



PACE 105 (2018)

Candidates campaigned freely in competitive Georgia run-off, though one side enjoyed undue advantage and negative character of campaign undermined process, international observers say

Strasbourg, 29.11. 2018 – The second round of Georgia’s presidential election was competitive and candidates were able to campaign freely, however one side enjoyed an undue advantage and the negative character of the campaign on both sides undermined the process, the international observers concluded in a preliminary statement released today. While the election was well administered, the absence of regulations for key aspects of election run-offs led to a lack of legal certainty, the statement says.

The campaign for the 28 November vote was marred by harsh rhetoric and isolated incidents of violence, as well as by an increase in the misuse of state resources, further blurring the separation of party and state, the observers said. Private media continued to demonstrate sharp polarization and bias in coverage, while the public broadcaster did not ensure editorial independence and impartiality, the observers said.

“Georgian citizens made their choice. Now all of the concerns raised in our preliminary conclusions today and in the upcoming final report on the election have to be dealt with by the authorities without delay,” said Kristian Vigenin, Special Co-ordinator and leader of the short-term OSCE observer mission. “I believe that we have a common goal – to improve the electoral process, thus strengthening democracy in the country. I hope that now, after months of tense campaigning and polarisation in society, the newly elected president will spare no efforts to ensure the unity of the nation.”

The second round of voting took place after no candidate received more than 50 per cent of valid votes in the first round, on 28 October. The decision by the Central Election Commission (CEC) on the run-off date of 28 November – a Wednesday – became a contentious issue and led to objections from opposition parties and calls from civil society to reconsider. While the CEC acted within its authority in choosing the date, the circumstances surrounding the decision reduced confidence in the body. At the same time, the election was well managed and the CEC provided training to address procedural shortcomings noted in the first round.

Campaign activities intensified in the run-up to the second round, and a number of anti-opposition and anti-government demonstrations before the run-off increased tensions between the two sides. The use of negative, harsh and at times violent rhetoric went unaddressed by authorities. Along with the misuse of state resources, a number of social and financial initiatives were announced, in particular debt relief for 600,000 people funded by a private financial institution linked to the chairperson of the ruling party. These incidents and the involvement in the campaign of senior state officials from the ruling party continued to blur the line between state and party, the statement says.

“We note that the choice of the date for the second round was not made in an inclusive manner and was not in the interest of all voters, leading to suspicions that it was politically motivated,” said Laima Andrikiene, Head of the delegation from the European Parliament. “The announcement just a few days before a fiercely contested second round of debt relief benefitting 600,000 citizens and made possible by an entity owned by the head of the ruling party could be considered an attempt at vote-buying. Cases of intimidation and pressure on voters have to be thoroughly investigated and prosecuted. Further, the practice of mass sending pre-recorded phone calls and text messages is highly questionable.”

Margareta Cederfelt, Head of the delegation from the OSCE Parliamentary Assembly, said: “In this run-off election the Georgian people once again expressed their commitment to democracy by actively participating in the electoral process. Regrettably, the increased use of harsh rhetoric in the campaign between the two rounds contributed to a rise in tension in the electoral environment.”

The gathering of voter data and political preferences raised concerns about the potential for intimidation and about voters' ability to cast their ballots free of fear of retribution. These concerns were reinforced by the environment outside of polling stations on election day, as candidates' supporters used lists of voters to track who was coming to vote, the observers said. Opening, voting and counting on election day were assessed positively in almost all polling stations observed, and procedures were generally followed, although citizen observers and media representatives often acted on behalf of political parties and, in some instances, interfered in the counting.

Campaign finance reporting requirements for the second round were determined less than two weeks before the vote. The substantial imbalance noted during the first round in campaign donations in favour of the candidate backed by the ruling party remained for the run-off. There is no requirement to report on campaign activities by third-parties, including public protest movements, which mainly benefitted the candidate supported by the ruling party. Both contestants received support from political parties without candidates in the second round, and these contributions went unreported. The fact that most campaign finance-related complaints from both rounds were still pending at the time of the second vote continued to raise concerns about the enforcement of campaign finance rules, the statement says.

"The second round of the presidential election confirmed concerns expressed by the PACE delegation after the first round – in particular, the surprisingly generous system of campaign and party funding from the state budget and private donations. In addition, one can question the timing, just before the second round, of the government's announcement of a debt-relief operation for hundreds of thousands of electors, financed by a private foundation affiliated to the ruling party's leader," said Andrej Hunko (Germany, UEL), Head of the delegation from the Parliamentary Assembly of the Council of Europe (PACE). "This increase in the role of money in politics in a country with a high level of poverty and without efficient control mechanisms did not contribute to public confidence in democratic elections."

Unclear regulation of the campaign led to a lack of legal certainty and to inconsistent and contradictory interpretations. Further, recent amendments did not rectify problems identified in previous two-round elections or address previous ODIHR recommendations to provide explicit run-off regulations.

The lack of clear regulation also effectively limited the period for official campaigning in the media. While not required by law, most national broadcasters did provide free airtime to both candidates. The national public broadcaster displayed a clear bias against the opposition. Private media continued to demonstrate sharp polarisation and clear bias in reporting, some becoming more vocal about their political positions ahead of the second vote, media monitoring revealed.

"Georgia has a good international standing as a democracy, and the corresponding commitment shown by citizens and voters was visible and impressive. The quality of the election was undermined, however, by unnecessarily sharp confrontation, negative campaigning and personal insults by some members of the political class, who did this rather than dealing with issues really important for Georgia, such as the rule of law and economic inequality," said Ambassador Geert-Hinrich Ahrens, Head of the election observation mission from the OSCE Office for Democratic Institutions and Human Rights. "These negative practices were even worse than in the lead up to the first round."

Nearly 700 complaints were filed following the first-round election day, mainly concerning procedural violations during voting and counting. A large number of cases were dismissed on procedural grounds, demonstrating a limited understanding of the procedures by complainants. There was lack of proper consideration of the substance of complaints, and commissions adopted narrow or inconsistent interpretations of the law, all of which undermined the right to effective remedy.

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