



Joint Statement of the Election Media Centre NGOs on the Pre-Election Environment prior to the 30 May Local Government Election

29 May 2010

Tbilisi, Georgia: Several thousand local and international observers will be monitoring the 30 May 2010 local elections, which highlights the importance of ensuring that the elections take place in a free and fair environment. The elections are considered to be a test of the Georgian government's and the political spectrum's commitment to democratic principles. The elections are just a day away. The processes of voting and tabulation of election results will largely determine the Georgian public's and the international community's assessment of the upcoming elections though their opinion regarding the pre-election environment will also have a considerable impact on the assessment.

Transparency International Georgia, the International Society for Fair Elections and Democracy and the Georgian Young lawyers Association have been monitoring the pre-election environment since the day the elections were called. As of the day before the elections, the following trends have been observed in the process of monitoring:

Announcement of Election Date: Under the Georgian law, the president announces the election date no later than 60 days before the elections. Mikheil Saakashvili made the first public announcement about holding the local elections on 30 May 2010 as early as June last year. However, as was the case with the 2006 local elections and the 2008 early parliamentary elections, he only officially announced the date of the elections on the last day of the time frame established by the law.

The election reports and recommendations of the local and international observer organizations emphasize that the announcement of the election date is not a technical matter. It has a considerable impact on campaign planning and hence, in order to ensure that political opponents are placed in an equal starting position, it is necessary to notify them of the official election date earlier than it has been the case.

Legislative Amendments: Several important amendments to the Georgian Electoral Code were adopted for the 30 May local elections. Specifically, the time frame for appealing against the irregularities in the voting and vote count was extended from one day to two days, the opposition parties were granted the power of appointing precinct electoral commission secretaries, initiation and implementation of budget amendments after the official announcement of the election date was prohibited and so on.



The amendment whereby the Tbilisi mayor is to be elected through a popular vote is particularly important though, unfortunately, despite the president's 2009 statement at the United Nations that the mayors of all cities would be elected through a popular vote, the mayors of other cities are still going to be appointed by the city councils after these elections.

Better regulations for the use of administration resources for the campaign were not introduced either, despite the efforts of nongovernmental organizations. The Georgian law is presently not compliant with international standards in this respect and provides the ruling party and its candidates with an advantage.

Voter List: It is necessary to begin working on the voter list well in advance of the elections. In order to resolve the issue, the databases of the public agencies involved in the compilation of the list need to be compatible with each other and with the databases of the Central Electoral Commission. Moreover, voters must always have a possibility of examining the list and it must be updated constantly.

Still, the work conducted by the Central Electoral Commission to improve the voter list for these elections should mostly be assessed positively. It is important that eleven political parties were involved in the verification of the list and the process was financed from the state budget though the inaccuracies they detected were not fully addressed despite the fact that there was sufficient time for this. The Central Electoral Commission chairman presented to the public a detailed report on the results of the work conducted on the voter list.

Electoral Administration: The situation has been different at different levels of the electoral administration. The Central Electoral Commission demonstrated a stronger commitment to creating a constructive working environment and getting NGOs and other interested parties involved actively in its own work. Compared to the past elections, the commission members, including those appointed by the opposition parties, were better informed about the commission's activities and the dates and agendas of its sessions and were able to participate in the work more actively. Moreover, there were several working groups at the Central Electoral Commission where NGOs were represented.

Along with these positive trends, there were cases when the Central Electoral Commission did not provide requested public information in due time or provided incomplete information.

The assessment of the lower-level electoral commissions – the district and precinct electoral commissions – is much more negative. It was even more difficult to obtain information from these commissions. It is also regrettable that the electoral administration ignored the recommendation of the observer organizations and, as a result, the individuals who had been “blacklisted” by the International Society for Fair Elections and Democracy and the Georgian Young Lawyers Association for the mistakes made and the violations committed during the past elections were once again appointed as precinct electoral commission members. The aforementioned organizations



submitted the list to the Central Electoral Commission before the precinct electoral commissions were formed.

Election Campaign: The monitoring of the election campaign focused on the use of administrative resources and the instances of intimidation. Fewer violations of this kind were recorded this time than was the case during the 2008 parliamentary and presidential elections though one should also take into account the fact that there was less competition this year. Political parties focused on Tbilisi, while the instances of intimidation were much more frequent in the regions than in Tbilisi during the previous elections.

It is regrettable that, despite the fact that there was less competition, cases of intimidation of voters and political opponents were still recorded. The reports that the observer organizations have published so far describe numerous such cases. Their actual number was even higher but some political activists and voters refrained from speaking about the subject openly.

The pre-election monitoring also revealed cases of active participation of public officials in the ruling party's campaign and social programs designed exclusively for the pre-election period. The Georgian law only prohibits public officials from participating in an election campaign when there are performing their official duties. As a result, over 1,000 public officials took a leave before the elections. This happened against the background of a considerable increase in the number of public officials and the budget funds allocated for their salaries this year.

Reacting to Violations: Given the nature of local elections - when officials are elected at the local rather than national level - it is easily possible that violations occur on the initiative of local public officials, who themselves run in the election in a given town or district, rather than on the central government's order. In such cases, it is important to assess how the central authorities and relevant departments respond to such violations.

The work of the Central Electoral Commission in this regard was not fully adequate. It was not very constructive and showed little interest in reviewing the complaints concerning the election campaign. This stemmed, partially, from the fact that the commission deemed the preparation for the elections to be more important. Ultimately, the Central Electoral Commission chose to assume a passive rather than a proactive stance in terms of reacting to violations.

The Inter-Agency Task Force for Free and Fair Elections worked more actively towards responding to violations. It is important that the group is made up of high-ranking officials, which increases its influence and effectiveness. As of today, the group has held several meetings with the organizations involved in monitoring. Every single violation recorded by these organizations was discussed in detail at these meetings. In addition to that, the Inter-Agency Task Force has published two reports, describing the violations it had examined and detailing the reaction. It has also made public important statements, urging public officials to observe the law. In spite of this, only one offender



(acting director of a Khulo school who was dismissed from his post for holding a pre-election event at school) has faced appropriate punishment so far. According to the information provided by the Task Force, several other incidents are presently being investigated. Among these is the case of particularly harsh pressure that the opposition parties were subjected to in Mestia on 3 May. The allegations are supported by the testimony of several witnesses and a secret video recording.

As for the inter-faction group formed in parliament, its activities have so far been limited to receiving periodical information from the observer organizations regarding the violations, publicizing this information through press conferences and calling on the government to react.

Ultimately, it is clear that the government and the Central Electoral Commission are trying to hold the 30 May local self-government elections in a way that will gain a positive assessment from the international community. Indeed, several important steps have been taken in this direction although, along with the positive trend, the problem remains that, when interpreting legal prohibitions, the emphasis is being placed on the formal side rather than the aim and the essence. As a result, the line between the ruling party's election campaign and the government's activities remains blurred and other political parties have to conduct their campaigns in unequal conditions.

Transparency International Georgia, the International Society for Fair Elections and Democracy and the Georgian Young Lawyers' Association will continue to monitor the elections and, along with other important issues, will focus specifically on the process of reacting to violations. We urge the Inter-Agency Task Force to ensure that the reaction is timely and proportionate to the offence committed, and that information about its activities is provided actively not only to the international community (the group's reports have only been published in English so far) but, first and foremost, to the citizens of Georgia.

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