

INTERNATIONAL ELECTION OBSERVATION MISSION Georgia – Local Elections, 2 October 2021

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

The 2 October local elections were generally well-administered but held against the backdrop of a protracted political crisis and characterized by hardened polarization. Contestants were able to campaign freely in a competitive environment that was, however, marred by wide-spread and consistent allegations of intimidation, vote-buying, pressure on candidates and voters, and an unlevel playing field. The legal framework is generally conducive to democratic elections and preparations for the elections were transparent and professionally managed. The overwhelming focus on national issues and the impact of the elections on national politics overshadowed local issues. The diverse media landscape was highly polarized and provided little analytical reporting and selective coverage, limiting the voters' ability to make an informed choice, and cases of intimidation and violence against journalists were of concern. Significant imbalance in resources, insufficient oversight of campaign finances and an undue advantage of incumbency further benefited the ruling party. The underrepresentation of women in the campaign demonstrates a need for greater commitment to ensure adequate representation in politics. Election day proceeded in an orderly and transparent manner, despite some procedural issues, particularly during counting, however, the pervasive misuse of citizen observers as party representatives, at times interfering with the process, and groups of individuals potentially influencing voters outside some polling stations were of concern.

The legal framework provides an overall adequate basis for the conduct of democratic elections, if implemented fully. However, it is unnecessarily complex and over-regulates many aspects of the process. The Election Code was last amended in June 2021 in implementation of the 19 April agreement which was aimed at addressing the political deadlock following the 2020 parliamentary elections. The changes introduced partially addressed prior ODIHR and Venice Commission recommendations, including on extending deadlines for electoral dispute resolution and recount procedures, however, others remain unaddressed, including those related to limitations on voting rights, other aspects of electoral dispute resolution, and further measures to counter the misuse of state resources.

Overall, the election administration managed the technical aspects of the process efficiently and complied with legal deadlines, amid adjustments made in response to the COVID-19 pandemic. The CEC sessions were open to stakeholders, and also streamed live for the first time, contributing to transparency. The CEC enjoyed varying degrees of confidence, however, its new pluralistic composition enhanced the level of discussions at its sessions. At the lower level, due to controversies linked to the selection and appointment of PEC members, commissions did not enjoy overall confidence in their impartiality.

Some 3.5 million citizens were registered to vote. Voting rights are subject to a number of restrictions which are at odds with international standards and previous ODIHR recommendations. Authorities made efforts to improve the accuracy of the voter list and election commissions gave voters ample opportunity to verify their information and request corrections. Most interlocutors expressed confidence in the accuracy of the voter lists.

The candidate registration process was inclusive, however, many opposition candidates withdrew from the competition, a number of them reportedly under pressure from the authorities. Voters had a broad

choice among 239 mayoral, 2,769 majoritarian, and over 20,000 proportional candidates, nominated by 43 parties and 68 initiative groups. The CEC adopted two decrees narrowing legal conditions and preventing the deregistration of candidates or candidate lists for falling below the required minimum number of candidates or for incomplete documents.

The campaign was subdued but competitive with a range of contestants representing different views, and most prominent in the media and online. It was overall calm, however, cases of violence between individuals and verbal and physical confrontations, as well as aggressive rhetoric particularly on social networks intensified closer to the election day. Allegations of electoral malpractice from both opposition and ruling party, and the focus on whether these elections were a referendum on the government overshadowed local issues. The law prohibits the launching of social and economic projects only after the call of elections and the government has claimed that new projects were adopted before the call. Still the recent announcement of a number of projects by the government is not in line with the spirit of the law and together with the involvement of senior state officials in the campaign gave the ruling party an undue advantage of the incumbency. Wide-spread and consistent allegations of vote-buying, misuse of administrative resources, intimidation and pressure were made, raising concerns about voters' ability to cast their vote "free of fear of retribution", at odds with OSCE commitments and international standards.

Women are underrepresented in public office holding only 19.3 per cent of seats in the parliament, 15.5 per cent of the seats in outgoing local councils, and 4 out of 13 ministerial posts. Out of 64 outgoing mayors, one is female. Only one in ten mayoral candidates and one in seven majoritarian candidates were women. Candidate lists for proportional seats are legally required to have at least one in every three candidates of the opposite gender, and women's share on proportional lists reached overall 42.5 per cent. Women did not prominently feature in the campaign, with a few notable exceptions, mainly in the capital.

National minorities are guaranteed full political rights. While persons belonging to national minorities ran as candidates in some areas densely populated by national minorities, ethnic minority issues did not feature heavily in the campaign, and national minorities remained underrepresented compared to their population size. A number of ODIHR EOM interlocutors reported that some minority candidates had been pressured to withdraw their candidacy, challenging guarantees of their right to stand.

The campaign finance legal framework is comprehensive, however, a number of previous ODIHR and GRECO recommendations on transparency of campaign finance remain to be addressed. Significant imbalances in the campaign finances and resources contributed to the unlevel playing field. Prior to election day, in a timely manner the SAO published the two interim reports of all contestants as required by law. While in line with the law, the SAO only published conclusions on these reports one day prior to the elections, diminishing transparency. The SAO does not have investigative powers or sufficient resources to identify unreported income and expenditure. Overall, the remaining legislative shortcomings and limited enforcement of the regulatory framework affects transparency and accountability of campaign finances.

The diverse media environment mirrored the highly polarized political context. While the media legal framework provides a sound basis for ensuring freedoms of expression and the media, the deterioration of the media environment as seen by recent cases of intimidation and threats against journalists and the lack of swift and thorough investigation of these cases raised concerns about the ability of media to function in a safe and secure environment. The ODIHR EOM media monitoring shows that the coverage provided by national television channels mostly focused on the three largest parties and the government and had limited presentation of political alternatives. The Georgian Public Broadcaster devoted extensive coverage of the main contestants and organized two debates. All monitored private channels displayed partisan editorial lines in their coverage. Most of the reporting was devoted to accusations between

contestants with very limited issue-based, analytical or investigative coverage, detracting from voter's ability to make an informed choice.

The complaints and appeals mechanism provides for an expedient dispute resolution, but requires additional safeguards to ensure full access to effective remedy. Recent amendments did not address a number of previous ODIHR recommendations to broaden the legal standing and provide an expedited review of all types of complaints. Prior to election day, some 340 complaints were filed with the election administration and courts and were considered in an open manner, respecting due process. Of these, some 190 were subject to a 30-day deadline, and not reviewed prior to election day, affecting the effective remedy. Cases reviewed were rejected as unsubstantiated. Many ODIHR EOM interlocutors expressed a lack of trust in the election commissions, courts, and law enforcement bodies to impartially and effectively handle election-related complaints.

The CEC registered 88 domestic observers and 52 international observers in an inclusive manner. Several national observer organizations published extensive interim reports, contributing to public information about the elections. Campaigns targeting domestic observers and the publication of lists alleging pro-opposition and pro-government biases among observers, contributed to the overall perception that observer groups were being used for partisan purposes, potentially negatively impacting public confidence in the role of observers, and undermining genuine observation efforts.

Election day was generally calm and orderly, with some isolated violent incidents, and the preliminary turnout announced by the CEC was 51.9 per cent. IEOM observers assessed the opening and voting procedures positively in the overwhelming majority of polling stations observed, however, they reported instances of overcrowding which challenged adherence to the COVID-19 related rules, and polling station layouts not ensuring the secrecy of the vote. The persistent practice of representatives of observer organizations acting as party supporters, at times interfering with the process, as well as the intimidating presence of party supporters potentially influencing voters outside some polling stations were of concern. IEOM observers assessed counting as transparent but affected by procedural errors and difficulties in filling in protocols in a significant number of polling stations observed.

PRELIMINARY FINDINGS

Background and Political Context

The 2 October local elections took place in 64 municipalities. Voters could elect mayors and the members of local councils (*Sakrebulo*s) in five self-governing cities, and 59 self-governing communities.

In the 2020 parliamentary elections the ruling party Georgian Dream (GD) won 60 out of 90 proportional seats with 48.22 per cent of the votes, and all 30 majoritarian seats. In the last local elections, the party won 62 of 64 mayoral seats and a majority in 63 of 64 local councils. In 2018, the independent candidate backed by the GD, Salome Zourabichvili, became the country's first female president. Women are underrepresented in public office, holding only 19.3 per cent of seats in the parliament, 15.5 per cent of the seats in outgoing local councils, and 4 out of 13 ministerial posts. Out of 64 outgoing mayors, one is female.

In the 2020 parliamentary elections eight opposition parties and electoral blocs reached the one per cent threshold in the first round but subsequently rejected the results, alleging fraud, and boycotted the second

round.¹ They also refused to take their seats in the parliament, demanding new elections be held.² The political deadlock was further intensified by the arrest of the United National Movement (UNM) leader in February 2021 for inciting violence in the June 2019 protests.³ On 19 April 2021, following a prolonged negotiation process mediated by the European Union, an agreement on electoral and judicial reform was reached. One of the clauses provided that early parliamentary elections are to be held in 2022 if the ruling party does not reach 43 per cent of the proportional votes in the 2021 local elections.⁴ Following the agreement, most opposition members took their mandates in parliament.⁵ On 28 July, GD withdrew from the agreement, stating that they fulfilled each clause and criticizing the parties that had not signed it for “manufacturing an artificial political crisis”.⁶

Three weeks before the elections, explosive revelations appeared in the media, through leaked files that revealed that the State Security Service had been eavesdropping on clergy, diplomats, politicians, civil society, journalists, and school and kindergarten employees. These revelations caused a major upheaval, with various actors from both the ruling and opposition parties being blamed for instigating the alleged eavesdropping and for leaking the information to the media.

Legal Framework and Electoral System

The elections are primarily regulated by the 1995 Constitution, the 2011 Election Code, the 1997 Law on Political Unions of Citizens (LPU), supplemented by regulations of the Central Election Commission (CEC).⁷ Georgia is party to major international and regional instruments related to the holding of democratic elections.⁸ The legal framework provides an overall adequate basis for the conduct of democratic elections, if implemented fully. However, it is overly complex, and over-regulates many aspects of the process.⁹ The Election Code was last amended in June 2021 in implementation of the 19 April agreement, however, a comprehensive review of the legislation has not taken place. While the timing of the legislative changes, shortly before the call of the elections, is at odds with international good practice, these amendments were adopted with a broad consensus following consultations with a wide range of stakeholders.¹⁰

The recent amendments modified the composition and method of appointment of election commissions, extended the timeframes for dispute resolution, and introduced a larger proportional component for local

¹ These were Election bloc-UNM – United Opposition “Strength is in Unity”, European Georgia (EG), Lelo, Strategy Aghmashenebeli (SA), Alliance of Patriots (AoP), Girchi, Citizens, Labour Party (LP).

² Two parties, European Socialists (ES) and Citizens reached an agreement with the ruling party in January 2021 on entering the parliament.

³ Nikanor Melia was released on 10 May 2021 after the EU posted his bail.

⁴ See 19 April 2021 [agreement](#).

⁵ Not all parties signed the agreement at the time, including the largest opposition party which signed on 2 September.

⁶ See GD [political statement](#), 28 July 2021.

⁷ Applicable provisions are also included in the 2004 Law on Broadcasting, 1999 Criminal Code, 1984 Administrative Offences Code, 1999 Administrative Proceedings Code and 1999 General Administrative Code.

⁸ Including the [1966 International Covenant on Civil and Political Rights](#), [1979 Convention on the Elimination of All Forms of Discrimination Against Women](#), [1965 International Convention on the Elimination of All Forms of Racial Discrimination](#), [2003 Convention against Corruption](#), [2006 Convention on the Rights of Persons with Disabilities](#), and [the 1950 European Convention on Human Rights](#).

⁹ Including on dispute resolution, technical requirements for candidate registration, election day procedures and provisions that are no longer applicable, transitional ones and provisions which will be applicable in the future.

¹⁰ Guideline II 2b of the 2002 Venice Commission’s Code of Good Practice in Electoral Matters ([Code of Good Practice](#)) states, in part, that “the fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election”. The Working Group for Electoral Reform functioned in 2019-2020 and resumed its work in January 2021, with the participation of CSOs and members of the diplomatic community. Most opposition parties abstained from the working group meetings in February, but attended all of them in May, after signing the agreement.

elections and mandatory recounts. They also included measures to address voter intimidation and the misuse of state resources. The amendments partially addressed several previous ODIHR and the Council of Europe's European Commission through Law (Venice Commission) recommendations.¹¹ However, a number of previous recommendations to bring the legal framework further in line with international standards and good practice have not been addressed, including those related to undue limitations on voting rights, electoral dispute resolution, campaigning and campaign finance.

The 64 mayors and local representative bodies (*Sakrebulo*) are directly elected for four-year terms, the latter under a mixed proportional-majoritarian system. To qualify for seat allocation in the *Sakrebulo*, party lists must obtain at least three per cent of the valid votes in the municipality (2.5 per cent in Tbilisi). Majoritarian and mayoral candidates with the most votes are elected, provided that they receive more than 40 and 50 per cent of the votes, respectively. If no candidate garners the required number of votes, a second round is held in four weeks between the two frontrunners.

The June amendments increased the overall number of proportionally elected seats from 970 to 1,404, reduced the number of majoritarian seats from 1,088 to 664, and defined the boundaries of 59 majoritarian constituencies. As required by law, the ten single-member constituencies of the Tbilisi Municipality were delineated by the CEC within five days after the call of elections. The constituencies for the remaining four largest cities and the administrative centres of the municipalities were delineated by the District Election Commissions (DECs) by the 1 August legal deadline. Delineation of the constituencies shortly before elections is at odds with international good practice.¹²

Election Administration

The elections were administered by the CEC, 73 DECs and 3,664 regular Precinct Election Commissions (PECs).¹³ The June 2021 amendments modified the composition of all commissions, as well as the election of the CEC Chairperson and non-partisan members with the stated aim of enhancing public trust through more balanced representation. Commissions at all levels now have up to 17 members: eight non-partisan and up to nine appointed by political parties.¹⁴ Four CEC members are women.

In line with the recent amendments, the eight CEC non-partisan members, including the chair, were elected by the parliament from candidates put forward by the president following the proposal from a 'competition commission' composed of Civil Society Organizations (CSOs) and academia. For their election, a two-third qualified majority is required. If not reached, the commissioners can be elected through an 'anti-deadlock' mechanism of simple majority, with a term limited to six-months instead of five years.¹⁵ The new chairperson and two non-partisan members were elected on 2 August through the "anti-deadlock" mechanism, following three unsuccessful attempts to reach a qualified majority.

Up to nine parliamentary parties can appoint one CEC member each. In case the number of parliamentary parties is higher than nine, priority would be given to those with the highest number of votes in the

¹¹ See previous [ODIHR election observation reports on Georgia](#) and the Venice Commission and ODIHR Urgent Joint [Opinions](#) on the Draft Amendments to the Election Code.

¹² Paragraph I.2.2.v of the [Code of Good Practice](#) recommends redistribution of seats at least every ten years "preferably outside election periods". On 18 September, Georgian Young Lawyers Association (GYLA) filed a complaint to the Constitutional Court alleging that the delineation of some majoritarian districts does not ensure equality of the vote.

¹³ There were 70 special PEC for voters in quarantine, as well as nine in penitentiary institutions. Elections were not organized in Abkhazia and South Ossetia.

¹⁴ Previously, the commissions comprised six professional members and six appointed by political parties with factions in parliament in proportion to the results in the last parliamentary election.

¹⁵ After two failed attempts at 2/3 majority, two more attempts are taken, one to achieve a 3/5 majority and then a simple majority.

previous parliamentary elections.¹⁶ The recent amendments also introduced a position of deputy CEC chairperson elected from among the members appointed by opposition parties. IEOM interlocutors expressed varying degrees of confidence in the CEC's impartiality and stated that resorting to the 'anti-deadlock' mechanism was a missed opportunity for a consensus-based election administration. However, the new pluralistic composition enhanced the level of discussions at the CEC sessions.

In electoral periods, the five permanent DEC members are joined by three non-partisan members selected by the CEC, and up to nine DEC members appointed by political parties. For the first time, the CEC live-streamed most interviews with the candidates for non-partisan DEC commissioners.¹⁷ Some ODIHR EOM interlocutors criticized their selection, as the applicable rules unlike for PECs, do not exclude previous political party appointees from becoming non-partisan members, casting doubts on the impartiality of DEC members.¹⁸

Despite previous ODIHR recommendations, the timeframes for application and selection of PEC members remained overly compressed. The DEC elected 29,312 non-partisan PECs members from 31,483 candidates in a period of four days, virtually preventing meaningful consideration and genuine competition. In line with the law, 903 candidates were excluded for having been party appointed commissioners in the last general elections.¹⁹ Some 59 per cent of the PECs had exactly eight candidates for the eight non-partisan vacancies. According to many ODIHR EOM interlocutors the process was coordinated by the authorities rather than competitive.²⁰ In many DEC some opposition members abstained from voting on PEC candidates or presented dissenting opinions citing lack of transparency or presumed affiliation of many candidates with the ruling party. Though eligible parties officially filled most of their PEC members quota, several ODIHR EOM interlocutors alleged that PEC positions were being traded among the parties. The controversies linked to the selection and appointment of PEC non-partisan members largely contributed to a lack of overall confidence in the impartiality of the lower-level election administration.

The election administration met legal deadlines and managed technical aspects of the elections efficiently, amid adjustments made in response to the COVID-19 pandemic. The CEC held regular sessions open to representatives of election contestants, accredited observers and the media, and these were live-streamed for the first time. The CEC and DEC decisions, as well as corresponding sessions' minutes were posted online in a timely manner, enhancing transparency. In consultation with CSOs and party representatives, the CEC adopted several COVID-19-related decrees regulating access to election administration premises, the operations in regular polling stations, and voting in quarantine. The CEC's Information Protection Centre designed to combat disinformation about the election administration in traditional media and on social networks, produced at times unbalanced reporting, targeted against

¹⁶ GD, UNM, Lelo, EG, SA, Citizens, Girchi, European Democrats (ED), and ES were entitled to appoint the CEC members. Temporary legal rules deprived two parties of their right to nominate CEC members and transferred this right to two other parties. Article 196.¹ (2) orders the parties by the amount of public funding when applying this right, which placed the ED ahead of the LP. The AoP lost their right to appoint a CEC member after all of their MPs formed a new 'European Socialists' party in January 2021. The AoP appealed their exclusion from election commissions appointment process to the Constitutional Court.

¹⁷ The term of almost half of the permanent DEC members (162 of 365) expired in February 2021; 141 were re-elected (35 for a fourth term) by the previous CEC which was still dominated by the ruling party.

¹⁸ Previous party-appointed commissioners cannot be nominated for the CEC membership for five years; and those nominated by parties in the last general elections cannot serve as non-partisan members of PECs.

¹⁹ However, the legislation does not exclude those who were previously contestant representatives. Following the recent amendments, only non-partisan members can be elected as PEC chair, deputy chair and secretary.

²⁰ On 23 August, the Tbilisi City Court rejected on merits the appeal filed by UNM against the CEC decision related to lack of access of the UNM appointed member at the DEC Krtsanisi to the applications for PEC membership; the fact that most considered applications were received from only a few email addresses (including 38 from one single email address); and that the applicants were not examined for their possible violation of the electoral legislation in the past.

specific media, opposition parties and CSOs. On 23 September, following a statement issued by three online outlets, the CEC issued a response acknowledging technical flaws and erroneous findings.²¹

The training of PEC members was well organized, albeit with varying degrees of participation among political party appointees. The CEC training centre offered comprehensive educational programmes to different stakeholders including political parties, female candidates, media, and security forces. The CEC aired voter information spots on television and radio and voter information was available in minority languages.

According to the CEC, 1,129 polling stations (30 per cent) were adapted for wheelchair users who could request to vote at any of such polling station within their majoritarian constituency. Mobile voting was available for those unable to leave their homes.

Voter Registration

The right to vote is granted to all citizens who have reached 18 years of age by election day. Those serving a sentence for a particularly grave crime or who have been declared legally incapacitated by a court decision and placed in an inpatient care are disenfranchised.²² These blanket exclusions are at odds with international standards and previous ODIHR recommendations.²³

Voter registration is passive, centralized and continuous. The CEC compiles the voter lists based on the civil registry database maintained by the Public Service Development Agency (PSDA), which is updated on a quarterly basis as well as prior to elections.²⁴ Additional voter information is provided by other responsible institutions.²⁵ Voters with valid identification documents were automatically added to the preliminary voter list, based on their last registered address or temporary address in the PSDA database.²⁶ Some 40,000 citizens listed as potential voters in the civil registry were not included in the CEC final voter list for a variety of reasons.²⁷

Preliminary voter lists were available for public scrutiny using several possibilities: online, in 12,780 quick payment terminals, and as noted by ODIHR Long-Term Observers in most PECs. The final voter lists contain 3,497,345 voters, including 74,550 on mobile voter lists.²⁸ Some 6,074 voters were transferred on to special lists due to COVID-19; including 3,822 for patients in hospitals, 147 in

²¹ On 24 September, USAID announced that they had decided to terminate their assistance to the Centre.

²² Particularly serious crime refers to those convicted to 10 years or more, and life sentence. The number of persons convicted for particularly serious crimes are 2,669. Those in inpatient care are 209.

²³ See the [2006 UN Convention on the Rights of Persons with Disabilities](#) which required that[.] persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected”.

²⁴ The PSDA informed the ODIHR EOM that it conducts a long-term project to clean the civil registry, including by removing duplicates and identifying the deceased voters. Data from PSDA points to 3,540,609 potential voters as of 15 September.

²⁵ These include the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs, municipal authorities, Ministry of Defence, Ministry of Foreign Affairs, Ministry of Internal Affairs, Georgian Intelligence Service, Special Penitentiary Service, State Security Service of Georgia, and the Agency for State Care

²⁶ According to PSDA, some 165,480 citizens on the civil registry database are without valid identification documents.

²⁷ According to the CEC, this includes 16,166 citizens with registered addresses only abroad; 22,160 internally displaced persons with addresses only in Abkhazia and South Ossetia; some 2,300 voters without addresses or missing addresses that cannot be assigned to a PEC; a further 997 have been excluded due to missing or poor-quality photos. The CEC identified additional 842 deceased voters in the period of 15-20 September.

²⁸ UNM and CSO Education Labour Union filed 55 complaints to the DEC Senaki related to the compilation of mobile voter lists and the correct processing of the requests.

quarantine and 1,198 in self-isolation due to COVID-19.²⁹ Most interlocutors expressed confidence in the accuracy of the voter lists.

Candidate and Party Registration

Citizens at least 21 years old who resided in Georgia for more than five years can be elected to *Sakrebulo*.³⁰ To run for mayor, they must be at least 25 years old and have the right to vote.³¹ Candidates for mayor and for majoritarian seats in *Sakrebulo* can be nominated by parties or initiative groups of at least five voters. Candidate lists for proportional seats are legally required to have at least one in every three candidates of the opposite gender.³²

To nominate candidates, parties and initiative groups had to first register with the CEC and DEC, respectively. Parties that did not register for the last parliamentary elections or did not have a parliamentary seat at the time of calling local elections had to present 25,000 supporting signatures to the CEC.³³ Initiative groups of voters had to accompany each candidacy with support signatures.³⁴ These lists were verified against voter list data by commissions set up at the CEC and the DEC in presence of party or candidate representatives.

In an inclusive process the CEC registered 43 of 52 parties, as well as 68 initiative groups.³⁵ The parties and initiative groups successfully registered 239 mayoral candidates (12 independents), 2,769 majoritarian candidates (56 independents) and 770 proportional lists with 20,624 candidates. There were 25 female candidates for mayor (10 per cent), 488 for majoritarian seats (17 per cent); as well as 8,767 women on candidate lists (42,5 per cent).

Many candidates withdrew prior to election day, a number of them reportedly under pressure from the authorities. In total 14 proportional lists and more than 617 proportional candidates for *Sakrebulo*, a third of them women, withdrew before the elections, as well as 102 majoritarian and three mayoral candidates. This affected 19 political parties.³⁶ None of these were from the ruling party. The CEC adopted two decrees which narrowed the range of legal conditions that, according to the law, would lead to the deregistration of candidates or candidate lists for falling below the required minimum number of

²⁹ Only voters that are registered with the authorities will be added to these lists. Voters in self-isolation registered as at home due to COVID-19 have to call CEC hotline between 25 and 27 September. Only those residing in their electoral district will be able to vote.

³⁰ Paragraph 1.1.c.iv of the [Code of Good Practice](#) states that “the requisite period of residence should not exceed six months; a longer period may be required only to protect national minorities.”

³¹ The law requires command of Georgian for candidates to the Tbilisi *Sakrebulo* which according to the CEC was not enforced in practice. Resignation is required for a number of public office positions before being registered as a candidate.

³² A quota of ‘one-in-two’ candidates was introduced in July 2020 but reduced to ‘one-in-three’ in June 2021. EG challenged the constitutionality of the applicable gender quota alleging that it hinders political participation. The complaint is pending.

³³ Seven new parties were registered by the CEC through this procedure.

³⁴ The numbers were defined by the CEC for each majoritarian constituency or mayoral seat separately. In general, it was set at one per cent of the registered voters within a constituency, though not fewer than 50.

³⁵ Three parties were denied registration due to missed deadlines, insufficient signatures and failure to correct inaccuracies in the registration documentation; one party withdrew its application. After registration, five parties were de-registered for failing to submit candidates.

³⁶ Including Free Georgia, EG, AoP, LP, GFG, Girchi, Girchi More Freedom, Lelo, Third Force, ES, Snap Elections-United Georgia-Democratic Movement, Peoples Party, Citizens, UNM, Droa, Georgia, ED, Progress and Freedom (PF), and Ana Dolidze For People (ADFP).

candidates or incomplete documents.³⁷ This measure prevented deregistration of a number of candidates, candidate lists and of one political party.

Campaign Environment

The official campaign period began on 3 August, 60 days before election day.³⁸ The campaign was competitive with a range of contestants representing different views but subdued, and most prominent in the media and online.³⁹ Many parties reduced door-to-door and in-person campaign activities given COVID-19 related concerns. Smaller events were organized around the country, and no large-scale campaign events were held.⁴⁰ Billboards and posters of the ruling party were the most prominent all over the country.⁴¹ Women were not featured prominently in the campaign, with a few notable exceptions, mainly in the capital.

The campaign was calm overall, and most candidates met by the ODIHR EOM stated that they have the ability to campaign freely, including in minority languages; however, isolated cases of violence between individuals and verbal and physical confrontations, as well as aggressive rhetoric particularly on social networks intensified closer to election day.⁴² The political landscape is highly polarized, and the discourse is aggressive and confrontational.⁴³ The campaign was marked by allegations of electoral malpractice from both opposition and ruling party, with the latter also accusing opposition parties of planning a post-election unrest.⁴⁴ The 43 per cent benchmark of support for the ruling party stemming from the 19 April agreement was a key point of discussion, particularly in the larger cities, while local issues were more prominent in rural areas. Despite GD's withdrawal from the 19 April agreement, many still see these elections as a national referendum on the ruling party and a path to snap parliamentary elections.

The government recently launched and announced a number of social and economic projects, presented by the prime minister and other high level state official during campaign events of the ruling party. While the law only prohibits the launching of projects after the call of elections and the government claimed

³⁷ The CEC Decree 60 of 7 September 2021 prevented the cancellation of proportional lists that would fall below the minimum number of candidates due to withdrawals of individual candidates. The Decree 63 of 8 September facilitated or restored the registration of candidates who failed to submit their photos or copies of IDs, provided those were available in the CEC maintained voter list.

³⁸ The law provides for equitable campaigning conditions, including access to public premises and places for posting campaign materials. Misuse of administrative resources and vote-buying is prohibited. Civil servants, teachers and staff of charitable organizations are prohibited from campaigning at all or during working hours.

³⁹ All but two parties participating in the elections are present on social networks, predominantly on Facebook. All parties with representation in parliament are posting on a daily basis about their candidates, platforms and campaign activities and all but one use sponsored material.

⁴⁰ Many ODIHR EOM interlocutors stated that voters attending campaign events were reluctant to be photographed there, and some alleged that the State Security Services were monitoring the events. On 20 September, UNM candidate in Tetriskaro stated that a man identifying himself as the deputy chief of criminal police filmed their meeting with voters. In Batumi, the Gakharia – For Georgia (GFG) party claimed drones were used to monitor a campaign event.

⁴¹ GD, GFG, Lelo, Third Force, UNM, EG and ADFP informed the ODIHR EOM of cases of damage of their posters.

⁴² On 20 September there was an attack on an UNM supporter in Rustavi by an unknown person and on 21 September two UNM supporters were stabbed in the Dmanisi district. GD informed the ODIHR EOM of two instances where UNM supporters verbally confronted GD leadership and campaign staff in Kutaisi and Khelvachauri. On 25 September a car of a GFG candidate was shot at in Tsageri by unknown persons.

⁴³ On 18 September unmarked billboards depicting opposition politicians, a TV owner and a journalist implying a bloody past, appeared in Tbilisi, Telavi, Kutaisi, Gori and Rustavi. Frequent divisive references in media include alluding to treason, drug addiction, and corruption.

⁴⁴ On the eve of the elections, former president Mikheil Saakashvili was arrested after entering Georgia, having been sentenced in absentia in 2018 for abuse of office. His arrest was characterized by the authorities as preventing a major provocation. On 1 October, the President underlined the importance of peace in the election process.

these were done before the call, this goes against the spirit of the law, which prohibits the use of administrative resources during campaign.⁴⁵ These instances gave the ruling party an undue advantage of incumbency and is at odds with paragraph 5.4 of the 1990 Copenhagen Document.⁴⁶

Wide-spread and consistent allegations of vote-buying, misuse of administrative resources, intimidation and pressure were made by voters, candidates and political parties.⁴⁷ This raised concerns about voters' ability to cast their vote "free of fear of retribution", at odds with international standards.⁴⁸ Many ODIHR EOM interlocutors stated that when intimidation was reported to the authorities it was not properly investigated.⁴⁹

Participation of National Minorities

National minorities make up 13.2 per cent of the population, the most numerous groups being ethnic Azeri (6.3 per cent) and Armenians (4.5 per cent).⁵⁰ While persons belonging to national minorities ran as mayoral and *Sakrebulo* candidates in some areas densely populated by national minorities, in Tbilisi and other areas where minorities reside they remained underrepresented compared to their population

⁴⁵ The Prime Minister has taken part in campaign events of the ruling party, informing about planned infrastructure, economic and agricultural projects for over 40 billion GEL. On 30 August the PM announced that the government would be transferring 300 apartments to IDP families for a symbolic sum, and on 31 August he announced that 500 servicemen would be provided with housing.

⁴⁶ Paragraph 5.4 of the 1990 OSCE Copenhagen Document provides for "a clear separation between State and political parties". Paragraph II. B. 1.3 of the [2016 ODIHR and Venice Commission's Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#) (Guidelines) stipulates that ordinary work of government must continue during an election period. However, to prevent the misuse of administrative resources to imbalance the level playing field during electoral competitions, the legal framework should state that no major announcements linked to or aimed at creating a favourable perception towards a given party or candidate should occur during campaigns. Paragraph II. B. 1.1 of the Guidelines states that "the legal framework should provide effective mechanisms for prohibiting public authorities from taking unfair advantages of their positions by holding official public events for electoral campaigning purposes, including charitable events, or events that favour or disfavour any political party or candidate".

⁴⁷ The ODIHR EOM has received reports all regions, including Kvemo Kartli, Imereti, Shida Kartli, Kakheti, Samtskhe-Javakheti, Samegrelo-Zemo Svaneti, Mtskheta-Mtianeti, Adjara, Racha-Lechkhumi, Tbilisi and Kvemo Svaneti that the ruling party promised voters and potential candidates of other parties jobs, food donations or cash in return for their support and threatened the opposition candidates, donors and supporters with job dismissals and removal of social benefits for them and their families. A candidate for Third Force in Samtredia publicly testified he had been kidnapped and forced to withdraw his candidacy. At his request the DEC did not process his withdrawal, and he remained on the list. On 1 September, the Public Defender expressed concerns regarding alleged discriminatory dismissals of employees for their political views in the run-up to the elections. The GFG party informed ODIHR EOM of over 110 cases of dismissals and pressure on candidates.

⁴⁸ Paragraph 7.7 of the [1990 OSCE Copenhagen Document](#) requires that campaigning "be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution". Paragraph 19 of the [1996 CCPR General Comment 25 to the ICCPR](#) stipulates that "voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind."

⁴⁹ The Ministry of Interior launched 68 investigations concerning election-related violence and property damage. Based on a complaint by GFG, investigations were launched for alleged intimidation of 44 GFG supporters.

⁵⁰ According to the last census other national minorities make up the following per cent of the population: Russians 0.7, Ossetians 0.4, Yazidis 0.3, Ukrainians 0.2, Kists 0.2, Greeks 0.1, Assyrians 0.1, others 0.4 per cent. The census did not cover territories outside government control (2014). According to the CEC, among mayoral candidates in municipalities there are six Armenian speakers, three Azeri speakers, and one other language speaker; one Tbilisi mayoral candidate is another language speaker. Among majoritarian candidates, there are 102 Azeri speaking (2 female), 100 Armenian speaking (17 female), and 13 speakers of other languages (6 female). Among party list candidates, there are 472 Azeri speakers (80 female), 559 Armenian speakers (225 female), and 150 other language speakers (85 female).

size.⁵¹ Women belonging to national minorities were represented on most party lists, notably in ethnic Armenian populated areas, but were underrepresented among majoritarian candidates. A number of ODIHR EOM interlocutors reported that some minority candidates had been pressured to withdraw in these areas.⁵² Ethnic minority issues did not feature much in the campaign, aside from local messages in support of integration, education for youth, and State language proficiency.

Ethnic Armenians were relatively well represented among DEC members and PECs in ethnic Armenian populated areas. Ethnic Azeri were only represented by a few members of DEC members but were well represented in some PECs in areas densely populated by ethnic Azeri, albeit lacking gender balance as they were predominantly male.⁵³ In accordance with the law voter lists, ballots, protocols and logbooks were translated in minority languages for PECs in minority populated areas. PECs in these areas were also trained by the CEC in the Armenian and Azeri languages.

Campaign Finance

The campaign finance is regulated by the LPU, the Election Code and the Law on State Audit Office (SAO), supplemented by SAO regulations. Some previous ODIHR and GRECO recommendations were addressed by the 2020 legal amendments, including by extending regulations to independent candidates, prescribing the publication of reports, increasing fines, and introducing sanctions for third party spending. Other recommendations remain unaddressed, including lowering the limits on donations and spending, prescribing the publication of SAO conclusions on the interim reports prior to election day and strengthening campaign finance oversight.⁵⁴ Overall, the remaining legislative shortcomings and limited enforcement of the regulatory framework affects transparency and accountability of campaign finances.

Parliamentary political parties receive annual public funding, proportionally to the votes obtained in last parliamentary elections, which may also be spent for the campaign.⁵⁵ Following the 2021 amendments a party's public funding is revoked if it loses more than half of its MPs or if they do not attend more than half of the regular plenary sessions of the parliament.⁵⁶ The annual cap for donations by individuals is set at GEL 60,000 and for a legal entity at GEL 120,000.⁵⁷ Donations may not be made anonymously,

⁵¹ There are several national minority mayoral candidates in Akhalkalaki, Ninotsminda and Marneuli, but scarcely any in other minority-populated cities or municipalities. There are several national minority *Sakrebulo* candidates, in many but not all minority-populated areas.

⁵² UNM reported that one ethnic Azeri candidate in Karajala, and several ethnic Armenian candidates in Akhalkalaki, Diliska and Bezhanu, and in Ninotsminda, were pressured to withdraw. Media reported that several ethnic Armenian candidates (EG, GFG, Lelo, UNM) in Akhalkalaki and Ninotsminda, and some ethnic Azeri candidates (GFG, EG) in Marneuli, as well as GFG candidates in Kabali and Karajala, had been pressured to withdraw. According to the Prosecutor's office, two criminal investigations were opened into the alleged cases.

⁵³ According to the CEC, in 12 election districts densely populated by ethnic minorities, there were 3 Azeri speaking DEC members (male) and 15 Armenian speaking DEC members (13 female), including two Chairs, a Deputy Chair and a Secretary among Armenian speaking members; 643 Azeri speaking PEC members (104 female) and 633 Armenian speaking PEC members (328 female).

⁵⁴ See GRECO [reports on Georgia](#) and previous [ODIHR election observation reports on Georgia](#).

⁵⁵ Parties receive GEL 15 per vote obtained for the first 50,000 votes and GEL 5 per every additional vote. For 2021, GEL 14 million were allocated to 14 parties including approximately 5 million to GD, 2 million to UNM, one million each to EG, AoP and SA 780,000 each to Lelo and Girchi, half a million each to Citizens and ED, 240,000 to the Movement State for People (MSP), 290,000 to the LP, 200,000 to the Republican Party (RP), 100,000 to Law and Justice (LJ) and 12,000 to PF.

⁵⁶ The amendments are applicable as of February 2022. The ODIHR and Venice Commission Urgent Joint [Opinion](#) on the Draft Amendments to the Election Code of Georgia, the Law on Political Associations of Citizens and the Rules of Procedure of the Parliament of Georgia recommended to reconsider introducing this amendment.

⁵⁷ 1 EUR equals GEL 3.7. Donations may be monetary and in-kind. There is a ban on donations from public and non-commercial legal entities, religious organizations, foreign sources and some categories of public contractors.

through intermediaries or by donors whose reported income is not considered sufficient.⁵⁸ Significant imbalances in the campaign finances and resources contributed to the unlevel playing field.⁵⁹

Contestants may spend up to GEL 15 per registered voter, approximately GEL 50 million annually nationwide for parties, including all annual expenditures and spending incurred by third parties.⁶⁰ Parties are not required to open a new bank account for campaign purposes, but have to conduct all their campaign transactions through one of their accounts, while independent candidates are required to open a dedicated bank account. Party-nominated candidates are obliged to use only the funds of their parties and thus do not have separate reporting requirements. However, some informed ODIHR observers that they made direct campaign payments, by-passing the campaign funds and reporting obligations.

The State Audit Office (SAO), mandated with the oversight of party and campaign finance.⁶¹ A total of 48 parties and 38 independent candidates submitted their first and second interim reports, which were published on the SAO website within five days of receipt, as required by law to do so. Several contestants reported zero income and expenditure, and a number of parties and independent candidates failed to submit interim reports in a timely manner.⁶² SAO did not sanction any contestants who failed to submit their interim reports. One day prior to elections, the SAO published its conclusions on the reports. While not mandatory by law, late publication affected the transparency of campaign finance.

The SAO stated that it has neither investigative powers nor sufficient resources to identify unreported income and expenditure and informed ODIHR EOM that handling political finance puts them in a position of conflict of interest, as their funding depends on the parliament and therefore on the parties they audit.⁶³ The SAO can identify possible violations by reviewing campaign bank account transactions and campaign finance reports, conducting field visits and receiving complaints. The SAO received four complaints, mainly for possible donations through intermediaries.⁶⁴ To date, no cases were referred to the court.

Media

The diverse media environment is strongly polarized, reflecting the existing division between ruling and opposition parties. Television continues to serve as the main source of information for the majority of the population, although online media are gaining ground, mostly in urban centres. Media viability

⁵⁸ All campaign transactions must be conducted through dedicated campaign funds, and monetary donations, regardless of the amount, must be transferred from a donor's bank account.

⁵⁹ As reported by SAO, GD reported expenditures of GEL 7,700,145, Lelo GEL 796,500, GFG GEL 704,120, UNM GEL 521,327, GEL, EG 330,974 GEL, For Citizens GEL 213,348, AoP GEL 126,400, Labour Party GEL 24,600.

⁶⁰ The annual expenditure ceiling for a party is 0.1 per cent of the GDP of the previous year; for an independent majoritarian candidate the expenditure ceiling for a political party is divided by the number of voters in the country and the number obtained is multiplied by the number of voters in the respective electoral district.

⁶¹ Contestants are required to report received donations to the SAO and submit interim campaign finance reports every three weeks from the call of elections. Interim reports must also be submitted within 12 days after election day and three days prior to the second round for those contesting in it.

⁶² In the first interim reports, 24 of the 48 parties and 38 of the 42 independent candidates reported zero income and expenditure, and 14 out of 37 parties and 25 of the 39 independent candidates for the second interim reports. A total of 21 independent candidates failed to submit the first interim reports, while 6 parties and 24 independent candidates failed to submit the second ones.

⁶³ A limited number of sanctions were imposed in 2021, including a GEL 77,920 fined Lelo for receiving an unlawful donation, fines totaling GEL 10,000 to the party Georgian Choice for failing to submit an audit report of its 2020 final campaign finance report and its annual finance report. Warnings were issued to the party Democratic Renewal and the Unity of Defenders of Georgia for failing to submit annual finance reports.

⁶⁴ Three complaints were filed about unidentified anti-opposition billboards and 92 donors from Samtskhe-Javakheti who donated a total of GEL 714,000 to GD from 2-16 August. The SAO also requested authorization of the court to review the payments made to the religious organization Biblical Freedom for the auctioned Girchi observer DEC positions.

remains an ongoing challenge, due to the relatively small size of the audience and the limited advertising market, amplified by the financial consequences of the COVID-19 pandemic.

The media legal framework provides a sound basis for ensuring freedoms of expression and the media. However, the deterioration of the media environment due to cases of alleged intimidation and threats against journalists raises concerns about the ability of media to function in a safe and secure environment and leads to self-censorship.⁶⁵ Several journalists noted an increase in aggressive political rhetoric against the media, which in their opinion are aimed at delegitimising the role of the media. A number of court cases involving owners of media critical of the government or ruling party were resumed during the election campaign which some ODIHR EOM interlocutors suggested was designed to prompt judicial pressure on critical media.⁶⁶

Legal provisions stipulate that both public and private broadcasters should ensure pluralistic and non-discriminatory coverage of all relevant views in their news programmes, respect for the principle of impartiality, fairness in reporting, and provide rules for the publication of opinion polls. It also provides for the allocation of free airtime on all national channels to parties on an equal basis and equal conditions for paid advertising. The law requires general broadcasters to organize debates for eligible contestants. During the election period, the broadcasters' regulatory body, the Communications Commission (ComCom), found eight violations on the publication of polls and three violations concerning refusals to air political advertisement of two parties.⁶⁷

Based on the results of the previous parliamentary elections, 14 political parties qualified for free airtime, and 11 of them used this possibility.⁶⁸ Georgia Public Broadcaster (GPB) organized two debates: one on 14 September where all eligible contestants were invited, and another on 21 September in which all Tbilisi mayoral candidates agreed to take part.⁶⁹ No other debates among representatives of major political parties took place, although several talk shows allowed the main contestants to present their platforms and criticize their opponents.⁷⁰

The results of the ODIHR EOM media monitoring show that coverage was highly selective and provided voters with a limited presentation of political alternatives. The overall coverage provided by national television channels was extensive and mostly focused on three parties – GD, UNM and GFG – as well as on the government. Together they received 68 per cent of the total electoral coverage monitored. The

⁶⁵ The most serious episode concerns the violent attacks against some 53 media professionals on 5 July 2021 during the Tbilisi Pride March. The OSCE Representative for Freedom of the Media denounced the mass violence against journalists reporting on protests and encouraged the authorities to complete investigations into all other violent incidents and mistreatment of media workers in the country in recent years.

⁶⁶ In September, the owner of Formula TV and former UNM Minister of Defense Davit Kezerashvili was convicted for embezzlement, while the Supreme Court judge in the trial was previously the Prosecutor of the case. The *Mtavari Arkhi* director Nika Gvaramia is being prosecuted for embezzlement, and Avtandil Tsereteli, a relative of the owner of *Pirveli*, for money laundering. The cases were opened in 2012 and 2019, respectively.

⁶⁷ *Imedi* TV refused the ads of EG and UNM. In total, the ComCom issued eleven administrative protocols involving eight channels (the Georgian Public Broadcaster, the Public Broadcaster *Adjara* TV and Radio, *Imedi*, *Pirveli*, Formula TV, *Rustavi 2*, *Objektivni TV* and Studio Maestro).

⁶⁸ The 14 qualified parties are GD, UNM, EG, AoP, SA, Lelo, Girchi, Citizens, EDs, MSP, LP, RP, LJ and PF. Eleven decided to use the possibility to free air-time provided on public and private national TV stations. 'Unqualified' political parties received substantially less free air-time and only on the public media.

⁶⁹ However, only 10 representatives of entitled contestants accepted to participate. The leader of UNM walked out of the debate after delivering critical remarks aimed at the incumbent and the ruling party.

⁷⁰ The main private channels wanted to organize debates with the principal parties, however, key contestants refused to participate. Paragraph 2 of part II of the [Recommendation](#) CM/Rec(2007)15 of the Council of Europe Committee of Ministers calls the member states to "adopt measures whereby public service media and private broadcasters, during the election period, should in particular be fair, balanced and impartial in their news and current affairs programmes, including discussion programmes such as interviews or debates".

coverage focused on male contestants mostly, with women receiving a mere 15 per cent of the overall time. Most of the reporting was devoted to accusation between contestants with very limited analytical or investigative coverage.

According to EOM media monitoring, the coverage provided by the main private TV channels mirrored their political alignment. Two private broadcasters, *Mtavari Arkhi* and *Pirveli*, displayed a clear bias against GD. The government and the ruling party received 29 per cent of the total time, of which 85 per cent was negative. Conversely, *Imedi* showed support for GD and the government, by allotting them 66 per cent coverage, which was mostly positive (91 per cent). *Imedi* allotted UNM 16 per cent of the coverage, of which was negative (79 per cent). *Rustavi 2* election coverage was mostly focused on the ruling party and the government (55 per cent), frequently portrayed in a positive manner (71 per cent); and provided generally neutral coverage of the opposition parties. Some regional channels were more focused on policies and proposals from candidates than the national ones, with a generally balanced coverage of political forces. Some of them organized debates among local candidates.

Public TV stations GPB and *Adjara TV* allotted comparable amounts of largely neutral coverage to the main contestants. *Adjara TV* provided comprehensive coverage of the local campaigns, with a focus on concrete issues and candidates' proposals. Both channels provided coverage to the government in isolated cases without distinguishing between institutional and campaign activities.

Complaints and Appeals

The complaints and appeals mechanism provides for an expedient dispute resolution, but requires additional safeguards to ensure full access to effective remedy. Limitation on the types of cases that can be brought by voters is contrary to OSCE commitments and international standards.⁷¹ Complaints must be filed with election commissions, and contrary to previous ODIHR recommendations, certain types of complaints may still be decided by the Chairpersons, rather than the election commissions as collegial bodies, but positively their decisions, including on inadmissibility, can now be appealed.⁷² Many ODIHR EOM interlocutors expressed a lack of trust in the election commissions, courts, and law enforcement bodies to impartially and effectively handle election-related complaints.⁷³

The CEC maintains a publicly available database of the complaints filed to election commissions and the courts, contributing to transparency. Following the recent amendments, complaints could also be filed electronically by representatives of contestants and civil society organizations registered on an electronic platform, and some hearings were held on-line, facilitating access to legal redress. The timeframes for filing and reviewing some types of complaints have been extended from one to two days and from two to four days respectively, allowing for sufficient time to effectively prepare and adjudicate cases, and partly addressing a previous ODIHR recommendation. However, complaints requesting disciplinary

⁷¹ Paragraph 5.10 of the [1990 OSCE Copenhagen Document](#) states that everyone shall have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity. Article 2.3(a) of the ICCPR states that “any person whose rights or freedoms as herein recognized are violated shall have an effective remedy...”. Guideline II.3.3.3.f of the [Code of Good Practice](#) provides that “all candidates and all voters registered in the constituency concerned must be entitled to appeal”

⁷² As required by law, the Inter-agency Task Force has been established for these elections with a mandate to review complaints on misuse of state resources and issue non-binding recommendations. In addition, in line with the 19 April agreement, an Advisory Group was established, with representatives of the Public Defender and civil society organizations, mandated to issue recommendations on dispute resolution. On 19 September, the CEC dissolved the Group, following the withdrawal of 7 of the 12 members and the loss of the quorum of 9 members for decision.

⁷³ The ODIHR Fourth [Report](#) On the nomination and appointment of the Supreme Court Judges in Georgia underlined the lack of public trust in the judiciary and independence, accountability, transparency of the judicial system.

sanctions against the election commission members are subject to a 30-day deadline, which does not ensure timely remedy.

Prior to elections, 446 complaints were filed to election commissions, including 256 by contestants and 190 by citizen observers.⁷⁴ Among them, over 240 complaints were filed by UNM, mainly against PEC appointments and the publication of mobile voting lists in seven DEC. ⁷⁵ Some ten complaints were filed against denials of candidate registration.⁷⁶ Some 40 complaints were filed on misuse of state resources, mainly against civil servants for making partisan posts on their personal social media profiles during working hours or attending mostly GD campaign events.⁷⁷

Some 190 related to alleged violations committed by PEC and DEC members were subject to a 30-day deadline, and not reviewed prior to election day, affecting the effective remedy. The majority of the complaints reviewed were rejected on merits as unsubstantiated.⁷⁸ The review of complaints in the CEC sessions and courts were done in an open manner, respecting due process, and decisions were published in a timely manner.⁷⁹ The ODIHR EOM is aware of eight complaints upheld.⁸⁰ A total of 12 appeals were filed to the Tbilisi City Court against CEC decisions.⁸¹ All but three were reviewed in open hearings and rejected on merits.⁸² Both appeals filed to the Tbilisi Court of Appeals were rejected.⁸³

The Prosecutor's Office received 35 reports alleging vote-buying and launched five investigations. The Ministry of Interior launched 68 investigations concerning election-related violence and property

⁷⁴ Including by UNM, GYLA, Transparency International (TI), International Society for fair Elections and Democracy (ISFED) and the Center for Democratic Changes; Young Generation filed 28 complaints to Khobi DEC mostly on procedural issues.

⁷⁵ UNM alleged that some 12 DEC and 5,448 PEC professional members were GD-supporters, mainly as relatives of public employees, which is not against the law, and that the mobile voting lists in seven DECs did not comply with the law including that signatures of applicants may have been falsified.

⁷⁶ Free Georgia and Girchi filed complaints against the denial of registration of some of their candidates lists while seven complaints were filed against the registration of candidates and party lists and all but one was rejected on merits. New Christian Democrats, Lelo, SA, GFG, UNM and Reformers filed six identical complaints against the registration of two GD candidates who swapped constituencies. CSO Youth Center – Out Generation 1921 complained against the registration of some UNM lists. All seven complaints alleged technical errors on the registration documents. In one case, an initially denied Free Georgia list was registered.

⁷⁷ Complaints on misuse of state resources were filed by UNM, EG, GYLA, TI, ISFED, PMMG and CDT. GD using vehicles of the Batumi Water Service; the Mayor of Ambrolauri- GD candidate meeting with municipal employees; the Public Registry Agency publishing on its official website statements of the Minister of Justice during a GD campaign event; the Kutaisi Mayor-UNM candidate meeting with teachers.

⁷⁸ Some 55 complaints filed by UNM and the CSO Center for Professional Education against DEC Senaki alleging that the publication of mobile voting lists was not lawful but without describing the violation.

⁷⁹ In consideration of a complaint filed by two CSOs and UNM which was requesting the removal of anti-opposition billboards for lacking the legally required imprints and inciting hatred, the CEC narrowly interpreted the law. It rejected the complaint on the grounds that the billboards were paid by an individual who was not a contestant and therefore were not considered to be campaign materials.

⁸⁰ Complaints upheld include the reinstatement of candidate who had withdrawn, allowing two candidates to change their constituencies and cases of defacement of campaign posters referred to the police for investigation.

⁸¹ These included one by a DEC member against the denial of registration of the Green Earth as an electoral subject, one by the citizen observer organization Civil Platform 20/20 against video recording at polling stations, two by UNM against allowing DECs to select PEC members without in-person interviews and against the delineation of constituencies by DEC 18.

⁸² The court upheld complaints by ISFED, CDT and UNM and imposed a GEL 2,000 fine on the incumbent Mayor of Ozurgeti for a meeting with municipal employees and issued a warning to a PEC member campaigning for GD in Lentekhi. The TI appeal against the meeting of the Mayor of Ambrolauri with municipality employees was sent back to the DEC for further investigation.

⁸³ One appeal requested deregistration of the Tbilisi Mayor and GD candidate for vote buying by offering apartments to citizens based on a municipal social project, and second related to deregistration of two GD candidates who swapped DECs.

damage. Following a GFG complaint, investigations were launched for alleged intimidation of 44 GFG supporters. Of them, 23 were interviewed by the Police and three acknowledged having been intimidated but did not present evidence; the investigation is on-going.

Citizen and International Observers

The law provides for election observation at all stages by citizen observer organizations, international observers, electoral subjects and of the media. In an inclusive manner, the CEC accredited 88 national CSOs with some 31,000 observers. Three organizations were denied registration.⁸⁴ Fifty-two international observer groups and 89 media outlets were registered.⁸⁵

Several citizen observer organizations have launched long-term monitoring activities and deployed observers on election day contributing to the overall transparency of the process.⁸⁶ One conducted a parallel vote tabulation. Campaigns targeting CSOs and the publication of lists alleging pro-opposition and pro-government biases among observers, contributed to the overall perception that observer groups were being used for partisan purposes, potentially negatively impacting public confidence in the role of observers.

Election Day

The polling stations observed generally opened on time, with a few delays due to organizational issues. IEOM observers assessed the opening proceedings positively in 117 of 126 polling stations and found that procedures were largely followed but, in some cases, the number of received ballots and persons on the voter lists were not recorded properly. The preliminary voter turnout announced by the CEC was 51.9 per cent.

The voting process was evaluated positively in 96.2 per cent of the 1,342 polling stations observed. While IEOM observers characterized the process as well-organized and transparent with procedures generally followed, they reported such issues as overcrowding in 17.2 per cent of the polling stations visited, and in 3.9 per cent the layout did not ensure the secrecy of the vote.⁸⁷ Further, IEOM observers noted that adherence to COVID-19 related rules was not consistent or in some cases not possible. In 3.1 per cent of the polling stations visited, IEOM observers noted instances of voters not found on the voter list. Party and candidate representatives and citizen observers were present in 83.1 per cent of polling stations observed, however, in 7 per cent they were seen as interfering with the election process. In 36.1 per cent of polling stations observed, IEOM observers noted clear indications of citizen observers acting on behalf of parties or candidates. Despite efforts to improve accessibility, IEOM observers noted that 59.6 per cent of the polling stations visited were difficult to access for wheelchair users. Women constituted an overwhelming majority of commission members at the polling stations visited.

⁸⁴ The CEC refused to accredit the Regional Association of Social Workers on the grounds that their founding documents do not provide for election monitoring and/or protection of human rights, the Veterans for Strong and United Georgia for not correcting representation documents, and Policy and Justice Observatory as its chairperson ran as a candidate.

⁸⁵ Including ALLMEDIA that has registered 668 media representatives; *Imedi* - 256; the GPB - 203; *Rustavi 2* - 159; *Mtvani* - 148; *Formula* - 133; *Pirveli* - 118.

⁸⁶ According to an ODIHR EOM review of the domestic observer organizations accredited by the CEC, some 53 per cent of them lack functioning websites; 71 per cent of them lack information or annual reports on their activities; 60 per cent of the CSOs that have functioning websites, do not update them regularly. Some 72 per cent lack public information on their source of funding and 65 per cent have not published reports on their observations in a systematic and consistent manner.

⁸⁷ IEOM observers noted that the choice of voters was in some cases visible when casting their vote by means of the electronic ballot scanners piloted in Krtsanisi district. In Krtsanisi three PS had to revert to casting ballots in envelopes due to the excessive size of the printed ballots which could not enter the ballot scanner. In one polling station in Vake district, the mayoral ballots had to be replaced with ones brought from other polling stations due to printing errors.

While recent legislative amendments banned gatherings within 100 meters of a polling station, IEOM observers noted the intimidating presence of groups of individuals in the immediate surroundings of 21 per cent of polling stations observed, and tracking of voters in some 8 per cent, raising concerns about the ability of voters to cast their vote free from pressure.⁸⁸ Further, isolated cases of violence were reported.⁸⁹

IEOM observers assessed the counting process negatively in 20 of the 116 polling stations observed, mainly due to procedural errors and PEC members having difficulties filling in the results protocols. Representatives of the contestants were present in nearly all polling stations observed, and observers assessed the process as transparent in 98 per cent of the polling stations visited. Procedural omissions included, unused ballots not being invalidated in 19 polling stations, the number of signatures not properly recorded before opening ballot boxes in 14 polling stations observed, control sheets not properly inspected and safely kept in one in four observations. In 16 polling stations citizen observers or party representatives, interfered in the counting process. Contrary to procedures, the validity of contested ballots was decided by the chairperson rather than a vote of PEC members in 39 of the visited polling stations.

IEOM observers noted that in 28 instances PEC members had difficulties in filling in results protocols. As a result, voting results were not properly entered in posted protocols (11 observations), figures in previously completed PEC protocols had to be revised (13 observations) and PEC members refused to sign the protocols presenting dissenting opinions in four polling stations. The PECs did not publicly display a signed copy of the results protocol in a third of polling stations observed, limiting transparency. Video cameras were provided to some 3,200 polling stations with the objective to enhance transparency and deter fraud; this measure, however, slowed down the counting process.

IEOM observers evaluated the process of tabulation as transparent. While observation of the tabulation process continues, the initial stages of district tabulation, consisting of the intake and upload of PEC results protocols, were generally assessed positively except in four of the 60 DECAs observed due to overcrowding. Party representatives and observers were present in most DECAs visited.

Some 370 complaints were filed to DECAs on election day alleging various procedural violations at PECs. The complaints pertained to PEC performance, the hinderance of citizen observers, voter lists, voting and counting procedures, including PEC summary protocols, the video recording and requests for recounts. Of these, over 250 requested disciplinary sanctions against PEC members to be issued while the remaining requested an administrative protocol to refer the cases to court.

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

⁸⁸ This was reported especially in Rustavi, Bolnisi, Gori and Kutaisi.

⁸⁹ According to Ministry of Interior, there were eight incidents of physical assaults, including one stabbing of a Labour Party supporter in Marneuli, and two cases of interference with professional activities of journalists.

MISSION INFORMATION & ACKNOWLEDGEMENTS

Tbilisi, 3 October 2021 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the Congress of Local and Regional Authorities of the Council of Europe (Congress) and the European Parliament (EP). The assessment was made to determine whether the elections complied with OSCE commitments, Council of Europe standards, and other international obligations and standards for democratic elections and with national legislation.

Albert Jónsson is the Head of the ODIHR EOM, deployed from 26 August 2021. David Eray led the Congress delegation, and Michael Gahler headed the EP delegation. The Congress assessment mission was deployed from 29 September to 3 October, and the European Parliament from 29 September until 3 October.

The institutions involved in this International Election Observation Mission (IEOM) have endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. The ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process. The Congress will present its report at its 42th session in March 2022, and the EP will present the report at the upcoming meeting of the Delegation for relations with the South Caucasus of the European Parliament.

The ODIHR EOM includes 13 experts based in the capital and 30 long-term observers deployed throughout the country. On election day, 302 observers from 32 countries were deployed, including 30 long-term and short-term observers deployed by the ODIHR, as well as an 18-member delegation from the Congress and a 14-member delegation from the European Parliament. Opening was observed in 141 polling stations and voting was observed in some 1,400 polling stations across the country. Counting was observed in 131 polling stations, and the tabulation in 60 DEC's.

The observers wish to thank the authorities for their invitation to observe the elections, and the Central Election Commission and the Ministry of Foreign Affairs for the assistance. They also express their appreciation to other state institutions, political parties and civil society organizations and the international community representatives for their co-operation.

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