



## GYLA presented its monitoring report of pre-election period

Georgian Young Lawyers' Association presented its monitoring report of pre-election period. The report covers the monitoring results in the period of July-September 2013. During the three months period GYLA conducted monitoring in Tbilisi and seven regions - Kakheti, Shida Kartli, Kvemo Kartli, Mtskheta-Mtianeti, Imereti, Adjara and Ozurgeti.

GYLA monitors used different tools for data collection, including request of public information from the government agencies and monitoring of information disseminated by the mass media. Citizens and members of political parties often presented the information on violations to GYLA. GYLA's monitors checked information directly with the applicant and provided legal assistance, if needed.

Compared to 2012 Parliamentary Elections, pre-election campaign of 2013 presidential elections was conducted in peaceful environment. Presidential candidates has opportunity to carry out election campaign oriented on their election programs.

Following issues have been determined during the research:

- As for legislative amendments, the fact that the Parliament of Georgia took into consideration a part of the recommendations submitted by non-governmental organizations shall be positively assessed. Nevertheless, despite the highest legislative body at the outset intended to elaborate the high standard election legislation, at the end, from the planned agenda many substantial amendments were not made to the election legislation. As a result, in terms of improvement of an election environment, following issues are yet to be regulated: election system, composition of election administrations, clear marking off state and party resources,

vote buying regulations; State Audit Office institutional independence, election disputes, precincts created for special occasions (special precincts), media regulations.

- During the pre-election period, resignation of Zurab Kharatishvili, the Head of the CEC became an obstacle for administering the election process. As regards the selection of a new Head of the CEC, we welcome the fact that the President of Georgia took into account the civil society opinion and presented for election to the CEC the candidate nominated by us – Tamar Jvania and CEC members supported her candidacy.

- A number of problematic issues have been revealed with respect to the election subject registration process, such as: necessity to verify existing requirements for the presidential candidate and holding of a position; participation in the elections as a presidential candidate of persons having dual citizenship; coordination problem between the CEC and state agencies, etc. GYLA considers that the CEC and court decisions on registration as candidates of Mrs. Salome Zurabishvili and Mr. Zurab Tsitsuashvili constitutes a wrong interpretation of the Constitution, which shall be deemed as a significant pre-election error.

- As a result of amendments made to the Election Code, the rule for composition of the election administration did not change. By 2013 Presidential Elections, election commissions, except for the commission members elected on professional grounds, were composed only by the members appointed by two political powers – Coalition “Georgian Dream” and “United National Movement (UNM)”, which became the subject of critical discussions several times. As in 2013 by-elections, a number of facts still occurred when the persons, who in the nearest past represented different parties in the election administrations, were elected on professional grounds in the Precinct Election Commissions (PECs). In GYLA’s opinion, the latter prejudices trustfulness of the election administration.

- The Interagency Commission for Free and Fair Elections (ICFFE) under the MoJ was committed to improve the election environment and prevent breaches in the course of pre-election period, which shall be positively evaluated. In order to improve the election environment, the Commission elaborated important recommendations. Particular attention should be drawn to the Commission’s activity concerning the

verification of regulations on the engagement of public servants in the pre-election campaign and definition of certain rules. Nevertheless, some problems occurred in terms of conducting the meeting in a constructive manner.

- Positively should be assessed the fact that Giorgi Margvelashvili, presidential candidate nominated by the Coalition “Bidzina Ivanishvili – Georgian Dream”, under his initiative, resigned from the position of the Minister of Education and Science of Georgia, while he was not obliged to do so in accordance with applicable legislation.
- During the pre-election period, facts of utilization of administrative resources have occurred, however, such violations are much less compared to those revealed by GYLA monitors before 2012 Parliamentary Elections. Basic signs of violation are illegal participation of public servants in the pre-election agitation and significant increase of pre-election local budgets. Moreover, very interesting fact occurred, when the President of Georgia announced large-scale pardon that allegedly implied signs of utilization of administrative resources for election purposes.
- In the process of monitoring, the Georgian Young Lawyer’s Association identified several facts implying the signs of vote-buying.
- During the pre-election period, several facts of alleged political pressure and threat were revealed, which damaged the pre-election environment and posed a threat to the conduct of a pre-election campaign in the pressure-free environment, especially in the Georgian regions. Essential part of violations took place in the local self-government bodies, which was accompanied by dismissal of public servants against their will. Observation of these facts also disclosed the cases of dismissal of public servants allegedly on political grounds, both individually and collectively. As GYLA’s monitors report, the facts are especially noteworthy since suspected violations include alleged participation of law-enforcement representatives and high state officials therein.
- As regards the pre-election meetings, they were basically held in a calm atmosphere; however, some obstructions still have been identified, which was primarily directed against the political party “United National Movement (UNM)” and in certain occasions carried violent character.

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



•It should be highlighted that media conditions are at certain extent improved compared to 2012 Parliamentary Elections pre-election period. In contrast to the pre-election period of the last year Parliamentary Elections, during the pre-election period of 2013 Presidential Elections only one fact was identified according to which the journalist was illegally obstructed to carry out his/her professional duties. Despite this improvement, problems still remain in terms of independence of the means of media and its exemption from political pressure.

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