



## **GYLA assesses the activities of the Government in terms of electoral reform**

2016 parliamentary elections will be held on October 8. In terms of election legislation there still are certain flaws and issues that require to be better regulated in order to ensure equal and fair election environment. Changes in the ruling coalition created new opportunities to renew discussions regarding electoral reform and reach new positive changes. Therefore, GYLA together with partner organizations, urged political parties to start consultations in that regard. We are ready to actively participate in this process and facilitate the process with the aim to bring the positions of different political parties closer to each other.[\[1\]](#)

In this respect, currently it is relevant to assess recent changes of the election legislation and the activities of government in this regard.

Despite number of urges to Government from civil society and political parties, to create proper environment and opportunities to discuss election issues and conduct

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substantial legislative changes for the parliamentary elections that would have been based on broad civil consensus, the government did not conduct any changes. Accordingly, **comprehensive changes, that could improve election environment, have not been made and as of now, these issues remain open: issues related to election system, usage of administrative resources, funding political parties, media regulations, election disputes are still left unsolved.**

The government only made **the decision of adjusting electoral district boundaries based on number of voters and increasing threshold for majoritarian elections**, which was conducted in a fragmented and non-transparent way, with low involvement of the society. Changes in two directions are still being discussed, that stipulates banning of establishing special precincts in military units and lifting restrictions obliging the Prime minister to resign in case of obtaining the status of a candidate for MP of Georgia.

Unlike past period, **no platform or format was created through which essential discussions regarding improvement of election legislation, involving political parties and civil society could have been held.**<sup>[2]</sup> In fact there were no discussions regarding the changes of election legislation. The only exception was issue of changing regulations of special precincts, when the task force was established, under the Inter-Agency Council. But, for instance, political parties have not participated in works and discussions of abovementioned group.

As the existing elections system could not provide realization of proportion of votes of specific party and the seats acquired by them in the Parliament, also as there was a serious threat of losing votes, election system has become a subject of criticism of international,<sup>[3]</sup> as well as local NGOs.<sup>[4]</sup> Despite that unprecedented and broad consensus regarding changes of elections system, that was made between the political parties and civil organizations in 2015, in order to change mixed electoral system with proportional electoral system, **no changes have been made to the system and the government postponed this issue for future.** The reason of it, according to the government, mainly was lack of time remaining until elections and difficulty to make comprehensive changes. Majoritarian election system was sustained for 2016 parliamentary elections and district boundaries were adjusted based on decision of Constitutional Court. Also 50% threshold was established for majoritarian elections.

Even though with adjusting election districts the equality of votes was ensured, that also was subject of recommendations of international as well as local organizations for years and it should be assessed as positive, we believe that the abovementioned reform cannot cope with challenges of the existing election system.<sup>[5]</sup> We think that the changes made only partially respond to problems of existing election system and cannot ensure eliminating of all those challenges that the existing mixed electoral system has. For instance, one of the serious problems is that proportion between votes and mandates is not realized. Accordingly, the mentioned changes are not enough to develop more fair election system and environment.<sup>[6]</sup>

Must be noted that new formation of electoral districts was not conducted based on clear and distinct criteria. No explanation was provided regarding the base of such formation and merging that creates the questions regarding rationality of forming the districts this way. Additionally it causes interest of the society, what was the decision that determined the decisions made in each specific case. It must also be considered that the changes were planned and carried out with low public involvement that contradicts international standard of revising electoral districts.<sup>[7]</sup> Also there is a high probability that splitting and merging the districts would lead to confusion and cause additional barriers for the population.

It also must be noted that the Government of Georgia sent the relevant election changes to the Venice Commission in order to obtain expert opinion only after

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reflecting them in the Law. According to the joint opinion of Venice commission and OSCE/Democratic institutions and Human Rights Protection Office, balancing **electoral districts based on number of voters, that previously was violating the equality of votes, was assessed positively, however it was noted that the changes did not include clear method of revising the boundaries of the districts, procedure for CEC for decisions to be made between them, in order to adjust the boundaries of the districts in accordance with their competence.** The opinion indicates the non-transparency of the process, of splitting and merging the municipal districts.[8]

Besides the abovementioned changes two more issues are being discussed, that will enter into force before the elections. The first concerns banning setting up special precincts in military units. Draft of changes was developed by the Ministry of Defense in frames of task force created with initiative of Interagency Commission for Free and Fair Elections. According to project offered by the government possibility of creating special election precincts in military units is annulled and separate issues related to participation of military servicemen in elections will be introduced in detail, that should be assessed positively. However, despite this, **the problem related to participation of military servicemen in elections** is not changed. Military servicemen will still be able to participate in elections held under the majoritarian system, also, in elections of Mayor/Gamgebeli despite their different place of registration. Thus leaving risks of possible manipulation with votes of abovementioned persons.

And the final change that will be discussed in parliament within the next few days concerns the issue of lifting the ban of incompatibility of duties of the Prime minister, if he obtains the status of a candidate for MP of Georgia. We think that need for dismissing the government and forming new government will not be on agenda in short period of time before the elections, considering the mentioned change, **however problematic issues related to election system, usage of administrative resources, completing election administrations, funding political parties, media regulations, election disputes are not discussed together with abovementioned issue and are still left unsolved.** Accordingly, we assess negatively the fact that so far the government has not been willing to open a discussion on mentioned issues and also to express political will to implement the changes.

GYLA calls upon the government to create a platform where NGOs as well as political parties will have the possibility to raise and discuss problematic issues, addressing which will positively affect fair and equal election environment.

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[1] <https://gyla.ge/ge/post/politukurma-partiebma-saarchevno-sistemis-gaumjobesebaze-konsensuss-unda-miaghtsion>

[2] Over the past period, for example, in 2013, 2014, an inter-factional group was established in Parliament, in the frames of which political parties and civil society representatives discussed the amendments to the election law.

[3] EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION) AND OSCE OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS (OSCE/ODIHR) JOINT OPINION ON THE DRAFT ELECTION CODE OF GEORGIA, 2011;

[4] Joint recommendations of GYLA, Transparency International Georgia and Fair Elections (2011, 2014)

[5] <https://gyla.ge/ge/post/saiam-saarchevno-cvlilebebtan-dakavshirebit-saqartvelos-parlaments-daskvna-tsarudgina>

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[6] <https://gyla.ge/ge/post/saiam-saarchevno-cvllilebebtan-dakavshirebit-saqartvelos-parlaments-daskvna-tsarudgina>

[7] Basic report: OSCE guidelines for democratic elections; part three pg.55.

[8] [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2016\)003-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2016)003-e) para. 19.