

**OSCE Office for Democratic Institutions and Human Rights
Election Observation Mission
Georgia
Municipal Elections 2010**



**INTERIM REPORT No. 2
4-15 May 2010**

21 May 2010

I. EXECUTIVE SUMMARY

- Campaign activity has so far been limited outside the main cities. The main focus has been on the election of the mayor of Tbilisi. The campaign atmosphere has been calm, despite isolated incidents.
- Many contestants continue to profess a lack of confidence in the election process. The OSCE/ODIHR Election Observation Mission (EOM) has received allegations of violations from some opposition parties and non-governmental organizations, including pressure on candidates, illegal campaigning by state officials, and unequal access to administrative resources to the benefit of the governing party candidates. The governmental Inter-Agency Task Force for Free and Fair Elections (IATF) has sought to address such concerns.
- The election administration at all levels is actively preparing for the elections. The Central Election Commission (CEC) and District Election Commissions (DECs) are transparent and co-operative. The CEC has yet to issue detailed instructions to DECs regarding the tabulation of election results.
- The CEC updated the voters' lists on 1 May, as required by law. The compilation of preliminary voters' lists in urban areas has been affected by some shortcomings in the address system, recent changes to street names and changes of precinct boundaries. Only 171 of over 11,000 citizens who were deregistered from the civil register at their landlord's request applied within the legal deadline to DECs for inclusion in the voters list.
- The OSCE/ODIHR EOM's preliminary media monitoring results indicate a lack of balance in the prime-time news coverage of political subjects and candidates on most monitored television channels. Only the Georgian Public Broadcaster's First Channel (GPB1) has offered its viewers a more balanced picture of the campaign. The very high price of paid political advertising on main nationwide television channels has limited candidates' possibilities to campaign in the media.
- Despite numerous allegations, relatively few formal complaints have been filed with election commissions and courts thus far, most pertaining to breaches of campaign regulations, especially misuse of administrative resources. A lack of understanding of provisions stipulating the competences of various adjudicative bodies is prevalent among complainants and commissions alike. The CEC does not always issue decisions on complaints, in particular when complaints are deemed unsubstantiated.
- The proportion of women candidates is low and remains virtually unchanged from the 2006 municipal elections. Women account for more than one half of DEC members nationwide.
- The CEC has stated that it will produce election material such as ballot papers, voters' lists, PEC manuals and sample protocols in minority languages for use in areas where national minorities form a significant part of the population.

II. THE CAMPAIGN

Campaign activity has so far been limited outside main cities. The main focus has been on the election for mayor of Tbilisi. The candidate of the ruling United National Movement (UNM), Giorgi Ugulava, has campaigned actively. Among opposition candidates, Irakli Alasania of the Alliance for Georgia bloc, Giorgi Chanturia of the Christian Democratic Movement (CDM) and Zviad Dzidziguri of the National Council bloc have also been active in Tbilisi. The main campaign activity has been local meetings with the electorate, often involving local candidates. Mr. Ugulava has held a series of events that have been covered by the media in which he tries his hand at various professions, such as baking bread at a bakery, filling cars at a gas station, etc. Outside Tbilisi, the UNM, the CDM, the National Council and the Democratic Party of Gia Tortladze have been more active than others.

Most contenders have carried out issue-based campaigning. Employment has been a major campaign theme for several parties and blocs. The UNM has stressed improved welfare provision and infrastructure. The Alliance has focused on social programmes, including pensions and help to families. The CDM has put a heavy accent on lower utility prices. By contrast, the National Council has had a significant focus on alleged violations of the electoral process.

The campaign atmosphere has been calm, despite isolated incidents. A demonstration on 6 May organized by some opposition parties was marred by violent clashes with the police. There have also been several controversies over the placement of campaign posters. On 6 May, a dispute over the placement of UNM posters led to a shooting incident involving Mr. Dzidziguri. The Alliance for Georgia has filed a complaint with the CEC about defacing of their posters in Tbilisi, and the placement of UNM posters over them.

Many contestants continue to profess a lack of confidence in the election process. The OSCE/ODIHR EOM has received allegations of violations from some opposition parties and non-governmental organizations. These included pressure on opposition candidates to withdraw from the elections, including threats of job loss; illegal campaigning by state officials; and unequal access to administrative resources to the advantage of the UNM. The Inter-Agency Task Force for Free and Fair Elections (IATF), comprising representatives of various ministries and government agencies, has sought to address such concerns. A case of officials in Mestia (Samegrelo–Zemo Svaneti region) pressuring candidates of the Freedom party to withdraw is being investigated by the IATF. Following the incident, the governor, who was accused of being involved, went on leave from his duties. The IATF informed the OSCE/ODIHR EOM that it is recommending that the prosecutor should take up the matter. There have also been several general allegations that prisoners have been offered release in return for lists of people promising to vote for the UNM. The IATF denied the possibility of such releases occurring.

The distinction between the state and the governing party is sometimes blurred. According to the Unified Election Code (UEC), public officials are permitted to campaign outside of their normal duties. Many, including senior public officials, have taken leave in order to campaign for the UNM. Opposition politicians have objected that this benefits exclusively the UNM. A public campaign by the Tbilisi mayor's office with the slogan "I love Tbilisi", which was launched before these elections were called, was subsequently carried over into the UNM's campaign in the capital. The "Kinomania" program of the Tbilisi mayor's office, under which students are given a 5 Lari discount on cinema tickets, featured a visually outstanding number "5", the number on the ballot under which the UNM has run in elections since 2004.

III. THE ELECTION ADMINISTRATION

During the reporting period, the Central Election Commission (CEC) continued to prepare actively for the elections. The CEC continued its practice of holding brief formal sessions which are open to observers and take place in a collegial atmosphere. The CEC chairperson conducted frequent visits to the regions to meet District Election Commissions (DECs) and various election stakeholders. The CEC approved, *inter alia*, the form of ballot papers, summary protocols and the Precinct Election Commissions (PEC) election-day record book.

DECs generally appear well prepared and are transparent and co-operative; most DEC chairpersons have previous election-related experience. DECs hold frequent sessions, and all members are duly informed about such sessions.

PECs observed by OSCE/ODIHR EOM long-term observers (LTOs) are functioning. Their main task during the reporting period was to maintain and to update the voters' lists. Training of PECs is ongoing, covering voting and counting procedures, as well as the consideration of complaints. In most cases, training was assessed positively by OSCE/ODIHR EOM observers.

Some political parties changed their initially-appointed PEC members. In a number of districts, such changes were extensive. A number of interlocutors have alleged that some parties which are entitled to appoint PEC members do not actually have the necessary infrastructure and resources to appoint their own party members to PECs, and frequently appoint UNM activists or former UNM members instead. A few specific cases of alleged pressure on party-appointed PEC members to resign were noted in the reporting period.

The CEC has yet to issue formal detailed instructions to DECs regarding the reception of PEC results protocols and the tabulation of results.

On 5 and 8 May, the DECs in Kvareli and Lentekhi issued ordinances to deregister the candidate lists of the National Council for the proportional component of the *sakrebulo* (council) elections. According to the DECs' interpretations of the law, deregistration was necessary since the numbers of candidates on these lists dropped below the required minimum of ten after some candidates withdrew from the lists. The National Council appealed the DEC ordinances to the CEC, arguing that the UEC does not go into details about the validity of lists after they have been successfully registered by DECs. The CEC rejected the appeals on procedural grounds, since they were submitted after the legal deadline.

On 15 May, the vast majority of CEC, DEC and PEC members signed a code of ethics in which they pledged to respect and follow the law. The CEC launched a number of voter information initiatives, including go-and-vote campaign TV spots, information on how to check a personal entry on the voters' list, and on voters' rights. The Georgian version of the recently redesigned CEC website is regularly updated.

IV. VOTER REGISTRATION

The CEC updated the voters' lists on 1 May, as required by law. The CEC representatives told the OSCE/ODIHR EOM that according to their assessment, less than one per cent of errors remains in the voters' lists.

PECs were instructed by the CEC and DECs to note in the voters' lists known cases of unrecorded deaths and to mark the entries of voters for whom there is evidence that they are not in Georgia. In rural areas, it was easier to obtain such evidence, due to familiarity among the residents. However,

there are no regulations on how to perform this procedure, which may result in inconsistent application by DEC and PECs.

In urban areas, the compilation of preliminary voters' lists has been affected by some shortcomings in the address system, recent changes to street names and changes of precinct boundaries. In some rural areas, the preliminary allocation of voters to precincts was problematic due to a rudimentary address system. During the reporting period, the election administration spent a considerable amount of resources in an effort to address this problem.

In an agreement with other CEC members, the CEC chairperson recommended to lower-level commissions that they try to contact citizens who were de-registered from the civil register and initially taken off the voter lists. The CEC has also launched a media campaign to try to reach these citizens. Of 11,281 such citizens, only 171 approached the DEC in order to register to vote, by the deadline of 14 May. The remaining 11,110 citizens will not be able to vote.

V. THE MEDIA

Regular discussion programs and talk shows on the Georgian Public Broadcaster (GPB), as well as national and regional private broadcasters, provided an opportunity for contestants to present their platforms. To date, the GPB's First Channel (GPB1) has organized two debates, one among the five candidates for Tbilisi mayor nominated by "qualified" subjects, and the other one among the four candidates nominated by "unqualified" subjects.¹

The OSCE/ODIHR EOM's preliminary media monitoring results for the period of 18 April–12 May indicate a lack of balance in the prime-time news coverage of political subjects and candidates on most monitored television channels, with some supporting the government and others the opposition. Only GPB1 has thus far offered its viewers a more balanced picture of the campaign in its prime-time news programs. GPB1 devoted 19 per cent of its political and election news to the UNM and 13 per cent to the Alliance for Georgia. The CDM-led Christian-Democratic Union and the National Council received 12 per cent of coverage each. GPB's Second Channel provides permanent access to all political parties and covers their campaign activities – so far this opportunity has been utilized mainly by the Christian-Democratic Union, the Alliance for Georgia and the National Council.

The two by far most popular private television channels, Rustavi 2 and Imedi TV, both of which broadcast nationally, demonstrated their support for the ruling party and its Tbilisi mayoral candidate. Both channels also devoted extensive and favorable coverage to the activities of authorities, outside the campaign context, indirectly benefiting candidates with a pro-government orientation. There was a notable tendency to cover the activities of state officials positively, often pointing out achievements and successes. Appearances of the Tbilisi mayor and government officials in the media coverage of ceremonial events such as openings of new bus lines, sport facilities, or a shopping center, or in activities such as renovation of elevators in Tbilisi (co-financed by the Tbilisi city hall), usually in the presence of UNM candidates, indirectly benefited the UNM campaign.

Another nationwide broadcaster, Adjara TV, which is owned by the Adjara regional authorities, adopted a similar approach to that of Rustavi 2 and Imedi TV, and devoted the bulk of its political and election prime-time news coverage to the UNM and activities of the authorities. The local Tbilisi station Real TV has thus far demonstrated a clear bias in favor of the UNM and against the

¹ Political parties or blocs that are represented by a faction in the parliament or received at least four per cent of the proportional vote in the last parliamentary elections or three per cent nationwide in the last municipal elections are considered "qualified" subjects. "Unqualified" subjects must demonstrate public support through opinion polls results in order to enjoy free airtime/space.

opposition. Local Tbilisi stations Kavkazia TV and TV Maestro, by contrast, have so far served as a platform for the opposition, in particular the Alliance for Georgia. Both channels also criticized the UNM and the authorities.

The very high cost of paid political advertising on main nationwide television channels has limited candidates' possibilities to campaign in the media. Only Mr. Ugulava has so far been able to place paid spots on Rustavi 2 and Imedi TV.² "Qualified" subjects have intensively utilized airtime for free-of-charge spots provided to them on both public and private broadcasters. While not legally obliged to do so, GPB1 also offers free airtime to "unqualified" subjects.

On 3 May, 16 regional print media published only one sentence, "Give us public information", on their front pages to protest against state institutions which, in their view, "hide public information and create obstacles for journalists to get information." A number of OSCE/ODIHR EOM interlocutors also highlighted the lack of transparency regarding media ownership as particularly problematic, as allegedly some state officials might be indirectly linked with some national and local broadcasters.

VI. COMPLAINTS AND APPEALS

Despite numerous allegations, relatively few formal complaints and appeals have been filed with election commissions and courts thus far. A lack of understanding of provisions stipulating the competences of various adjudicative bodies and the procedures that should be followed is prevalent among complainants and commissions alike. In DEC 61 (Lanchkhuti), the Labour Party disputed the registration of the Alliance for Georgia list at the DEC level, instead of filing an appeal with the CEC. The secretary of the respective DEC told OSCE/ODIHR EOM LTOs that it was not the DEC's duty to inform the complainant that the CEC is the competent body.³

The majority of complaints filed with the CEC were submitted by domestic observer organizations and pertained to breaches of campaign regulations, especially the misuse of administrative resources. The UEC does not explicitly set out a timeframe for reviewing this type of complaints. Instead, it makes reference to the Georgian legislation in general with regards to the timeframe. The CEC rules of procedure repeat the same provision. On average, complaints that have been filed at the CEC are reviewed approximately two weeks after their submission. Although time to investigate is indeed needed for an effective review of complaints, the consideration of such complaints should also take place in a timely manner.

The CEC does not always issue decisions when complaints are made, in particular when complaints are deemed unsubstantiated. The CEC treats these complaints as "information material" and the complainant is informed by a simple letter that the complaint is considered unsubstantiated. Furthermore, the CEC decisions on appeal demonstrate a lack of understanding of legal terminology. In a positive development, the CEC is aware of the issue and has attempted to address it through working groups.

On 13 May, the CEC chairperson reviewed a complaint lodged on April 28 by the Georgian Young Lawyers' Association (GYLA) related to the "Kinomania" project of Tbilisi city hall. The CEC chairperson established a violation of the provision that forbids spending money from the state or local budget for printing materials that include the electoral subject or its number. A protocol was compiled and forwarded to the city court which has the authority to impose a fine.

² Rustavi 2 charges between 13,000 and 32,000 USD for one minute, depending on the specific time segment.

³ Article 80 of the General Administrative Code of Georgia states "if the resolution of a matter set forth in the application falls within the jurisdiction of another administrative agency, an administrative agency shall refer the application and all attached documents to the competent administrative agency within five days".

GYLA brought a case to the Tbilisi city court against CEC Resolution 37, which regulates the conditions under which voters who were deregistered at the request of their landlord can vote in the municipal elections. GYLA disputed the legality of this CEC act and contended that the CEC exceeded its discretionary power as provided by the UEC. The court dismissed GYLA's appeal and upheld the CEC resolution. The Tbilisi Court of Appeals upheld the city court decision.

Two cases have been brought to the prosecutor's office. One complaint was filed with the General Prosecutor's Office by the Coalition for Civic Development, alleging forgery of the minutes of the meeting of PEC 9 in Chokhatauri DEC during which the PEC chairperson was elected. The second complaint was filed with the prosecutor's office in Ozurgeti by the Alliance for Georgia, which claimed that the head of the district office of the Constitutional Security Department in Lanchkhuti has exerted pressure on their candidate in the single-mandate constituency of Nigvziani to withdraw his candidacy.

VII. PARTICIPATION OF WOMEN

The proportion of women candidates in single-mandate constituencies and on proportional lists remains virtually unchanged compared to the 2006 municipal elections. Only 10.9 per cent of majoritarian candidates are women, as are 18.2 per cent of the candidates on proportional lists. None of the nine candidates for the Tbilisi mayor is a woman. Two of the parties running in these elections are headed by women – Georgia's Way of former Foreign Minister Salome Zurbishvili, and the Christian-Democratic People's Party of Magdalena Kotrikadze. Former Imedi TV journalist Inga Grigolia is a leading figure of the CDM. With regard to the election administration, only one of the 13 CEC members is a woman, but women account for around 52 per cent of DEC members.

VIII. PARTICIPATION OF NATIONAL MINORITIES

According to the CEC, various election-related materials will be made available in minority languages. The UEC will be printed in Georgian, as well as Russian, while the voters' lists and ballot papers will be in Azeri and Armenian in areas populated by those communities. The PEC manual is being provided in Georgian, Azeri, Armenian and Russian. According to the CEC, while sample protocols are being provided in Azeri, Armenian and Russian, the actual protocol will have to be completed in Georgian.

Concerns have been raised by civil-society organizations that many Roma do not have ID cards, are not registered, and will not be able to vote.

IX. OSCE/ODIHR EOM ACTIVITIES

During the reporting period, the OSCE/ODIHR EOM continued its regular activities, meeting state officials, including the IATF, party representatives, candidates, the election administration, court officials, representatives of the media and civil society, and diplomatic missions. LTOs deployed throughout the country continue to observe electoral preparations and the campaign in the regions and are preparing for the deployment of short-term observers. The first briefing for members of the diplomatic community and international organizations accredited in Georgia was held on 7 May. It is anticipated that the OSCE/ODIHR EOM will form an International Election Observation Mission with the Congress of Local and Regional Authorities of the Council of Europe, including members of the European Union's Committee of the Regions.