



**GEORGIAN  
YOUNG  
LAWYERS'  
ASSOCIATION**

# **THE LONG-TERM OBSERVATION MISSION OF THE 2024 PARLIAMENTARY ELECTIONS I INTERIM REPORT**

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## MAIN FINDINGS

- The intentional and systemic campaign from the Government to discredit the civil society sector, the re-initiation of the “Law on Transparency of Foreign Influence” and its accompanying developments deepened polarization and threatened the possibility of holding elections in a free and fair environment.
- According to the 5<sup>th</sup> step of the 9 Steps set out by the European Commission, the Government should ensure the institutional independence of the Election Administration, and, pursuant to the 9<sup>th</sup> step, the involvement of the civil society in decision-making processes, which, taking into account the current situation, are not fulfilled.
- Persecution and violence of those opposing the “Law on Transparency of Foreign Influence”, civil activists, opposition party members and civil society organizations is orchestrated, and serves to suppress dissent and discredit civil society before the elections.
- The initiated Anti-LGBTQ bill by the ruling party is used by the latter for the purposes for the pre-election manipulation of voters.
- The revocation of the “Alt-Info” party upon a request of the Anti-Corruption Bureau, and the suspension of its election registration set an alarming precedent. There are concerns that the ruling party is unfairly employing its influence in administrative bodies to create artificial barriers for its electoral rival, undermining the integrity of a free and fair electoral process.
- The amended process of selecting the Chairperson and designated professional members of the Election Administration of Georgia (CEC) for a full term (5 years) allows the ruling party to unilaterally staff the CEC without requiring political consensus. This contradicts the “Charles Michel Agreement” of 19 April 2021, which emphasized the need for broad political consensus.
- The Amendments of 21 June 2024 to the Election Code of Georgia, reducing the number of votes required for decision-making within the CEC, undermine the potential for consensus-based decisions and the involvement of the opposition members of the CEC. Furthermore, these amendments have increased the risk of decisions being reached only between the designated professional members appointed by the Parliamentary majority and the representatives of the ruling party.
- At the initiative of the “Girchi” party and with the support of the “Georgian Dream”, mandatory gender quotas in the Parliament and local self-government bodies have been abolished.
- Introduction of the institution of delegates by the ruling party returns majoritarian practices to the proportional election system. This will alter candidate selection criteria, pre-election campaigns, and change party headquarters’ logics and priorities, effectively making the pre-election process more aligned with the reality/dynamics of majoritarian elections.
- The relevance and timing of the amendments to the Law “on Political Associations of Citizens”, particularly, outlining the revocation of registration of the parties that have not submitted a declaration in the past two years or have reported zero finances, are

questionable. This amendment creates a risk of unjustified interference in the democratic process, hence, to mitigate this risk, it is advisable to allow affected parties the right to re-register.

- Following the recent amendments adopted by Parliament in an accelerated manner, parties are now prohibited from receiving donations from legal entities. Additionally, the maximum allowable annual expenditure for parties has been reduced from 0.05% to 0.04% of the previous year's gross domestic product.
- In an election year, there have been instances of abuse of administrative resources. Particularly, the ruling party has urged employees of state and local government institutions to attend rallies supporting the "Law on Transparency of Foreign Influence", which violates the political neutrality principle prescribed by the "Law on Public Service". GYLA considers that the prohibition on public officials participating in party activities and election campaigning should extend beyond the pre-election period to cover the entire duration of their service during working hours and while performing official duties
- The public servants from the Ministry of Internal Affairs and municipal bodies were observed attending the rally of the "Georgian Dream" party supporters in Telavi event during working hours. They were also spreading the party's campaign calls. Under law, individuals employed within the MIA and other public bodies are mandated to maintain political neutrality and are prohibited from engaging in party activities during working hours or while performing their official duties.
- During the reporting period, the Government announced several social programs offering various benefits to citizens (large-scale prisoner amnesties, debt forgiveness, salary increases for teachers and civil servants, staff expansions, the completion of long-standing infrastructure projects, etc.). Such programs, which could influence voter sentiment, create an uneven playing field prior to the elections among political parties. This practice undermines the principle of separating party activities from administrative resources.

## INTRODUCTION

The long-term observation mission (LTO) of the Georgian Young Lawyers' Association (GYLA) was launched in April 2024. The primary goal of long-term observation is to ensure that elections are conducted in a free, equal, and competitive environment. To achieve this goal, GYLA aims to enhance the transparency of electoral processes, improve the effectiveness of legislative mechanisms by monitoring and addressing electoral disputes, and provide the public with accurate, evidence-based information on key tendencies. Since its foundation, GYLA has been actively engaged in election monitoring, consistently upholding a neutral stance and adhering to the principles of rule of law, objectivity, professionalism, and transparency. Within the framework of the long-term observation mission, the organization monitors the pre-election environment with the assistance of its nine regional offices in Tbilisi, Adjara, Guria, Samegrelo-Zemo Svaneti, Imereti, Shida Kartli and Samtskhe-Javakheti, Kvemo Kartli, Mtskheta-Mtianeti and Kakheti regions. This report addresses violations identified between April and June 2024, including actions that, while not necessarily illegal, constitute poor practices undermining the creation of a healthy pre-election environment. Additionally, the report highlights issues that, although extending beyond the reporting period, significantly influence the development of electoral legislation and the pre-election political context.

## 1. POLITICAL CONTEXT

The period prior to the 2024 elections was marked by significant challenges for local observer organization, as well as for society as a whole. The representatives of the ruling party made efforts to discredit the civil society sector daily, intentionally and systematically. For these purposes, they actively used their Parliamentary platform, pro-governmental media resources and social media. This process was accompanied by intensive polarization.

The re-initiation of the draft “Law of Georgia on Transparency of Foreign Influence”<sup>1</sup> (“The Russian Law”), coupled with the ruling party’s campaign to foster Euroscepticism,<sup>2</sup> widespread violations of the rights of peaceful protesters, harassment of citizens on political grounds and physical assaults significantly worsened the pre-election environment, deepened polarization and raised serious doubts about the possibility of conducting elections in a free and fair manner. The conduct of political subjects has changed. Voters, political parties, and observer organizations found themselves in an unprecedented situation. Individual platforms of political parties and their electoral programs have become less important and the elections have gained a character of a “referendum” between the political entities in favor of and against European integration. It is still questionable whether local observation organizations will be allowed to continue their work and monitor the electoral process.

**GYLA calls on the Government of Georgia to ensure a free and fair pre-election environment, as this is crucial for maintaining public trust in the election results.** Conducting the pre-election campaign in a peaceful and non-violent environment serves as a prerequisite for the citizens to freely express their will on Election Day. Guaranteeing a free and fair pre-election environment depends on the ability to exercise freedom of expression and assembly, freedom of association, and freedom of movement, as well as the absence of fear or undue control. Authorities must refuse any misuse of political power, including the use of administrative resources for electoral gains. Otherwise, the voter will constantly have the feeling that the outcome of the process is predetermined due to the numerous advantages available to the ruling party. The State is obligated to promptly and impartially respond to any fact that raise doubts of a free and fair electoral environment.

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<sup>1</sup> Bubashvili M., Newsletter №55, April 2024 (Tbilisi, Georgian Young Lawyers’ Association), 5, Official Webpage of the Georgian Young Lawyers’ Association, available at: [https://gyla.ge/files/55\\_eng.pdf](https://gyla.ge/files/55_eng.pdf), updated: 07.07.2024.

<sup>2</sup> “Dimitri Khundadze – If the practice established in Europe can be the basis for sanctioning our MPs, then how can we reach association within Europe?”, Official Webpage of the Public Broadcaster, 4 April 2024, available at: <https://1tv.ge/news/dimitri-khundadze-evropashi-damkvidrebuli-praqtika-chventan-deputatebis-sanqcirebis-safudzveli-tu-gakhdeba-mashin-rogor-unda-viyot-evropastan-asocirebuli>, updated: 23.07.2024; “It is not worth trading the country’s honor for any status”, Information Portal “bm.ge”, 10 June 2022, available at: [bit.ly/3WhH14N](http://bit.ly/3WhH14N), updated: 23.07.2024; “Shalva Papuashvili – Compared to Ukraine, Moldova and Bosnia-Herzegovina, Georgia is a leader in all parameters, although it is oppressed – this injustice on the part of the European Union is very sad”, Information Portal “Interpressnews”, 22 March 2024, available at: <https://www.interpressnews.ge/en/article/130389-shalva-papuashvili-compared-to-ukraine-moldova-and-bosnia-herzegovina-georgia-is-a-leader-in-all-parameters-although-it-is-oppressed-this-injustice-on-the-part-of-the-european-union-is-very-sad>, updated: 23.07.2024; “Kobakhidze made a Eurosceptic remark but still arrived at the European integration meeting”, Information Portal “On.ge”, 29 January 2024, available at: [bit.ly/3WimU7N](http://bit.ly/3WimU7N), updated: 23.07.2024.

### 1.1. Georgia Granted EU Candidate Status

In December 2023, Georgia was granted the EU Candidate Status<sup>3</sup> on the understanding that Georgia would fulfil 9 recommendations as set out in a Commission recommendation.<sup>4</sup> The Commission outlined the importance of ensuring a free, fair and competitive electoral process in 2024, and called on Georgia to fully address the recommendations of the Venice Commission, and the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR).<sup>5</sup> According to the 5<sup>th</sup> step, institutional independence of the Election Administration should have been ensured.<sup>6</sup> While in the 9<sup>th</sup> step, the Commission explicitly refers to the importance of the involvement of civil society in decision-making processes.<sup>7</sup>

### 1.2. Shifts within the Ruling Party

On December 30, at the congress of the ruling party, the founder of the “Georgian Dream” party, Bidzina Ivanishvili, announced his return to politics.<sup>8</sup> He took the position of the honorary chairman of the party.<sup>9</sup> According to the revised Charter, the Honorary Chairperson serves as the party’s primary political advisor,<sup>10</sup> whose main role is to nominate the candidate for the position of the country’s Prime Minister, subject to approval by the political council.<sup>11</sup> On 29 January, On January 29, at a special briefing held in the Government Administration, then Prime Minister of Georgia Irakli Gharibashvili announced his resignation.<sup>12</sup> On 8 February, the Parliament of Georgia endorsed the newly formed Government and confirmed Irakli Kobakhidze as the new Prime Minister.<sup>13</sup>

### 1.3. Attempts by the Ruling Party to Stigmatize the Non-governmental Sector

On 29 January, the Parliament of Georgia held a working meeting with the opposition parties and the representatives of the National Platform of the Eastern Partnership Civil Society Forum regarding the implementation of the nine steps set out by the European Commission.<sup>14</sup> Organizations working on strengthening democracy and the rule of law in Georgia (in-

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<sup>3</sup> Odikadze N., Newsletter №51, December 2023 (Tbilisi, Georgian Young Lawyers’ Association), 4, Official Webpage of the Georgian Young Lawyers’ Association, available at: [https://gyla.ge/files/51\\_eng.pdf](https://gyla.ge/files/51_eng.pdf), updated: 02.07.2024.

<sup>4</sup> COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS, COM(2023) 690 final, available at: [https://neighbourhoodenlargement.ec.europa.eu/system/files/202311/COM\\_2023\\_690%20Communication%20on%20EU%20Enlargement%20Policy\\_and\\_Annex.pdf?fbclid=IwAR1bJMX7IRfAMVmEzUFYyUrspewX-Kos9qgT472d7SGeqw7DZMmBSyjbZ1FY](https://neighbourhoodenlargement.ec.europa.eu/system/files/202311/COM_2023_690%20Communication%20on%20EU%20Enlargement%20Policy_and_Annex.pdf?fbclid=IwAR1bJMX7IRfAMVmEzUFYyUrspewX-Kos9qgT472d7SGeqw7DZMmBSyjbZ1FY), updated: 03.07.2024.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Odikadze N., Newsletter №51, December 2023 (Tbilisi, Georgian Young Lawyers’ Association), 7.

<sup>9</sup> Ibid.

<sup>10</sup> Odikadze N., Newsletter №52, January 2024 (Tbilisi, Georgian Young Lawyers’ Association, 2024), 3, Official Webpage of the Georgian Young Lawyers’ Association, available at: [https://gyla.ge/files/52\\_eng.pdf](https://gyla.ge/files/52_eng.pdf), updated: 24.06.2024.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Odikadze N., Newsletter №53, February 2024 (Tbilisi, Georgian Young Lawyers’ Association, 2024), 4, Official Webpage of the Georgian Young Lawyers’ Association, available at: [https://gyla.ge/files/53\\_eng.pdf](https://gyla.ge/files/53_eng.pdf), updated: 24.06.2024.

<sup>14</sup> “The 9 steps of the European Commission must be fulfilled with the broad involvement of civil society”, available at: <https://gyla.ge/ge/post/evrokomiis-9-datqma-samoqalaqo-sazogadoebis-farto-chartulobit-undashesruldes#sthash.4n9UiKRS.dpbs>, updated: 07.07.2024.



cluding GYLA) were not given an opportunity to participate in the meeting. Although these organizations were not members of the platform, for years they have been working on the issues outlined in the European Union’s nine steps.<sup>15</sup>

Over time, efforts to stigmatize non-governmental organizations on the part of the government representatives intensified. Notably, Shalva Papuashvili, the chairman of the Parliament of Georgia, has been particularly vocal in his attacks on these organizations.<sup>16</sup> In a letter published on 9 February, he claimed that “non-governmental organizations are primarily funded from abroad, rather than by Georgian philanthropists or interest groups”.<sup>17</sup> Papuashvili frequently highlighted the “wealth” of these organizations.<sup>18</sup>

#### **1.4. The Russian-style “Law on Transparency of Foreign Influence”**

The process of shrinking the space of civil society reached its peak on 3 April 2024, when the “Georgian Dream” faction, just months before the elections, reintroduced a draft law with the same content as the “Russian Law” that had been withdrawn as a result of March 2023 protests.<sup>19</sup> The draft law had been reintroduced amid the ruling team’s 2023 promise not to revisit the law.<sup>20</sup> The Russian-style law (Official title – “Law of Georgia on Transparency of Foreign Influence”) sets out the creation of a stigmatizing registry for non-governmental and media organizations receiving over 20% of their annual funding from foreign sources.<sup>21</sup> According to the law, these organizations shall register as an “organisation pursuing the interests of a foreign power” and submit declarations.<sup>22</sup> Failure to meet the registration and declaration requirements under the law will result in severe financial sanctions, ultimately making it impossible for organizations to continue their functioning.<sup>23</sup> The mentioned organizations are subject to intensive monitoring.<sup>24</sup> As prescribed by the final version of the Law, the monitoring entity has the right to request to be provided with any information (except for state secrets), including those consisting of personal data (even special categories of data) from any person (human, body, organization, entity).<sup>25</sup>

The reintroduction of the Law sparked large-scale protests not only in Tbilisi but also in other cities across Georgia.<sup>26</sup> Georgian media and civil society organizations published a

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<sup>15</sup> 10 organizations addressed the Parliament for the permission to attend the working meeting, but their request was not granted.

<sup>16</sup> “Shalva Papuashvili again attacks the non-governmental organizations”, Information Portal “Publika”, 9 February 2024, available at: <https://publika.ge/shalva-papuashvili-arasamtavrobo-organizaciebs-tavs-kidev-ertkhel-eskhmis/>, updated: 03.07.2024.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> “BREAKING: GD Reintroduces the Draft law on Foreign Agents”, Information Portal “Civil.ge”, 3 April 2024, available at: <https://civil.ge/archives/589747>, updated: 15.05.2024.

<sup>20</sup> “Georgian Dream’ does not intend to revisit the law on the so-called Foreign Agents, this topic is closed,” Information Portal “Interpressnews”, 21 June 2023, available at: <https://www.interpressnews.ge/ka/article/760721-irakli-garibashvili-kartuli-ocneba-ar-apirebs-miubrundes-ec-ucxoeli-agentebis-kanons-es-sakitxidaxurulia/>, updated: 03.07.2024.

<sup>21</sup> Law of Georgia on Transparency of Foreign Influence, Article 2.

<sup>22</sup> Ibid, Article 4.

<sup>23</sup> Ibid, Article 9.

<sup>24</sup> Ibid, Article 8.

<sup>25</sup> Ibid, Article 8(3).

<sup>26</sup> The protests took place also in Batumi, Zugdidi, Kutaisi and Gori. See: “Students in Batumi will hold a march – ‘Yes to Europe, No to Russian Law’”, Information Portal “Interpressnews”, 6 May 2024, available at: <https://www.interpressnews.ge/ka/article/798350-batumshi-studentebi-msvlelobas-ki-evropas-ara-rusul-kanons-gamartaven/>,

statement outlining that “the introduced hostile laws aim to divide the population, damage the country’s European future and abolish freedom of speech”.<sup>27</sup> Additionally, the Civil Society Organizations Network (National Platform), consisting of around 200 organizations, suspended the Memorandum of Cooperation with the Parliament in response to the ruling party’s decision to reintroduce the law.<sup>28</sup> The re-initiation of the “Russian Law” has raised concerns among the country’s foreign partners. The officials from the European Union, NATO, the Council of Europe, and other international organizations, as well as from the United States of America and other countries, have directly expressed their negative assessments towards the law.<sup>29</sup> The Resolution of the European Parliament of 25 April explicitly states that in case of the adoption of the “Russian Law”, it is impossible to open accession negotiations between Georgia and the European Union.<sup>30</sup> The Chairpersons of the Foreign Affairs Committees of the Parliaments of twelve European states considered the law in their joint statement as a “hostile step” against the Georgian people and their European aspirations.<sup>31</sup> The United States Commission on Security and Cooperation in Europe (Helsinki Commission) stated that the Law on “Transparency of Foreign Influence” is “a self-sabotage of Georgia’s Candidacy”.<sup>32</sup> In addition to this, on 8 April, over 400 civil society organizations issued a joint statement, calling on the Government to withdraw the draft law.<sup>33</sup> In the statement, they addressed the potential consequences of the draft law, both domestically and internationally.<sup>34</sup>

The initiation and adoption of the law were marked by strongly anti-Western rhetoric from ruling party representatives. Senior Government officials actively spread the conspiracy theory about the “Global War Party”, which they claim influences the decisions of Euro-Atlantic structures.<sup>35</sup> In response to the protests, on 29 April, the Georgian Dream organized a rally in support of the “Russian Law”.<sup>36</sup> “Georgian Dream” mobilized a substantial number of the

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updated: 12.07.2024; “The Rally in Zugdidi”, Official Webpage of the Public Broadcaster, 20 May 2024, available at: <https://1tv.ge/video/aqcia-zugdidshi-18/>, updated: 12.07.2024; “Rally ‘Yes to Europe, No to Russian Law’ was held in Kutaisi”, Information Portal “Interpressnews”, 17 April 2024, available at: <https://www.interpressnews.ge/ka/article/795770-kutaisshi-akcia-ki-evropas-ara-rusul-kanons-gaimarta/>, updated: 12.07.2024; “Rally ‘No to Russian Law’ is also taking place in Gori”, Information Portal “Interpressnews”, 8 May 2024, available at: <https://www.interpressnews.ge/ka/article/798556-akcia-ara-rusul-kanons-gorshic-mimdinareobs/>, updated: 12.07.2024.

<sup>27</sup> “Yes – to Europe, no – to Russian law!”, Official Webpage of the Georgian Young Lawyers’ Association, 8 April 2024, available at: <http://nodiscrimination.gyla.ge/en/post/yes-to-europe-no-to-russian-law>, updated: 24.07.2024.

<sup>28</sup> “Key CSO Network Halts Cooperation with Parliament over Draft Law”, Information Portal “Civil.ge”, 15 April 2024, available at: <https://civil.ge/ka/archives/590073>, updated: 15.05.2024.

<sup>29</sup> “International Statements”, Web portal „csogeorgia.org“, 2024, available at: <https://csogeorgia.org/en/pages/International-statements>, updated: 22.07.2024.

<sup>30</sup> “EP Resolution: Accession Negotiation Shouldn’t Open Until Foreign Agents Bill is Dropped”, Information Portal “Civil.ge”, 4 April 2024, available at: <https://civil.ge/archives/601437>, updated: 29.05.2024.

<sup>31</sup> “Twelve European Foreign Affairs Committee Chairs: Foreign Agents Bill a ‘Hostile Step’”, Information Portal “Civil.ge”, 4 April 2024, available at: <https://civil.ge/archives/590503>, updated: 15.05.2024.

<sup>32</sup> “US Helsinki Commission: “Foreign Agent” Legislation – Self-Sabotage of Georgia’s EU Candidacy”, Information Portal “Civil.ge”, 6 April 2024, available at: <https://civil.ge/archives/590524>, updated: 15.05.2024.

<sup>33</sup> “More than 400 CSOs Denounce Foreign Agents Bill”, Information Portal “Civil.ge”, 8 April 2024, available at: <https://civil.ge/archives/590168>, updated: 15.05.2024.

<sup>34</sup> Ibid.

<sup>35</sup> “Georgia: Human Rights amidst the Russian Law”, Georgian Young Lawyers’ Association, April-May 2024, p. 5, available at: <https://gyla.ge/files/წლიური%20ანგარიშები/კვლევები/Human%20Rights%20Amidst%20the%20Russian%20Law%20-%20new.pdf>, updated: 30.07.2024.

<sup>36</sup> “Somebody hacked FB – the representative of the Mayor of Terjola regarding the photocopies of the counter-demonstration”, Information Portal “netgazeti.ge”, 22 April 2024, updated: <https://netgazeti.ge/news/719147/>, updated: 04.07.2024.

participants from the regions to attend the rally.<sup>37</sup> During the rally, the politicians expressed conspiracy, anti-western and sovereignist rhetoric.<sup>38</sup>

In parallel to the demonstrations against the Russian-style law, the Government started organized, systemic, physical and psychological violence and threats of violence against the participants of the rallies.<sup>39</sup> The representatives of the opposition parties, journalists and participants of the demonstrations were attacked based on political activities, beliefs, and opinions.<sup>40</sup> Opponents of the law, their family members and journalists have been actively receiving phone calls from various foreign numbers, where they have been subjected to verbal abuse due to their participation in the rally and threatened with physical harm.<sup>41</sup>

On 4 June 2024, the employees of the Ministry of Internal Affairs arrested civil activist and businessman Ioseb Babaev<sup>42</sup> based on charges under illegal purchase-storage-carrying of firearm.<sup>43</sup> He was participating in the demonstrations against the Russian-style law.<sup>44</sup>

According to the lawyer of Babaev, during the arrest the latter had been physically assaulted and the gun had been planted.<sup>45</sup> Babaev stated that in parallel to the physical assault, the police officers were taking him pictures.<sup>46</sup> At the trial on June 6, Judge Levan Darbaidze declared the investigative actions in the case illegal, citing significant violations of procedural law requirements.<sup>47</sup> Information, items and objects seized through the investigative actions were declared as inadmissible evidence.<sup>48</sup> Ioseb Babaev was released from the courtroom. On 14 June, Tbilisi Court of Appeals partly changed the judgement and the gun obtained from Babaev's car was declared admissible. Based on this, Babaev was charged with illegal purchase-storage-carrying of firearm seized from his car during the search.<sup>49</sup> Therefore, the civil activist that had been once released by the judge might again find himself in prison.

In many instances, informal violent groups - allegedly organized and managed by the government - used physical violence against opponents of the draft law.<sup>50</sup> They physically assaulted protesters during the demonstrations,<sup>51</sup> waited at the houses or streets and beat those who

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<sup>37</sup> "People were brought from the regions to the rally", Information Portal "FormulaNews", 29 April 2024, available at: <https://shorturl.at/4qWYI>, updated: 24.07.2024.

<sup>38</sup> "GD Leaders Double Down on Anti-Western, Sovereignist, Conspiracy Rhetoric", Information Portal "Civil.ge", 30 April 2024, available at: <https://civil.ge/archives/602343>, updated: 15.05.2024.

<sup>39</sup> See the Report: "Georgia: Human Rights amidst the Russian Law", Georgian Young Lawyers' Association.

<sup>40</sup> Ibid, 8.

<sup>41</sup> Ibid, 17.

<sup>42</sup> Criminal Code of Georgia, Article 236.

<sup>43</sup> "Judge Levan Darbaidze ruled that the investigative actions in the case involving civil activist Ioseb Babaev were illegal", Information Portal "Qartli.ge", 6 June 2024, available at: <https://www.qartli.ge/ge/akhali-ambebi/article/21616-ioseb-babaevs-saqmeze-mosamarthle-levan-darbaidzem-sagamodziebo-moqmedebebi-ukanonod-miichnia>, updated: 02.07.2024.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> "The businessman and civil activist, Ioseb Babaev was charged", Information Portal "Interpressnews", 3 July 2024, available at: <https://www.interpressnews.ge/ka/article/805061-biznesmena-da-samokalako-aktivists-ioseb-babaevs-brali-cauqenes>, updated: 26.07.2024.

<sup>50</sup> "700+ Teachers Call for 'Timely and Effective' Probe into Colleague Attack", Information Portal "Civil.ge", 7 May 2024, available at: <https://civil.ge/archives/604252>, updated: 03.07.2024.

<sup>51</sup> "Beatings, Arrests In Georgia As Protests Against Controversial Law Continue", Information Portal "Radio FreedomEurope", 9 May 2024, available at: <https://www.rferl.org/a/georgia-tbilisi-foreign-agents-law-protest/32939363.html>, updated: 03.07.2024.

had been identified as organizers of the demonstrations<sup>52</sup> and their family members.<sup>53</sup> On 1 June, dozens of people armed with sticks, stones and other objects attacked the office of the “United National Movement” party.<sup>54</sup> They broke the windows of the office.<sup>55</sup> On 8 June, the office of political party “United National Movement” was robbed.<sup>56</sup> According to the representatives of the party, different types of technology had been stolen.<sup>57</sup> Unidentified individuals allegedly had entered the office through a window at the back of the building. According to party representatives, the perpetrators of these illegal actions had not been held accountable. The investigative authorities have not provided any updates on charging those responsible.

Individuals allegedly connected to the ruling party vandalized the cars of civil activists, posted images of organization leaders near their homes and offices, and made various stigmatizing inscriptions.<sup>58</sup>

The motive behind physical and psychological violence and targeted circle of addressees, as well as the absence of actions from the state institutions, suggest that this systematic violence and the accompanying threats were orchestrated and facilitated by the government and state institutions. On 31 May 2024, following a public dissemination of a statement and a video, it became clear that “Georgian Dream” MP Dimitri Samkharadze is one of those persons who is carrying out organized persecution<sup>59</sup> of civil society organizations and other opponents of the Russian Law, which was manifested in targeting a particular group and employing various repressive measures (for example, calls, damaging private property) against them.<sup>60</sup> On the social network, Dimitri Samkharadze posted a collage of videos showing how the offices of civil society organizations and political parties are damaged.<sup>61</sup> Samkharadze confesses that these facts are organized by him and writes: “[...] You won’t even want to see each other, we will treat you like that! [...]”.<sup>62</sup>

In the reporting period, following instances were documented:<sup>63</sup>

- Gross violation of freedom of assembly;<sup>64</sup>
- Systemic violence by law enforcement officers;<sup>65</sup>
- Exacerbation of violence by high political officials;<sup>66</sup>

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<sup>52</sup> “Attacks on the Protest Activists in the Streets of Tbilisi”, Information Portal “Civil.ge”, 8 May 2024, available at: <https://civil.ge/archives/604676>, updated: 03.07.2024.

<sup>53</sup> “Georgia: Human Rights amidst the Russian Law”, Georgian Young Lawyers’ Association, p. 8.

<sup>54</sup> “The Head Office of the ‘United National Movement’ was attacked”, Official Facebook Page of the “United National Movement”, 31 May 2024, available at: <https://www.facebook.com/nacionalurimodzraoba/posts/pfbid0vQ24sMHs3Lq2eTH7LYqJGF2ZTUGBxkMdwXop6Vn57uG4BjsDQRs44CHAY1uCdnU7l>, updated: 03.07.2024.

<sup>55</sup> Ibid.

<sup>56</sup> “National Movement’ office was robbed in Zestaponi”, Information Portal “Formula”, 8 June 2024, available at: <https://formulanews.ge/News/112697>, updated: 02.07.2024.

<sup>57</sup> Ibid.

<sup>58</sup> “Georgia: Human Rights amidst the Russian Law”, Georgian Young Lawyers’ Association, p. 18.

<sup>59</sup> Criminal Code of Georgia, Article 156.

<sup>60</sup> “Georgia: Human Rights amidst the Russian Law”, Georgian Young Lawyers’ Association, p. 17.

<sup>61</sup> “Georgian Dream confessed that they send titushki to the parties and organizations”, Information Portal “Tabula”, 31 May 2024, available at: <https://tabula.ge/ge/news/718849-kartulma-otsnebam-aghiaara-rom-partiebtan>, updated: 03.07.2024.

<sup>62</sup> Ibid.

<sup>63</sup> “Georgia: Human Rights amidst the Russian Law”, Georgian Young Lawyers’ Association.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

- Instrumentalization of criminal and administrative legal mechanisms to intimidate participants of the demonstrations;<sup>67</sup>
- Also, intimidation of rally participants, general supporters of the protest, civil activists, journalists, politicians and their family members (including children and elderly family members), using various methods of psychological violence and physical violence against them;<sup>68</sup>
- Attacks on the opposition party office.<sup>69</sup>

On 13 May, the Public Defender of Georgia released a statement, outlining that the Public Defender had applied to the Special Investigation Service with a request for a timely and effective investigation of the attacks on opposition members, activists, journalists and citizens protesting against the draft law.<sup>70</sup> In light of the attacks on civil activists and opposition politicians, diplomatic missions also called on the authorities to take measures and thoroughly investigate the incidents.<sup>71</sup> The ombudsman's statement did not lead to any results.

In the Opinion published on 21 May 2024, the European Commission for Democracy through Law ("Venice Commission") explicitly recommended repealing the law in its current form.<sup>72</sup> According to the assessment of the Commission, the Law's fundamental flaws involve significant negative consequences for the freedoms of association and expression, the right to privacy, the right to participate in public affairs as well as the prohibition of discrimination.<sup>73</sup> Ultimately, this will affect open, informed public debate, pluralism and democracy.<sup>74</sup> The Venice Commission clearly concludes that this Law stigmatizes non-governmental and media organizations, has the effect of risking their silencing and eventually eliminating associations.<sup>75</sup>

Amid widespread local protests and fierce opposition from the West, on 14 May, the Parliament of Georgia adopted the controversial foreign agents' law in its third and final reading by 84 votes against 30.<sup>76</sup> It is noteworthy that the Committee readings were taking place against the backdrop of expulsions of the MPs and censorship.<sup>77</sup> After the adoption of the Law, several opposition parties and independent MPs announced Parliamentary and Municipality boycotts.<sup>78</sup> On 18 May, the President returned the draft Law to the Parliament with

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<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> "The Head Office of the 'United National Movement' was attacked", Official Facebook Page of the "United National Movement", 31 May 2024, available at: <https://www.facebook.com/nacionalurimodzraoba/posts/pfbid0vQ24sMHs3Lq2eTH7LYqJGF2ZTUGBxkMdwXop6Vn57uG4BjsDQRs44CHAY1uCdnu7l>, updated: 03.07.2024.

<sup>70</sup> "Ombudsman: Signs of Attacks on Demonstrators Based on Political, Personal Views", Information Portal "Civil.ge", 13.05.2024, available at: <https://civil.ge/archives/606183>, updated: 21.06.2024.

<sup>71</sup> "International Reactions to Intimidation, Violence Campaign Against Civil Activists, Opposition Politicians over Foreign Agents Law", Information Portal "Civil.ge", 11 May 2024, available at: <https://civil.ge/archives/605261>, updated: 21.06.2024.

<sup>72</sup> VENICE COMMISSION, GEORGIA URGENT OPINION ON THE LAW ON TRANSPARENCY OF FOREIGN INFLUENCE, 21.05.2024, CDL-PI(2024)013, Opinion No. 1190/2024.

<sup>73</sup> Ibid, para. 100.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid, para. 98.

<sup>76</sup> "Breaking: Foreign Agents' Law Adopted, Amid Protest, Brawls", Information Portal "Civil.ge", 14 May 2024, available at: <https://civil.ge/archives/606294>, updated: 21.06.2024.

<sup>77</sup> "The committee reading of the Russian law is taking place against the backdrop of expulsions of MPs and censorship", 29 April 2024, available at: <https://www.gyla.ge/en/post/rusuli-kanonis-sakomiteto-mosmena-deputatebis-gadzevebisa-da-cenzuris-fonze-mimdinareobs#sthash.0ct5vboX.dpbs>, updated: 03.07.2024.

<sup>78</sup> "Several Opposition Parties, Independent MPs Announce Parliamentary Boycott", Information Portal "Civil.ge", 14 May 2024, available at: <https://civil.ge/archives/606524>, updated: 21.06.2024.

justified remarks (the draft law was vetoed).<sup>79</sup> On 28 May 2024, the parliament overrode the veto. On 3 June 2024, the Chairperson of the Parliament of Georgia, Shalva Papuashvili, signed the draft Law.<sup>80</sup>

### 1.5. Sanctions

The U.S. Department Spokesperson, Matthew Miller, announced at the press briefing on 6 June that the United States had sanctioned “dozens” of Georgian individuals in the first tranche of sanctions.<sup>81</sup> According to Matthew Miller, this includes individuals responsible for or complicit in and immediate family members of those responsible for or complicit in “undermining democracy in Georgia, such as by undermining freedoms of peaceful assembly and association, violently attacking peaceful protestors, intimidating civil society representatives, and deliberately spreading disinformation at the direction of the Georgian Government”.<sup>82</sup>

### 1.6. Exacerbating Hatred against LGBT+ Community

The ruling party has again intensified rhetoric that exacerbates hatred against LGBT+ Community, seeking to use these negative sentiments for political gain. While the use of homophobic rhetoric to attract conservative voters has been observed in previous years, the scale of the ruling party’s actions in 2024 strongly confirms the declared political homophobia.

On 27 June, the Parliament adopted the draft “Law on Protecting Family Values and Minors” initiated by the “Georgian Dream” in its first reading with 78 votes and none against.<sup>83</sup> The legislative package consists of 19 bills, including one primary and 18 supplementary. According to the main bill, the Law governs marriage or related relationships, which is between genetically male and genetically female individuals. The right to adoption is only granted to couple of different genders or a heterosexual person. The law prohibits the dissemination of materials, content, and programs, as well as the gathering and distribution of such information in schools, if deemed by the state as “promotion of non-traditional relationships”, while in reality, this restriction unreasonably violates the rights to assembly, expression, and privacy, and contributes to the stigmatization of the LGBTQI community. This initiative followed a previous push for constitutional changes targeting the LGBTQI community.<sup>84</sup>

In the Statement published on 27 March 2024, the Commission for Human Rights of the Council of Europe shared concerns regarding the legislative initiative.<sup>85</sup> She condemned

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<sup>79</sup> “President Zourabichvili vetoed the Russian Law”, Official Webpage of the President of Georgia, 18 May 2024, available at: [https://president.ge/index.php?m=206&appeals\\_id=396&lng=eng](https://president.ge/index.php?m=206&appeals_id=396&lng=eng), updated: 07.03.2024.

<sup>80</sup> “Shalva Papuashvili signed the ‘Agents Law’”, Information Portal “Radio Tavisupleba”, 3 June 2024, available at: <https://www.radiotavisupleba.ge/a/32976762.html>, updated: 22.07.2024.

<sup>81</sup> “BREAKING: US State Department Implements First Tranche of Sanctions against Georgian Individuals”, Information Portal “Civil.ge”, 6 June 2024, available at: <https://civil.ge/archives/611904>, updated: 02.07.2024.

<sup>82</sup> Ibid.

<sup>83</sup> “Parliament endorses Protecting Family Values and Minors draft in first reading”, Public Broadcaster, 27 June 2024, available at: <https://1tv.ge/lang/en/news/parliament-endorses-protecting-family-values-and-minors-draft-in-first-reading/>, updated: 24.07.2024.

<sup>84</sup> The Parliament of Georgia, Draft Law “on Amendments to the Constitution of Georgia”, 22 June 2024, available at: <https://bit.ly/3KZUASo>, updated: 15.07.2024.

<sup>85</sup> Georgia: political manipulation and harassment of LGBTI people and human rights defenders have no place

the dissemination of homophobic ideas, harmful stereotypes and prejudice, which are employed by the ruling party as a pre-election political manipulation.<sup>86</sup> According to the assessments of the Venice Commission, in light of the well-established ECtHR case-law and previous opinions of the Venice Commission, the Commission considers that the compliance of the provisions at stake with European and international standards cannot be established and the mere proposal of adopting the Constitutional amendments risks to further fuel a hostile and stigmatizing atmosphere against LGBTI people in Georgia.<sup>87</sup>

### 1.7. The President's Initiative – “The Georgian Charter”

On 26 May, during her speech at the event celebrating Georgia's Independence Day, President Salome Zourabichvili presented an action plan aimed at resolving the political crisis and reorienting the country towards European Union integration– “The Georgian Charter”.<sup>88</sup> As stated by her, October 2024 elections would be a referendum to cast votes on key provisions of this action plan. Salome Zourabichvili outlined that in its essence and spirit, the document also serves to take the main steps that are of existential importance to society today.<sup>89</sup> The steps to be taken by the signatories of the Charter include abolition of laws harmful to the European course of the Country, improving the electoral system and liberating the justice system and restoring trust. According to the Charter, in case of victory in 26 October 2024 elections, the technical, non-partisan government will be led by the President. The signatory parties commit to implementing the Charter's objectives during the spring session and scheduling early parliamentary elections by fall 2025, all while ensuring a free and fair electoral environment.<sup>90</sup> The spirit of the Charter was shared by many opposition parties, however, some chose not to sign it.<sup>91</sup>

### 1.8. Opposition Political Spectrum

In the recent period, the “United National Movement” party has undergone several personnel changes. Following Levan Khabeishvili's election as party chairman in January 2023, several political leaders left the party. Particularly, in June 2023, Khatia Dekanoidze and Roman

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in a democratic society, available at: <https://www.coe.int/fi/web/commissioner/-/georgia-political-manipulation-and-harassment-of-lgbti-people-and-human-rights-defenders-have-no-place-in-a-democratic-society>, updated: 03.07.2024.

<sup>86</sup> Ibid.

<sup>87</sup> Venice Commission, Opinion of the on the draft Constitutional Law on protecting family values and minors CDL-REF(2024)020, para. 104, available at: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2024\)021-e&fbclid=IwZXh0bgNhZW0CMATAAAR16RADXkSPb4AkHQWtfpd2Be5I9mQ89rQNeqg2EsqJ6wVWV1lh8ZfVnG2ok\\_aem\\_lqD\\_of1Q-XFOeG0Cj18q5A](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2024)021-e&fbclid=IwZXh0bgNhZW0CMATAAAR16RADXkSPb4AkHQWtfpd2Be5I9mQ89rQNeqg2EsqJ6wVWV1lh8ZfVnG2ok_aem_lqD_of1Q-XFOeG0Cj18q5A), updated: 02.07.2024.

<sup>88</sup> “Speech Delivered by H.E. Salome Zourabichvili, President of Georgia May 26, 2024”, 26 May 2024, available at: [https://president.ge/index.php?m=206&appeals\\_id=398&lng=eng](https://president.ge/index.php?m=206&appeals_id=398&lng=eng), updated: 21.06.2024.

<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> On 3 June, “the Georgian Charter” was signed by the following parties: For Justice, Green Party, Girchi – More Freedom, and Droa, European Democrats, Strategy Aghmashenebeli, European Georgia, Republican Party, Ana Dolidze For the People, Ahali, Lelo for Georgia, Citizens, Freedom – Zviad Gamsakhurdia's Way, United National Movement, Justice, National Democratic Party, State for the People, also the opposition MPs: Khatia Dekanoidze, Nato Chkheidze, Armaz Akhvediani, Rostom Chkheidze, Tamar Kordzaia. Party for Georgia supports certain reforms outlined in the Charter but has decided not to sign it, citing concerns that the proposed formation of a technical government and the scheduling of extraordinary elections for 2025 are contradictory. Similarly, Iago Khvichia, the leader of the “Girchi” party, also declined to sign the document.



Gotsiridze left the “United National Movement” party faction in Parliament.<sup>92</sup> They founded parliamentary political group - Eurooptimists.<sup>93</sup>

In July 2023, the “United National Movement” and “Strategy Aghmashenebeli” parties united to form the political alliance “Victory Platform”. Their primary objective is to fight against “Bidzina Ivanishvili’s Russian regime” in the 2024 parliamentary elections and to strengthen pro-Western policies.<sup>94</sup> They called on other pro-Western people to join them.<sup>95</sup>

Another wave of people leaving “United National Movement” party took place after Levan Khabeishvili defeated Nika Melia in the chairmanship election in December 2023.<sup>96</sup> Amid Melia-Khabeishvili controversy, the party was left by members of various city councils, political leaders.<sup>97</sup>

Another important shift within the National Movement took place on 8 June 2024, when Levan Khabeishvili due to his health condition and based on the doctors’ recommendations left the position of the Chairperson of the party.<sup>98</sup> MP Tinatin Bokuchava took the position of the Chairperson of the party.<sup>99</sup> Compared to the previous election of the Chairperson, in this case no internal elections had been held.

Nika Melia continued his political career with Nika Gvaramia. In March 2024, they formed a new political party – “Ahali”. During the presentation of the party, they announced their readiness to cooperate with other parties.<sup>100</sup> It is noteworthy that Mamuka Khazaradze, leader of the “Lelo - Partnership for Georgia” party, has discussed potential cooperation with Nika Melia,<sup>101</sup> nevertheless, no progress has become public in this regard.

In addition to “United National Movement” and “Strategy Aghmashenebli”, another political alliance was formed between the parties – “Girchi – More Freedom” and “Droa”.<sup>102</sup> They are joining forces on the basis of shared principles, namely, “no cooperation with the Russian regime, a clear vision of the future, motivation to replace the Soviet one-party system with a modern, Western-style coalition government”.<sup>103</sup> For example, the political union

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<sup>92</sup> “Rules and Procedural Issues Committee Endorsing Registration of Political Group, Eurooptimists”, Official Webpage of the Parliament of Georgia, 8 June 2023, available at: <https://parliament.ge/en/media/news/saprotseduro-sakitkhta-da-tsesebis-komitetma-saparlamento-politikuri-jgufis-evrooptimistebis-registratsias-mkhari-dauchira>, updated: 04.07.2024.

<sup>93</sup> Ibid.

<sup>94</sup> “National Movement and Strategy Aghmashenebli create a new political platform”, Information Portal “Formulanews”, 20.07.2023, available at: <https://formulanews.ge/News/94551>, updated: 03.07.2024.

<sup>95</sup> Ibid.

<sup>96</sup> “Former UNM Chair Quits Party, Reveals Plans to Launch his Own”, Information Portal “Civil.ge”, 8 December 2023, available at: <https://civil.ge/archives/573187>, updated: 04.07.2024.

<sup>97</sup> E.g. the members of Tbilisi, Batumi, Chokhatauri, Zugdidi, Khobi Councils left the council factions. See also: Free, Fair and Equal Electoral-Political 2022-2025 Cycle in Georgia, Newsletter №51, Georgian Young Lawyers’ Association (GYLA), December, 2023.

<sup>98</sup> “Levan Khabeishvili left the position of the Chairperson of the ‘United National Movement’, succeeded by Tina Bokuchava”, Webpage of Public Broadcaster, 8 June 2024, available at: <https://1tv.ge/news/levan-khabeishvili-nacionaluri-modzraobis-tavmjdomaris-tanamdebobidan-gadadga/>, updated: 08.07.2024.

<sup>99</sup> Ibid.

<sup>100</sup> “Nika Gvaramia held a presentation of a new party with Melia”, Information Portal “Netgazeti”, 11 March 2024, available at: <https://netgazeti.ge/news/713152/>, updated: 04.07.2024.

<sup>101</sup> “Khazaradze: Me and Nika Melia will be strategic partners”, Information Portal “Radio Tavisupleba”, 27 December 2023, available at: <https://www.radiotavisupleba.ge/a/32748322.html>, updated: 04.07.2024.

<sup>102</sup> “Girchi – More Freedom” and “Droa” in Electoral Alliance”, Information Portal “Civil.ge”, 06 September 2023, available at: <https://civil.ge/archives/557970>, updated: 04.07.2024.

<sup>103</sup> Ibid.



launched the joint campaign “Ballot Box in Your City”, which aimed to make election participation in parliamentary elections for immigrants easy by increasing the number of polling stations abroad.<sup>104</sup>

The “Lelo” and “For Georgia” parties are separately participating in the 2024 parliamentary elections. Giorgi Gakharia, leader of the “For Georgia” party, has stated that they have no plans to unite with other parties.<sup>105</sup> It is worth noting that the “For Georgia” party had previously been in a coalition with the “United National Movement” in the Sakrebulo of Rustavi and Zugdidi municipalities. However, following the dissolution of the National Movement faction, it became possible to dismiss the Chairperson, the representative of the “For Georgia” faction, in Rustavi Municipality Sakrebulo.<sup>106</sup> A similar tendency can be observed in the municipality of Zugdidi, although the Chairperson of the Sakrebulo still retains the position due to the inability to form a quorum of the council.

In March 2024, the Georgian political spectrum was joined by a new party, formed by deputies from people who left the “Georgian Dream” faction and were part of the “People’s Power” group.<sup>107</sup> It is important to note that these MPs together with members of the “Georgian Dream” faction form the parliamentary majority. “People’s Power” was first established as a movement in August 2022, and they were famous for their anti-Western rhetoric.<sup>108</sup> The party plans to participate in the parliamentary elections independently, aiming not only to overcome the 5% threshold but also to secure a majority. They do not dismiss the possibility of forming a coalition with the “Georgian Dream” party.<sup>109</sup>

During the reporting period, there was also a precedent of the revocation of the party, particularly, in April 2024, the National Agency of Public Registry on the basis of the appeal of the Anti-Corruption Bureau revoked the registration decision of the “Alt-info” party.<sup>110</sup> In April 2024, the party leaders announced their registration to participate in the 2024 parliamentary elections, however, following the revocation of the party’s registration, they were subsequently barred from participating in the elections. A similar case took place for the second time when “Alt-Info” was gifted a party,<sup>111</sup> nevertheless, based on the request of the National Agency of Public Registry,<sup>112</sup> the CEC terminated the party’s registration procedures until the final decision was reached.<sup>113</sup> The “Alt-Info” party is a party with radical right-wing ideology. The leaders frequently visit Moscow. The party is also known for its anti-Western

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<sup>104</sup> “Ballot Box in Your City’ – Initiative for Immigrants”, Information Portal “Publika”, 28 November 2023, available at: <https://shorturl.at/p5qD3>, updated: 07.04.2024.

<sup>105</sup> “Gakharia: We do not intend to unite with anyone”, Information Portal “Tabula”, 23 January 2024, available at: <https://tabula.ge/ge/news/713309-gakharia-aravistan-gaertianebas-ar-vapirebt>, updated: 04.07.2024.

<sup>106</sup> “Rustavi City Hall against the Council”, Information Portal “1tv.ge”, 30 October 2023, available at: <https://shorturl.at/ehxBP>, updated: 04.07.2024.

<sup>107</sup> “The Chairman of Party “People’s Power” will be Sozar Subari”, Information Portal “Interpressnews”, 18 March 2024, available at: <https://rb.gy/90juge>, updated: 04.07.2024.

<sup>108</sup> “People’s Power Officially Registers Political Party”, Information Portal “Civil.ge”, 18 March 2024, available at: <https://civil.ge/archives/587620>, updated: 04.07.2024.

<sup>109</sup> Ibid.

<sup>110</sup> Decision #P24000027/0-1 of the National Agency of Public Registry, Decision “on the annulment of the registration decision #P21000039/0-1 (07/12/2021)”, available at: <https://bit.ly/4cyv7ey>, updated: 08.07.2024.

<sup>111</sup> Political Union of Citizens – “Georgian Idea”.

<sup>112</sup> The Agency informed the CEC that they are working on the complaint regarding the compliance of registered data of Political Union of Citizens – “Georgian Idea” – with the legislation.

<sup>113</sup> “CEC’s Statement regarding Political Association of Citizens ‘Georgian Idea’”, Official Webpage of CEC, available at: <https://cesko.ge/en/siakhleebi/pres-relizebi/singleview/11033390-tseskos-gantskhadeba-mpg-is-kartuli-idea-shesakheb>, updated: 08.07.2024.

rhetoric, homophobic statements, and dissemination of hate speech. Despite this, the revocation of a political party's registration by the National Agency of Public Registry on the basis of discovery of document flaws from years prior sets an alarming precedent. There are doubts that the ruling party is unfairly employing its influence in administrative bodies to create artificial barriers for its electoral rival, undermining the integrity of a free and fair electoral process.

## 2. ELECTION ADMINISTRATION OF GEORGIA

### 2.1. Rules for Composition of the CEC

The 2021 election reform legislation increased the number of members of the Election Administration of Georgia (CEC) to 17, serving to achieve a more balanced representation of political parties.<sup>114</sup> Appointing the CEC chairperson and designated professional members for a full-term position required a two-thirds majority of the total votes in Parliament.<sup>115</sup> The introduction of a high quorum was aimed at forming a consensus around the candidates. To avoid a stalemate, an anti-crisis mechanism came into force in the procedure for electing a CEC member and chairperson. This means that if sufficient votes could not be collected the first time, the candidate would go through the second (2/3 majority), third (3/5 majority), and fourth (simple majority) rounds. With the support of a simple majority, the elected individual would serve in the position for a 6-month term. The President presented the non-partisan members of the CEC to Parliament. The proposed model for selecting the chairman and designated professional members aimed to achieve consensus among political parties, thereby enhancing trust in the CEC as an independent state institution. A symbolic step towards this aim was the appointment of an opposition party member as one of the deputy chairpersons of the CEC.<sup>116</sup>

Since the 2021 reform, the legislation has been repeatedly amended and worsened at the initiative of the ruling party. These amendments eliminated the requirement for inter-party negotiations to achieve consensus, allowing the ruling party to remove legal barriers that prevented the unilateral appointment of members to the CEC and struck a fair balance.

In the summer of 2023, amendments to the Election Code and “the Rules of Procedures of the Parliament of Georgia” reduced the quorum for electing the CEC chairman and professional members from a two-thirds majority of Parliament to a simple majority. The president of Georgia was distanced from the process of composing the commission, and the right to form a competitive commission to select candidates and present those candidates to Parliament was granted to the Speaker of the Parliament. The President’s role in the process became largely ceremonial, restricted to nominating just one representative to the nine-member competitive commission.<sup>117</sup> The significant reduction in the President’s role in setting up the CEC, as stipulated by current legislation, has raised legitimate concerns about its compliance with the Constitution, as it explicitly grants the President the authority to appoint the Chairperson and members of the Central Election Commission of Georgia.<sup>118</sup> The legal act of the President to appoint these officials does not require the countersignature of the Prime Minister.<sup>119</sup> The amendments led to reducing the President’s crucial role in this process to a mere formality.

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<sup>114</sup> Latsabidze M., and others, Monitoring Report of the Pre-Election Environment, Election Day, Post-Election Period and By-Elections of the 2021 Local Self-Government Elections, 29-30, (Tbilisi, Georgian Young Lawyers’ Association, 2022), Official Webpage of the Georgian Young Lawyers’ Association, available at: <https://www.gyla.ge/files/2020/2021%20Elections.pdf>, updated: 02.07.2024.

<sup>115</sup> *Ibid*, 35.

<sup>116</sup> On 3 August 2021, CEC appointed Giorgi Sioridze, a member appointed by the “Lelo” party, as the deputy chairman representing the opposition.

<sup>117</sup> The Organic Law of Georgia on Amendments to the Organic Law of Georgia “Election Code of Georgia”, available at: <https://matsne.gov.ge/ka/document/view/5825872?publication=0#DOCUMENT:1>, updated: 30.07.2024.

<sup>118</sup> The Constitution of Georgia, Article 52(1(d)).

<sup>119</sup> *Ibid*, Article 53(2(d)).

In 2021, by signing the “Charles Michel Agreement”, the parliamentary majority committed to implementing the agreement and pursuing ambitious democratic reforms, which was not only the goodwill of the “Georgian Dream” but also their duty as the governing political force. The 2<sup>nd</sup> priority of the European Union’s 12 plan outlined the importance of strengthening the independence of state institutions, including the CEC.<sup>120</sup> GYLA called on the Georgian Parliament to reject the proposed draft law, which served only the narrow party interests of the “Georgian Dream”; to consider the recommendations of Georgia’s strategic partners and take meaningful, concrete steps to ensure the independence of the election administration.

The process of amendments continued in autumn 2023. In contrast to the amendments implemented in the summer of 2023, the new legislative initiative of the ruling party proposed<sup>121</sup> that the support of 3/5 of the deputies (90) will be required, instead of a simple majority (76), in the first vote to select a candidate for the chairmanship and membership of the CEC,<sup>122</sup> however, if the candidate failed to gather the support of 90 MPs, they would have the opportunity to seek the support of 76 MPs twice during the repeated voting and take the position for 5 years.<sup>123</sup> It is noteworthy that according to the “Charles Michel Agreement”, the ruling party could independently elect candidates with 76 votes for only six months.<sup>124</sup> As per the legislative initiative, the authority to present the candidates to the Parliament remained with the Chairperson of the Parliament rather than of the President. In cases where even 76 votes cannot be collected in the Parliament, the issue will be referred to the President for the decision, although the likelihood of this scenario under conditions of a one-party majority is minimal. Furthermore, the legislative package also included the abolition of the position of the CEC deputy chairperson selected under the opposition quota.<sup>125</sup>

On 19 December, the Venice Commission and OSCE Office for Democratic Institutions and Human Rights published their joint opinion regarding the amendments to the Election Code and the Rules of Procedure of the Parliament of Georgia.<sup>126</sup> The Commission assessed the legislative initiative that changed the rules for the composition of the CEC.

The initiated wording of the election of the CEC’s non-partisan members and Chairperson was assessed as “complicated” and “confusing”.<sup>127</sup> It was also outlined that the proposed amendments were prepared in an accelerated manner at the initiative of the ruling party and without consultations with relevant stakeholders.<sup>128</sup> The Opinion emphasized that with the initiated amendments, the Georgian legislation departed from the consensus-based CEC composition rules adopted as a result of the 19 April 2021 Agreement.<sup>129</sup>

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<sup>120</sup> Opinion on the EU membership, Application by Georgia, 17 June 2022, Brussels, available at: <https://bit.ly/3T9Oqlo>, updated: 08.05.2023.

<sup>121</sup> Adopted in the first reading.

<sup>122</sup> The Organic Law of Georgia on Amendments to the Organic Law of Georgia “Election Code of Georgia”, available at: <https://shorturl.at/hrGST>, updated: 07.07.2024.

<sup>123</sup> *Ibid.*

<sup>124</sup> *Ibid.*

<sup>125</sup> *Ibid.*

<sup>126</sup> Venice Commission, OSCE/ODIHR, Joint Opinion on Draft Amendments to the Election Code and to the Rules of Procedures of the Parliament of Georgia, CDL-AD(2023)047 (Strasbourg; Council of Europe, 2023), available at: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2023\)047-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2023)047-e), updated: 30.07.2024.

<sup>127</sup> *Ibid.*

<sup>128</sup> *Ibid.*

<sup>129</sup> *Ibid.*

The Commission recommended that appointments made based on the anti-deadlock mechanism be significantly limited in time. The document negatively assessed the deprivation of the authority of the President to compose a competitive commission and present candidates,<sup>130</sup> also, the abolition of the position of the CEC deputy chairperson selected under the opposition quota.<sup>131</sup>

Despite the criticism of the Venice Commission and OSCE/ODIHR, in March 2024, the Parliament overrode the President's veto.<sup>132</sup> Under the new legislative amendments, candidates for the chairperson and members of the CEC will be presented by the Chairperson of the Parliament to the Representative body.<sup>133</sup> If the candidate failed to gather the support of 90 MPs, they would have the opportunity to seek the support of 76 MPs twice during repeated voting and take the position for 5 years.<sup>134</sup> In cases where even 76 votes cannot be collected in the Parliament, the issue will be referred to the President for the decision,<sup>135</sup> although the likelihood of this scenario under conditions of a one-party majority is minimal. Furthermore, the legislative package also abolished the position of the CEC deputy chairperson selected under the opposition quota.<sup>136</sup>

On 30 April 2024, under the new regulations, the Parliament voted for the Chairperson and 3 non-partisan members of the CEC for a five-year term. Giorgi Kalandarishvili took the position of the Chairperson, while Maia Zaridze, Giorgi Sharabidze and Gia Tsatsashvili were elected as members. Although there was an agreement between the parliamentary majority and the "Girchi" MPs that the abolition of gender quotas would lead to support of "Girchi" for the ruling party's CEC candidates, the election did not achieve the required 3/5 majority of the total number of the MPs.<sup>137</sup> Instead, the candidates were approved by a simple majority,<sup>138</sup> receiving support from 85 MPs.

One of the nine steps outlined in the 2023 EU enlargement policy report for Georgia calls on the government to ensure the institutional independence of the election administration. However, rather than strengthening institutional independence, the ruling party has effectively undermined the 2021 regulations by removing the requirement for consensus. This change significantly heightens the risk of the electoral administration being subordinated to the political interests of the parliamentary majority.

## 2.2. CEC Decision Threshold Reduced

On 21 June 2024, the amendments to the Election Code entered into force, according to which if the CEC cannot decide with the necessary two-thirds majority (12 votes) at a ses-

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<sup>130</sup> Ibid.

<sup>131</sup> Ibid.

<sup>132</sup> "The Parliament overrode President's veto on the amendments to the 'Election Code'", Information Portal "Rustavi 2", 19 March 2024, available at: <https://rustavi2.ge/ka/news/277912>, updated: 07.07.2024.

<sup>133</sup> The Rules of Procedures of the Parliament of Georgia, Article 221<sup>1</sup>.

<sup>134</sup> The Election Code of Georgia, Article 10(7).

<sup>135</sup> Ibid, Article 10(6).

<sup>136</sup> Ibid.

<sup>137</sup> 90 votes.

<sup>138</sup> 76 votes.

sion,<sup>139</sup> it shall be re-voted during the same session.<sup>140</sup> In this case, the CEC decision will be deemed adopted if it receives majority support from the total number of CEC members.<sup>141</sup> As a result of the amendment, a decision can be achieved with the votes of only 8 designated professional members and the ruling party's representative, which significantly diminishes the role and participation of various opposition parties in the decision-making process.<sup>142</sup> With this amendment, the balance between party-affiliated and professional members established by the political agreement of 19 April 2021 is violated.

In Georgia, the election administration operates under a mixed model that combines professional and political elements. This model aims to enhance the legitimacy of the election process and the decisions made by the administration, based on the country's specific needs. It is noteworthy that following the 19 April 2021 political agreement, the number of members in the election administration at all levels increased from 12 to 17. As of today, 8 designated professional members of the CEC (including the chairperson) are elected by the Parliament of Georgia, and the remaining 9 are appointed by the parties.<sup>143</sup> One of the main reasons for this was that the existing electoral administration setup disproportionately granted the ruling party greater representation and influence, significantly contributing to the opposition's distrust in the electoral process. The increase in the number of commission members aimed to achieve a more balanced representation of political parties.

A symbolic step toward achieving this balance was the introduction of the position of deputy chairperson of the CEC from the opposition, which had been abolished by previous amendments from the ruling party. Furthermore, at the initiative of the "Georgian Dream" the rules of the composition of the CEC have also been amended, allowing the ruling party to unilaterally appoint the CEC Chairperson and designated professional members without consulting the opposition; this has reduced the president's role in this process to a mere formality.<sup>144</sup>

**According to the assessments of GYLA, in light of these legislative deteriorations, without the justification for necessity, and disregarding recommendations of the international organizations – shortly before the elections,<sup>145</sup> the amendments adopted by the members of the "Georgian Dream" represent another step towards the deterioration of the existing legislative framework. These changes *de facto* excluded the opposition from the**

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<sup>139</sup> The CEC decree is a subordinate normative act, which is passed in cases prescribed by the Election Code of Georgia and regulates many important issues. Among others, the CEC decree outlines the rules and conditions for using electronic voting in the 2024 Parliamentary elections; voting procedures; the management of state funds allocated for elections. Additionally, the CEC is authorized to establish further measures and deadlines for a potential second round of elections as needed. The decree also approves regulations for the Election Commission and addresses other important issues

<sup>140</sup> The Election Code of Georgia, Article 8(4<sup>1</sup>).

<sup>141</sup> The Organic Law of Georgia on Amendments to the Organic Law of Georgia "Election Code of Georgia".

<sup>142</sup> "The project of amendments to the Election Code threatens the trust in the election administration", Official Webpage of GYLA, available at: <https://gyla.ge/ge/post/saarchevno-kodeqsshi-shesatani-cvilebebis-proeqti-safrtkhes-uqmnis-saarchevno-administraciis-mimart-ndobas#sthash.szlnKbNF.dpbs>, updated: 08.07.2024.

<sup>143</sup> The Election Code of Georgia, Article 10.

<sup>144</sup> "Georgian Dream' continues to adapt the legislation to party interests and reduces the independence of the CEC by changing the rules for composition of the CEC", 5 May 2023, Official Webpage of GYLA, available at: <https://gyla.ge/ge/post/ceskos-dakompleqtetebis-tsesis-cvilebebit-qartuli-ocneba-agrdzelebs-kanonmdeblobis-partiul-interesebze-morgebas-da-amcirebs-ceskos-damoukideblobas#sthash.nGYDHWff.136sW2EJ.dpbs>, updated: 07.07.2024.

<sup>145</sup> Venice Commission, OSCE/ODIHR joint opinion on draft amendments to the election code and to the rules of procedure of the parliament of Georgia, CDL-AD(2023)047 (Strasbourg: Council of Europe, 2023), para. 48, available at: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2023\)047-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2023)047-e), updated: 07.07.2024.

**decision-making process and strengthened suspicions about the ruling party's undue influence within the electoral administration.**

### **2.3. The Abolition of the CEC Advisory Group**

21 June amendments abolished the CEC Advisory Group, which, according to the Election Code of Georgia, consisted of representatives from the Public Defender's Office, as well as local and international experts selected by the observer organizations.<sup>146</sup> GYLA refused to participate in this process from the beginning. Initially, the selection of group members was to be made by full consensus, however, on 6 August 2021 the CEC introduced an amendment according to which if no agreement could be reached, the candidate supported by no less than 2/3 of the total composition of these organizations would be considered elected upon a re-vote. GYLA assessed this decision negatively, outlining that it was better for the credibility of the group to maintain the previous rule. This particular decision of the CEC became one of the reasons for some non-governmental organizations to leave the selection process of the advisory group. Specifically, on 8 August 2021, "Transparency International – Georgia" and "International Society for Fair Elections and Democracy" left the process. They stated that the composition of the organizations invited to select members of the advisory group and the decision-making process could not ensure the selection of qualified and trustworthy persons by consensus. Eventually, the advisory group could not function and it was dissolved on 19 September 2021.

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<sup>146</sup> Latsabidze M., and others, Monitoring Report of the Pre-Election Environment, Election Day, Post-Election Period and By-Elections of the 2021 Local Self-Government Elections, pp. 29-30, (Tbilisi, Georgian Young Lawyers' Association, 2022), Official Webpage of the Georgian Young Lawyers' Association, available at: <https://www.gyla.ge/files/2020/2021%20Elections.pdf>, updated: 02.07.2024.

### 3. ELECTION LEGISLATION

#### 3.1. Electoral System

For the first time in the history of independent Georgia, the Parliamentary elections in 2024 will be conducted entirely through a proportional system. Compared to the previously established mixed system, where MPs were selected with proportional and majoritarian rules, the new system will have all 150 members of the Georgian Parliament elected from a single multi-member electoral district based on a proportional electoral system, i.e., by party list. Under the proportional electoral system, political parties will gain parliamentary mandates in proportion to the number of votes/support they receive, ensuring fairer representation. Representing support results proportionally makes it more difficult for one party to gain excessive power, but the existence of a 5% electoral threshold remains a significant challenge in this regard.<sup>147</sup> A high electoral threshold means a high rate of lost votes, potentially leaving a substantial portion of the electorate without representation in the legislative body.<sup>148</sup>

In 2023-2024, the election legislation deteriorated several times. The ruling party was consistently disregarding the recommendations from the international partners and local observer organizations.<sup>149</sup>

#### 3.2. The Abolition of Gender Quotas

At the initiative of the “Girchi” party and with the support of the “Georgian Dream”, mandatory gender quotas in the Parliament and local self-government bodies have been abolished.<sup>150</sup> The Parliament of Georgia overrode the President’s veto on 15 May. The abolition of quotas was voted by 85 MPs, while 22 voted against.<sup>151</sup> The decision was negotiated between the parties, under which in exchange “Girchi” voted for the CEC Chairperson and professional members.<sup>152</sup> As a result of this agreement, “Georgian Dream” managed to secure multi-party support for its favoured candidates. Additionally, the provision in the Organic Law on “Political Associations of Citizens” aimed at increasing women’s participation in poli-

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<sup>147</sup> Seats of MPs will be distributed between the political parties that received at least 5% of valid votes cast in the elections.

<sup>148</sup> To determine the number of seats obtained by a political party, the number of votes it has obtained shall be multiplied by 150 (full number of seats) and divided by the sum of votes received by all those political parties that received at least 5% of the valid votes cast in the elections. If the sum of the number of seats obtained by the political parties is less than 150, the undistributed seats shall be successively awarded to the political parties having better results.

<sup>149</sup> “Georgian Dream’ continues to adapt the legislation to party interests and reduces the independence of the CEC by changing the rules for composition of the CEC”, 05 May 2023, Official Webpage of GYLA, available at: <https://gyla.ge/ge/post/ceskos-dakompleqtebis-tsesis-cvilebebit-qartuli-ocneba-agrdzelebs-kanonmdeblobis-partiul-interesebze-morgebas-da-amcirebs-ceskos-damoukideblobas#sthash.nGYDHWff.136sW2EJ.dpbs>, updated: 07.07.2024;

“The project of amendments to the Election Code threatens the trust in the election administration”, Official Webpage of GYLA, available at: <https://gyla.ge/ge/post/saarchevno-kodeqsshi-shesatani-cvilebebis-proeqti-safrtkhes-uqmnis-saarchevno-administraciis-mimart-ndobas#sthash.h745Tja5.dpbs>, updated: 08.07.2024; “GYLA submitted opinions regarding the amendments to the Election Code”, Official Webpage of GYLA, available at: <https://gyla.ge/ge/post/saiam-saqartvelos-saarchevno-kodeqsshi-shesatani-cvilebebis-taobaze-mosazrebebi-tsaradgina#sthash.JxxnEMmS.dpbs>, updated: 07.07.2024.

<sup>150</sup> “Parliament Overrides President’s Veto on Abolition of Quotas for Women MPs”, Information Portal “Civil.ge”, 15 May 2024, available at: <https://civil.ge/archives/607500>, updated: 03.07.2024.

<sup>151</sup> Ibid.

<sup>152</sup> Bubashvili M, Newsletter №55, April, 2024 (Tbilisi, Georgian Young Lawyers’ Association), p. 3, Official Webpage of the Georgian Young Lawyers’ Association, available at [https://gyla.ge/files/55\\_eng.pdf](https://gyla.ge/files/55_eng.pdf), updated: 07.07.2024.



tics and empowering women within parties, which included a financial incentive mechanism for parties, was also abolished. The legislative package was adopted in an accelerated manner. It is noteworthy that the abolition of gender quotas was also supported by the Chairperson of the Permanent Parliamentary Gender Equality Council, Nino Tsilosani. The law regarding the gender quota was adopted by the “Georgian Dream” in 2020, as a temporary measure for gender equality, and in 2023 its validity was extended until 2032.<sup>153</sup> Notably, achieving gender equality was one of the 12 recommendations set by the European Commission while granting Georgia the European Perspective, and it was considered fulfilled.<sup>154</sup>

According to the assessments of the Public Defender, the abolition of gender quotas worsened the existing mechanism for achieving equality.<sup>155</sup>

### **3.3. Introduction of the Delegate Concept in the Election Legislation**

According to the May 2024 amendments adopted to the organic law of Georgia “Election Code of Georgia, while composing a party list, parties are allowed to designate a candidate for MP as a delegate from any of the 30 constituencies listed in the Annex of this Law. A candidate designated as a delegate from a constituency will be considered the delegate of that constituency after the election if the party that designated them as a delegate receives the most votes in that constituency.

The amendments reintroduce the majoritarian system elements and it will influence voter preferences similarly to the majoritarian election system.<sup>156</sup> The new rule allows parties to consider the geographical distribution of voters while compiling party lists, enabling them to prioritize candidates from regions where they anticipate stronger support. Given the significantly different number of voters in the electoral districts, parties will likely place candidates from larger regions, who can gather more votes for the party, at the top of the list, potentially causing inequality concerning smaller constituencies. If the proposed amendment is adopted, it will be difficult for relatively weaker political groups without strong regional representations to compete with larger parties that can strategically present candidates in regions where they have the best chances of securing seats. This undermines the advantages of a proportional electoral system, where voters base their choices entirely on party composition. In this case, the ruling party regains through the legislative framework the non-competitive advantages it had under a mixed model with majoritarian representatives (regional element). It should also be considered that ruling political parties typically rely significantly on regional elites for political and electoral control, which puts them in a better position. The rule for designating candidates as delegates is likely to alter candidate selection criteria, and pre-election campaigns, and change party headquarters’ logic and priorities, effectively making the pre-election process more aligned with the reality/dynamics of majoritarian elections.

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<sup>153</sup> “5 promises broken by the ‘Georgian Dream’”, Information Portal “Radio Tavisupleba”, 4 April 2024, available at: <https://tinyurl.com/552w25su>, updated: 30.07.2024.

<sup>154</sup> 2023 Communication on EU Enlargement Policy, Georgia 2023 Report, Brussels, 8 November 2023, SWD(2023) 697 final, available at: [https://neighbourhood-enlargement.ec.europa.eu/georgia-report-2023\\_en](https://neighbourhood-enlargement.ec.europa.eu/georgia-report-2023_en), updated: 08.07.2024.

<sup>155</sup> “The Public Defender negatively assesses the bill regarding the abolition of gender quotas”, Information Portal “Radio Tavisupleba”, 2 April 2024, available at: <https://www.radiotavisupleba.ge/a/32887495.html>, updated: 13.05.2024.

<sup>156</sup> “GYLA provided its assessments on proposed amendments to the ‘Georgian Election Code’”, 1 April 2024, available at: <https://gyla.ge/ge/post/saiam-saqartvelos-saarchevno-kodeqssh-shesatani-cvlilebebis-taobazemosazrebebi-tsaradgina#sthash.JxxnEMmS.dpbs>, updated: 07.07.2024.

Taking into account the above, this amendment is a step backwards in establishing a fully proportional electoral system and the related political culture, which encourages party politics rather than the mobilization of support by influential individuals.

### **3.4. The Revocation of Party's Registration based on the Request of the Head of the Anti-Corruption Bureau**

On 29 May 2024, amendments to the Organic Law on “Political Associations of Citizens” granted the National Agency of Public Registry to revoke the registration based on the request<sup>157</sup> of the head of the Anti-Corruption Bureau,<sup>158</sup> if a political party fails to submit legally required financial declaration to the Anti-Corruption Bureau for two consecutive years, or if all the income and expenses reported in these declarations for two consecutive calendar years amount to zero. In this case, the remaining assets of the party will be transferred to the State Treasury.<sup>159</sup>

Once a party's registration is revoked, the Georgian legislation does not prescribe a mechanism for re-registration. Hence, even if a political party resolves the grounds for the revocation of the registration, it is not allowed to re-register. Therefore, it is recommended to introduce clear procedures in the legislation in accordance with international standards for re-registration.<sup>160</sup> It is also crucial that after a party fails to submit a financial declaration and its registration is revoked, the party should be given a reasonable period to re-register, and during this period, the party's assets should remain intact. Introducing the possibility of re-registration would create a tangible criterion for distinguishing between the consequences of a party ban and revocation of the registration, and this would indicate that revocation is a less intrusive measure. This would also mitigate the risks that the ruling party might use this regulation unfairly.

Furthermore, taking into consideration the Georgian context, for an administrative body to be allowed to revoke a party's registration might be risky as this type of action represents a substantial interference in the democratic society, therefore, its justification requires strong arguments.

Additionally, it is questionable whether the legislative initiative was necessary considering timing and the context, when the Venice Commission advises against amending election legislation within a year before elections. According to the Venice Commission, exceptions

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<sup>157</sup> In 2023, the authority to monitor the financial activities of political parties was transferred to the Anti-Corruption Bureau instead of the State Audit Service. The Head of the Anti-Corruption Bureau is appointed by the Prime Minister of Georgia for a term of 6 years.

<sup>158</sup> It is noteworthy that in 2023, the authority to monitor the financial activities of political parties was transferred to the Anti-Corruption Bureau instead of the State Audit Service. The Venice Commission was critical towards this issue. According to their assessment, the existing institutional framework does not guarantee a sufficient level of independence of the Bureau, thus its competence to monitor the financing of political parties and financial declarations of high-level officials needs additional safeguards in the legislation. The commission considers problematic that the appointment and dismissal of the Head of the Bureau is largely in the hands of the Prime Minister. According to the recommendations of the Commission, the Head of the Bureau should have multi-party support and should be elected by a qualified majority of the Parliament.

<sup>159</sup> Organic Law of Georgia on Political Associations of Citizens, Article 24<sup>1</sup>.

<sup>160</sup> VENICE COMMISSION, GUIDELINES ON POLITICAL PARTY REGULATION BY OSCE/ODIHR AND VENICE COMMISSION, (Venice, 15-16 October 2010), available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2010\)024\\_e&fbclid=IwAR327FTThn52Is3cKa0mIIZ\\_GXrT4zviK4UkXY\\_BsOvgf8BsWJMi7Eub-44](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2010)024_e&fbclid=IwAR327FTThn52Is3cKa0mIIZ_GXrT4zviK4UkXY_BsOvgf8BsWJMi7Eub-44), para. 86.

to the principle of election law stability are only permissible only if there is broad consensus on the reform.

### **3.5. Legal Entities banned from Making Donations to Political Parties**

On 15 December, the Parliament expedited the process and with 82 votes in favour, adopted the proposed amendments to the “Law on Political Associations of Citizens” and the “Election Code”. These amendments entail the prohibition of legal entities from making donations to political parties.<sup>161</sup>

### **3.6. Reduction of the Upper Limit of Total Annual Expenditures for Political Parties and Election Candidates**

Additionally, with the 15 December 2023 amendments, the upper limit of the total allowable amount of expenses incurred by the party during the year was reduced from 0.05% to 0.04% of the previous year’s gross domestic product.<sup>162</sup> This amount includes expenses incurred by the party and those made by other persons for the party’s benefit, as determined by the Legal Entity of Public Law – the Anti-Corruption Bureau and notified to the respective party.<sup>163</sup>

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<sup>161</sup> Odikadze N., Newsletter №51, December, 2023 (Tbilisi, Georgian Young Lawyers’ Association, 2024), 9.

<sup>162</sup> Organic Law of Georgia on Political Associations of Citizens, Article 25<sup>1</sup>.

<sup>163</sup> Ibid.

## 4. THE MISUSE OF PUBLIC RESOURCES (DISREGARDING THE REQUIREMENT TO SEPARATE THE STATE AND THE RULING PARTY)

The ruling party began its election campaign in early March in Adjara, meeting with party supporters.<sup>164</sup> In parallel to meeting with supporters in the regions, “Georgian Dream” actively tries to mobilize state resources at its disposal, which can be observed through the implementation of large-scale social and infrastructural projects and the use of public officials for party purposes.

According to the Election Code of Georgia, from the 60th day before Election Day, it is prohibited to implement projects/programs that have not been previously included in the State Budget of Georgia.<sup>165</sup> While implementing or planning such projects 5-6 months before elections does not directly violate the Election Code, these actions by government bodies as the election day arrives contain signs of potential misuse of administrative resources for electoral purposes. The Venice Commission also confirms that<sup>166</sup> the election process goes beyond the electoral campaign, as strictly understood in electoral laws, and it covers all activities in support of or against a given candidate, political party or coalition by incumbent government representatives.<sup>167</sup>

### 4.1. The Mobilization of Administrative Resources for “Georgian Dream” Counter-Demonstration

In response to widespread protests against the Russian-style law, the ruling party organized a rally on 29 April 2024. The party leaders were expecting the attendance of over 100,000 people.<sup>168</sup> They were openly calling on the public servants to participate in the demonstration.<sup>169</sup>

During the organization of the rally, it was disseminated on social media and internet websites (with so-called “screenshots”) that public servants were being obliged by their superiors to attend the rally.<sup>170</sup> With disseminated “screenshots”, it is clear that Mamuka Gogberishvili, representative of the Mayor of Terjola to Tuzi Administrative Unit, categorically required public servants to attend the rally.<sup>171</sup> (See, photo material №1).

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<sup>164</sup> The “Georgian Dream” Commenced Pre-Election Campaign in Regions from Adjara”, Information Portal “PalitraneWS”, 2 March 2024, available at: <https://shorturl.at/ARSU7>, updated: 10.04.2024.

<sup>165</sup> Election Code of Georgia, Article 49(3).

<sup>166</sup> Venice Commission, Report on the Misuse of Administrative Resources during Electoral Processes, Strasbourg, 16 December 2013, para. 9.

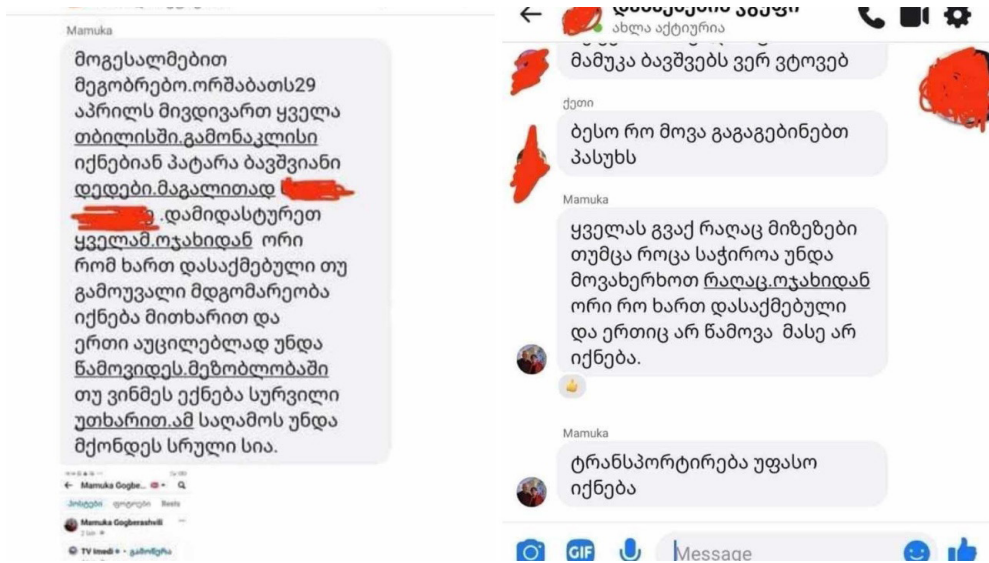
<sup>167</sup> Ibid.

<sup>168</sup> “Over 100 000’ – Mdinardze says that the number of participants of “Georgian Dream” demonstration ‘will exceed expectations”, Information Portal “Radio Tavisupleba”, 28 April 2024, available at: <https://www.radiotavisupleba.ge/a/32923980.html>, updated: 06.07.2024.

<sup>169</sup> “Shalva Papuashvili – It is important that on 29 April, big and small, women and men, public servants and businesspeople, to leave no stone unturned to tell the campaign of hate words of the Georgian people”, Information Portal “Interpressnews”, 23 April 2024, available at: <https://shorturl.at/uCr41>, updated: 04.07.2024.

<sup>170</sup> “Someone hacked my FB – The representative of Mayor of Terjola regarding the photo materials”, Information Portal “netgazeti.ge”, 22 April 2024, available at: <https://netgazeti.ge/news/719147/>, updated: 04.07.2024.

<sup>171</sup> Ibid.



**Photo Material №1**

The footage disseminated by the media shows how civil servants, people employed at local state NNLE and educational institutions, gathered in a specific area and how they were being transported to Tbilisi.<sup>172</sup> These people did not hide that they were on their way to participate in the demonstration and support the Russian-style law.

It should be noted that, according to an anonymous source, the observation mission of GYLA became aware of the information that Tamuna Maisuradze, the director of NNLE kindergartens union of Telavi municipality, was calling teachers to share government posts on social media. Also, he asked them to go to the “Georgian Dream” support rally on April 29 and “Family Purity Day” on May 17. Directors of individual kindergartens were also involved in this process. It should be noted that Tamuna Maisuradze was present at the party meeting of “Georgian Dream” in Telavi on June 2.<sup>173</sup>

This case revealed one significant problem. Indeed, during normal business hours, public servants are prohibited from “conducting or participating in Pre-election campaign (canvassing)”,<sup>174</sup> but, according to the legislation, activities that take place 60 days before the polling day fall within canvassing.<sup>175</sup> This rule leaves space for manipulation – parties are allowed to engage public servants in their activities shortly before the law takes effect. Current trends suggest an increasing use of administrative resources for party interests, which undermines the distinction between the party and the state. Political neutrality is a

<sup>172</sup> “Believe me, you cannot get a decent answer here’ – what was happening during Georgian Dream counter-demonstration in Gori”, Information Portal “Shida Kartli Information Center”, 30 April 2024, available at: <https://shorturl.at/ujhmA>, updated: 04.07.2024.

<sup>173</sup> “We are maintaining the public order” | The Head of Kakheti Police Department attended Garibashvili’s meeting with activists of ‘Georgian Dream’ in Telavi”, 2 June 2024, available at: <https://shorturl.at/Onetg>, updated: 21.06.2024.

<sup>174</sup> The Election Code of Georgia, Article 45(4(h) and (j)); the Law on Public Service, Article 15.

<sup>175</sup> The Election Code of Georgia, Article 45(1).

fundamental principle of public service.<sup>176</sup> Public servants are prohibited from using their official position for partisan (political) purposes.<sup>177</sup> Public servants shall exercise their official powers by observing the principle of political neutrality, which involves their obligation to refrain from political activities during working hours to ensure observance of the principle of impartiality in public service.<sup>178</sup>

**GYLA considers that the prohibition on public officials participating in party activities and election campaigning should extend beyond the pre-election period to cover the entire duration of their service during working hours and while performing official duties.**

#### **4.2. Meeting with “Georgian Dream” Supporters in Telavi**

On 2 June 2024, a party meeting of “Georgian Dream” took place in Telavi, attended by the leaders of local Kakheti organizations and party activists.<sup>179</sup> Among the attendees, was the head of Kakheti Police Department, Teimuraz Kalandadze.<sup>180</sup> He was wearing his civilian clothes and avoided questions from journalists. When asked why he was attending the party meeting, he responded that he was maintaining the public order.<sup>181</sup> Furthermore, he posed irrelevant questions such as: “Do not I look good in civilian clothes?” and “Do I need to ask you where to go?”<sup>182</sup>

The Election Code of Georgia prohibits individuals employed within the Ministry of Internal Affairs of Georgia from participating in pre-election campaigns.<sup>183</sup> Although this rule applies specifically to the pre-election campaign period, the election process covers a much broader period and range of activities.<sup>184</sup> Therefore, when officials, who are legally mandated to remain politically neutral, attend the meeting of the ruling party, it signals improper use of administrative resources and diminishes confidence in the electoral process.

In addition to Teimuraz Kalandadze, the meeting was attended by the MPs, the Mayor’s Office of Telavi – the Deputy Mayor, the Head of Administration, heads of various departments, members of the municipal council, and others.<sup>185</sup> Irakli Gharibashvili and MPs gave remarks to the media regarding the discussed topics at the meeting. According to them, they discussed elections and potential roles/tasks in the electoral process; war or peace; the plans of the National Movement and their past violent acts; the developments in Ukraine and the risks of the Third World War.<sup>186</sup>

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<sup>176</sup> The Law on Public Service, Article 1.

<sup>177</sup> Ibid, Article 15.

<sup>178</sup> Ibid, Article 68.

<sup>179</sup> Remarks of Garibashvili, 2 June 2024, available at: <https://shorturl.at/EOhfx>, updated: 21.06.2024.

<sup>180</sup> “We are maintaining the public order” | The Head of Kakheti Police Department attended Garibashvili’s meeting with activists of ‘Georgian Dream’ in Telavi”, 2 June 2024, available at: <https://shorturl.at/Onetg>, updated: 21.06.2024.

<sup>181</sup> Ibid.

<sup>182</sup> Ibid.

<sup>183</sup> The Election Code of Georgia, Article 45(4).

<sup>184</sup> It is important to note that the pre-election campaign of the ruling party started almost 8 months before the elections.

<sup>185</sup> Ibid.

<sup>186</sup> Remarks of Garibashvili, 2 June 2024, available at: <https://shorturl.at/EOhfx>, updated: 21.06.2024.

### 4.3. Large-Scale Amnesty for Prisoners

On 28 June, during this annual address to the Parliament, the Prime Minister of Georgia, Irakli Kobakhidze announced the initiation of a bill concerning amnesty, which is set to be passed in September.<sup>187</sup> As stated by the Prime Minister, it is planned to significantly reduce the number of prisoners by one-third.<sup>188</sup>

### 4.4. Initiatives of the Government to Subsidize Citizens' Financial Obligations

Prime Minister Irakli Kobakhidze stated that approximately 2,000 citizens will have their fines issued during the COVID-19 pandemic written off.<sup>189</sup> At the government meeting on 3 June, Kobakhidze announced that 1855 individuals and 38 legal entities would be granted exemption from fines. In total, this amounts to 5 600 000 GEL.<sup>190</sup>

On 8 April, Prime Minister Irakli Kobakhidze announced at the government meeting that the government would introduce a tax amnesty for individuals.<sup>191</sup> Particularly, according to him, individual entrepreneurs will have their unpaid recognized tax debts, including penalty interest, arising before 1 January 2021, fully forgiven.<sup>192</sup>

As stated by Irakli Kobakhidze, after the adoption of the Law, 590 million GEL debts of 145 000 people, would be written off.<sup>193</sup>

### 4.5. Salary Increases and Personnel Number Growth

According to the Ministry of Education, Science, Culture and Sport of Georgia, starting from July 1 the salaries of school teachers increased by 200 to 800 GEL.<sup>194</sup> Currently, there are over 52,000 teachers and more than 70% are expected to receive a salary increase ranging from 500 to 800 GEL.<sup>195</sup> Around 25% of teachers would have their salaries increased by 300 to 400 GEL. It is noteworthy that no teacher will be left without a salary increase; even those with minimal working hours, about 5% of teachers, would receive at least a 200 GEL raise.<sup>196</sup>

In April 2024, the Parliament of Georgia adopted amendments to the Law of Georgia "On State Compensation and State Academic Scholarship", improving social guarantees for employees dismissed from law enforcement agencies and other recipients of state compen-

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<sup>187</sup> "Amnesty and Elections – Instead of the initiative of 'Girchi', the 'Georgian Dream' will past its own", Information Portal "Radio Tavisupleba", 1 July 2024, available at: <https://www.radiotavisupleba.ge/a/%e1%83%90%e1%83%9b%e1%83%9c%e1%83%98%e1%83%a1%e1%83%a2%e1%83%98%e1%83%90%e1%83%93%e1%83%90%e1%83%90%e1%83%a0%e1%83%a9%e1%83%94%e1%83%95%e1%83%9c%e1%83%94%e1%83%91%e1%83%98/33017557.html>, updated: 02.07.2024.

<sup>188</sup> Ibid.

<sup>189</sup> "The decree of the Government writes off fines imposed during the covid pandemic for up to 2 thousand citizens", Information Portal "Interpressnews", 3 June 2024, available at: <https://shorturl.at/bIAJ7>, updated: 03.07.2024.

<sup>190</sup> Ibid.

<sup>191</sup> "Kobakhidze: 145 000 people will be fully written off their total 590 million tax debts", Information Portal "Publika", 8 April 2024, available at: <https://shorturl.at/6GNvv>, updated: 03.07.2024.

<sup>192</sup> Ibid.

<sup>193</sup> Ibid.

<sup>194</sup> "Ministry of Education: 3000 teachers will have their salaries increased by 800 GEL", Official Webpage of Ministry of Education, 17 June 2024, available at: <https://shorturl.at/c1kqj>, updated: 03.07.2024.

<sup>195</sup> Ibid.

<sup>196</sup> Ibid.



sation.<sup>197</sup> According to the amendments, for the first time since 2006, the maximum limit of pension (compensation) for all persons receiving compensation increased to 1000 GEL instead of the current limit of 560 GEL.<sup>198</sup>

**It is important to understand that the introduction of social programs and adequate salaries for public servants are obligations of the state, not acts of goodwill by the ruling party. Using citizens' difficult social conditions for electoral purposes is unacceptable and contradicts the principle of a fair and competitive pre-election campaign.**

During the election year, the number of people employed in several public institutions increased.

For example, on 29 May 2024, the Kutaisi Municipal Council made changes to the staff list of the Kutaisi City Hall, adding 24 new positions, including 11 in public service, 6 contractual positions, and 7 administrative contract positions. Notably, five so-called “call centre” operators were employed under labour contracts, while seven new employees were hired under administrative contracts for municipal administrative units.<sup>199</sup>

Moreover, various media outlets report on staffing increases in municipal NNLE organizations in Zestaponi municipality.<sup>200</sup> Namely, new positions were created in the libraries of various villages in Zestaponi, including mobile librarians and library cleaners.<sup>201</sup>

**GYLA considers that making such decisions close to Election Day increases the likelihood that newly employed people might express their gratitude to the ruling political party at the ballot box. This practice does not align with the principle of separating party and administrative resources and gives the ruling party an advantage over other candidates.**

During the reporting period, at the initiative of the Government, from September 1, around 3,000 graduates will be able to have paid internships in public service, the private sector and municipalities.<sup>202</sup> Prime Minister Irakli Kobakhidze outlined that this year this project will operate in pilot mode.<sup>203</sup>

#### 4.6. Infrastructural Projects

Three 12-story buildings were constructed in “Dream City” in Batumi.<sup>204</sup> The process of handing over the apartments began on 5 June. The ceremony was attended by Prime Minister Irakli Kobakhidze and the Chairman of the Government of Ajara, Tornike Rizhvadze.<sup>205</sup> The

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<sup>197</sup> “Parliament approved amendments to the Law of Georgia” On State Compensation and State Academic Scholarship”, Official Webpage of the Ministry of Internal Affairs of Georgia, available at: <https://police.ge/en/parlamentma-/16191>, updated: 07.07.2024.

<sup>198</sup> Ibid.

<sup>199</sup> Resolution №99 of Kutaisi Municipal Council, “On approval of the staff list of the City Hall of the City of Kutaisi, determination of the amount of official salaries of public servants and political officials of the City Hall”, regarding the amendments to the 18 January 2018 Resolution №24 of Kutaisi Municipal Council, Article 1, 29.05.2024.

<sup>200</sup> “How the Government N(N)LEs became ‘Employment Office’”, Union of Investigative Journalists ifact.ge, 25 May 2024, available at: <https://ifact.ge/samtavrobo-aaip-dasakmebis-kantora/>, updated: 04.07.2024.

<sup>201</sup> Ibid.

<sup>202</sup> “Irakli Kobakhidze – paid internships within public service, as well as private sector and municipalities will allow around 3 000 graduates to have internships”, Information Portal “1tv”, 28 June 2024, available at: <https://shorturl.at/9ejq3>, updated: 03.07.2024.

<sup>203</sup> Ibid.

<sup>204</sup> “Up to 600 families received new apartments in “Dream City” in Batumi”, Information Portal “Imedi News”, 5 June 2024, available at: <https://shorturl.at/Qillj>, updated: 03.07.2024.

<sup>205</sup> Ibid.



apartments were handed over to eco-migrant families by the Prime Minister on 5 June.<sup>206</sup> 582 families are planned to receive new houses in the first phase. Irakli Kobakhidze outlined that the project will continue, with plans to accommodate over 1000 more families.<sup>207</sup>

On 1 June 2024, the Telavi Municipality Hall opened the Peace Park on Peace Street<sup>208</sup> after starting its rehabilitation in 2022.<sup>209</sup> Initially, the rehabilitation of the park was planned to last for three months, but Telavi Municipality Hall failed to complete it within the set time-frame. The project was implemented with co-funding from the EU-funded “Integrated Development Program for the Pilot Regions” project and the local budget.<sup>210</sup> During his public addresses, the mayor of the municipality, Leval Anriashvili,<sup>211</sup> did not mention EU funding for the park, which caused protests from members of the “Liberty Square” movement.<sup>212</sup> According to the information provided by GYLA’s monitor, who attended the event, the mayor attributed the project’s implementation entirely to the “municipality’s prudence and care for the population”. The event was attended by local public servants, teachers of schools and kindergartens, employees of LEPLs and NNLEs.

Marneuli Municipality plans to build a square at the cost of 107 716 GEL.<sup>213</sup> The local government announced a tender on 28 May. The companies can submit bids from 13 June to 18 June. According to the tender conditions, the winning company must complete the work within 90 days of signing the contract.

On 3 June, Prime Minister Irakli Kobakhidze opened the central stadium in Marneuli.<sup>214</sup> The design and construction of the new football stadium in Marneuli were funded with 8.2 million GEL from the state budget.<sup>215</sup> The construction of the new stadium began in 2021, and initially, its completion date was planned to be the end of 2023.<sup>216</sup>

**GYLA calls on the Government to refrain from implementing large-scale budget projects shortly before elections, as they may significantly influence voter sentiment and create an unequal position for other political parties.**

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<sup>206</sup> Ibid.

<sup>207</sup> Ibid.

<sup>208</sup> “The Sign ‘Funded by the EU’ angered the Mayor of Telavi, who tore down the banners | the incident in the Peace Square”, Information Portal “Mtavari Channel”, 1 June 2024, available at: <https://shorturl.at/tcuYF>, updated: 20.06.2024.

<sup>209</sup> “A new recreation space will be built along Peace Street”, Webpage of Telavi Municipality, 16 March 2022, available at: <https://shorturl.at/rAuUX>, updated: 20.06.2024.

<sup>210</sup> Ibid.

<sup>211</sup> “The Sign ‘Funded by the EU’ angered the Mayor of Telavi, who tore down the banners | the incident in the Peace Square”, Information Portal “Mtavari Channel”, 1 June 2024, available at: <https://shorturl.at/tcuYF>, updated: 20.06.2024.

<sup>212</sup> Ibid.

<sup>213</sup> “Marneuli Municipality plans to build a square at the cost of 107 716 GEL”, Radio “Marneuli”, 4 June 2024, available at: <https://shorturl.at/0ImVo>, updated: 20.06.2024.

<sup>214</sup> Statement of the Government of Georgia, 3 June 2024, available at: <https://shorturl.at/VFTSv>, updated: 20.06.2024.

<sup>215</sup> Ibid.

<sup>216</sup> “Visit to the Marneuli Stadium under construction”, Georgian Football Federation, 23 June 2022, available at: <https://shorturl.at/WXd2K>, updated: 20.06.2024.