

INTERNATIONAL ELECTION OBSERVATION MISSION

Georgia — Parliamentary Elections, 21 May 2008

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Tbilisi, 22 May 2008 – The International Election Observation Mission (IEOM) for the 21 May 2008 parliamentary elections in Georgia is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), the European Parliament (EP) and the NATO Parliamentary Assembly (NATO PA).

The elections are assessed for their compliance with OSCE and Council of Europe commitments and standards for democratic elections and national legislation. This statement of preliminary findings and conclusions is delivered prior to the completion of the election process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process, including the tabulation and announcement of results, the handling of possible post-election day complaints or appeals, and the conduct of possible second-round contests. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the election process. The institutions represented in the IEOM thank the Georgian authorities for their co-operation and stand ready to continue their support for the conduct of democratic elections.

PRELIMINARY CONCLUSIONS

The 21 May parliamentary elections originally scheduled for later in the year were brought forward following a plebiscite which was held simultaneously with the 5 January 2008 presidential election. Since then improvements to the electoral process were introduced. Yet, distinct challenges remain to be addressed in order to overcome a lack of trust, and to instill broad confidence amongst election stakeholders and the public. This will require a continuing commitment on the part of the Government, as well as from all other political actors.

Overall, these elections clearly offered an opportunity for the Georgian people to choose their representatives from amongst a wide array of choices. The authorities and other political stakeholders made efforts to conduct these elections in line with OSCE and Council of Europe commitments. The International Election Observation Mission (IEOM) identified a number of problems which made this implementation uneven and incomplete.

The Unified Election Code (UEC) is generally conducive to the conduct of democratic elections. Recent amendments to the UEC address a number of recommendations of the OSCE/ODIHR and the Council of Europe, including lowering the electoral threshold from seven to five per cent and abolishing voter registration on election day. However, remaining inconsistencies, gaps, and ambiguities in the UEC left room for varying interpretation, thus negatively affecting its consistent implementation.

Following the breakdown of dialogue between the Government and the opposition, the election system was changed two months prior to the elections without consensus among key stakeholders, and in a manner viewed by the opposition as favouring the ruling United National Movement (UNM). The wide variation of the number of voters registered in individual single-mandate constituencies undermines the fundamental principle of the equality of the vote.

Twelve political parties and electoral blocs were registered in an inclusive and transparent process. However, the Central Election Commission (CEC) would have enhanced transparency by making the UNM party list available to all CEC members immediately when requested.

Parties were able to campaign around the country, although within a polarized and tense environment. The distinction between state activities and the UNM campaign was often blurred, contributing to inequities in the campaign. A number of the latest UEC amendments enabled the use of administrative resources for campaign purposes and allowed political officials to mix campaign activities with official duties, contrary to OSCE commitments which stipulate a clear separation between state and party.

The numerous allegations of intimidation of candidates, party activists and state employees negatively affected the campaign environment. While difficult to verify, some of the claims examined by the OSCE/ODIHR EOM were found to be credible. President Saakashvili called on public officials not to interfere in the electoral process.

The media generally offered voters a diverse range of views. The newly elected Board of Trustees of the Georgian Public Broadcaster (GPB) initiated a memorandum of understanding between GPB and all election subjects on impartial campaign coverage. Public TV offered the electorate a valuable opportunity to compare parties and candidates. However, the campaign coverage in the news of most other broadcasters monitored lacked balance, with the UNM and the authorities receiving the most coverage.

The CEC largely operated in a transparent manner, holding frequent meetings open to observers and media. However, the CEC did not act in a collegial manner, and on contentious issues CEC members failed to act independently as required by law. Specifically for these elections, party representation was introduced in District Election Commissions (DECs), extending it to all levels of the election administration. The UNM held a de facto majority on DECs and Precinct Election Commissions (PECs), and opposition parties were under-represented in the managerial positions at PEC level. On the other hand, transparency of the process was enhanced by the CEC decisions to accredit a large number of domestic non-party observer organizations, in line with the OSCE commitments.

The CEC conducted a voter education campaign through the national media and training of election officials, including in national minority languages. Most parties and electoral blocs included representatives of national minorities in their candidate lists. Overall, women were under-represented as candidates and at the top level of the election administration.

Complaints and appeals procedures were simplified and clarified to some extent, but they remain contradictory and ambiguous. Short timeframes for filing and consideration of complaints and appeals compromise the right to due process and thus challenged effective means of redress. Election commissions and courts generally did not give due consideration to complaints, with an apparent bias in favour of UNM and public officials. In some cases they refused to hear relevant witnesses or view documented evidence, failed to address all relevant facts or provide legal reasoning, and applied unsound interpretations of law.

Election day was generally calm, and overall, voting was assessed positively by the large majority of IEOM observers, with regional variations. However, there were procedural shortcomings, especially with regard to inconsistent application of inking procedures. Inaccuracies remain in the voter list, despite verification efforts undertaken by the CEC. In a considerable number of polling

stations, a relatively high number of voters were added to mobile voter lists. Cases of domestic observers and proxies being pressured or expelled from polling stations were noted. Counting was assessed less positively, with significant procedural shortcomings observed, as was tabulation.

PRELIMINARY FINDINGS

Background

The President of Georgia, Mikheil Saakashvili, on 21 March 2008, called parliamentary elections for 21 May 2008. Originally scheduled for later in 2008, the elections were brought forward following a plebiscite which was held simultaneously with the 5 January 2008 presidential election. President Saakashvili proposed the plebiscite following opposition demonstrations in November 2007. One of the key demands was that the parliamentary elections be brought forward.

Following the highly polarized January presidential election, some headway appeared to be made in dialogue between the governing United National Movement and opposition parties. The main opposition bloc put forward a memorandum listing 17 demands, and the UNM responded by putting forward its proposals. Progress in discussions on a new electoral system proved to be short-lived. In March, the political atmosphere deteriorated again, as during the negotiations several opposition members held a 17-day hunger strike, which ended with most of the opposition's demands not being met.

Election System and Legal Framework

The new parliament will have 150 members – 75 elected proportionally based on national party lists, and 75 elected from single-mandate constituencies¹. If no candidate in a single-mandate constituency secures 30 per cent of votes cast, a second round is held between the top two candidates. The UEC does not require single-mandate constituencies to be of equal or comparable size; in these elections the number of voters registered in individual constituencies, which as a rule coincides with the administrative districts, ranged from around 6,000 to over 140,000. Such large variations undermine one of the main principles of electoral rights, namely equality of the vote.²

The Constitution (1995) and the Unified Election Code (2001) are the primary legal instruments regulating elections. Only two months prior to the elections, major changes to the parliamentary election system were introduced into the Constitution (11 and 12 March) and the UEC (21 March). Opposition parties viewed these changes as favouring UNM.³ Recent amendments to the UEC address a number of recommendations of the OSCE/ODIHR and the Council of Europe⁴, including lowering the electoral threshold from seven to five per cent and abolishing voter registration on election day, but others remain unaddressed. While key stakeholders expressed concern at the

¹ Under the previous system, which was used in the 2003–2004 elections, 150 members of parliament were elected under a proportional system, and 75 in single-mandate constituencies. In addition, members of parliament elected in Abkhazia in 1992 retained their seats.

² Paragraph 7.3 of the 1990 OSCE Copenhagen Document commits OSCE participating States to “guarantee universal and equal suffrage to adult citizens.” The Venice Commission’s Code of Good Practice in paragraph 2.2 recommends that “the permissible departure from the norm should not be more than 10%, and should certainly not exceed 15%, except in special circumstances.”

³ The opposition had advocated the introduction of a regional proportional election system instead of a single-mandate majoritarian system.

⁴ A number of recommendations made by other organizations, including Georgian NGOs were also addressed.

inadequate level of consultations during the amendment process, it should be noted that the opposition boycotted parliamentary proceedings.

The UEC is generally conducive to the conduct of democratic elections. Yet it includes a number of new provisions that create unequal conditions in favour of the incumbents. In particular, Article 76 allows for use of certain administrative resources for campaign purposes⁵. While public servants are allowed to campaign outside their duties, Article 76 prima 1, specifically permits political officials⁶ to mix campaign activities with official duties. This falls short of OSCE commitments⁷. Remaining inconsistencies, gaps, and ambiguities in the UEC left room for varying interpretation, thus negatively affecting its consistent implementation.

Election Administration

The parliamentary elections were administered by a three-tier election administration consisting of the Central Election Commission (CEC), 76 District Election Commissions (DECs) and 3,558 Precinct Election Commissions (PECs). In addition, 72 special polling stations⁸ were established, as were 47 polling stations at Georgian diplomatic missions abroad, and two special precincts for Georgian military in Iraq.

The CEC was active in preparations of the elections but it did not act in a collegial manner, reflecting the general political polarization. On contentious issues CEC members failed to act independently as provided by law. The CEC held frequent sessions open to observers, party proxies and the media. It generally operated in a transparent manner. The CEC also conducted voter information campaigns on various aspects of the election process. The training of DECs and PECs was assessed overall positively by the OSCE/ODIHR EOM.

Specifically for these elections, and in response to opposition demands, the composition of DECs was changed to provide for party representation. DEC membership was increased from five to 13 members, with seven members nominated by political parties financed from the State budget, bringing the composition of DECs in line with that of the CEC and PECs. According to OSCE/ODIHR EOM observers, DECs appeared in general well aware of their duties. However, opposition appointees were at times excluded from DECs' activities⁹, and DECs were not always acting as collegial bodies. Although DEC meetings were generally open, OSCE/ODIHR EOM observers, domestic observers and party proxies noted a lack of transparency in several DECs, in particular in Dusheti, Bolnisi and Tsalka.

The UNM held a de-facto majority in DECs and PECs and opposition parties were under-represented in PEC managerial positions. A considerable number of party-appointed PEC members were replaced just before the legal deadline. Opposition parties told the OSCE/ODIHR EOM that

⁵ Allowing use of publicly funded buildings, communication means and vehicles on condition that equal access is provided to all election subjects was not workable in practice, thus benefiting the ruling party.

⁶ Politically appointed or elected officials such as the President, ministers, members of parliament or heads of local self-government bodies.

⁷ Paragraph 5.4 and 7.6 of the 1990 OSCE Copenhagen Document. The former calls for a clear separation between the State and political parties and the latter commits the state to "provide ... necessary legal guarantees to enable [political parties] to compete with each other on the basis of equal treatment before the law and by the authorities."

⁸ At military units, detention centres, hospitals etc.

⁹ Opposition-appointed DEC members have complained to the OSCE/ODIHR EOM that they are not always given access to all relevant documentation and are not always informed about when DEC sessions are to be held. OSCE/ODIHR LTOs have confirmed this information.

such changes were a result of problems identifying suitable candidates, or to avoid intimidation of its PEC members. The OSCE/ODIHR EOM heard a number of allegations that party-appointed PEC members were intimidated and pressured to resign. Around 25 of such claims were examined by the OSCE/ODIHR EOM and found to be credible.

Voter Registration

The CEC is responsible for the maintenance of the centralized voter register. The latest UEC amendments abolished election-day registration and extended the period for public scrutiny of voter lists from 12 to 19 days (17 April to 5 May for these elections). Voter lists were available for public scrutiny at PECs and DEC. Voters could also check their names through the Internet, a CEC hotline or SMS. On 5 May, the CEC extended – upon the request of opposition CEC members – the scrutiny period to 8 May. On 16 May, within the legal deadline, the CEC announced that the total number of registered voters was 3,456,936.

OSCE/ODIHR observers reported that voter lists were generally displayed at PECs. The process of incorporating into the general list the names of voters from additional lists compiled on election day during the 2008 presidential election was described as non-transparent by domestic observers because they were not given with complete data and the criteria for inclusion were not explained.

The voter registration has overall been improved in Georgia in the last decade. However, many stakeholders continued to express concerns regarding the accuracy of the voter list, claiming that the number of records was inflated due to records of deceased persons in the list, multiple records, and non-existing buildings as registration addresses. OSCE/ODIHR EOM observers substantiated cases of the latter.

Candidate Registration

Under the Constitution and the UEC, only political parties and electoral blocs registered by the CEC may submit party lists and nominate majoritarian candidates; the law does not allow individual nominations, in clear breach of international commitments.¹⁰ The latest UEC amendments reduced the number of support signatures for non-parliamentary parties from 50,000 to 30,000. Eighteen of the 28 non-parliamentary parties which submitted signatures to the CEC were denied registration due to insufficient valid signatures. Twelve election subjects were registered in these elections: nine parties and three blocs.¹¹

The generally inclusive and transparent registration process offered an opportunity for the Georgian people to choose their representatives from amongst a wide array of choices. On 21–22 April, following the last-minute withdrawal of Parliament Speaker Nino Burjanadze, who was to head the UNM list, opposition CEC members demanded to see the UNM list to know whether the UNM would change their list after the legal deadline. These events were characterized by a serious lack of transparency, as some CEC opposition members were refused access to the lists for a protracted period.

¹⁰ Paragraph 7.5 of the OSCE Copenhagen Document states that participating States will respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination.

¹¹ These included the Republican Party, which was in the main opposition bloc for the presidential election but stood alone in these elections; the Labour Party of Georgia; the UNM; the United Opposition – National Council – New Rights (United Opposition), whose candidate Levan Gachechiladze came second in the January presidential election; and the recently formed Christian-Democratic Movement (CDM).

Campaign Environment

In general, all parties were able to campaign throughout the country. The elections took place in a highly polarized environment, compounded by numerous allegations of intimidation, the numbers of which increased closer to election day, and opposition mistrust in the electoral process. Two leading United Opposition figures warned of rebellion “in case the elections were rigged”. There were several allegations of obstruction of the relatively small scale opposition campaign events. Campaign billboards were particularly in evidence in Tbilisi, mostly for the UNM.

The UNM’s campaign focused on measures to eradicate poverty, as well as on the Government’s record. Some opposition parties also campaigned on issues, including economic and constitutional reforms. Local issues were frequently stressed. The tone of some opposition parties’ campaigning was highly negative, highlighting alleged violations by the authorities.

Some United Opposition leaders directed strongly worded criticisms at leading UNM figures, as well as highly personalized attacks on the CEC Chairman. On 1 May, United Opposition leaders led a march to the CEC, which resulted in violent scuffles with police.

The numerous allegations of intimidation of candidates, party activists and state employees negatively affected the campaign environment. While difficult to verify, particularly in a polarized environment, some of the claims examined by the OSCE/ODIHR EOM were clearly found to be credible. Such cases were reported particularly from Kakheti, parts of Mtskheta-Mtianeti, Shida Kartli, Imereti, Guria and Adjara. These included a number of verified claims of pressure on opposition supporters by local officials to desist from campaigning, and of threats by school principals and UNM officials that teachers would lose their jobs if they continued to work for opposition parties. There were also allegations that people with relatives in pre-trial detention could supposedly secure their release if they collected pledges of votes for the UNM, which were corroborated by credible witnesses in Tbilisi and Guria¹².

An audio recording implicating the UNM majoritarian candidate in Tsageri with threatening state officials with dismissal if they did not secure 80 per cent¹³ support for the UNM was presented by the United Opposition, who claimed such pressure was widespread. The candidate withdrew from the election. President Saakashvili reacted strongly, warning against illegal practices. The Interior Ministry warned its officers to restrict themselves to ensuring a secure campaign environment.

The distinction between state and political party was frequently blurred¹⁴. For example, Government social programmes such as the distribution of fuel vouchers in rural areas were at times combined with campaign activities for the UNM, although less than previously.¹⁵ Opposition parties further alleged that the UNM enjoyed unequal access to administrative resources.¹⁶ Regional governors engaged in campaigning for the UNM while carrying out work duties, which, as they are public servants, and not political officials, is prohibited. In villages near Kareli on 5

¹² Such practices are inconsistent with paragraph 7.7 of the 1990 OSCE Copenhagen Document which requires that campaigning be conducted in a fair and free atmosphere without administrative action, violence or intimidation.

¹³ The UNM candidate’s estimate of the percentage of the population employed in public service in Tsageri.

¹⁴ In contravention of paragraph 5.4 of the OSCE Copenhagen Document.

¹⁵ In Tkibuli, UNM activists acknowledged to the OSCE/ODIHR EOM that they had distributed fuel vouchers from the UNM office.

¹⁶ In Kakheti, the UNM enjoyed the privileged use of several state buildings, including the Cultural Centre, for which opposition parties were charged rates. An official at the centre confirmed that the UNM had used the building several times, without paying.

May, the OSCE/ODIHR EOM observed the Governor of Shida Kartli campaigning together with the UNM majoritarian candidate.

Participation of Women and National Minorities

There are neither legal barriers to the participation of women in elections, nor legal provisions to promote their participation. While there are some prominent women in politics, women are overall under-represented, and few women candidates were highly visible in the campaign. There are no rules regarding women on candidate lists, but all major political parties had at least one female among the top ten of their proportional lists. Overall, 28 per cent of candidates on proportional lists were women, while 12 per cent of candidates in single-mandate districts (58) were women. Only one of 13 CEC members is a woman. Of the 76 DEC chairpersons, 15 are women. In polling stations visited by IEOM observers on election day, 45 per cent of PEC chairpersons were women. A number of Georgian NGOs conducted programmes aimed at female voters in rural areas.

National minorities enjoy full political rights under the Constitution, and make up 16.2 per cent of the population. The most significant minority groups are Azeris (6.5 per cent) and Armenians (5.7 per cent), concentrated in regions bordering Azerbaijan and Armenia. Several parties and blocs included members of national minorities in lists and as majoritarian candidates, nominating them¹⁷ in districts where minorities form a substantial part of the population. In regions with significant minority populations, the CEC provided PECs with election materials in Armenian, Azeri, Ossetian and Russian. During the public scrutiny period, voter lists were only available in Georgian.

The Media

The media generally provided voters with a diverse range of views, thus allowing them to make a more informed choice on election day. Public TV, in particular, offered the electorate a valuable opportunity to compare parties and candidates through talk shows, free-of-charge presentations, news reporting of the campaign and televised debates, including one between the UNM and the United Opposition. Private broadcasters also offered airtime for free-of-charge spots and organized talk shows attended by different political parties and candidates. The very high cost of paid political advertising limited contestants' possibilities to campaign on television. The main channels charged approximately ten times higher rates than for commercials.

The newly elected Board of Trustees of the Georgian Public Broadcaster (GPB) – which includes nominees from the ruling party and the opposition – initiated a memorandum of understanding between GPB and all election subjects on impartial campaign coverage.

Despite the pluralistic media environment, most outlets remain under strong influence from their owners and political patrons. As such, all five main TV channels were under some influence from candidates and political parties, which was an obstacle to covering all election subjects in a non-discriminatory manner as provided by law¹⁸. This resulted in campaign news coverage lacking balance on all monitored TV stations, apart from public TV, with the UNM receiving the most coverage on almost all stations.

¹⁷ The Republicans had five minority representatives on their party list; the Labour Party one; the UNM eight; the United Opposition seven; and the Christian-Democratic Movement none. The Republicans and the UNM placed minority representatives relatively high on their lists, the highest being at number nine and 29, respectively, while the United Opposition's highest-placed minority candidate was in 85th place.

¹⁸ Article 54 of the Law on Broadcasting.

Most monitored TV channels¹⁹, including public TV, devoted significant and favorable coverage to activities of the authorities. For example, four main TV channels broadcast live a 22-minute prime-time news item about a meeting of the President, cabinet ministers and regional officials in Kutaisi. Media coverage of appearances of the President, Government ministers and local government representatives at ceremonial events, often in the presence of UNM candidates introduced as such, indirectly benefited the UNM campaign.

During the media monitoring of the last six weeks of the election campaign, public TV devoted similar proportions of its political and election prime-time news coverage to the United Opposition (18 per cent) and the UNM (17 percent). While the ruling party was given overwhelmingly positive coverage, the coverage of the main opposition bloc was mainly neutral. The biggest share, however, was devoted to the President and the Government (together 32 per cent) with an overwhelmingly positive tone.

Rustavi 2 and Mze devoted extensive, favorable coverage to the incumbents. Due to verbal and physical attacks on their journalists by some representatives and supporters of the main opposition bloc, they boycotted the activities of the United Opposition in their news programmes – Mze until 26 April and Rustavi 2 until 28 April. The opposition had in turn boycotted Rustavi 2 and Mze, accusing them of bias in favour of the authorities, and only agreed to live broadcast interviews. While Rustavi 2 and Mze started to cover activities of the main opposition bloc in their news, it was much less than those of the authorities and the UNM. For example, Mze on weekdays broadcast a ten-minute local Tbilisi news programme (paid for by the Tbilisi municipal administration), which overwhelmingly featured the UNM candidates running in the Tbilisi single-mandate constituencies; other candidates in these constituencies did not receive such coverage. Adjara TV adopted a similar approach. Local Tbilisi TV station Kavkazia, in contrast, served as a platform for the opposition, allocating the bulk of its coverage to the United Opposition and strongly criticizing the UNM.

The CEC conducted its own media monitoring, through a commercial company, and released four media-monitoring reports. While the results indicated imbalances in the news, the Georgian National Communication Commission (GNCC) took no remedial action. Both the CEC and the GNCC reported receiving no media-related complaints.

Complaints and Appeals

The election administration generally failed to exercise its broad authority to investigate and address campaign violations at its initiative. On election night, DEC's responded promptly to a number of complaints, mostly from domestic observers, and invalidated the elections in 13 precincts.

Complaints and appeals filed with the election administration and courts primarily related to decisions and actions of election commissions, with relatively few formal complaints on campaign violations.²⁰ The UNM filed one complaint. Opposition parties and domestic observers expressed a lack of trust in the election administration, courts, and law enforcement bodies to effectively address election grievances. There are indications that citizens fear submitting information on election-related criminal offences. The relatively high cost of filing court cases is also reported as a deterrent to lodging complaints and appeals.

¹⁹ Publicly funded Georgian Public Broadcaster (GPB) and TV Adjara; private Rustavi 2, Mze TV Kaukazia TV.
²⁰ The approximate number of pre-election day complaints and appeals filed is: to DEC's - 64, to the CEC - 26, to the Tbilisi City Court – 28, to other City/Rayon Courts – 8, to Tbilisi Court of Appeal – 14, to Kutaisi Court of Appeal – one, and to the Constitutional Court - two.

Complaints and appeals procedures were simplified and clarified to some extent, but they remain contradictory and ambiguous. A significant number of complaints (approximately 20 per cent) were not considered due to procedural reasons, such as unauthorized complainant or submission to a body without jurisdiction. The deadlines for complaints against administrative decisions and timeframes for consideration of complaints and appeals are in themselves too short (1–2 calendar days) to guarantee procedural fairness and due consideration. Complainants and also decision-makers faced difficulty in meeting these tight deadlines.

Election commissions and courts for the most part did not give due consideration to complaints and appeals, with an apparent bias in favour of the ruling party and public officials. In some cases they refused to hear relevant witnesses or view documented evidence, failed to address all relevant facts, applied unsound interpretations of the law, ignored its spirit, or failed to provide legal reasoning. The CEC did not discuss and analyze complaints in a systematic and legalistic manner, and never adopted legal reasoning for its decisions. CEC lawyers often presented unsound and inconsistent legal arguments to the CEC and courts. In one court case, the CEC lawyer argued that CEC members are permitted to vote on complaints according to their “internal beliefs” and are not bound by law.

Three opposition parties filed complaints in court requesting annulment of the CEC decree that registered the UNM party list, alleging the list had not been submitted in line with legal procedure. In adjudicating these complaints, the judges refused to hear any witness proposed by the complainants to substantiate the allegations, citing several unjustifiable grounds, including lack of time in an election period and that the witnesses were not relevant. The court then rejected the substance of the case because the complainants had not provided corroborating evidence.

A number of complaints on vote buying by UNM candidates and campaigning by public servants were filed and were all rejected by the election administration and courts. In their extensive legal interpretations, which frequently fell short of both the letter and spirit of the law, it becomes apparent that these bodies did not uphold important standards for the conduct of democratic elections. These interpretations offered broad latitude for campaigners to unduly influence voters through vote buying, for campaign activities to overlap with government initiatives, and for public servants to mix official duties with campaign activities, thus contributing to unequal campaign conditions favouring the ruling party. The court held, for instance, that only candidates and party proxies are prohibited from vote buying; thus other campaigners are allowed to do so.

Domestic and International Observers

There is a vibrant civil society in Georgia with several renowned NGOs active in election observation. Further the authorities have invited a broad range of international observer organisations. The UEC provisions on domestic non-party observers, whose work is equally as valuable as that of their international colleagues, have now largely been brought in line with those for international observers, and now clearly stipulate the right of domestic observers to observe at all levels of the election administration. The registration deadline for local observer organizations was changed from 30 to ten days before election day. However, the UEC does not provide the possibility for observer organizations to correct their applications. The CEC registered 37 domestic and 43 international organizations, as well as 16 embassies, to observe these elections. Competing parties and election blocs had the right to appoint proxies to every commission.

Election Day

Election day was generally calm, although in some regions, IEOM observers assessed the voting environment as tense and problematic. The CEC started posting polling station results and protocols on its website shortly after midnight on 22 May. During election night, the CEC announced that the elections in 13 polling stations had been annulled because of “grave violations”, with decisions on other precincts pending. Preliminary CEC data put voter turnout at 55 per cent.

The IEOM observed voting in almost 1,500 polling stations out of a total of 3,630, and counting in some 150 polling stations. The IEOM also observed the tabulation process in 73 DEC.

Opening procedures were assessed positively in 85 per cent of polling stations visited. Instances of procedural shortcomings noted included failure to: record the number of voters in the protocols (8 per cent); seal the ballot boxes (4 per cent); record the serial numbers of seals (6 per cent); and insert control sheets in the ballot boxes (1 per cent). Unauthorized persons were present in 8 per cent of polling stations, but only in three cases were they directing or interfering in the PEC’s work. IEOM observers reported limited delays in the opening of 41 per cent of polling stations visited.

IEOM observers assessed the voting process as good or very good in 92 per cent of polling stations visited. However, the process was assessed more negatively in several regions, specifically Shida Kartli, Samtskhe-Javakheti, Kakheti, Guria and Kvemo Kartli. PECs’ and voters’ understanding of procedures was assessed positively in the overwhelming majority of polling stations visited.

The most widespread procedural violations concerned inking safeguards; in 11 per cent of polling stations visited, voters were not always checked for invisible ink, and in 9 per cent, inking was not always applied. IEOM observers reported from five polling stations that voters who had already been inked were allowed to vote. Other violations included ballot boxes which were not sealed properly (4 per cent), series of seemingly identical signatures (2 per cent), proxy and multiple voting (2 per cent each), group voting (5 per cent) and the same person “assisting” numerous voters (2 per cent). IEOM observers witnessed 12 cases of ballot box stuffing and eight cases of carousel voting. In 5 per cent of polling stations visited, not all voters marked their ballots in secrecy.

IEOM observers noted problems with mobile voting, in particular voters who requested mobile voting not being marked on the general and special voter list (2 per cent). The share of voters entered in the supplementary list exceeded 10 per cent in 10 per cent of polling stations visited.

Circumstances in and around polling stations were at times problematic. Tension inside polling stations was reported from 6 per cent of polling stations visits, and tension or unrest in the vicinity, from 4 per cent. In 1 per cent of polling stations visited, intimidation was noted, and in 3 per cent, persons trying to influence voters were observed. Campaign material was in evidence in 3 per cent of polling stations visited. IEOM observers reported cases of overcrowded polling stations or large number of voters waiting to vote outside polling stations (6 per cent each).

In 21 per cent of polling stations visited, not all voters found themselves on the voter list; overall, the number of voters affected was limited. In 1 per cent of polling stations, voters were denied the right to vote for inappropriate reasons. Ballots in minority languages were generally available in areas where minorities reside, with isolated cases where this was not the case.

Domestic non-party observers were present in 83 per cent of polling stations visited, and party or bloc proxies in 98 per cent. The IEOM noted instances where observers and proxies were prevented from carrying out their tasks, intimidated, or expelled from polling stations. Unauthorized persons,

mostly police and party activists, were seen in 5 per cent of polling stations; there were 16 reports of such persons interfering in or directing the work of the PEC.

In 12 per cent of polling stations visited, official complaints had been filed, with such cases increasing towards the end of voting. NGOs and parties reported that observers and proxies were prevented from filing complaints; IEOM observers directly witnessed seven such cases.

The vote count was assessed less positively; some 22 per cent of IEOM observers assessed it as bad or very bad. A considerable number of PECs did not perform basic reconciliation procedures before opening the ballot boxes, such as counting and entering into the protocols the number of signatures on the voter lists or unused ballots. The mandatory mathematical consistency checks before and at the end of the actual count were frequently skipped. In one of three counts observed, voters' choices were not announced aloud during the count. Determination of ballot validity was not always reasonable and consistent. Unauthorized persons were frequently present and at times participated in the process. IEOM observers reported three cases of outright falsification.

Many PECs had problems filling in the results protocols and revised data entered into the protocol earlier. Cases where protocols had been pre-signed were observed. Those entitled to them received copies of the protocols in almost all cases, but many PECs did not post copies of the protocols for public scrutiny, as required by law. In over one half of the polling stations where the count was observed, the PEC did not transmit the protocols to the CEC by fax immediately after the count.

The tabulation process was assessed critically in some 16 per cent of DEC. IEOM observers noted, in particular, the presence of unauthorized persons and PECs filling in or correcting protocols at the DEC without being allowed to do so. In two thirds of DEC, not all protocols reconciled correctly. In a number of DEC, observers noted a lack of transparency or impediments to the work of observers. A number of DEC finished the tabulation process on election night. Some DEC told IEOM observers that they would only complete their summary protocols closer to the legal deadline for doing so (31 May).

*This statement is also available in Georgian.
However, the English version remains the only official document.*

MISSION INFORMATION & ACKNOWLEDGEMENTS

The OSCE/ODIHR Election Observation Mission opened in Tbilisi on 10 April with 42 experts and long-term observers deployed in Tbilisi and ten regional centres. On election day, the International Election Observation Mission comprised a total of over 550 observers from 48 countries, including some 400 short-term observers deployed by the OSCE/ODIHR, as well as 71 parliamentarians and staff from the OSCE PA, 24 from the PACE, 11 from the EP and 6 from the NATO PA.

Mr. João Soares (Portugal), Head of the OSCE PA delegation, was appointed as Special Co-ordinator by the OSCE Chairman-in-Office to lead the OSCE short-term observers. Mr. Mátyás Eörsi (Hungary) headed the delegation of the Parliamentary Assembly of the Council of Europe, Ms. Marie Anne Isler Béguin (France) headed the delegation of the European Parliament, and Mr. Bruce George (United Kingdom) headed the delegation of the NATO PA. Ambassador Boris Frlec (Slovenia) is the Head of the OSCE/ODIHR Election Observation Mission.

The IEOM wishes to thank the authorities of Georgia for the invitation to observe the election, the Central Election Commission for providing accreditation documents, and the Ministry of Foreign Affairs, the Parliament of Georgia and other state and local authorities for their assistance and cooperation. The IEOM also wishes to express appreciation to the OSCE Mission to Georgia and other international institutions for their co-operation and support.

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