

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



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# GYLA's Interim Assessment of the Pre-Election Environment

The presidential candidates in the 2018 pre-election period had a possibility to hold pre-election campaign in a competitive environment. They introduced their programs and electoral promises to the voters through face-to-face meetings; however, the campaign was not free from interference, use of [hate speech and xenophobic statements](#). Similar to the 2016-2017 years, the dissemination of the secret tapes was also problematic.

Hate speech and personal insults were disseminated through social media as well, which was directed both against various political entities, as well as against the NGOs. Such false information was disseminated through various sponsored pages/accounts. The source of funding of those pages/accounts is still unknown to the public.

## Short overview

It must be emphasized that the 2018 presidential elections are the last ones, in which voters have a possibility to directly elect the president.

The 2018 presidential elections are held differently than all the previous presidential elections, because for the first time, the ruling party ( ქართული ოცნება Dream აქ did not nominate its own candidate, instead supporting the independent candidate, proposed by the initiative group ქალაქი Salome Zurabishvili. In total, 46 electoral subjects/initiative groups have applied for registration to the election administration and nominated a presidential candidate. Overall, 25 candidates were registered for the presidency.

On August 1/2018, the president announced the voting day to be on October 28; thus the pre-election campaign regulations, according to the Electoral Code of Georgia entered into force since August 29.

It is notable that media became even more polarized in the pre-election period. Xenophobic calls, attempts to spread inter-ethnic confrontation were disseminated

through the pre-election political advertisement on media. The decisions and interpretations of the Georgian National Communications Commission (GNCC) regarding the usage of media in the pre-election period were contradicting both the legislation of Georgia, as well as the pre-existing practice before 2016.

### **Violations, revealed by GYLA observers:**

- **Alleged vote bribery - 1 case:**

- - United National Movement (UNM) representatives allegedly made illegal promises to the voters and provided so-called “Guarantee Certificates”;

- **Physical confrontation - 3 cases:**

- - Confrontation of Georgian Dream (GD) and UNM supporters in Kutaisi, Tianeti and Kaspi;

- **Alleged interference in the journalist’s work - 1 case:**

- - Interference in the work of the operator of the media [redacted]A during the physical confrontation in Kutaisi Sakrebulo (City Council);

- **Alleged pressure - 4 cases:**

- - Alleged pressure on the subordinates, while engaging them in campaign in Kvemo Kartli, Kakheti, Shida Kartli and Samegrelo;

- **Politically-motivated dismissal - 1 case:**

- Dismissal of the teachers from the kindergarten;

- **Alleged illegal donations - 7 cases:**

- - The free of charge political advertisement of the candidates [redacted] Mikheil Antadze, Zviad Mekhatishvili, Zviad Baghdavadze and Zviad Iashvili were placed in favor of the UNM presidential candidate [redacted] Grigol Vashadze and the free of charge political advertisement of Irakli Gorgadze was placed in favor of the European Georgia – Movement for Freedom presidential candidate – Davit Bakradze;

- **Alleged abuse of administrative resources - 5 cases, among others:**

- - Governing party engaging the subordinates (working in municipal NGOs) in the electoral campaign and tasking them to mobilize the voters in lists in favor of the independent candidate supported by them;
- - Usage of the state budget-funded communication tools and information services in favor of Salome Zurbashvili.
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- **Alleged illegal campaigning - 4 cases, among others:**

- - Public servants campaigning in favor of Salome Zurbashvili during their work hours, on their personal facebook pages;
- - Counter-campaign against Salome Zurbashvili, by the priests;
- - Campaign by the election commission member.

- **Interference in the pre-election meetings of candidates:**

- -Activists and supporters of UNM interfering and holding counter-campaigns against the pre-election meetings of Salome Zurbashvili, which has a systemic character; usage of hate speech against the presidential candidate and political subjects, their insults through social media;

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- **Damaging electoral materials:**

- - For example, coloring the electoral banners of Grigol Vashadze with red, inscribing "A" on them, pouring paints over the banners of the European Georgia candidate – Davit Bakradze, etc.

The tendency was revealed in nominating the so-called "A" candidate, the goal of which was not to win in the elections, but rather to support a specific (another) candidate and to draw additional resources for the electoral subject (such as state funding and free advertisement time).

## **Attempt to discredit the reliable observer organizations**

We must particularly emphasize the tendency of destructive, uncollegial, unjustified and groundless statements against the NGO sector in especially against the observer organizations, by the institutions involved in the electoral processes (election administration inter-agency task force and GNCC). This created the reasonable doubt

that there was an attempt to delegitimize the organizations with many years of experience on elections and human rights and to discredit their evaluations in the eyes of the public, as well as the observer international organizations. It is especially unfortunate that the statements of the representatives of the governing political party created [basis for exaggerated politization of the issues and polarization](#).

In the pre-election period, GYLA publicized the monitoring report about the composition of the electoral commissions, in which GYLA presented information about the temporarily elected persons in the district election commissions, specifically, about their relatives being employed in the same institution and political bias. This exact report has become the reason for the attacks on GYLA, both by the Central Election Administration (CEC) Chairperson, as well as the chairperson of the inter-agency task force (Minister of Justice), which has violated the [ ] of Ethics of the Election Administration Servants and in second case [ ] it violated the framework of mandate, prescribed by the Electoral Code of Georgia.

## Electoral Disputes

In the pre-election period, GYLA presented 9 applications/complaints to the election administration and the state audit services, related to, among others: illegal campaigning, abuse of administrative resources, interference in the electoral campaign, vote bribery and illegal donations.

Out of presented applications/complaints (total 7), one was upheld and administrative violations protocol was drawn up, one was forwarded for further response to the relevant executive body of the municipality and 5 were rejected.

This process has demonstrated that the chairpersons of the district election commissions, in the majority of cases, failed to comprehensively examine the factual circumstances of the applications/complaints, failed to perform the administrative process properly, and therefore [ ] made unjustified decisions to reject issuance of the administrative violations protocol. Specifically, in the process of reviewing the information regarding the alleged violation of electoral legislation, they limit to only considering the positions of the potential violators and they base their decision-making only on the explanations provided by the [potential violators](#), they do not examine all the important aspects of the case and they base their decisions on the

circumstances, claims, evidences or arguments, which have not been examined or studied through a proper [administrative process](#).

At the same time, the chairpersons of the district election commissions failed to follow the [Electoral Dispute Manual](#) A in the process of reviewing the applications/complaints on the draw-up of the administrative violations protocol. According to this manual, the  applications/complaints must be reviewed by the person responsible for the drawing-up of the district election commission protocol, with participation of the stakeholders, based on which the protocol of verbal hearings is drawn up."

Based on the above, in the process of reviewing the pre-election disputes, often the decision-makers made legally unfounded decisions regarding the administrative violations protocols.

**GYLA continues monitoring of the electoral processes and will present the summary findings of the observation after the summary of the results.**

### **Additional information - GYLA's Observation Mission on the Election Day**

Georgian Young Lawyers Association will observe the 28/2018 October Presidential Elections in Tbilisi and **9 regions**  **Kakheti, Mtskheta-Mtianeti, Kvemo Kartli, Shida Kartli, Samtskhe-Javakheti, Samegrelo-Zemo Svaneti, Guria, Imereti and Adjara (through 400 observers).**

Considering the the observation experience of the organization, special attention will be paid to:

- The precincts, revealed to be problematic during the previous elections and in the current pre-election period;[\[1\]](#)
- The dense settlements of ethnic minorities and Internally Displaced Persons from the Occupied Territories (IDPs);
- The developments surrounding the polling stations and actions of law-enforcements (implementation of the decree of the Ministry of Internal Affairs);
- Inclusiveness of the electoral environment, including the conditions throughout the country regarding the equal accessibility for the persons with disability and ethnic

minorities. GYLA also prioritizes researching the women's participation in the elections.

On the election day, GYLA will operate a special hotline (number: 032 2 18 26 30), which will allow the citizens to receive legal consultations regarding the electoral procedures. GYLA will also consult journalists and media organizations regarding the procedures, election day violations and the methods of response to them – thus, stakeholders will have an opportunity to provide us the information regarding the violations they identified on the election day.

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[1] GYLA – observers have identified those precincts based on the revealed violations during the previous elections.