



EUROPEAN PARLIAMENT



INTERNATIONAL ELECTION OBSERVATION MISSION

Parliamentary Elections, Georgia – 2 November 2003

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Tbilisi, 3 November 2003 - The International Election Observation Mission (IEOM) for the 2 November Georgian parliamentary elections 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), and the European Parliament (EP).

This preliminary statement is issued prior to the tabulation and announcement of official election results and before election day complaints and appeals have been addressed. A complete and final analysis of the election process will be offered in the OSCE/ODIHR Final Report.

PRELIMINARY CONCLUSIONS

The 2 November parliamentary elections in Georgia fell short of a number of OSCE commitments and other international standards for democratic elections. Inaccuracies in the voter list seriously challenged the fundamental guarantee of universal and equal suffrage, and lessened voters' confidence in the State administration.

Certain aspects of the election process, however, did demonstrate significant progress. The legal framework was certainly improved through the introduction of the Unified Election Code (UEC). The new Central Election Commission (CEC) has conducted itself with substantially greater transparency than in previous elections, largely due to the efforts of the CEC Chairperson. However, confidence in the election administration remains low due to the composition of election commissions at all levels, which still gives a distinct advantage to representatives of the pro-presidential "For New Georgia (FNG)" bloc.

While the pluralistic nature of the election campaign provided voters with a real choice, the authorities did not provide equal conditions for all election contestants. The pre-election environment and media campaign, however, did provide all parties and candidates with the possibility to convey their message to the electorate.

The election preparations were characterized by persistent delays, and were not conducive to an orderly polling process. This contributed to a climate of uncertainty and mistrust, and raises questions about the willingness and capacity of the Georgian governmental and parliamentary authorities to conduct a credible election process. Furthermore, the election administration had to take a number of improvised decisions due to severe time constraints, sometimes in contravention of the law; for example, the inability to complete the accurate compilation of the Unified Voters List as stipulated by law.

On election day, observers reported relatively large numbers of voters being turned away from Precinct Election Commissions (PECs) due to the omission of their names on the voter register. This resulted in a de facto disenfranchisement of a significant number of voters, and seriously challenges the presumed guarantee of universal and equal suffrage.

Serious violations took place mostly in Kvemo Kartli and Adjara, where ballot stuffing marred the process, and implausible turnout data raises concerns about respect for voters' and candidates' rights. However, despite inadequate polling premises in many instances, most PECs worked hard and in difficult circumstances to conduct polling.

Yesterday's election was the fourth in Georgia since independence. In preparation for future elections in Georgia, a realistic timetable needs to be established. The Georgian governmental and parliamentary authorities will need to assume more responsibility to meet that timeframe, in order to permit election preparations that are more conducive to a democratic poll.

The IEOM would like to recognize the overall patience demonstrated by voters, and the many PECs that worked co-operatively and for long hours to overcome difficulties and enable Georgian citizens to exercise their right to vote.

The IEOM recognises some positive aspects of this election, including:

- An improved legal framework for the conduct of elections;
- A generally fair and efficient candidate registration process;
- Political pluralism and a genuine opposition offered voters a real choice of parties and candidates;
- Election contestants were generally free to campaign and promote their views;
- Internally displaced persons (IDPs) were in principle permitted to vote in majoritarian contests, as well as the proportional contest;
- The media offered the electorate a diverse range of views, enabling voters to make a reasonably well-informed choice on election day;
- During the pre-election period, courts generally acted independently and provided effective remedy for plaintiffs;
- In order to increase the transparency of results, the CEC issued regulations that permitted the DEC's to release a record of the results precinct by precinct, although the law does not actually stipulate this requirement;
- Multi-party PECs and the presence of domestic civic observers and party representatives helped to maintain transparency in most areas; and
- PEC members used appropriate complaint mechanisms rather than disrupting the process.

However, the IEOM also notes several issues of distinct concern, including:

- Serious delays and changes in the electoral preparations which extended to election day, contributing to an atmosphere of widespread uncertainty and mistrust;
- Serious acts of violence during campaign events, including at Bolnisi and Batumi, which cast a long, if isolated, shadow over the pre-election period;
- A failure on the part of the FNG to distinguish between political party and state resources led to unequal campaign conditions;
- The political environment in Adjara dissuaded political parties from campaigning;

- There were numerous and credible reports of intimidation and pressure on voters;
- With the exception of freely allocated airtime, the State media including TV Adjara, failed to provide politically balanced reporting on the election contestants' campaigns;
- Serious irregularities on election day, although in a relatively small number of polling stations, included direct observations and allegations of ballot stuffing, use of pre-marked ballots, multiple voting, and destruction of ballot boxes;
- A presence of large numbers of unauthorised persons inside polling stations, including police and local government officials, some of whom interfered in or directed the process;
- Attempts to unduly influence voters in or around polling stations, including instances of intimidation;
- Reports that domestic civic observer groups faced obstruction in conducting their activities and on occasion intimidation and even violence;
- As in the past, there was failure to ensure the secrecy of the vote;
- Anomalous and late increases in CEC voter turnout data in a number of districts; and
- Implausible turnout figures in some districts, potentially affecting national election results.

Election day irregularities were particularly evident in Adjara and Kvemo Kartli, where observers reported a very low confidence in the election process.

The OSCE/ODIHR will assess the tabulation of results which, along with the post election appeals process, will be instrumental in the final determination of these elections. The OSCE/ODIHR will observe second round contests, and findings will also be presented in a preliminary post-election statement. Any steps taken prior to the second round voting to address concerns noted above will be addressed at this time.

The institutions represented in the IEOM stand ready to assist the Georgian authorities to address outstanding and remaining shortcomings in their electoral process. However, the ability of the Georgian government to deliver a genuine and democratic election process, in full compliance with OSCE commitments and other international standards, will ultimately depend on the political will to implement the UEC, and a responsible approach towards the effective conduct of the electoral process.

PRELIMINARY FINDINGS

Background

The 2 November parliamentary elections are the fourth since Georgia regained independence in 1991. Set against the backdrop of the previous three sub-standard elections, the international community offered considerable support and paid close attention to this election process.

This election is widely viewed as a prelude to the 2005 presidential election that will determine the successor to President Shevardnadze. The upcoming 2005 Presidential succession, combined with the fact that there is presently no dominant political force in the country, underscores this election as a defining moment in the political life of the country.

In 2001, the Citizens Union of Georgia (CUG) began to disintegrate and lost its governing majority. Three new parties split from the CUG: the New Rights, the National Movement and the United Democrats. However, these parties chose not to coalesce and contested the election separately under

their respective names, except for the United Democrats, who formed a coalition with the Speaker of Parliament Nino Burjanadze. The CUG joined forces with other parties and parliamentary factions to form a pro-presidential electoral bloc "For New Georgia" (FNG). All major parties contested the election.

Following conflicts in South Ossetia / Tskhinvali and Abkhazia in 1990-93, Georgia's territorial integrity remains at stake, as the authority of the central government does not extend to these areas. While the elections took place in most parts of Georgia, voting did not take place in Abkhazia, Java, and Tskhinvali Districts.

On 2 September, the President decreed that a Constitutional Referendum would be held concurrently with the parliamentary elections. The referendum question asked voters whether or not they agreed to reduce the number of parliamentarians from 235 to no more than 150. The EOM did not observe the referendum, but notes that as referendum voting was amalgamated into the parliamentary election process, it could impact on the parliamentary election process during the counting of ballots.

Legislative Framework

The elections were conducted under the Unified Electoral Code (UEC) which was substantially amended in August 2003, with election preparations already underway. While this repeated a pattern of late amendments to election legislation, they were generally considered as improvements over previous legislation.

The UEC provides an adequate framework for the conduct of elections if implemented impartially and uniformly. It incorporated a number of recommendations made by the OSCE/ODIHR and the Council of Europe's Venice Commission.

The Code provided more detailed provisions regarding equal campaign conditions and gave greater latitude for election observers to carry out their activities. It improved registration procedures for candidates and increased transparency in the work of election commissions. The UEC also introduced some additional safeguards against fraud, such as the use of indelible ink to help prevent multiple voting.

Some provisions lacked clarity and permitted inconsistent application of the law. For example, imprecise regulations regarding the calculation of voter turnout against which the 7% representation threshold is calculated. Furthermore, the application of ink was restricted to urban areas, significantly lessening its usefulness as an anti-fraud measure. In addition, the law was supplemented by some significant decisions of the CEC, which in some instances conflicted with the law.

Furthermore, the Code failed to ensure the equality of the vote, as some constituencies have many more electors than others, which challenges OSCE commitments and other international election standards. Also, while the Code ensured the full transparency of election results at the central level, it failed to ensure the same level of transparency at district level.

Election Administration

These elections were conducted by a three-tiered election administration: the Central Election Commission (CEC), 75 District Election Commissions (DECs), and 2,893 Precinct Election Commissions (PECs).

The reputation of the outgoing CEC was severely tarnished by a series of poorly conducted elections. Consensus on a newly constituted CEC was reached after a protracted dialogue, and was one of the hardest challenges faced by Parliament in recent years. The late decision for reconstituting the CEC delayed the adoption of amendments to the UEC and the election preparations in general. The incoming Chairperson, Nana Devdariani was appointed by the President from a nomination list of independently minded and prominent citizens, prepared by OSCE and the Council of Europe.

Thanks largely to efforts of the new Chairperson, the incoming CEC functioned much more transparently than its predecessor. CEC sessions were chaired effectively and on a number of occasions the CEC acted as a collegial administrative body rather than a political forum, with few instances of block voting. However, while no individual party could control the functioning of the multiparty election administration, an alliance between the presidential appointees and two parties (Revival and Industrialists) enabled decisions to be taken without reference to the Chairperson and the opposition appointees. The Chairperson used her powers effectively, particularly regarding the registration of candidates. Many CEC administrators appeared resistant to change.

The outgoing CEC left an unfavourable legacy that the new CEC has not been able to fully overcome. The late appointment of the CEC and its Chairperson had a negative influence on the organization of the election, with deadlines constantly having to be amended. Additionally the timeframe did not allow the CEC sufficient time to adopt all instructions necessary to implement the Code.

The appointment process of DEC Chairpersons was a particularly controversial issue, due to the clear political imbalance in the nomination process. Virtually all of those appointed were nominated by a coalition of FNG, Revival and Industrialists. A few opposition nominees were initially appointed, and then subsequently replaced, which raised serious concern over the political control of DECs. Observers received numerous reports of bias in the work of the DECs and interference in their work by local government branches, questioning their impartiality and independence. A similar pattern of effective control emerged at polling station level. In some cases the appointment process paralysed the work of the DECs and PECs, during crucial preparatory phases.

Another controversial issue was the late disbursement of organisational funds from the CEC to the DECs, and consequently to the PECs. On a positive note, however, DECs were generally efficient and largely familiar with the legislation.

Candidate and Party Registration

A wide range of parties and candidates contested the election. It indicated the existence of political pluralism and offered a genuine choice for voters. The CEC registered 39 political parties, which formed 9 coalitions with 12 standing alone. Thus, candidates from 21 party and coalition lists competed for the 150 mandates in the proportional contest.

460 candidates were registered to contest the 75 majoritarian seats while 100 were rejected or withdrew. Observers reported a lack of uniformity in handling candidate registration at DEC level, with some failing to apply correct legal procedures. However, in the large majority of cases DEC's applied equal criteria to candidates and the process went relatively smoothly.

Consequently, in most election districts a broad spectrum of candidates contested the elections. However, in a few instances, the candidate registration process did raise serious concern. This was certainly the case in Bolnisi, Tkibuli, and Gardabani, where pro-government political forces appeared determined to prevent serious rival candidates from standing. In two districts (Lentekhi and Chokhatauri), a single candidate remained on the ballot. However, overall the candidate registration process represents an important improvement compared to the 1999 parliamentary elections.

Voter Registration

The inaccuracy of the voter lists has been a recurrent problem during past elections, and again served to disenfranchise a number of otherwise qualified voters. Permitting all eligible voters to be registered preserves the principles of universality and equality, and is the foundation for a democratic process. The concerns regarding the disenfranchisement of electors and the double registration of others contradict the fundamental principles of universality and equality of the vote.

The amendments to the UEC substantially modified the procedures for compiling voter lists and provided for the creation of a centralized national voter register. While this provided an adequate legal basis, the amendments could not be realized due to both a lack of commitment and time constraints. Ultimately, the capacity to realise the objective fell short of the ambition.

The authorities' decision to make a serious effort to address shortcomings in voter registers was necessary, but unfortunately was long overdue. When the preliminary voter registers were released in early October, it was immediately apparent that the lists contained numerous and substantial anomalies and errors. Lists in Tbilisi prepared by the former CEC were particularly problematic. However, significant and unexplained changes to the total number of registered voters elsewhere raised many doubts. An initial lack of co-ordination by the bodies involved in their compilation and dissemination compounded the problem.

The scale of the technical challenge appeared to be underestimated by the authorities and election commissions, with deadlines slipping by the day. The involvement of the political parties in the verification process was welcomed to maintain transparency, but had little effect on improving the accuracy of the data. During October, voter registration largely overshadowed all other electoral preparations and became the most contentious technical issue, with significant political repercussions.

Unexpectedly, on 26 October the CEC decided to cease work on the central voter register and allow election commissions to use handwritten or computerized voter lists, which led to frustration and confusion. The decision dramatically altered the voter registration framework, and subsequently the content of voter lists to be used in polling stations on election day. This decentralization resulted in a lack of uniformity as to which list will be used. There were also inconsistent methods for making amendments to the voters lists. Finally, there was a limited opportunity for voters to make their own amendments, due to lack of consistency with displaying lists and the absence of standing opening hours at PECs.

The CEC decision jettisoned the substantial effort to improve the accuracy and transparency of voter registers, undertaken by Ministries, election commissions, and the international community. As a result, public confidence in the voter register has significantly dropped. The CEC could have prevented this.

The authorities in Adjara decided to compile voter lists for the Autonomous Republic. No data was provided to the CEC and legal deadlines were ignored. The data used was subject to scrutiny only in a fragmented form, with minimal levels of transparency.

The Campaign

The campaign period permitted candidates to campaign throughout many parts of the country without obstruction. A large number of campaign meetings were held peacefully. As the election approached, tensions were raised and the tone of the campaign became antagonistic, particularly between the FNG bloc on the one hand, and the Burjanadze-Democrats and National Movement on the other.

Two serious instances of violence did occur during the pre-election period. On 26 September, a violent incident took place in Bolnisi (Kvemo Kartli) and on 23 October violence erupted in Batumi (Adjara). Both incidents involved the National Movement's campaign events. Observers reported that the security forces did not act in a politically neutral manner and that campaign rallies were violently suppressed. In Adjara, party leaders and candidates were assaulted, party premises ransacked, and campaign material burned. In Bolnisi, observers reported that the incidents were at least partly orchestrated by the Head of the local executive authorities (Gamagebeli) and the Head of police, whose actions were taken without apparent consequence. In both of these cases, the right to freedom of assembly was severely compromised. Apart from these two incidents, the pre-election period remained generally calm. There were other relatively minor incidents, many of which were exaggerated in media reports.

However, despite the generally calm pre-election environment, events in a number of districts did raise concern. This was the case in Vani (Imereti), for example, where observers reported instances of intimidation against local campaign activists in a keenly fought election contest. Elsewhere, observers received credible allegations across a wide range of election districts that voters, and party supporters - - in particular public employees -- were pressured to support pro-government candidates or refrain from supporting the opposition.

The misuse of State property and public employees during the campaign was a recurrent theme. There were credible allegations, frequently supported by observers' findings, from almost half of the election districts visited. Most claims (80%) alleged that the pro-presidential bloc benefited from these administrative resources for their campaign. The gamagebelis were not politically neutral and lent strong support to the FNG, including serving as campaign managers, in breach of the law. In addition, in 26 districts observers reported instances of local campaign headquarters being established in State premises of which 20 were FNG offices. Campaign material from a variety of parties was frequently displayed inside public buildings and prohibited locations. The abuse of State administrative resources created unequal conditions for election contestants and overwhelmingly benefited the pro-presidential bloc. In this regard, the election did not meet OSCE commitments and other international standards.

The Media

The media offered the electorate a diverse range of political opinions that enabled voters to compare parties and candidates and thereby make a more informed choice on election day. The media provided a forum for the opposition to present their views and criticise the Government.

Television remains the main source of information for the public. Georgia has yet to reform its State media and introduce public service broadcasting principles. While State TV complied with legal provisions on allocating free airtime to all party-lists, the transmission of slots well outside prime time did not provide election contestants with an effective forum for campaigning. On Channel 1 news broadcasts, the President, the Government, and the FNG bloc received some 71% of all airtime dealing with political issues. The same groups received some 91% of space devoted to politics in the State-funded newspaper *Sakartvelos Respublika*.

In the last weeks of the campaign, the State TV regularly broadcast a public information item "For my Georgia" promoting the success of the government. This was perceived as hidden campaigning in favour of the pro-presidential bloc. Both State controlled TV and State newspapers were biased. Importantly, opposition parties, however, had access to the State TV with some 29% of rather positive coverage, while they had a very reduced and negative coverage in State newspapers. Neither treated all election subjects equally.

Imedi and Rustavi 2, two private TV channels with almost national coverage, were significantly more balanced. However, the latter favoured opposition parties and presented a more critical assessment of the President, the Government, Revival and in particular FNG. Since early October, Imedi began to focus its news coverage on FNG (27%) and Burjanadze-Democrats (17%). The news broadcasts of Adjara TV, owned by the Autonomous Republic, provided extensive and dutiful coverage of Aslan Abashidze and Revival, while reporting on other political subjects in a negative manner, in particular the National Movement. Adjara residents are able to receive other sources of information.

During the last weeks of campaign, local media reported allegations of direct or indirect intimidation of journalists, with increasing frequency.

Election Disputes

The UEC contained clear procedures for lodging election complaints and appeals. The relatively large number of court cases indicated willingness by parties to challenge decisions of the election administration through the legal system. It also showed a general confidence in the judiciary. With few exceptions the judiciary operated transparently, efficiently, diligently, and with respect for deadlines. In certain high profile cases the judiciary asserted its independence.

The Courts heard over 50 election related cases. Most concerned candidate registration, appointments to DEC's and PEC's, and appeals against CEC decisions. In a few cases, court rulings resulted in a double appointment of chairpersons of PECs, thereby causing uncertainty and a degree of confusion. The courts overturned at least three DEC decisions and six CEC decisions to enable candidates to participate in the elections. The pro-Presidential FNG bloc lodged six cases with the Supreme Court

appealing against the CEC's registration of rival candidates. After a protracted appeal process concerning candidates in two other controversial constituencies, Bolnisi and Gardabani, the CEC and the Supreme Court decided importantly to uphold the right of the candidates to contest the election.

Participation of National Minorities

Georgia has two sizeable national minority populations: Azeris (concentrated in Kvemo Kartli and part of Kakheti) and Armenians (concentrated in Samtskhe Javakheti) as well as a variety of smaller minority groups. The FNG bloc took the most inclusive approach and had the highest number of candidates from minorities. A few political parties campaigned for the votes of non-Georgian speakers and distributed material in Azeri, Armenian and Russian.

In many cases, the proficiency in Georgian of national minorities is poor. This created a de facto obstacle to their full participation in the work of election commissions and limited access to election related information including legislation. In this respect, an important contribution was made through a project funded by the OSCE High Commissioner on National Minorities (HCNM) to produce election materials in Azeri, Armenian, and Russian. Election observers received detailed and credible reports that some Azeris in Kvemo Kartli suffered intimidation by the local administration and police.

Gender Issues

Notwithstanding male dominance of the political sphere, women hold a number of prominent positions in Georgian public affairs including politics and election administration. One party, the NDP is led by a woman, while a major electoral list bears the name of the female Speaker of Parliament. However, parties failed to include sufficient numbers of women in prominent positions in their lists or as party candidates, Parliament declined to adopt an amendment allowing for quotas in electoral lists. In 42 of the 75 election districts, no women candidates contested the elections. Although the CEC Chairperson is a female, no other members are women. Some 80% of DEC Chairs are male, while 71% of the DEC Secretaries and 28% of DEC members are women. Observer reports indicate that 45% of PEC chairs are women.

Domestic Election Observers

Georgia has a vibrant civil society which was deeply involved in these elections. The CEC accredited 45 domestic observer organizations of which the International Society for Fair Elections and Democracy (ISFED) is the largest. ISFED deployed some 2,500 observers on election day and conducted a parallel vote tabulation (PVT) and a parallel turn out tabulation (PTT) for the first time in Georgia. On election day, observers faced obstruction in conducting their activities and on occasion intimidation and even violence. This was particularly the case in Adjara and Kvemo Kartli.

Election Day, Vote Count, and Tabulation

Observers reported from more than 1,200 polling stations in Georgia. Despite an unsettled environment in some areas on the eve of the election, polling took place in all 75 election districts. However, in many places polling was disorganized and slow. Significant delays occurred in the Kutaisi area, parts of Tbilisi and Kakheti. Observers reported tension in 21% of polling stations visited, unrest in 15%, and 22 cases of violence. In one instance, IEOM observers witnessed the removal of a ballot

box at gunpoint. Observers also noted that rapid reaction units of the Ministry of Interior were deployed in four districts, raising the election day profile of security forces.

Inaccurate voter lists and inadequate polling premises were largely responsible for most problems witnessed on election day, while artificially high voter list totals could influence the validity of individual contests. Relatively large numbers of voters were turned away due to the omission of their names from voter lists. The high number of errors, including double entries as well as the late addition of significant numbers of police to lists, raised mistrust among parties and citizens alike. The use of different lists in the same polling stations further reduced transparency and confidence in the integrity of voter and turnout data. Furthermore, many polling stations were too small and were situated in locations that were not easily accessible.

The decision by the CEC in the afternoon of election day in effect allowed unregistered citizens to vote. It was an inappropriate and untimely response and served to create further confusion. However, even before the CEC took a decision, some PECs had unilaterally decided to register voters. While PECs had a multiparty composition, only a tiny minority of Chairpersons were from opposition parties, confirming the control by pro-presidential political forces over the election administration at all levels.

In general, PECs attempted to follow correct voting procedures; ink was usually applied to voters fingers without incident although many polling stations especially in rural areas did not check voters on their arrival. PECs were provided with copies of the legislation and guidance manuals, but it was evident that PEC officials could have been provided with more training of the election procedures.

The vote count began late. Large numbers of domestic observers were present, including substantial numbers from unknown NGOs. The count was often disorganised and contentious. Frequently the ballots for the different elections were counted simultaneously. Correct procedures were not respected uniformly and PECs had difficulty in completing protocols, many of which were not displayed as provided for in the law.

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

MISSION INFORMATION & ACKNOWLEDGEMENTS

Mr. Bruce George, President of the OSCE Parliamentary Assembly (PA), Special Coordinator appointed by the OSCE Chairman-in-Office led the OSCE short term observers. Mr. Tom Cox, led the Parliamentary Assembly of the Council of Europe (PACE) delegation, and Mr. Demetrio Volcic led the European Parliament (EP) delegation. Mr. Julian Peel Yates headed the OSCE/ODIHR Election Observation Mission.

The OSCE/ODIHR Election Observation Mission (EOM) opened in Tbilisi on 9 September with 34 experts and long-term observers deployed in the capital and six regional centres. On election day, the IEOM deployed some 450 short-term observers from 43 OSCE participating States, including 21 parliamentarians from the OSCE PA, 21 from PACE, and three from the European Parliament. The IEOM observed the polling and vote count in over 1,200 polling stations throughout Georgia out of a total of 2,893. The IEOM was also present in more than 30 district election commissions to observe the tabulation of results.

The OSCE/ODIHR will issue a comprehensive report on these elections approximately one month after the completion of the process.

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Statement of Preliminary Findings & Conclusions

The IEOM wishes to thank the Ministry of Foreign Affairs, the Central Election Commission, and other national and local authorities for their assistance and cooperation during the course of the observation. The IEOM also wishes to express appreciation to the OSCE Mission to Georgia and other international organizations and embassies accredited in Tbilisi for their support throughout the duration of the mission.

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