Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 14204
24 November 2016

Observation of the parliamentary elections in Georgia (8 and 30 October 2016)

Election observation report
Ad hoc Committee of the Bureau
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1. Introduction

1. On 18 February 2016 Mr Mikheil Janelidze, Minister of Foreign Affairs of Georgia, invited the Parliamentary Assembly of the Council of Europe to observe the parliamentary elections in Georgia. The Bureau of the Parliamentary Assembly, at its meeting on 26 May 2016, decided to observe these elections, scheduled for 8 October 2016, constituted an ad hoc committee for this purpose composed of 30 members (EPP/CD: 11; SOC: 10; ALDE: 4; EC: 3; UEL: 2) and the co-rapporteurs of the Monitoring Committee, and authorised a pre-electoral mission. On 24 June 2016, the Bureau approved the list of members of the ad hoc committee and appointed Mr Emanuelis Zingeris (Lithuania, EPP/CD) as its Chairperson. The list of participants appears in Appendix 1.

2. On 14 October 2016, the Bureau took note of the statement on the first round of the elections, decided to observe the second round (which took place on 30 October 2016), constituted an ad hoc committee for this purpose composed of one representative of each political group, as well as of the co-rapporteurs of the Monitoring Committee, approved the list of members and appointed Mr Emanuelis Zingeris (Lithuania, EPP/CD) as its Chairperson (Appendix 2);

3. In line with the co-operation agreement signed between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission) on 4 October 2004, a representative of the Venice Commission was invited to join the ad hoc committee as a legal adviser.

4. The pre-electoral delegation went to Georgia from 12 to 15 September 2016 to evaluate the state of preparations and the political climate in the run-up to the parliamentary elections. The programme of the visit (Appendix 3) included meetings with the Prime Minister, with the Speaker of the Parliament and its first Deputy, with members of the delegation to the Parliamentary Assembly, with the Chairperson of the State Election Commission, with the Minister of Internal Affairs, with the Head of the National Communications Commission, with leaders and representatives of parliamentary and non-parliamentary parties running in the elections, with representatives of civil society and of the media, with the Deputy Head of the election observation mission of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) and with diplomats based in Tbilisi. At the end of its mission, the pre-electoral delegation issued a press release (Appendix 4).

5. For the observation of the parliamentary elections, the ad hoc committee operated in the framework of an International Election Observation Mission (IEOM) together with delegations from the OSCE Parliamentary Assembly (OSCE-PA), the NATO Parliamentary Assembly (NATO-PA), the European Parliament and with the election observation mission (EOM) of the OSCE/ODIHR.

6. The ad hoc committee met in Tbilisi from 6 to 9 October 2016 to observe the parliamentary elections on 8 October. The programme of the ad hoc committee's meetings is set out in Appendix 5. On polling day, the ad hoc committee split into 15 teams which observed the elections in Tbilisi and its surrounding areas as well as in the following regions and municipalities: Khashuri, Dmanisi, Telavi, Gori, Rustavi, Marneuli, Samtshke and Batumi.

7. The following day, the IEOM held a joint press conference and issued a "Statement of preliminary findings and conclusions" and a press release (Appendix 6).

8. To observe the 2nd round of the parliamentary elections on 30 October, the ad hoc committee went to Tbilisi from 28 to 31 October 2016. The programme of the ad hoc committee's meetings is set out in Appendix 7. On polling day, the ad hoc committee split into four teams which observed the elections in Tbilisi and its surrounding areas as well as in the following regions and municipalities: Kakheti, Akhaltsikhe and Kutaisi.

9. The following day, the IEOM held a joint press conference and issued a "Statement of preliminary findings and conclusions" and a press release (Appendix 8).

2. Political context

10. On 5 June 2016, the President of Georgia, Mr Giorgi Margvelashvili, called parliamentary elections for 8 October 2016.

11. These were the first parliamentary elections held under the new semi-presidential political system with powers of the president reduced in favour of the prime minister and parliament. Despite the broad consensus reached on the abolishment of the majoritarian component of the electoral system in favour of a fully proportional system ahead of the elections, the adoption of the reform was postponed until after the 2016 elections.

12. The elections were held against a backdrop of public discontent with politics and the political elite, and the country's continuing poor economic performance. Signed in June 2014, the Association Agreement with the European Union also impacted the context of elections. The tensions between the Georgian Dream (GD) and the United National Movement (UNM) permeated all aspects of the political environment and marred the atmosphere for elections.

13. In the last parliamentary elections on 1 October 2012, the ruling coalition, led by GD, had won 85 of the 150 seats and the largest opposition group, the UNM, 65 seats. Recent political developments have fragmented the ruling coalition and parliamentary parties. GD and its coalition partners took part in the elections separately.

3. Legal framework

14. The elections are primarily regulated by the 1995 Constitution and the 2011 Election Code (last amended in June 2016) as well as by decrees and ordinances of the Central Election Commission (CEC).

15. Significant amendments were made to the Election Code in 2015, followed by a package of technical amendments adopted in June 2016. At the end of 2015, aiming to respect the principle of equal suffrage, new procedures for boundary delimitation of single-mandate constituencies were adopted. The amendments prescribed the redrawing of constituencies in a two-stage process, defined the boundaries for 43 of 73 single-member constituencies and mandated the CEC to delimitate the remaining 30 constituencies in municipalities where more than one election district should be created.

16. The amendments did not provide specific parameters for determining constituency boundaries, such as population size, number of registered voters, number of people actually voting, or a mechanism applicable to minority populated areas. The law also does not specify criteria for permitted deviations in the number of voters and does not sufficiently address the issue of managing future boundary reviews. Furthermore, the largest deviations from the average number of voters still contravene international good practice, and a few constituencies do not satisfy the principle of geographical continuity.

17. The 150 members of parliament are elected for four-year terms under a mixed electoral system. Of these, 77 members are elected under a closed list proportional component in one nationwide constituency and 73 in single-mandate constituencies. Parties and blocs must surpass a 5% threshold of valid votes cast to qualify for proportional seat allocation. In majoritarian contests, candidates must receive more than 50% of valid votes cast to be elected, a threshold that has been increased from 30% by the December 2015 amendments.

18. The legal framework is conducive to holding democratic elections, but the introduction of amendments to fundamental elements of the electoral law less than a year prior to the elections is against international good practice. Late changes created some confusion amongst voters about where to vote and who their candidates are, which made it necessary for the election administration to adjust its operations and impacted the campaigns of some majoritarian candidates.

4. Electoral administration, voters lists and registration of candidates

19. Elections are managed by a three-tiered election administration: the CEC, 73 district election commissions (DECs) and 3 634 precinct election commissions (PECs). For these elections, 53 DECs fully exercised their functions prescribed by law, while the remaining 20 DECs acted as subsidiary district election commissions (SDECs). All election commissions are composed of 13 members, seven of whom are nominated by the political parties that qualify for public funding having obtained at least 3% of the votes in the last parliamentary or local elections. At CEC level, the additional five members are appointed by the parliament upon the nomination by the president, and there are separate procedures for the selection of the chairperson. Three CEC members are women, including the chairperson. Women comprise approximately 62% of DEC and 69% of PEC members.

20. The elections were managed at all levels in a timely and professional manner. The CEC operated transparently, promptly posting decrees, ordinances, decisions and minutes of the meetings on its website and regularly conducting briefings and meetings with stakeholders. All CEC sessions were open to observers, party and media representatives. Throughout the process, the CEC enjoyed a high level of confidence amongst stakeholders.

21. During the pre-election period, allegations were made about the CEC, and particularly DECs, lacking impartiality when appointing lower-level commission members. The legal criteria for electing PEC members are vague and leave room for misinterpretation.

22. The authorities made a concerted effort to facilitate access for people with disabilities. The CEC announced that 1 115 polling stations were barrier-free, including by arranging special booths for wheelchair users, and equipped all polling stations with magnifying sheets and tactile frames for visually impaired voters.

23. The CEC voter education and information campaign was well-prepared and comprehensive. It consisted of banners, printed materials, videos and spots on the Internet. Videos conveyed messages on various aspects of the electoral process that were available in minority languages and in sign language, and were broadcasted on private and public television channels.

24. Georgia has passive voter registration. Citizens over 18 years of age have the right to vote, except for prisoners sentenced to more than five years imprisonment. In March 2015, persons without legal capacity were granted the right to vote. The CEC is responsible for compiling voters lists based on data provided by the Public Service Development Agency (PSDA) within the Ministry of Justice and by other relevant authorities.

25. Out of 3 720 400 citizens, there were 3 513 882 voters on the final voters lists. Some 49 700 voters were registered abroad. Voters lists were correctly posted in polling stations from 8 September for public scrutiny, and additions and corrections were permitted until 22 September. In addition, voters were given ample other options for verifying their data on voters lists through the CEC website, mobile phones, and a special application through 7 000 payment terminals around the country. The CEC reported that between June and September, approximately 950 000 voters checked their information via these three methods.

26. The PSDA introduced biometric data into the State registry. To remove inconsistencies in the voters lists, door-to-door verifications were conducted and facial recognition software was used to remove duplicate records. In addition, photos of the voters were included on the voters lists. In general, increased trust and confidence in the accuracy of voters lists was noted.

27. Amendments in force from 12 July gave voters without an officially registered address or valid documents the possibility to register, by 1 August, and be added to the voters lists according to the address of their previous or factual residence. Despite the intention of the authorities to increase inclusiveness, the time frame was insufficient. Considering the period too short, the CEC adopted a special decree extending the period for registration for these categories of voters until 22 September. The CEC indicated that 62 362 voters previously removed from the voters lists were re-included following these changes.

28. Any Georgian citizen who has the right to vote, has attained the age of 21, and speaks Georgian may be elected. Citizens who have not resided in Georgia for the last two years and who did not register during this time with a consulate abroad, or those deemed to be a drug addict or user, may not be elected. Certain public officials are required to resign from their positions to be eligible to stand for office.

29. The CEC registered 25 candidate lists for the proportional contest, with 19 parties running separately and 16 running in six electoral blocs. Parties have to first register with the CEC as prospective contestants to be able to apply for registration of their candidate lists. Out of 64 parties/blocs that applied for pre-registration, 26 were either rejected or their registration was later revoked, mainly for failure to submit the required documents.

30. There were a total of 869 majoritarian candidates, including 53 independents. For majoritarian contests, candidates could be nominated by parties, blocs or run independently if nominated by an initiative group of at least five voters. Twenty-seven initiative groups had their registration cancelled for not submitting the necessary documentation, or voluntarily withdrew. Independent candidates nominated by voter initiative groups had to submit supporting signatures of at least 1% of the voters registered in the district. Independent candidates who were elected in the last parliamentary elections were exempt from this provision.

31. Out of nine parties eligible for State funding, seven met the voluntary quota of at least 30% of candidates of the less represented gender among every 10 candidates of their respective list, which qualified them to receive an additional 30% of public funding. This incentive encouraged women's participation in the proportional contest, but did not address it in the majoritarian component. There were 1 304 registered women candidates (out of a total of 3 524) in the proportional and 143 in the majoritarian contests.

5. Election campaign and finance and media environment

32. The campaign officially began on 8 June. It was competitive and largely calm, despite isolated violent incidents, including the bombing of an MP's vehicle. Campaign activities intensified and visibility increased across the country two weeks prior to election day. While fundamental freedoms were generally respected during the campaign and contestants were able to campaign freely, several parties voiced allegations of political pressure on candidates and campaign staff involving local authorities, police and the State Security Service. Only a few official complaints were formally submitted on these matters and are under investigation.

33. The tone of the campaign between GD and the UNM was confrontational and the two parties accused one another of exacerbating the situation. The timing of recently published surveillance recordings could have affected the image and reputation of candidates involved and negatively impacted the campaign atmosphere.

The campaign was dominated by GD, the UNM, Paata Burchuladze – State for People (SP) and Alliance of Patriots of Georgia (APG), while the Free Democrats (FD), the Republican Party (RP), the Democratic Movement (DM) and several independent candidates featured to a lesser extent.

34. Most campaigning was conducted in the media and through billboards, posters, door-to-door canvassing, community meetings and mainly small-scale rallies. A few parties campaigned through social media and the Internet. GD purchased 75% of the total paid advertisement observed in the monitored broadcasters, SP followed with 17%. Pressing issues such as unemployment, the economy, development of infrastructure as well as social security were addressed by contestants.

35. The IEOM heard numerous allegations regarding the misuse of administrative resources. A few incidents of pressure on local public employees and teachers to attend GD campaign events were reported. In some instances, GD candidates used official public events for the purpose of campaigning, raising concerns about blurring the line between State and party.

36. The law prohibits changes in municipal budgets during the 60 days before election day. Several interlocutors, including contestants, claimed that the government reallocated budget funds immediately prior to this deadline in order to optimise the campaign effect and had been promoting the completion of infrastructure and renovation projects among voters shortly before election day. This raises concern about the equality of contestants during the election.

37. While the law prohibits campaigning by certain public officials during working hours, provisions permit officials to take vacation time to campaign. Foreign citizens are also prohibited from campaigning; however, the previous president of Georgia, now a citizen of Ukraine, campaigned for the UNM.

38. In several areas, cases of contestants being prevented from placing campaign materials and of damaging of campaign offices were noted. The vast majority of campaign incidents related to vandalised campaign posters and billboards.

39. Amendments in 2013, 2014 and 2016 to legislation regulating campaign finances introduced provisions that lowered sanctions for violations, adjusted the types of permitted donations, allocated public funds to cover television advertising expenses for qualified contestants and added regulations related to independent candidates. A number of previous recommendations from the Council of Europe's Group of States against Corruption (GRECO) regarding the need for a more uniform legal framework and proportionate and dissuasive sanctions for all infringements were only partially addressed. Among the majoritarian candidates, only those nominated by qualified political parties had access to public funding.

40. Between 8 June and 1 October, parties and blocs declared a total amount of GEL 22 874 725 (approximately €8 752 830) from donations by some 1 770 donors, contributing to the financing of 17 parties and blocs as well as 22 independent candidates. During the observation period, only GD took out a loan (one million GEL) for its campaign needs from a commercial bank. While not a violation of campaign finance regulations, it was seen by stakeholders as inappropriate, in particular because there are no special regulations concerning loan terms and the loan could be paid back from State funds for which GD is eligible.

41. The State Audit Office, responsible for overseeing party and campaign finances, investigated 694 donations and imposed sanctions on seven donors. Partially due to new procedures requiring the State Audit Office to obtain court approval for its investigations, campaign finance violations were often not addressed in a timely manner, undermining the effectiveness of the oversight.

42. There was a substantial imbalance in the amount of funds that parties raised.

43. Georgia has a wide range of media outlets and a lively media environment. The primary source of information is television, the print media having only limited circulation. There have been improvements since 2012 in the overall pluralism of the media landscape and more recently with the growing contribution of online media. Nevertheless, media outlets, especially broadcast media, are often still perceived as being polarised along political lines.

44. The media legislation provides a sound framework for freedom of the media. The Constitution guarantees freedoms of speech and of the press and prohibits censorship, libel is not a criminal offence, and freedom of information provisions in legislation ensure access to public information. However, in the two last years, court actions related to a case over the ownership of the Rustavi 2 television channel have sparked concerns and have been cited by several civil society and international organisations as an attempt to restrict media freedom. The ongoing court case did not affect Rustavi 2's capacity to cover the election.

45. The Law on Broadcasting stipulates that both public and private broadcasters should ensure pluralistic and non-discriminatory coverage of all relevant views in their news programmes, while the Election Code contains detailed provisions regulating free and paid advertising during the election campaign and the publication of opinion polls. Recent amendments to the Election Code reduced the amount of free airtime granted to the nine contestants qualified for public funding on both public and private broadcasters to not more than 90 seconds per every three hours. The Georgian Public Broadcaster and Adjara TV, in line with legal requirements, offered non-qualified contestants equal, but very limited airtime (10 seconds per day); only one party used this opportunity. Generally, media outlets respected legal provisions on free and paid advertising; however, broadcasters did not abide by the disclosure rules for the publication of opinion polls. One party produced an advertisement with anti-Turkish and xenophobic content, which was aired by some television channels.

46. The Georgian National Communications Commission is responsible for overseeing media compliance with legal provisions. It conducted media monitoring and published four reports covering the period from 8 June to 22 September. However, the reports did not comprehensively disclose monitoring findings and the Commission did not react in a timely and effective manner to most of the violations detected during the campaign. According to the Law on Broadcasting and the Code of Conduct of Broadcasters, the self-regulatory mechanism of each broadcaster is responsible for considering complaints related to the content of editorial coverage. During the election campaign, none of the self-regulatory bodies of major broadcasters received official complaints.

47. Broadcasters widely covered the electoral contestants in a variety of formats. They invited contestants to participate in debates and talk shows. The distinction was often blurred between the formats of newscast and current affairs programmes, where instead of journalists reporting on news, guests discussed news items without providing more thorough information on the campaign activities of the different parties. In general, media coverage focused on GD and the UNM, and political discourse was marked by their constant confrontation rather than presentations of their electoral programmes.

48. The Election Code establishes a timely dispute resolution process for appeals on election commission decisions. Representatives of parties, blocs, candidates and registered observers have the right to file complaints about any aspect of the election process. Voters, however, only have the right to file complaints on their non-inclusion in a voters list.

49. Since the elections were announced, 187 complaints have been submitted to different levels of the election administration and courts. The CEC fulfilled its legal obligation to publish all complaints and decisions taken by the CEC and courts on its website within one day. Complaints to DECs and their decisions were also posted on the CEC website, despite the lack of a legal requirement. Complaints considered by election commissions and courts were reviewed in a transparent manner at open sessions and parties were informed about the time and place of the hearings. Generally, decisions were well-grounded and motivated.

50. Most complaints concerned violations of campaign rules, including campaigning by unauthorised persons (35 cases), the misuse of administrative resources (26 cases) or complaints requesting that administrative protocols be filed for alleged election violations (32 cases), and were challenging the legality of the appointment of PEC members (7 cases). Sixteen complaints were satisfied and four were partially satisfied.

51. The election administration, the Georgian National Communications Commission and local municipalities are responsible for recording election-related administrative violations and have up to two months to take action. So far, seven administrative cases have been initiated by the election administration and 32 cases are pending action. The lack of an expedited deadline for electoral cases and insufficient resources for investigation left many violations unaddressed during the election period compromising the efficient protection of electoral rights. The Prosecutor’s Office opened 74 investigations of election-related criminal matters.

52. According to the 2014 census, national minorities make up 13.2% of the population. The most numerous groups are the Azeris (6.3%) and the Armenians (4.5%). Several parties and blocs nominated candidates from national minorities on their party lists, but few in electable positions and for the majoritarian races in minority- populated regions. Minority languages were widely used by parties and candidates in minority-populated areas. Visible campaigns were conducted in a relatively free and competitive environment, especially in Azeri areas, while it was more subdued in Armenian areas.

53. The Election Code adequately provides for observation by citizen and international organisations, as well as representatives of election contestants. The legislation contains detailed provisions on the rights and responsibilities of observers and grants access to all stages of the electoral process. The CEC registered 111 citizen and 55 international organisations. The registration process was inclusive and managed in a professional manner.

54. Various citizen observer organisations conducted long-term election observation activities focusing on different aspects of the election environment, campaign finance, media monitoring, national minority participation and election dispute resolution. On election day, citizen observers were deployed and observed procedures at all levels of the election administration and one organisation conducted parallel vote tabulation. Parties and candidates nominated representatives to observe election day procedures. The participation of numerous citizen observers at all stages of the process contributed to the transparency of the elections.

6. Polling days

55. The 8 October election day generally proceeded in an orderly manner, but tensions increased during the day with several violent altercations taking place near and in polling stations. While voting was assessed as generally positive, the assessment of counting was markedly worse due to procedural problems and increased tensions. Citizen observers and party representatives were present in almost all polling stations, but frequently interfered in the work of the commissions.

56. Opening was assessed positively by international observers in 153 of the 162 polling stations observed. Short delays in opening were observed in 80 polling stations, but did not affect the process. Procedures were generally followed, but some irregularities were noted: PECs did not announce or properly record information on the number of voters and ballots in 10% and 13% of cases, respectively. Citizen observers and party representatives interfered in or directed the work of PECs in some 12% of observations.

57. Voting was evaluated positively in over 97% of the observed polling stations. In the few cases where the process was assessed negatively, this was largely due to interference in the work of the PECs by unauthorised persons. A few serious irregularities were reported, including voters with traces of invisible ink allowed to vote (2%) and attempts at influencing voters (2%). Almost 40% of polling stations observed were not accessible for voters with disabilities; however, accessibility was somewhat better in polling stations announced as “barrier-free”.

58. The counting process was assessed as being markedly worse; 31% of counts were assessed as bad or very bad. However, the negative assessments of counting were related to PECs not following procedures rather than deliberate falsification. In half of the observations, unauthorised individuals participated in the count. Tensions or unrest in the vicinity of the polling station was observed in almost 13% of cases. People attempting to disrupt or obstruct the process and intimidate PEC members were also observed in 5% of cases.

59. Other irregularities that negatively affected the assessment of the integrity and transparency of counting included PECs signing the protocols before completing them and not recording the number of invalid ballots and the number of ballots per contestant in a proper manner. In over 7% of PECs, observers did not have a clear view of the counting process.

60. Election security became an issue towards the end of polling and during the count when violent altercations affected the process in four polling stations. In one PEC, voting had to be halted until the security and safety of PEC members and voters could be restored. Violent attacks in two polling stations resulted in the destruction of polling materials, reported harm to citizen and international observers, the interruption of the counting process and the eventual annulment of the results.

61. The assessment of tabulation was more positive. In 46 of the 58 DECs observed, the process was assessed as good or very good. In the remaining DECs, procedures were not followed and there were limitations in observation.

62. The CEC began announcing and posting preliminary results by district, along with PEC protocols, from 1 a.m. the day after the elections. The CEC stated that it only began releasing preliminary results once it had accumulated a representative sample. The preliminary voter turnout was reported as being 51.63%.

63. On 8 October, out of a total of 150 members of parliament, 77 were elected in a single-round proportional contest. Georgian Dream with 48.68%, the United National Movement (UNM) with 27.11% and the Alliance of Patriots of Georgia (APG) with 5.01% of votes passed the threshold and qualified for the proportional seat allocation. These parties/blocs obtained 44, 27 and 6 seats respectively.

64. Despite previous calls to boycott, the UNM agreed to participate in the second round of elections and enter parliament. The UNM, Nino Burjanadze – Democratic Movement and Paata Burchuladze – State for People voiced concerns about 8 October election day violations and challenged the results from hundreds of polling stations across the country.

65. The remaining 73 single-mandate constituencies are elected in a two-round majoritarian system. In the first round, 23 candidates received the required 50 plus 1 majority of valid votes and were elected. All 23 elected deputies represent Georgian Dream.

66. Run-offs were held on 30 October in 50 single-mandate constituencies, of which 18 were in the city of Tbilisi. The run-offs were contested by four parties/blocs and three independent candidates. The two main party contenders faced each other in most of the races, GD contested 49 single-mandate constituencies, the UNM 45. One of the two candidates from Free Democrats and one candidate from the UNM announced their desire to withdraw from the race.

67. The IEOM for the run-offs consisted of delegations from PACE, the OSCE Parliamentary Assembly and the European Parliament as well as the OSCE/ODIHR election observation mission.

68. Election day procedures on 30 October were conducted in a smooth and professional manner, in a calm environment. The overall assessment of the process by the IEOM observers was positive, as PEC members were better prepared and adherence to procedures improved as compared to 8 October.

69. Opening was assessed positively in all but two of the 63 polling stations observed. There were noticeably fewer delays in opening. Procedures were mainly followed, but some errors were still observed. A wide presence of citizen observers was noted. In five cases, they and party representatives interfered in the process.

70. Voting was evaluated as good or very good in 97% of the polling stations observed. However, overcrowding inside polling stations, an increased presence of unauthorised persons and interference in the work of PEC members, mainly by citizen observers, again had a negative effect. A few serious irregularities were reported, such as attempts to influence voters and group voting and there were indications of ballot box stuffing in one polling station. Adherence to procedures and voters' understanding of the process had significantly improved.

71. The counting was evaluated positively in 49 of the 53 polling stations observed. However, in three cases, interference in the counting process by citizen observers and party representatives was noted. In a few cases procedural errors were observed in the recording of the number of voters, the invalidation of unused ballots before counting and the packing of unused and spoiled ballots. Overall, the counting improved as compared to the first round.

72. According to the CEC, more than 140 complaints were submitted to DECs on election day. Most were filed in the Marneuli district, followed by Kutaisi, Zugdidi and Batumi. Most complaints were about mobile ballot box irregularities, the presence of unauthorised persons at PECs, campaigning in the polling stations, violation of procedures, refusal to register complaints and the expelling of observers and media representatives.

73. During the first round the turnout was 51.63%. During the second round it was of 37.50%. On 16 November, the CEC announced the final results of the elections: out of 3 513 884 eligible voters, 1 825 054 cast their ballots. 48.68% of the votes went to the Georgian Dream party, resulting in 44 seats under the proportional representation. The UNM party, which gained 27.11% of the votes, will have 27 seats, while the election bloc led by the Alliance of Patriots, which gained 5.01% of the votes, will have 6 seats. In the second round, Georgian Dream candidates have won majoritarian races in 71 single-mandate constituencies. As a result, Georgian Dream will have a 115-seat majority in the new parliament.

7. Conclusions

74. The parliamentary elections were competitive, well-administered and fundamental freedoms were generally respected. The calm and open campaign atmosphere was, however, impacted by allegations of unlawful campaigning and some incidents of violence. The election administration and the management of voter lists enjoyed confidence. The media is pluralistic, but some monitored broadcasters lacked balance in their campaign coverage. Debates offered a useful platform for contestants to present their views.

75. The electoral legal framework is conducive to holding democratic elections. Late amendments to the electoral law impacted election operations and the campaign. Recent legal changes also resulted in the drawing of new constituency boundaries aiming to respect the principle of equal suffrage, as previously recommended. However, some deviations still remain and the changes did not provide sufficient parameters for determining boundaries or set procedures for future review.

76. The election administration, led by the CEC, worked in a timely and professional manner and the CEC enjoyed a high level of confidence amongst electoral stakeholders. Allegations of commissions lacking impartiality when appointing the remaining lower-level commission members persisted throughout the campaign, partially due to the discretion in the legal framework.

77. There is increased trust and confidence in the accuracy of the voters lists amongst election stakeholders. Election commissions gave voters ample opportunity to verify their information on the lists. Legal amendments eased registration procedures for previously disenfranchised voters and improved the inclusiveness of voters lists, but were introduced too late to be fully effective.

78. Twenty-five parties and blocs were registered for the proportional ballot and 816 candidates in majoritarian contests. While voters could select from a wide range of contestants, the late introduction of changes to the political party legislation impacted the registration of some parties and the inclusiveness of the registration process. Seven of the nine eligible parties met the non-binding gender quota on their candidate lists and qualified for additional public funding.

79. The campaign was competitive and largely calm, despite isolated violent incidents. While fundamental freedoms were generally respected and contestants were able to campaign freely, several parties voiced allegations of political pressure on candidates and campaign staff. The tone of the campaign between the two leading parties was confrontational and permeated the election atmosphere. Campaign issues included unemployment, the economy, development of infrastructure and social security as well as the publication of surveillance recordings. Incidents of the misuse of administrative resources and unlawful campaigning were reported.

80. Amendments to campaign finance regulations only partially addressed GRECO's recommendations for a more uniform legal framework and proportionate and dissuasive sanctions for infringements.

81. There was a substantial imbalance in the amount of funds that parties raised.

82. The media legislation provides a sound framework for the freedom of the media. The overall pluralism of the media landscape has improved, but media outlets are perceived as being polarised. The Georgian National Communications Commission did not comprehensively disclose the findings of its monitoring and did not react in a timely and effective manner to violations they detected. Debates offered an inclusive and pluralistic platform for contestants to present their views, but some monitored broadcasters were biased in their news or current affairs programmes.

83. The Election Code establishes a timely dispute resolution process for appeals of election commission decisions, but limits the voters' right to appeal, contrary to international commitments and good practice. The lack of an expedited deadline for taking administrative action against electoral offences and insufficient resources for investigations limit the effectiveness of this remedy. Many electoral stakeholders acknowledged the need to continue reform of the judicial system.

84. Candidates from national minorities were nominated by several parties and blocs on their lists, but few in electable positions, and in majoritarian contests in minority-populated regions. In these regions, the campaign was conducted in a free and competitive environment. Concerns were raised that some new boundaries between constituencies may decrease the possibility for representation of national minorities.

85. In an inclusive process, the CEC accredited 55 international and 111 citizen observer organisations. The participation of numerous citizen observers at all stages of the electoral process contributed to the transparency of the elections.

86. The 8 October election day was generally calm, but tensions increased during the day and several violent altercations took place near and in polling stations. Opening and voting were assessed positively in almost all polling stations. In the few polling stations where the process was assessed as negative, this was largely due to interference in the work of the PECs by unauthorised persons. Counting was assessed as notably worse due to procedural problems and increased tensions. Tabulation in the DECs was assessed more positively. The presence of significant numbers of citizen observers and party representatives enhanced transparency, but contributed to overcrowding and they were frequently interfering in the work of the commissions.

87. The 30 October run-offs were competitive and administered in a manner that respected the rights of candidates and voters, despite the lack of a legal framework for the second round. In the period between the rounds, contestation of the first round results dominated political discourse. The principle of transparency and the right to effective redress were often not respected in the investigation and adjudication of election disputes by election commissions and courts. All this weakened confidence in the election administration. In the short and subdued campaign, media coverage was more balanced than for the first round. Election day procedures were conducted in a smooth and professional manner and assessed positively by observers, as election commissions were better prepared and adherence to procedures improved.

88. The ad hoc committee is of the opinion that the Parliamentary Assembly, and the Council of Europe in general, through their various co-operation programmes, including the Eastern Partnership Framework, should continue to co-operate with the Georgian authorities to further improve the electoral legislation and its implementation.

Appendix 1 – Composition of the ad hoc committee

Based on the proposals by the political groups of the Assembly, the ad hoc committee was composed as follows:

– Emanuelis ZINGERIS (Lithuania, EPP/CD), Chairperson

– **Group of the European People's Party (EPP/CD)**
  - Andres HERKEL, Estonia
  - Killion MUNYAMA, Poland
  - Karin STRENZ, Germany
  - Svitlana ZALISCHUK, Ukraine
  - Emanuelis ZINGERIS, Lithuania*

– **Socialist Group (SOC)**
  - Maryvonne BLONDIN, France*
  - Stefan SCHENNACH, Austria
  - Idàlia SERRÃO, Portugal
  - Claude ADAM, Luxembourg
  - Pierre-Alain FRIDEZ, Switzerland
  - Florian KRONBICHLER, Italy
  - Catherine QUERE, France
  - Paolo CORSINI, Italy
  - Sabir HAJIYEV, Azerbaijan

– **European Conservatives Group (EC)**
  - Ingebjørg GODSKESEN, Norway*
  - Mark PRITCHARD, United Kingdom
  - Lord Richard BALFE, United Kingdom

– **Alliance of Liberals and Democrats for Europe (ALDE)**
  - Carles JORDANA, Andorra
  - Alfred HEER Switzerland
  - Eerik-Niiles KROSS, Estonia
  - Jordi XUCLÀ, Spain*

– **Group of the Unified European Left (UEL)**
  - Andrej HUNKO, Germany*

– **Co-rapporteurs of the Monitoring Committee *(ex officio)***
  - Boriss CILEVIČS, Latvia*
  - Kerstin LUNDGREN, Sweden*

– **Venice Commission**
  - Serhii KALCHENKO, Ukraine

– **Secretariat**
  - Chemavon CHAHBAZIAN, Head of Secretariat, Election observation and Interparliamentary Co-operation Division
  - Bogdan TORCATORIU, Administrator
  - Danièle GASTL, Assistant
  - Gaël MARTIN-MICALLEF, Administrator, Secretariat of the Venice Commission

* members of the pre-electoral delegation

Appendix 2 – Composition of the ad hoc committee (2nd round)

Based on the proposals by the political groups of the Assembly, the ad hoc committee was composed as follows:

– Emanuelis ZINGERIS (Lithuania, EPP/CD), Chairperson

– **Group of the European People's Party (EPP/CD)**
  - Emanuelis ZINGERIS, Lithuania

– **European Conservatives Group (EC)**
  - Mark PRITCHARD, United Kingdom

– **Alliance of Liberals and Democrats for Europe (ALDE)**
  - Alfred HEER, Switzerland

– **Co-rapporteurs of the Monitoring Committee *(ex officio)***
  - Boriss CILEVIČS, Latvia
  - Kerstin LUNDGREN, Sweden

– **Secretariat**
  - Bogdan TORCATORIU, Administrator, Election observation and Interparliamentary Co-operation Division
  - Danièle GASTL, Assistant

Appendix 3 – Programme of the ad hoc committee during the pre-electoral mission

Tuesday 13 September 2016

09:30-09:45 Delegation meeting with the participation of Mr Cristian Urse, Head of the Council of Europe Office in Georgia

09:45-10:45 Meeting with members of the diplomatic corps and representatives of international organisations present in Tbilisi:
- Mr Pascal Meunier, Ambassador of France
- Dr Heike Peitsch, Ambassador of Germany
- Mr Jānis Zlamets, Ambassador of Latvia
- Mr Giedrius Puodžiūnas, Ambassador of Lithuania
- Ms Martina Quick, Ambassador of Sweden
- Mr Victor Vicente Murcia Garzón, Chargé d'affaires a.i, Embassy of Spain

11:00-12:00 Meeting with Ms Meaghan Fitzgerald, Deputy Head of the OSCE/ODIHR Election Observation Mission, and members of the OSCE/ODIHR core team:
- Mr Dimash Alzhanov, Political Analyst
- Ms Enira Bronitskaya, Legal Analyst
- Ms Vania Anuelova, Election Analyst
- Mr Pietro Tesfamariam, Media Analyst

12:15-13:00 Meeting with representatives of civil society:
- Mr Mikheil Benidze, Executive Director, International Society for Fair Elections and Democracy (ISFED)
- Ms Eka Gigauri, Executive Director, Transparency International Georgia (TI Georgia)
- Ms Ana Natsvlishvili, Georgian Young Lawyers' Association (GYLA)
- Mr Dimitri Tsertsvadze, Public Movement "Multinational Georgia" (PMMG)
- Ms Mariam Bendeliani, Center for Democracy and Development (CDD)
- Ms Tamar Kintsurashvili, Chair of Board, Media Development Foundation (MDF)

15:00-15:45 Meeting with representatives of the media:
- Mr Giorgi Gvimradze, Head of Current Affairs Block, Georgian Public Broadcaster
- Ms Nino Nakashidze, Deputy General Director, Rustavi 2
- Ms Tinatin Basharauli, Imedi TV
- Ms Maia Shamanauri, Maestro
- Ms Maia Metskhvarishvili, Editor, *Netgazeti*
- Ms Salome Achba, Georgian Charter of Journalistic Ethics
- Ms Natia Kuprashvili, Executive Director, Association of Georgian Regional Broadcasters (GARB)

16:00-17:00 Round table with leaders and representatives of non-parliamentary parties running in the elections:
- Ms Nino Burjanadze, Democratic Movement
- Mr Tariel Chulukhadze, State for People
- Mr Giorgi Maghlakelidze, Alliance of Patriots of Georgia – United Opposition

17:15-18:00 Meeting with the representatives of the National Communications Commission (GNNC):
- Mr Vakhtang Abashidze, Chairperson
- Mr Ivane Makharadze, Head of the Broadcasting Regulation Department
- Ms Khatia Kurashvili, Press Secretary

Wednesday 14 September 2016

10:00-13:00	Meetings with leaders and representatives of parliamentary parties running in the elections:
10:00-10:25	Meeting with representatives of the Faction “The Georgian Dream” – Mr Giorgi Volski, Chairperson – Mr Gia Gachechiladze, Member – Mr Gia Jorjoliani, Member
10:30-10:55	Meeting with representatives of the Faction “The Georgian Dream – Entrepreneurs” – Mr Zurab Tkemaladze, Member
11:00-11:25	Meeting with representatives of the Faction “The United National Movement” – Mr Giorgi Kandelaki, Member – Mr Giga Bokeria, Member – Ms Tina Bokuchava, Member
11:30-11:55	Meeting with representatives of the Faction “Free Democrats” – Mr Irakli Chikovani, Chairperson – Mr David Onoprishvili, Member
12:00-12:25	Meeting with representatives of the Faction “Republicans” – Mr Levan Berdzenishvili, Member – Ms Tamar Kordzaia, Member
12:30-12:55	Meeting with representatives of the Faction “National Forum” – Mr Malkhaz Vakhtangashvili, Chairperson – Mr Temur Maisuradze, Member – Mr Giorgi Khechinashvili, Member
13:00-14:25	Lunch hosted by Ms Manana Kobakhidze, First Deputy Chairperson of the Parliament of Georgia, member of the Georgian delegation to PACE, and members of the Georgian delegation to PACE
14:45-15:30	Meeting with Ms Tamar Zhvania, Chairperson of the Central Election Commission
15:50-16:35	Meeting with Mr Giorgi Mghebrishvili, Minister of Internal Affairs
17:00-17:45	Meeting with Mr Giorgi Kvirikashvili, Prime Minister
18:00-20:00	Meeting of the delegation

Appendix 4 – Statement by the pre-electoral delegation

In Tbilisi, PACE pre-electoral delegation said that there was an environment for democratic elections

Strasbourg, 15.09.2016 – A delegation of the Parliamentary Assembly of the Council of Europe (PACE) was in Tbilisi on 13 and 14 September 2016 to assess the pre-electoral climate of the parliamentary elections scheduled for 8 October 2016.

The delegation,* led by Emanuelis Zingeris (Lithuania, EPP/CD), felt that there was an environment for democratic elections in the country. It saw a pluralistic political and media landscape and a working legal framework. Although the delegation felt that the general climate was clearly less tense than it was during past elections, following discussions with various interlocutors, it considered necessary to underline that all parties should denounce all forms of campaign violence and harassment of opponents and that they should publicly call upon all their supporters to refrain from any actions that could undermine the democratic character of the elections.

The delegation indeed heard allegations of unacceptable acts of violence, intimidation, harassment and blackmail directed at candidates and voters. In this context, such acts, even if isolated, against candidates, party members or supporters, as well as threats against journalists, must be prevented. Perpetrators of such acts must be identified and punished. The delegation also said that any misuse of administrative resources in the electoral campaign must not happen.

The delegation underlined that all parties should focus on the real issues and avoid questioning the election framework as a campaign strategy, as this could undermine public trust in the elections themselves.

The delegation called on all stakeholders, and in particular on the authorities, to avoid any actions that could increase the tensions in the political environment in the run-up to the elections. It expressed the hope that all political players would spare no efforts to pave the way towards building a genuine culture of education, based on mutual respect between political forces of opposing orientations.

The PACE pre-electoral delegation was in Tbilisi at the invitation of the Minister of Foreign Affairs of Georgia. It met with the Prime Minister, with the Speaker of the Parliament and its first Deputy, with members of the delegation to PACE, with the Chairperson of the State Election Commission, with the Minister of Internal Affairs, with the Head of the National Communications Commission, with leaders and representatives of parliamentary and non-parliamentary parties running in the elections, with representatives of civil society and the media, with the Deputy Head of the OSCE/ODIHR election observation mission and with diplomats based in Tbilisi.

A fully-fledged 32-member delegation from the Parliamentary Assembly of the Council of Europe will arrive in Georgia prior to the parliamentary elections to observe the vote.

* Emanuelis Zingeris (Lithuania, EPP/CD); Maryvonne Blondin (France, SOC); Jordi Xuclà (Spain, ALDE); Ingebjørg Godskesen (Norway, EC); Andrej Hunko (Germany, UEL); Co-rapporteurs of the Monitoring Committee (*ex officio*): Boriss Cilevičs (Latvia); Kerstin Lundgren (Sweden).

Appendix 5 – Programme of the joint briefings

Thursday 6 October 2016

9:30-10:30	Internal meeting of the PACE ad hoc committee
11:00-11:20	Briefing by the Heads of delegation: – Mr Ignacio Sánchez Amor, Special Co-ordinator of the OSCE Short-Term Observers – Mr Emanuelis Zingeris, Head of the PACE Delegation – Ms Ana Gomes, Head of the Delegation of the European Parliament – Mr Paolo Alli, Head of the Delegation of the NATO Parliamentary Assembly – Mr Guglielmo Picchi, Head of the Delegation of the OSCE Parliamentary Assembly
11:20-13:00	Briefing by the OSCE/ODIHR Election Observation Mission: – Welcome: Ambassador Alexandre Keltchewsky, Head of Mission – The campaign, political and media environment: Mr Dimash Alzhanov, Political Analyst, and Mr Pietro Tesfamariam, Media Analyst – Participation of national minorities: Mr Marc Fumagalli, National Minorities Analyst – Security: Mr Noah Lane, Security Expert
14:30-15:30	Briefing by the OSCE/ODIHR Election Observation Mission: – Legal framework and complaints: Ms Enira Bronitskaya, Legal Analyst – Election administration, voter registration, candidate registration, observers: Ms Vania Anguelova, Election Analyst
15:30-17:00	Election law and administration panel discussion: – Ms Tamar Zhvania, Chairperson, Central Election Commission (CEC) – Mr Mikheil Benidze, Executive Director, International Society for Fair Elections and Development (ISFED) – Ms Ana Natsvlishvili, Chairperson, Georgian Young Lawyers Association (GYLA)
17:30-19:00	Campaign panel: finance and media discussion: – Mr Lasha Tordia, General Auditor, State Audit Office – Mr George Gvimradze, Head of News and Current Affairs, Public broadcaster – Mr Nika Gvaramia, Director General, Rustavi2 – Ms Eka Gigauri, Executive Director, Transparency International
19:00	Meeting with drivers and interpreters for PACE and European Parliament observers

Friday 7 October 2016

09:10-09:30	Mr Davit Bakradze, Chairperson, United National Movement
09:30-11:30	Political parties panel: – Mr Irakli Kobakhidze, Executive Secretary, Georgian Dream – Democratic Georgia – Mr Tariel Chulukhadze, State for People – Mr Viktor Dolidze, Board Member of the Free Democrats – Ms Nino Burjanadze, Chairperson, Democratic Movement – Ms Tamar Khidasheli, Majoritarian Candidate, Republican Party – Panel discussion among all invited parties
11:30-12:45	Briefing by the OSCE/ODIHR Election Observation Mission – Election day procedures (including CEC video clips) and observation forms: Ms Vania Anguelova, Election Analyst, and Ms Karolina Riedel, Statistics Analyst
12:45-13:15	Regional Briefing by EOM Long-Term Observers for teams deployed in Tbilisi

Saturday 8 October 2016

06:30	Observation of the opening of the polling stations (07h00)
07:00-19:00	Observation of the elections
19h00-	Observation of the closing of the polling stations, counting and presentation of results

Sunday 9 October 2016

8:00-09:00	Meeting of the PACE ad hoc committee
	Debriefing by the members of the ad hoc committee on the election observation
15:00	Joint press conference

Appendix 6 – Press release

Georgia elections competitive and well-administered, although allegations and incidents of violence impacted campaign, international observers say

Tbilisi, 09.10.2016 – The 8 October parliamentary elections in Georgia were competitive, well-administered and fundamental freedoms were generally respected. The otherwise calm and open campaign atmosphere was, however, impacted by allegations of unlawful campaigning and some incidents of violence, the international observers concluded in a preliminary statement released today.

Election day generally proceeded in an orderly manner, but tensions increased during the day and several violent altercations took place near and in polling stations, the observers said. Voting proceeded in an orderly manner, although counting was assessed more negatively, due to procedural problems and increased tensions.

“Strongly competitive and well-run, yesterday’s elections offered an opportunity for voters to make informed choices about their options in a pluralistic but polarised media environment” said Ignacio Sánchez Amor, the Special Co-ordinator and leader of the short-term OSCE observer mission. “The unacceptable isolated incidents of violence we’ve seen had an impact but, thankfully, did not undermine an otherwise positive election.”

“Yesterday’s parliamentary elections were competitive. Nevertheless, during the pre-election period, there was unacceptable behaviour directed towards candidates and voters. Such behaviour should never happen. Moreover, there was a substantial imbalance in the funding parties were able to raise, leading to unequal opportunities,” said Emanuelis Zingeris, Head of the PACE delegation. “Before drawing final conclusions on the electoral process, the PACE delegation will closely follow the electoral period leading to the second round, and will wait for the results of that round in a number of majoritarian districts.”

While contestants were able to campaign freely, several parties made allegations of political pressure on candidates and campaign staff. The tone of the campaign between the two leading parties was confrontational and permeated the election atmosphere, the statement says. There were reports of the misuse of State resources and of unlawful campaigning.

“As election observers, we hoped for calm, uneventful elections in which voters focus on the results rather than the process. In many respects, the elections have lived up to our expectations, with voters focusing primarily on the country’s future and getting there through competitive elections,” said Guglielmo Picchi, Head of the OSCE PA delegation. “We call for responsible behaviour as the country moves forward with the second round of the elections.”

Twenty-five parties and blocs were registered for the proportional ballot and 816 candidates in majoritarian contests. While voters could select from a wide range of contestants, late changes to political party legislation impacted the registration of some parties and the inclusiveness of the registration process. Seven of nine eligible parties met the non-binding gender quota, and there were 143 female majoritarian candidates, the observers said.

“This statement shows that there were some shortcomings in the campaign environment. The big picture, however, is clear: Georgia has reaffirmed its status as the leader of democratic transformation in this region,” said Paolo Alli, Head of the NATO PA delegation. “The conduct of this election is greatly encouraging for all those who support Georgia on its path towards Euro-Atlantic integration.”

“It is the responsibility of all political actors, but mostly the competent authorities to do everything in their power to defuse tensions, while the role of the media and civil society is to hold them to account, and the duty of the international community is to monitor closely all of these efforts” said Ana Gomes, Head of the EP delegation.

The election administration worked in a timely and professional manner, and there was a high level of confidence in the Central Election Commission among electoral stakeholders. More than half of all election commission members were appointed by political parties. Allegations persisted throughout the campaign that commissions lacked impartiality when appointing the remaining lower-level commission members, the observers said.

Media legislation provides a sound framework for the freedom of media. The media landscape is pluralistic, but individual media outlets are perceived as polarised, and media monitoring showed that some broadcasters lacked balance in their news and current affairs coverage.

The legal framework is conducive to holding democratic elections. Late amendments impacted electoral operations and the campaign. Recent legal changes also resulted in the drawing of new constituency boundaries – aimed at reducing differences in the numbers of voters from one constituency to another – but some significant deviations remain and the legal changes neither set sufficient parameters for determining boundaries nor established procedures for future review, the statement says.

“Our long-term observation showed that fundamental rights were respected during a competitive campaign and that the election administration earned the trust and confidence of electoral stakeholders,” said Ambassador Alexandre Keltchewsky, Head of the OSCE/ODIHR long-term election observation mission. “Further steps should and can be made to address remaining challenges, both in the laws and in practice.”

There is increased trust and confidence in the accuracy of the voter lists amongst election stakeholders, and election commissions gave voters ample opportunity to verify their information.

Amendments to campaign finance regulations only partially addressed past recommendations for a more uniform legal framework and proportionate and effective sanctions for infringements. Partially due to new procedures requiring the State Audit Office to obtain court approval for investigations, campaign finance violations were often not addressed in a timely manner, undermining the effectiveness of oversight.

The Election Code establishes a timely dispute resolution process for appeals of election commission decisions, but limits voters’ right to appeal. Complaints were reviewed transparently by commissions and courts in open sessions. The lack of an expedited deadline for taking administrative action in the case of electoral offenses and insufficient resources for investigations limit the effectiveness of this remedy.

Appendix 7 – Programme of the meetings (2nd round)

Saturday 29 October 2016

11:00-12:30	Briefing by the OSCE/ODIHR Election Observation Mission – Welcome: Ambassador Alexandre Keltchewsky, Head of Mission – Post-election political developments and the campaign and the media environment for the second round: Mr Dimash Alzhanov, Political Analyst, and Mr Pietro Tesfamariam, Media Analyst – Post-election complaints and the legal framework for the second round: Ms Enira Bronitskaya, Legal Analyst – Election administration preparations for the second round: Ms Vania Anguelova, Election Analyst – Security: Mr Noah Lane, Security Expert – Moderator: Ms Meaghan Fitzgerald, Deputy Head of Mission
14:00-15:30	Campaign panel – Ms Ana Mikeladze, Spokesperson, Central Election Commission – Ms Eka Gigauri, Executive Director, Transparency International – Mr Mikheil Benidze, Executive Director, International Society for Fair Elections and Development (ISFED) – Ms Nino Nakashidze, Deputy Director General for External Relations and Communication, Rustavi2
	Meetings with political parties:
15:30-16:00	Mr Davit Bakradze, Chairperson, Mr Giga Bokeria, Foreign Secretary, United National Movement
16:00-16:30	Mr Irakli Kobakhidze, Executive Secretary, Georgian Dream – Democratic Georgia
16:30	Meeting with interpreters and drivers

Sunday 30 October 2016

06:30	Observation of the opening of the polling stations (07h00)
07:00-19:00	Observation of the elections
19h00-	Observation of the closing of the polling stations, counting and presentation of results

Monday 31 October 2016

8:00-09:00	Meeting of the PACE ad hoc committee
	Debriefing by the members of the ad hoc committee on the election observation
15:00	Joint press conference

Appendix 8 – Statement by the International Election Observation mission (IEOM)

Voting assessed positively in competitive run-off elections in Georgia, although legislative framework lacking

The 30 October parliamentary run-offs in Georgia were competitive and administered in a manner that respected the rights of candidates and voters, and voting on election day was assessed positively, despite lacking a legal framework for the second round and complaints related to first round results, the international observers concluded in a preliminary statement released today.

“Yesterday’s second round reconfirmed that Georgia’s 2016 parliamentary elections enabled candidates to campaign freely and voters to make informed choices about their options,” said Ignacio Sánchez Amor, the Special Co-ordinator and leader of the short-term OSCE observer mission. “Full regulation of second round voting is lacking in the law, attention must be paid to legal investigation and complaints procedures, but I was pleased to see that election day was smooth and professionally run.”

In the period between the rounds, contestation of the first round results by opposition parties dominated political discourse. Investigation and adjudication of election disputes often did not respect the principles of transparency and the right to effective redress. All this weakened confidence in the election administration.

“The stakes in this second round were very high, with the ruling party aiming at obtaining a constitutional majority. Early electoral results seem to confirm this. Therefore particular responsibility lies with the majority. It needs to use this power to benefit the country, rather than for political retribution,” said Ana Gomes, Head of the EP delegation. “Ensuring respect for the institutional checks and balances between the different branches of power, and for the democratic roles of the majority and of the opposition is of paramount importance.”

In the period following the first round election day, district election commissions received over 1 100 complaints mainly regarding the counting process in polling stations. Weaknesses were noted in the adjudication of complaints. Complainants were not always notified about the time and place for consideration or provided with copies of decisions and in a number of cases thorough investigations were not conducted.

“The withdrawal of some candidates between the first and second rounds is a serious issue and the motivation of these withdrawals should be thoroughly analysed,” said Emanuelis Zingeris, Head of the PACE delegation. “Legal investigation of the irregularities in the first round must be completed. It goes without saying that allegations, coming from all sides, on irregularities during the second round must be carefully evaluated as well.”

The Election Code does not regulate the second round. Aiming to address a few procedural issues the central election commission issued decrees, however, these were adopted late in the process, interpreted the law in a contentious manner, and, at times, contradicted the Election Code.

“The lack of a legal framework for the second round had a noticeable impact on the process,” said Ambassador Alexandre Keltchewsky, Head of the OSCE/ODIHR long-term election observation mission. “Further steps should and can be made to address remaining challenges in law and practice and ODIHR is ready to assist the Georgian authorities in this process.”

In the short and subdued campaign, media coverage was more balanced than for the first round. Election day procedures were conducted in a smooth and professional manner. International observers assessed the voting process more positively than in the first round, polling station commissions were better prepared and adherence to procedures improved.