

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



The Evaluation of Pre-Election Environment

The processes of local self-government elections were conducted in fairly peaceful and competitive environment. The election subjects introduced the voters own programs and promises via direct meetings with voters and wide scale events.

Mainly the problems were revealed in Kvemo-kartli, Samtskhe-javakheti and Samegrelo regions, where the inner-party confrontations as well as severe competition was identified.

More than 10 cases of menace/pressure, 5 cases of physical abuse, 9 cases of misuse of administrative resources and 5 cases of participating in pre-elections agitation were revealed in reporting period.

Election administration

Completion of Precinct election commissions (PEC) was conducted in timely manner as envisaged by the legislation, however number of problems were still identified. As it was revealed the persons who were imposed disciplinary liability during 2016 elections were participating in the competition, however according to the monitors, the members of the DEC's still selected these persons as members of the PEC's. Furthermore, according to the monitors' information, **those individuals were also elected in PECs based on professionalism, who recently represented different parties in Election administration.**

Based on discussion of applications or claims submitted by GYLA to the Election administration it was revealed that **the DEC's in most cases have not studied in detail the materials provided in the case, and made decisions** only based on explanatory statements of the alleged offender. In the end, their decisions were characterized with a low standard of justification.

The issue of increasing the involvement of women in politics still remains as problem for 2017 self-government elections.

Interagency Commission

The violations were still identified even after the recommendations of the Interagency Commission were issued that is problematic. Therefore, it is important that the mentioned agency goes beyond the platform of only listening to complaints and exchanging the information, as is today and becomes more active and effective platform.

Funding of election subjects

The legal entities mostly funded the ruling party with solid donations. Mostly non-financial donations were made for opposition parties or independent candidates.

Media environment

Media environment is pluralistic, however polarized. The certain election subjects mentioned restrictions of media space during the elections period.^[1]

The cases of intense counter-agitation via social networks became an issue during these elections that were of a permanent nature and were conducted against different subjects via sponsored pages.

Misuse of administrative resources

GYLA monitors identified the cases of misuse of administrative resources in favor of the ruling party. Group attendance of persons employed in budgetary organizations (schools, kindergartens, employees of Non-entrepreneurial (Non-commercial) Legal Entities) on pre-election meetings of the ruling party was revealed, that created an impression that these kind of attendances were well organized and obligatory that in separate cases was also confirmed. The cases that **created the risk of politicizing the education process** were observed. Lessons were conducted using party symbolic, agitation took place by the persons employed in the education system of the Ministry of Education and Science, the heads of the educational resource centers, in favor of candidates of the ruling party.^[2] Also participation of employees of kindergartens in the pre-election processes (through attending pre-election meetings of candidates of the ruling party and mobilizing “supporters” in their favor). **Such facts represent misuse of administrative resources in favor of the ruling party and contradicts Article 5.4 of OSCE Copenhagen Document that requires clear separation between the State and political parties. According to the mentioned Article political parties shall not be merged with the State.**^[3]

Interfering in pre-election campaign

Numerous facts of interfering in dissemination of agitation materials was observed during the reporting period, including tearing off the agitation posters, posting on others posters, damaging. The cases of interfering pre-election meetings were also

observed. It is noteworthy that ruling party also mentioned the facts of interference (counter-actions and damaging elections materials).

Cases of physical abuse were also identified in the reporting period in addition to the facts of detaining the representatives of opposition parties.

Menace, pressure and physical violence

As reported during the reporting period, the candidates of different oppositional parties withdrew own candidacies due to pressure or gaining over. Additionally, in some cases the facts of pressure on voters were also observed, to support the ruling party.[4]

These types of cases unambiguously harm the interests of the Country and threatens peaceful and stable election environment, influences conducting the elections in healthy environment that eventually reflects on the democracy and governance quality in the country. It is significant to conduct immediate and thorough investigation that will be effective and will prevent further violations. It should be noted that currently conducted investigations cannot create sense of security and neither create the safe environment for the candidates. The concept of agitation envisaged by the Elections Code of Georgia was narrowly interpreted by the Central Election Commission (CEC) that created the threat of legalizing participation in agitation with violations of law.[5]

[1] <http://droa.ge/?p=11526>

[2] Kvareli and Zugdidi

[3] <http://www.osce.org/odihr/elections/14304?download=true>

[4] <https://gyla.ge/ge/post/arasamtavrobo-organizaciebi-tetrityaros-saarchevno-olqshi-ganvitarebul-movlenebs-ekhmaurebian#sthash.oevHMorX.dpbs>

[5] <https://gyla.ge/ge/post/ceskos-gadatsyvetileba-shevchenkos-mier-ukanono-agitaciis-fagttan-dakavshirebit-saagitacio-ghonisdziebashi-ukanono-monatsileobis->

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