)	6	0	0
10	“Shalva Natelashvili - Labour Party of Georgia”	55,208	(3.14)	0	0	0
11	“People`s Authority”	810	(0.05)	0	0	0
12	“Communist Party of Georgia – Stalinists” (Ivane Tsiklauri)	1,757	(0.1)	0	0	0
14	“Davit Tevzadze - For Georgia`s Peace”	3,824	(0.22)	0	0	0
15	“Labour Socialist Party”	662	(0.04)	0	0	0
16	“Unified Communist Party of Georgia”	1,467	(0.08)	0	0	0
17	“Sakartvelo”	1,548	(0.09)	0	0	0
18	“Georgian Idea”	2,916	(0.17)	0	0	0
19	“Topadze - Industrials, Our Fatherland”	13,788	(0.78)	0	1	1
22	Merab Kostava Society	966	(0.05)	0	0	0

23	“Our People - Peoples Party”	1,595	(0.09)	0	0	0
25	“Kakha Dzagania, Soso Shatberashvili, Paata Jibladze, Archil Benidze - Left-Wing Alliance”	699	(0.04)	0	0	0
26	“National Forum”	12,763	(0.73)	0	0	0
27	“Irakli Alasania - Free Democrats”	81,464	(4.63)	0	0	0
28	“Road of Zviadi - On the Name of Lord”	1,467	(0.08)	0	0	0
30	“Our Georgia” (Badri Patarkatsishvili Election Headquarter)	802	(0.05)	0	0	0
41	“Georgian Dream - Democratic Georgia”	856,638	(48.68)	44	71	115
42	Independent -Salome Zurabishvili	11,360	(67.5)	0	1	1

ANNEX II: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION

OSCE Parliamentary Assembly

Jose Ignacio	Sanchez Amor	Spain	Special Co-ordinator
Guglielmo	Picchi	Italy	Head of Delegation
Axel	Kassegger	Austria	MP
Gerald	Klug	Austria	MP
Katrin Anna	Jadin	Belgium	MP
Kristian Ivanov	Vigenin	Bulgaria	MP
Mihael	Zmajlović	Croatia	MP
Kulliki	Kubarsepp	Estonia	MP
Kimmo	Kivela	Finland	MP
Pascal	Allizard	France	MP
Thierry	Mariani	France	MP
Michel	Voisin	France	MP
Egon	Juttner	Germany	MP
Zsolt	Csenger-zalan	Hungary	MP
Kuanysh	Aitakhanov	Kazakhstan	MP
Zhabal	Yergaliyev	Kazakhstan	MP
Mukhtar	Yerman	Kazakhstan	MP
Igors	Aizstrauts	Latvia	MP
Vitalijs	Orlovs	Latvia	MP
Robert Adam	Mamatow	Poland	MP
Jacek Wladyslaw	Wlosowicz	Poland	MP
Sebastian	Gonzalez Vazquez	Spain	MP
Margareta	Cederfelt	Sweden	MP
Arhe	Hamednaca	Sweden	MP
Wivi-Anne Elisabeth	Johansson	Sweden	MP
Goran Sven Erik	Pettersson	Sweden	MP
Necdet	Unuvar	Turkey	MP
Milovan	Petković	Croatia	Staff of Delegation
Giuseppe	Trezza	Italy	Staff of Delegation
Yasin	Karaarslan	Turkey	Staff of Delegation
Michael Andreas	Baker	Denmark	OSCE PA Secretariat
Roberto	Montella	Italy	OSCE PA Secretariat
Gustavo	Pallares	Spain	OSCE PA Secretariat
Iryna	Sabashuk	Ukraine	OSCE PA Secretariat
Nathaniel	Parry	United States	OSCE PA Secretariat

Parliamentary Assembly of the Council of Europe

Emanuelis	Zingeris	Lithuania	Head of Delegation
Carles	Jordana Madero	Andorra	MP
Stefan	Schennach	Austria	MP
Sabir	Hajiyev	Azerbaijan	MP
Andres	Herkel	Estonia	MP
Eerik-Niiles	Kross	Estonia	MP
Catherine	Quere	France	MP
Maryvonne	Blondin	France	MP
Andrej	Hunko	Germany	MP
Karin	Strenz	Germany	MP
Florian	Kornbichler	Italy	MP
Paolo	Corsini	Italy	MP
Claude	Adam	Luxembourg	MP
Killion	Munyama	Poland	MP

Idália	Serrão	Portugal	MP
Jordi	Xuclà	Spain	MP
Alfred	Heer	Switzerland	MP
Pierre-Alain	Fridez	Switzerland	MP
Svitlana	Zalishchuk	Ukraine	MP
Serhii	Kalchenko	Ukraine	MP
Mark	Pritchard	United Kingdom	MP
Lord Richard	Balfe	United Kingdom	MP
Boriss	Cilevičs	Latvia	MP
Kerstin	Lundgren	Sweden	MP
Gaël	Martin-Micallef	France	Venice Commission
Chemavon	Chahbazian	Armenia	PACE Secretariat
Daniele	Gastl	France	PACE Secretariat
Bodgan	Torcatoriu	Romania	PACE Secretariat

NATO Parliamentary Assembly

Paolo	Alli	Italy	Head of Delegation
Adolf	Beznoska	Czech Republic	MP
Vaclav	Klucka	Czech Republic	MP
Christos	Karagiannidis	Greece	MP
Luca	Frusone	Italy	MP
Artis	Rasmanis	Latvia	MP
Aleksandrs	Kirsteins	Latvia	MP
Viviane	Loschetter	Luxembourg	MP
Pawel	Bejda	Poland	MP
Krzysztof	Lapinski	Poland	MP
Adam	Bielan	Poland	MP
Bruno	Vitorino	Portugal	MP
Zan	Mahnic	Slovenia	MP
Alec	Shelbrooke	United Kingdom	MP
Georgios	Champouris	Greece	Staff of Delegation
David	Hobbs	United Kingdom	NATO PA Secretariat
Andrius	Avizius	Lithuania	NATO PA Secretariat

European Parliament

Ana	Gomes	Portugal	Head of Delegation
Jaromír	Štětina	Czech Republic	MP
Joachim	Zeller	Germany	MP
Michael	Gahler	Germany	MP
Andrejs	Mamikins	Latvia	MP
Sandra	Kalniete	Latvia	MP
Anna	Fotyga	Poland	MP
Norica	Nikolai	Romania	MP
Javier	Nart	Spain	MP
Clare	Moody	United Kingdom	MP
Robert	Golanski	Poland	Staff of Delegation
Jakub	Semrau	Poland	Staff of Delegation
Wojciech	Danecki	Poland	Staff of Delegation
Kacper	Kaminski	Poland	Staff of Delegation
Marta	Udina	Croatia	EP Secretariat
Karl	Minaire	France	EP Secretariat
Ioana	Logofatu	Romania	EP Secretariat
Tim	Boden	United Kingdom	EP Secretariat
Alyson	Wood	United Kingdom	EP Secretariat

OSCE/ODIHR Short-Term Observers

Vahagn	AFYAN	Armenia
Varazdat	PAHLAVUNI	Armenia
Tamara	HOVNANYAN	Armenia
Vrezh	KARDUMYAN	Armenia
Walter Josef	FEND	Austria
Manuela	GRANÖGGER	Austria
Christian	PAUZENBERGER	Austria
Jutta	SOMMERBAUER	Austria
Sara	DE SLOOVER	Belgium
Denis Patrick	JACQMIN	Belgium
Sophie Chaska	KARLSHAUSEN	Belgium
Denis Veronique	NAETS	Belgium
Jana	BEDANOVA	Czech Republic
Eliska	FLIDROVA	Czech Republic
Darab	GAJAR	Czech Republic
Lucie	HANZLICKOVA	Czech Republic
Vincenc	KOPECEK	Czech Republic
Daniela	KRALOVA	Czech Republic
Viktor	KUNDRAK	Czech Republic
Tereza	KVASNICKOVA	Czech Republic
Jan	LATAL	Czech Republic
Stepanka	LITECKA	Czech Republic
Jiri	ROLENC	Czech Republic
Martin	SVAROVSKY	Czech Republic
Tomas	VLACH	Czech Republic
Nana Sofia	HANSEN	Denmark
Birgit	HJORTLUND	Denmark
Lars Peder Bjørndal	HOLLÆNDER	Denmark
Niels Mattias	JEGIND	Denmark
Christian Bjerregaard	JEPSEN	Denmark
Harald Hartvig	JEPSEN	Denmark
Peter Beyerholm	LARSEN	Denmark
Peter	RAVN	Denmark
Karen Benedikte	SKIPPER	Denmark
Otto Erik	SORENSEN	Denmark
Poul Volmer	SVANE	Denmark
Sofia Katrine	SVENSSON	Denmark
Margus	GERING	Estonia
Monica	PIKKER	Estonia
Marit	PRIINITS	Estonia
Johanna Katriina	ANTILA	Finland
Aleksi Johannes	KOSKINEN	Finland
Marjo Kaarina	MAKELA	Finland
Elin Amanda	SUNDELL	Finland

Olli Eemil	TURTIAINEN	Finland
Marine	DUMEURGER	France
Nathan Robinson	GRISON	France
Roman Wojciech	KWIATKOWSKI	France
Anne Marie	RIO	France
Adeline Mireille	SANG	France
Khatchig	SOUKIASSIAN	France
Johann	UHRES	France
Mandana	AFSHAR	Germany
	BALTES-MEYER ZU	
Friedhelm	NATRUP	Germany
Bianca	DORMUTH	Germany
Insa Maria	EWERT	Germany
Sibylle Maria	GERSTL	Germany
Walter	GOEPFERT	Germany
Wolfgang Bernhard	GRAF VON	
Gottfried Anton	SCHMETTAU	Germany
Jochen Christian	HAYUNGS	Germany
Timo	KNAUTE	Germany
Annelie	KOSCHELLA	Germany
Andreas Hans	KUNERT	Germany
Helmuth Willi Fritz	LAGES	Germany
Günter	LANG-LENDORFF	Germany
Eva-Maria	LAUCKNER	Germany
Evelyn Deborah	MAIB-CHATRÉ	Germany
	NACHTIGALL-	
Nicolas	MARTEN	Germany
Martin Hermann	NOELLE	Germany
Reinhold Stephan		
Vincenz	OSTERHUS	Germany
Tanja	POPOVIC	Germany
Maria	PRSA	Germany
Christine	RADOMSKY	Germany
Petra	RUTH	Germany
Ingo Heye	SCHIERMEYER	Germany
Helmuth Josef	SCHLAGBAUER	Germany
Hans-Heinrich	SCHNEIDER	Germany
Jenny	SCHULTZ	Germany
Karl-Heinz Edmund	SCHWEITZER	Germany
Anke	SMOLLICH	Germany
Angela Adelheid	TENBRUCK-MARX	Germany
Christoph	VEITH	Germany
	VON CRAMON-	
Viola	TAUBADEL	Germany
Julia	WANNINGER	Germany
Birgit Uta	WECKLER	Germany
Juergen	WINTERMEIER	Germany

Martin	WOLFF	Germany
Gábor	BAÁR	Hungary
Georgina	BERNÁTH	Hungary
Anna Virag	BIHARI	Hungary
András	MOLNÁR	Hungary
Róbert	NÉMETH	Hungary
Anna Mária	SZÉNÁSI	Hungary
Zsófia Boglárka	TARDOS	Hungary
Terézia Erika	TÓTH	Hungary
Dániel	VERBA	Hungary
Krisztina	WITTEK	Hungary
Christian Josef	NUSSER	Hungary
Gábor Andor	CSITÁRI-RÁKÓCZY	Hungary
Robert	KASZAB	Hungary
Snorri	MATTHIASSON	Iceland
Lilja Margret	OLSEN	Iceland
Marga	FOLEY	Ireland
Elizabeth Grace	MULLAN	Ireland
Edward David	NAESSENS	Ireland
Niall	O CINNSEALA	Ireland
Joseph Martin	SCANLON	Ireland
Daniela Ida	BOTTIGELLI	Italy
Rocco Giovanni	DIBIASE	Italy
Francesco	MARTINO	Italy
Anna	VALTERE	Latvia
Jurgita	BARKAUSKIENE	Lithuania
Andrej	DIDENKO	Lithuania
Ernesta	KAVALIAUSKAITE	Lithuania
Audrone	Markeviciene	Lithuania
Goda	SILEIKAITE	Lithuania
Rolandas	KAZLAUSKAS	Lithuania
Gabriele	TERVIDYTE	Lithuania
Viktorija	BUDRECKAITE	Lithuania
Leonardus Wilhelmus	DEN BIGGELAAR	Netherlands
Ardina Meinoutje Vera	GERKENS	Netherlands
Sanne Froukje Amittia	SLAGMAN	Netherlands
Antonius Wilhelmus		
Johannes	TEUNISSEN	Netherlands
Dagfinn	ÅDNANES	Norway
Ingeborg Seel	BAHR	Norway
Alida Jay	BOYE	Norway
Silje	HAGERUP	Norway
Elzbieta	BEZIUK	Poland
Dominik Krzysztof	CAGARA	Poland
Bartłomiej Marcin	JOJCZYK	Poland
Natalia	KERTYCZAK	Poland

Bartłomiej Leszek	KOKOSZKA	Poland
Maria Magdalena	KRAINSKA	Poland
Arkadiusz	LEGIEC	Poland
Grzegorz	LEWOCKI	Poland
Paulina Daria	LUKAWSKA	Poland
Barbara	MATUSEWICZ- PROTAS	Poland
Karolina Anna	MAZURCZAK	Poland
Magdalena	OPALKA	Poland
Ewa Teresa	PINTERA	Poland
Rafal	POBORSKI	Poland
Magdalena	POLAK- ZOLADKIEWICZ	Poland
Andreas Martin	SPEISER	Poland
Justyna Paulina	WRÓBEL	Poland
Anna	ZAMEJC	Poland
Marta Joanna	KALUZYNSKA	Poland
Adam Tomasz	BEDKOWSKI	Poland
Marcin	PRENGOWSKI	Poland
Catalina Oana	ANI	Romania
Romulus-Andrei	BENA	Romania
Ion	BULETEANU	Romania
Maria Ramona	CARTELEANU	Romania
Luminita	CIOBANU	Romania
Cristina	IENEI	Romania
William Anton	KORBL	Romania
George Adrian	LIXANDRU	Romania
Bogdan	NEDEA	Romania
Mihaela-Ionelia	POPESCU	Romania
Calin Constantin	RADU	Romania
Valentin-Dumitru	RADUT	Romania
Olimpiu Marius	STOICA	Romania
Aurelia Nicoleta	TITIREZ	Romania
Jan	KUKUK	Slovakia
Blaž	MASLE	Slovenia
Jose Luis	CEREZO BADA	Spain
Enrique	CRIADO NAVAMUEL SALICH DI	Spain
Maria Laura	FRANCESCA SANMARTIN	Spain
Natalia	JARAMILLO TORREGROSA	Spain
Rosa Maria	ROMÁN	Spain
Tomas August	AGNEMO	Sweden
Åsa Fredrika	AGUAYO ÅKESSON	Sweden
Tomas Worsoe	ANDERSEN	Sweden
Wolf Jörgen Sven	BACKLUND	Sweden

Yvonne Margareta	BENGTSSON	Sweden
Anna Madeleine	HÄGG-LILJESTRÖM	Sweden
Eva Helena	JACOBSSON	Sweden
Bernt Tommy	KARLSSON	Sweden
Ingbritt Eina	KARLSSON	Sweden
Helena Birgitta	MUNTHER	Sweden
Jan Lennart	MYHLBACK	Sweden
Per Soren	NILSSON	Sweden
Sven Linus Rickard	NYGREN	Sweden
Erik Magnus	PERSSON	Sweden
Maximo Juan	PRADES	Sweden
Eva Margareta	RIMSTEN	Sweden
Anna	ROGALSKA HEDLUND	Sweden
Kristina Elisabet	SNODER	Sweden
Hans Fredrik	UGGLA	Sweden
Sigrid Marie	UTTERMAN	Sweden
Ann	WOLGERS	Sweden
Maria Emilia	ARIOLI	Switzerland
Heinz	BACHMANN	Switzerland
Géraldine Barbara	BOLLMANN	Switzerland
Loïc Alexis	DEGEN	Switzerland
Nicolas	DOUSSE	Switzerland
Thomas	HOLZER	Switzerland
Evelin Ruth	HUTSON-HARTMANN	Switzerland
Therese Dominique	VÖGELI SÖRENSEN	Switzerland
Kemal	KAYGISIZ	Turkey
Sherrida Frances	CARNSON	United Kingdom
Kenrick	GHOSH	United Kingdom
Janet Frederica	GUNN	United Kingdom
Christine	HIRST	United Kingdom
Howard Anthony	KNIGHT	United Kingdom
Stephen Spencer	PAUL	United Kingdom
Leslie Ann	PAUL	United Kingdom
Kenneth Miles	PICKLES	United Kingdom
Rachel Charlotte	QUILLEN	United Kingdom
Michael David	SANDER	United Kingdom
Andrew	SOMERVILLE	United Kingdom
Maureen Christie	TAYLOR	United Kingdom
Susan	TRINDER	United Kingdom
Timothy Christian	WOOD	United Kingdom
Lee Curtis	BAUER	United States
Kristen Frances	BOMENGEN	United States
Alison	BROWN	United States
Cheryl Lynn	COLLINS	United States
Reno David	DOMENICO	United States

Allan John	FEDOR	United States
Kay Marie Fryklund	FLEISCHER	United States
Theresa Marie	FREESE-TREECK	United States
Robert Emery	GILLETTE	United States
Andre Charles	JASSE	United States
Christopher John	KALIL	United States
Tanya Homa	KARPIAK	United States
Alka Rohini	KOTHARI	United States
Mary Anne	KRUGER	United States
John William	LINDBACK	United States
Lesia	LOZOWY	United States
Donald Jay	MARSHALL	United States
Michael Francis	MARTIN	United States
Gerald Augustine	MCDONOUGH	United States
Vernon Arthur	NELSON	United States
Alexander Stephens	NICHOLAS	United States
Darcie Lynn	NIELSEN	United States
Louis Kendall	PALMER III	United States
Robert Joseph	RAVENSCRAFT	United States
Besa	RIZVANOLLI	United States
Christopher Martin	SHIELDS	United States
Gregory Scott	SLOTTA	United States
Marilyn Dorothy	STEMPLER	United States
Annee	TARA	United States
Rene	VALDIOSERA	United States
Margaret Jill	VAN BUREN	United States
Giulio Vitale	VENEZIAN	United States
Jill Madeline	VENEZIAN	United States
Susan Anne	WARD	United States
Raphael John	WUESTHOFF	United States
Susanna	ZARAYSKY	United States

OSCE/ODIHR Long-Term Observers

Piotr	Gwozdz	Austria
Roman	Stanek	Czech Republic
Frantisek	Havlin	Czech Republic
Poul Erik	Lauritsen	Denmark
Risto	Hurme	Finland
Frederic	Oberson	France
Alexander	Krez	Germany
Petra	Bornhoeft	Germany
Annabelle	Gambe	Germany
Peter	Donovan	Ireland
Federica	Raimondo	Italy

Jeroen	de Vries	Netherlands
Anne	Skatvedt	Norway
Thomas	Hug	Norway
Aleksander	Warwarski	Poland
Maria-Magdalena	Budkus	Poland
Michal	Giergon	Poland
Aleksandra	Jarosiewicz	Poland
Roger	Brandin	Sweden
Lennart	Haggren	Sweden
Cornelia	Steiner	Switzerland
Raphael	Berger	Switzerland
Kiron	Reid	United Kingdom
Stella	Hellier	United Kingdom
Karalene	Gayle	United States
Christine	Trostle	United States

OSCE/ODIHR EOM Core Team

Alexandre	Keltchewsky	France	Head of Mission
Meaghan	Fitzgerald	United States	
Dimash	Alzhanov	Kazakhstan	
Enira	Bronitskaya	Belarus	
Vania	Anguelova	Bulgaria	
Pietro	Tesfamariam	Italy	
Kerstin	Dokter	Germany	
Kyle	Bowers	United States	
Tomasz	Jańczy	Poland	
Vedrana	Halilović	Croatia	
Noah	Lane	United States	
Marc	Fumagalli	Italy	
Saša	Pokrajac	Serbia	
Karolina	Riedel	Sweden	

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it coordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).