



STATEMENT OF THE NATIONAL DEMOCRATIC INSTITUTE PRE-ELECTION DELEGATION TO GEORGIA

Tbilisi, Georgia, July 21, 2017

This statement is offered by an international delegation organized by the National Democratic Institute (NDI). The delegation's purpose was to accurately and impartially assess electoral preparations in advance of the October local elections; review the broader political environment; examine factors that could affect the integrity of the electoral process; and offer any recommendations that could advance dialogue and consensus-building toward peaceful, credible elections and public confidence in the process. In August, NDI will deploy a team of long-term observers. This will be supplemented by an international election day observation delegation.

Members of the delegation include Catherine Noone, Deputy Leader of the Irish Senate and Spokesperson on children and youth affairs; David Kramer, former Assistant Secretary of State for Democracy, Human Rights, and Labor at the U.S. Department of State; Janusz Onyszkiewicz, former Minister of Defense and Member of Parliament in the Polish Sejm; Laura Thornton, NDI Senior Resident Country Director in Georgia; Marija Babic, independent electoral expert; Melissa Muscio, NDI Program Director for Georgia, Turkey, and Central Asia; and Michael McNulty, NDI Senior Program Manager for Elections. The delegation conducted its activities in accordance with the laws of Georgia and the *Declaration of Principles for International Election Observation*.¹

From July 17 - 21, the delegation held meetings in Tbilisi with prospective candidates, political parties participating in the elections from across the political spectrum; members of the Central Election Commission (CEC), the State Audit Office (SAO), and the Inter-Agency Commission on Free and Fair Elections (IACFF); the president; the prime minister; the National Association of Local Authorities; representatives of the Regional Policy and Self-Government Committee; representatives of the Ministry of Internal Affairs; civil society organizations, including citizen election observer groups; members of parliament; media representatives; and representatives of the international and diplomatic communities. The delegation is deeply grateful to all those with whom it met and who shared their views generously. The delegation also expresses its appreciation to the National Endowment for Democracy and the United States Agency for International Development for supporting this mission.

NDI does not seek to interfere in Georgia's election process and recognizes that, ultimately, it will be the people of Georgia who will determine the credibility of their elections and the country's democratic development. The delegation therefore offers this pre-election statement in the spirit of supporting and strengthening democratic institutions and processes in Georgia.

¹ The Declaration of Principles, launched in 2005 at the United Nations, is available at www.ndi.org/DoP.

SUMMARY

Georgians have many achievements to their credit. The country stands out in a difficult neighborhood. Georgia's success in eliminating petty corruption is held up as an international model. The country has signed an Association Agreement with the European Union (EU) and has achieved a liberalized visa regime with its Western neighbors. These steps have broad public support among Georgians and are an indication of the successful reforms achieved to date.² Pluralism is an established feature of the political and civic landscape, and fundamental freedoms of expression, assembly, and association are largely respected. Civil society organizations play an active role in political life. The country has committed to the Open Government Partnership and assumes the role of lead chair this year. Competitive multiparty elections are now routine. Voters have a variety of political choices, and citizens trust the electoral process.³ They deemed last year's parliamentary elections as safe, orderly, and without intimidation, and international election observers assessed them as credible. Critically, Georgian citizens overwhelmingly support a democratic future for their country. These polls will provide an opportunity for Georgia to continue its positive track record in holding credible elections.

As the country prepares for local elections while simultaneously undertaking controversial constitutional, electoral, and local government reform processes, two parallel Georgias have emerged. One, seen through the lens of ruling Georgian Dream (GD) party, is characterized by very few democratic challenges: a media environment free from political pressure; swift and unbiased adjudication of electoral and political cases; robust and pluralistic political competition; and reforms that provide no political benefit to GD. The other, held by nearly all other interlocutors with whom the delegation met, represents a stark contrast to this vision: it is characterized by uneven application of the law; an unbalanced electoral playing field; reforms designed to benefit the ruling party; shrinking media space for alternative viewpoints; informal governance; and abuse of state resources. The diverging assessments of the political environment and self-isolation of the ruling party call for more meaningful and inclusive consultations and deliberation. Neglecting to do so could impede the country's democratic credentials and lead to instability.

Georgians have high standards for their leaders and institutions and will expect a credible electoral process. In support of their ambitions and the broader democratic process, NDI's delegation noted several key challenges and opportunities in upcoming the electoral process. The election administration enjoys confidence among most interlocutors, although some areas for improvement remain. Three controversial reform processes are being conducted very close to election day and lack sufficient transparency and inclusiveness. Abuse of state resources, an entrenched and longstanding problem in Georgia, remains a widespread concern. Media faces the challenge of providing the public with reliable information about their electoral choices, while the space for pluralistic political discussion appears to be shrinking. Hate speech and disinformation have begun to stoke hostility in the electoral environment.

Coming at a critical juncture in Georgia's democratic path, the October 2017 local elections, the exact date of which has not been set, carry particular weight. They provide an opportunity for Georgia to address remaining, entrenched electoral challenges. Because Georgia rightfully

² NDI's April 2017 [public opinion poll](#) shows that public support for the European Union (EU) has risen to 80 percent from 72 percent in November 2016.

³ NDI's November 2016 poll shows 96% of citizens evaluated the elections as safe, 96% as well-ordered, and 93% as free from intimidation.

takes pride in its democratic and European trajectory, the need to fully address repeated recommendations from the past is all the more striking and significant. The country has the skills, time, support, experience, and resources to adopt many of these recommendations. What is still needed is sufficient political will.

POLITICAL CONTEXT

Georgia approaches the October local government elections equipped with a deep reserve of democratic assets. Georgians have many achievements to their credit, including a vibrant political landscape, and overwhelmingly support a democratic future for their country.

Heading into the country's local government elections, however, this delegation encountered two parallel and divergent Georgias: one seen through the lens of ruling Georgian Dream (GD) party leaders and officials and one described by all other groups with whom the delegation met -- domestic and international NGOs and observers, all other parliamentary and non-parliamentary parties and candidates, the president's office, and media organizations. In the view of the former group, there are very few democratic challenges. There are limited threats to media freedom and access, adjudication of electoral and political cases is swift and unbiased, there are few obstacles to equitable political competition, and reforms -- whether constitutional or legal -- have taken into account input and are pursued with the aim of improving democratic practices.

From the perspective of nearly all other interlocutors, however, there are significant democratic challenges. There is often uneven and political application of the law and resolution of disputes, an unlevel playing field for parties and candidates, pressure on potential funding sources, legal and constitutional reforms designed to politically benefit the ruling party, shrinking media space for alternative viewpoints, and abuses of state resources, including interference by the state security services. Some of these issues certainly pre date the current government and have characterized the political environment for over a decade. Further, they allege that power and decision-making authority do not lie with the elected leaders but rather there is informal governance from behind the scenes.

Such a stark disparity of viewpoints could erode public confidence and contribute to instability over time. Regardless of the veracity of either vision, with a large majority and concentration of power comes the responsibility to earn public confidence, ensure equal opportunity and rights for alternative voices, and build consensus across political lines. At the same time, democracy depends on an opposition that constructively engages in the political process and that can present a concrete and positive alternative vision for the country.

Local elections matter. Local government is the first point of contact between citizens and government, and local officials oversee the issues of greatest immediate relevance to people -- including roads, kindergartens, garbage collection, and environment. When local governance delivers, democracies are bolstered and become more resilient. The Georgian 2017 elections are a critical opportunity for candidates and parties to prioritize local issues of importance to many voters, who are frustrated with unmet expectations on the issues that matter most to them.⁴ These elections have national political significance as well. The Tbilisi mayoral race is not just about local governance. The capital city's mayor is viewed as a prominent position

⁴ In [NDI's April 2017 public opinion poll](#), 38 percent of respondents said that "no party" is closest to them, which is nine percent higher than any party. About an equal percentage of respondents believe country is headed in wrong direction as the right direction.

within Georgian politics, and the outcome of this race between ruling government, opposition, and independent candidates could well impact the power balance of the country. Across Georgia, these elections will serve as a testing ground for the country's political forces, providing an opportunity for opposition political parties to demonstrate their political relevance. The outcome will also determine whether GD's concentration of political power is further solidified.

DELEGATION FINDINGS

Constitutional and Legal Reforms

With just three months remaining before the October 2017 local elections, Georgia's constitution, election code, and local government legislation are all in the midst of significant reform processes. These reforms, if passed, would have several direct and indirect effects on the local elections. NGOs and opposition parties have criticized all three reform processes as lacking sufficient transparency and inclusiveness. Concerns have also been raised about the timing of these reforms so close to election day.⁵ Together, these issues could impact trust in the electoral process.

It is also a significant missed opportunity that these constitutional and legal reforms did not include measures to increase gender equity. Only 15 percent of parliamentary seats are held by women and 12 percent of local councilors are women. Only one of the elected 71 mayors and *gamgebelis* (local executives) is a woman. Groups such as the Gender Task Force have advocated strongly for electoral reforms to promote gender equity in Georgia's politics. While voluntary financial incentives for gender representation on parliamentary and *sakrebulo* party lists were enacted in 2011, this has not been sufficient to overcome the significant barriers facing women in politics.

Constitutional Reforms

In the wake of the 2016 parliamentary elections, the parliamentary majority initiated a constitutional reform process.⁶ Although the constitutional reforms do not directly impact the 2017 local elections, the process has been controversial and, according to nearly all interlocutors with whom the delegation met, has significantly impacted the political environment leading up to local elections. The process initially involved inclusive debate through the state constitutional commission. However, all political parties, except GD, and NGOs dropped out of the process when, as they describe it, many of their key concerns were not taken into account. In addition, the president refused to join the commission from the outset. While majority party leaders claim that 80 percent of recommendations were incorporated into the draft, few other stakeholders agree with this assessment, and point out that the issues of

⁵ The European Commission for Democracy through Law (Venice Commission) [Code of Good Practice in Electoral Matters](#) states that "the fundamental elements of electoral law... should not be open to amendment less than one year before an election."

⁶ Following adjustments made after the June 19 [Opinion](#) of the Venice Commission, the latest reform package would: shift the presidential election from a direct to an indirect system beginning in 2024; transition the parliamentary electoral system from mixed to fully proportional in 2024; reduce the threshold to enter parliament from 5 to 3 percent for the 2020 elections only; award all of the undistributed mandates -- up to a certain limit -- to the party that receives the most votes; appoint Supreme Court justices to life-time terms; and define marriage as a union exclusively between a man and woman. These amendments passed with two readings at the end of June. The final hearing is scheduled to take place in the fall of 2017.

greatest concern are where their recommendations were not considered.⁷

Constitutional reform could provide an opportunity for generating consensus. Instead, the current draft has become a polarizing document, with GD on one side and all opposition parties and NGOs involved in constitutional reform on the other. A constitution that lacks the support of all opposition parties, the president, many prominent NGOs, and -- at least in the case of some provisions -- the public⁸ would diminish the prospects for a political system that earns the public confidence.

Local Government Reform

Georgian local self-government currently consists of 12 self-governing cities and 59 self-governing communities. Each self-governing unit has a *sakrebulo* (local council) and a locally-elected executive. In June 2017, four months prior to the local elections, the government introduced amendments to local government legislation that, among other changes, would merge seven of the 12 self-governing cities with their surrounding communities. These reforms have a significant impact on the local elections. If they become law, voters would elect 64 *sakrebulos* (reduced from 71), as well as mayors of the five self-governing cities (reduced from 12) and the 59 self-governing communities. *Sakrebulos* are split between proportional party-list seats and single-mandate majoritarian seats. There remains a significant inequality of the vote among majoritarian *sakrebulo* districts. Overall, majoritarian districts in cities have less voting power compared to majoritarian districts in their surrounding communities. The reforms have been passed in parliament, and on July 20, the president vetoed the legislation. The parliament could override the veto, as the ruling party has a constitutional majority.

According to independent observers, as well as opposition parties, the process by which the reforms were drafted was rushed, lacked transparency, and was not sufficiently inclusive. Approximately 150 civil society organizations signed a letter calling on the government to uphold the self-governing cities. They were concerned that proposed reforms would widen the gap between the local citizens and their elected officials in those cities. In addition, nine NGOs have filed an appeal requesting the court to annul the decision of parliament, claiming that mandatory public consultations were not conducted. These NGOs, along with nearly all “qualified” parties⁹, were advocating to the president to veto the reforms. The timing of the reforms, just months before the local elections, is of significant concern. The reason for the urgency in passing the current reforms was not sufficiently explained to the delegation. Even elected officials deeply involved in the development of this legislation acknowledged that a more strategic, well-researched, and systematic approach to local self-government reform is needed to ensure equality of vote and fair and effective allocation of funds, which the government has indicated to the delegation it plans to substantially increase.

During the delegation’s meetings, several concerns were raised by NGOs, parties, and local government representatives about the detrimental impact the reform package would have on

⁷ The parliamentary majority’s last-minute decision to postpone the shift to the fully proportional electoral system until 2024, instead of 2020, has been particularly criticized by opposition parties, civil society organizations, and the Venice Commission. They also expressed concern that the provision to allocate leftover mandates to the party with the most votes and the indirect election of the president provide further advantages to the ruling party.

⁸ For example, NDI’s [April 2017 public opinion poll](#) show that 84 percent believe that the president should be directly elected.

⁹ Qualified parties are those who receive state funding, which is determined based on elections, at least 3 percent in local or parliamentary elections.

the seven self-governing cities that would be merged with their surrounding communities. First, the cities' control over their own budget and local-level decisions would be diminished. Second, six of the seven cities would have significantly less voting power in their *sakrebulo* majoritarian constituencies compared to that of their surrounding communities. For example, Zugdidi city, with approximately 50,000 registered voters, would have five majoritarian seats in the *sakrebulo*, while the surrounding Zugdidi community, with approximately 70,000 registered voters, would have 30 majoritarian seats. This provides majoritarian districts in Zugdidi community with more than four times the voting power as those in Zugdidi city.¹⁰ MPs involved in this legislation did not deny the vote inequality, and NGOs and opposition parties pointed out that this change was directed at the ruling party's slipping support in these cities. Third, parties, prospective candidates, and voters in these cities and communities still do not have clarity as to what their electoral system will be for the October elections.

Electoral Code Reforms

The parliament also recently passed two sets of amendments to Georgia's election code, which have now been vetoed by the president. These amendments were passed just a few months prior to election day without inclusive consultations. While positively assessing proposed changes which would allow candidates outside Tbilisi to run for both mayoral and *sakrebulo* seats, NGOs and opposition parties evaluated several aspects of the reforms as a step backwards. One of the most concerning reforms relates to the composition of election commissions, which, as citizen observer groups noted, would significantly narrow the parties eligible for election commission seats and tilt the composition further in favor of the majority party.¹¹ The election code also changes the manner in which the CEC Chairperson is elected, which, NGOs note, would favor the majority party compared to the current method.¹²

Several of the amendments would be applied to the 2017 elections if enacted. Some changes, such as extending the time for unregistered voters to obtain registration, could help enfranchise additional voters. However, several interlocutors expressed concern that precinct election commission (PEC) chairs would be granted the authority to remove anyone accused of interfering in the process from the polling station and to fine them. They noted that this discretion could be abused.

Election Administration

Since the election date has not been officially announced, the CEC has not yet acquired many of its competencies and has not yet formally initiated electoral preparations. Nevertheless, the CEC reported receiving adequate resources, actively reviewing previous recommendations and devising ways to address them within its mandate. In addition to its ongoing educational programs, extensive trainings with the police, political parties, and especially election officials have been foreseen and many of the previous efforts to increase the inclusiveness, transparency,

¹⁰ The Venice Commission [Code of Good Practice in Electoral Matters](#) Article 2.2(iv) notes that "The permissible departure from the norm should not be more than 10%, and should certainly not exceed 15% except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity)."

¹¹ The CEC, district election commissions, and precinct election commissions would be reduced from 13 to 12 members, with six professional and six party-nominated positions. Instead of the current system of allocating one partisan seat to each qualifying party, the reform would allocate partisan seats to parties based on the proportion of total votes received by each party in the previous parliamentary elections. Only parties that cross the 5 percent threshold and form a faction in parliament would be eligible for election commission seats.

¹² [Joint statement](#) by ISFED, GYLA and TI Georgia, June 26, 2017.

and effectiveness of the process will continue. Special attention will be placed on further enabling the participation of persons with disabilities. The CEC also noted the importance of securing its electoral data from potential cyber attacks.

Most interlocutors with whom the delegation met generally view the election administration as professional, impartial, and competent, while highlighting some areas for improvement. Besides issues related to the announced legal changes, concerns remain about the absence of formal criteria used by the district election commissions (DECs) in selecting the professional PEC members, who are meant to be nonpartisan. Representatives of opposition parties and civil society organizations reported that in previous elections in some districts there was not an open election among all nominated candidates and that some professional PEC members had recent party roles, leading to perceptions that these PECs were dominated by the ruling party. Accurate counting and reconciliations of protocols is another area of concern, with the majority of interlocutors acknowledging the need for further PEC trainings and close monitoring of this important stage of the process.

Political Parties and Candidates

Following the decisive victory of GD in the 2016 parliamentary elections, the local balloting provides a renewed opportunity for parties to compete for public support. Across the board, parties appear aware of citizens' main concerns and have said their campaigns will address top priorities like jobs, pensions, and other economic issues. Parties admit that they would likely all be campaigning on similar issues and individual candidates explained that they would distinguish themselves by their experience, their specific knowledge of the issues, and track record of delivering on their policy promises to citizens.

GD is confident of its popularity and while it anticipates being successful in races across the country, it has set as its main priority the goal of winning the Tbilisi mayoral election in the first round. At the same time, opposition parties are regrouping and identifying new candidates and faces who can join them as they seek to present a viable alternatives to GD. Former government coalition members, such as the Free Democrats and the Republicans, want to indicate their viability after having failed to secure enough votes to cross the threshold into parliament. Meanwhile, the split in the formerly largest opposition party United National Movement (UNM) sets up two parties -- UNM and European Georgia (EG) -- to compete for oppositional votes while simultaneously competing against the ruling party. Additionally, the Alliance of Patriots of Georgia (AoP), which narrowly gained seats in the parliament, will seek to demonstrate its relevance at the local level. The outcome of these elections could determine whether the ruling party becomes more dominant.

At this early stage in the process, parties are still determining their candidate lists and developing platforms. The only evident campaign preparation is centered on the Tbilisi mayoral race, primed to be the most competitive race in the country. Several *sakrebulo* races are also likely to draw intense competition, although little information is currently available about parties' nominations or strategies outside of Tbilisi. The majority of parties intend to compete across the country, although some smaller parties said that their decisions about which races to enter may be limited by their financial and human resources.

In the 2014 local elections, parties nominated women for only 5 percent of mayoral and *gamgebeli* candidates; 33 percent of proportional list *sakrebulo* candidates; and 15 percent of

majoritarian *sakrebulo* candidates.¹³ Improving upon these statistics in 2017 was not a primary concern for most parties. Parties describe the many skilled women who volunteer for them at both local and national levels. Consistently, party leaders did not acknowledge internal barriers or their own responsibility for actively promoting women but rather cited external factors beyond their control that prevented greater women's participation. While mandatory quotas remained unpopular among party leaders, most confirmed their intention to set internal party quotas to include a minimum of 30 percent women on their proportional lists.

Campaign Finance

The role of money in elections has remained a concern in Georgian politics for more than a decade. In 2016, the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and TI Georgia noted that there was a substantial imbalance in the amount of funds that parties and independent candidates were able to raise.¹⁴ GD received 66 percent of all donations and outspent all other parties and candidates combined.¹⁵ Such an imbalance can diminish the prospects for electoral competitiveness in these and future elections. With the exception of GD, all political parties with which the delegation met emphasized that it has become increasingly difficult to raise funds. They report that even businesses and individuals who express interest in supporting them (and those who have supported them in the past) are reluctant to donate to them due to alleged threats of repercussions. As such claims can be difficult to verify, this alleged pressure should be monitored closely and documented by observers and party representatives.

NGOs and opposition parties also raised the need for increased transparency regarding funding sources and amounts, as well as ensuring timely adjudication of campaign finance violations. The State Audit Office (SAO) oversees campaign finance. It can impose sanctions for violations of campaign finance regulations. It can also acquire information on the origins of funds and property donated, but only after receiving approval from a court, which usually takes approximately a month to receive. For the upcoming elections, the SAO plans to conduct trainings, produce video instructions covering campaign finance regulations, and establish a consultation center to ensure candidates' awareness of their legal obligations, as well as to cooperate with civil society organizations and media to monitor compliance. While citizen observer groups generally view the SAO as a well-managed government institution, stakeholders remain concerned about the SAO's ability and resources to exercise its oversight role in an effective, transparent, and timely manner. The SAO reported having limited human resources to investigate and oversee both income and expenditures, especially with the high number of independent candidates expected to contest the elections. Furthermore, the SAO reported difficulty in tracking the funneling of donations through third parties and from foreign sources.

Abuse of State Resources

Abuse of state resources is an entrenched and longstanding problem in Georgia and has been used by successive governments to gain advantage. Observer groups, including Transparency International (TI) Georgia, International Society for Fair Elections and Democracy (ISFED), Georgian Young Lawyers' Association (GYLA), NDI, the International Republican Institute

¹³ Based on gender statistics [data](#) from the CEC.

¹⁴ TI Georgia [Election Campaign Finance in Georgia: 2016 Parliamentary Elections](#).

¹⁵ Based on data from the State Audit Office (SAO).

(IRI), and OSCE/ODIHR, have documented this problem and have issued recommendations over multiple election cycles on ways to deter and reduce such abuses.

Progress has been made in some aspects of the legal framework over the years. However, parties and NGOs with which the delegation met noted that the delay in formally announcing the election date postpones the application of abuse of state resources regulations, potentially advantaging incumbents. They also expressed widespread concern about four main types of abuses that they believe may occur during the 2017 local elections: (1) human resources, such as the longstanding practice of mobilizing civil servants to attend government party campaign events and pressuring them to vote for the government party; (2) physical resources, such as the use of public buildings, vehicles, and equipment for campaign purposes; (3) financial resources, such as increasing spending for local infrastructure and social programs just prior to elections; and (4) intimidation and harassment by state security services. Although difficult to document and verify, nearly all interlocutors raised state security service intimidation as a major problem in past elections, as well as a concern ahead of the 2017 local elections. Allegations of past problems include state security interference in the candidate selection and nomination process, fundraising, campaign efforts, and voters' choices.

During the delegation's visit, the Inter-Agency Commission on Free and Fair Elections (IACFF), a temporary body established by July 1 of each electoral year to respond to allegations of electoral violations by state officials, held its first meeting. The IACFF works under the Ministry of Justice, coordinates multi-stakeholder dialogue on electoral issues, and is authorized to recommend action to government offices, law enforcement authorities, public servants, and political parties. It announced plans to reinforce previously issued instructions on abuse of administrative resources and to ensure all public servants were well informed about the regulations and sanctions for violations. Some interlocutors from parties and NGOs acknowledge the IACFF's role as a forum to voice concerns and raise issues. They also express hope that there will be sufficient political will to deter violations and ensure perpetrators are adequately sanctioned.

Media

Georgia's media environment remains one of the most free and diverse in the former Soviet Union and repression against individual journalists is rare. Freedom of expression is protected under the current constitution and there are numerous national and regional media outlets. However, politicization of the media shapes coverage and allegations of undue government influence over station management and editorial choices have been a source of concern, both of which could hamper citizens' ability to make informed political choices. The delegation heard repeatedly of the recent change in management of the Georgian Public Broadcaster (GPB), which is viewed by most as partisan. Maestro and other smaller television stations have been incorporated under Imedi TV, considered favorable toward the government in its editorial policy.¹⁶ Rustavi 2, the most popular station in Georgia and viewed as slanted toward the opposition, particularly UNM, is in a dire financial and managerial situation as a result of controversial court rulings suspending its borrowing ability and changing its ownership. Only due to the intervention of the European Human Rights Court has the current management been able to stay in place, for now.

¹⁶ NDI public opinion polls (2014) have shown that the public views Imedi as more likely to "represent the interests of the GD," while Rustavi 2 slants UNM.

The space for pluralistic political discussion also appears to be shrinking, in part due to the managerial changes described above. Just months before these elections, Maestro and the GPB both removed important political programming and debates from their schedules; these had provided much-needed air-time to smaller, non-parliamentary parties precisely when these opportunities are needed most. For those political shows that have continued, broadcasters report difficulties in securing commitments from the ruling party to participate in on-air political discussions. Several parties, particularly the smaller ones, as well as independent candidates, claim that this shrinking space, combined with the bias within editorial policies of TV broadcasters, makes it difficult for them to receive equitable coverage, with some reporting that they receive no coverage.

Despite these challenges, as elections approach, most media stations pledged to air some talk shows and debates that bring representatives from all qualified (and in some cases, also non-qualified) subjects to present their platforms and debate key issues. National broadcasters admit that providing comprehensive coverage of local campaigns will be challenging. With more than two thousand races across the country, it will be difficult to provide consistent, in-depth analysis of local races and issues. The role of cash-strapped regional media outlets, therefore, becomes all the more important in ensuring that the public will have reliable information about their electoral choices. Online networks are also a growing presence and have the potential to provide a low-cost platform to reach the public, although they will be limited in their reach.

Hate Speech and Disinformation

As local elections approach, xenophobic, ethno-nationalist, homophobic, and ultra-conservative rhetoric has begun to emerge, stoking hostility in the electoral environment. Just prior to the delegation's arrival, on July 14, more than 2000 protesters held a "March of the Georgians" anti-immigration rally in downtown Tbilisi. A former deputy state minister under GD and a current MP from the AoP participated, as reported by multiple media outlets.¹⁷ In addition to launching anti-LGBTQI slurs, the march organizers demanded the deportation of illegal immigrants, the toughening of immigration laws, restrictions on residence permits for foreigners, and a ban on foreign funding to civil society organizations. These issues amplify existing prejudices and populist sentiments that are also reflected in the ruling party's draft constitutional amendments, including defining marriage as between a man and a woman and the prohibition of the sale of land to foreigners.

NGO and opposition party representatives who spoke with the delegation linked the march to a growing trend of disinformation and Russian interference. Unsubstantiated accounts of rapes and other violent acts committed by immigrants have been shared on social media, then picked up in traditional Georgian-language media. According to the leader of the movement *Nationalists* and one of the organizers of the Georgian March, Sandro Bregadze, "the country should be wiped out of foreign criminals who are maniacs, who rape children, commit various crimes, engage in prostitution, and sell drugs."¹⁸ The prevailing disinformation tends to frame the West as a threat to Georgian identity; the EU as a source of migrants, terrorism, and as a demographic threat; and the Russian Federation as a fellow Orthodox country serving as a counterweight to the West.¹⁹ NGOs with which the delegation met ascribed the origins of these

¹⁷ Netgazeti, [Parliamentarian Emzar Kvitsiani joined the Georgian March](#), July 14, 2017 and Rustavi 2, [So Called "Georgian March" and Attitudes of Foreign Businessmen Toward It](#), July 16, 2017.

¹⁸ EPN, [Our Country Will be Wiped Out of Foreign Criminals - "Georgian March" Will Be Held on July 14](#), June 30, 2017

¹⁹ Media Development Foundation (MDF) [Anti-Western Propaganda, 2016](#)

messages to Russia, saying they are intended to erode trust in facts and truth, and to fracture, discredit, and ultimately undermine confidence in democratic values and norms. A young woman who publicly criticized the march on Facebook became the subject of intense harassment and threats of sexual violence, illustrating the volatility of the environment.

While NGOs were extremely concerned about the impact of disinformation and foreign interference and believe the severity of incidents will ratchet up as elections approach, the level of alarm among political parties varied. Most opposition parties that spoke with the delegation raised concerns about what they view as growing ethno-nationalism and Russian involvement. Members of the government and GD party largely dismissed allegations that misinformation or anti-Western propaganda is a significant problem in Georgia. They maintain that citizens are not susceptible to these messages.

Unequal Application of the Law

Concerns were repeatedly raised by political parties and NGOs regarding what they believe to be a lack of adherence to rule of law, particularly regarding acts of violence and legal charges from both the 2016 electoral period as well as in recent months. They pointed to a pattern of delayed investigations, selective pursuit of cases, pressure on judges, and uneven and disproportionate application of sanctions. For example, alleged political interference and obstruction of justice surrounding judicial rulings on the Rustavi 2 ownership dispute were the basis upon which the European Court of Human Rights suspended the decision.

During the delegation's meetings, opposition parties and NGOs repeatedly expressed concern about the delayed timing and alleged lack of will to hold perpetrators accountable for high-profile cases prior to the 2016 elections. Examples included the violence that occurred against leading opposition figures in Kortsakheli 14 months ago and the bombing of opposition MP Givi Targamadze's car just days before the 2016 polls. They also raised the May 2017 accusation by the Auditor General that the former Chief Prosecutor physically assaulted him. He claimed it was a reprisal against the State Audit Office's investigation of alleged corruption by the former Chief Prosecutor. An investigation was launched into the incident, but still no charges have been filed nor justice served. Perpetrators of past incidents of intimidation and defamation of women candidates have also not been brought to justice. Merely launching an investigation or initiating court proceedings without timely resolution is not sufficient to reassure the public or deter future violations. Until perpetrators are quickly brought to justice, a culture of impunity remains and confidence in due process is undermined.

RECOMMENDATIONS

The delegation notes that its visit occurred prior to the official start of the election period. With this in mind, the delegation respectfully offers the following recommendations on steps that can be taken between now and the elections to enhance confidence in the October 2017 polls and the electoral process more broadly. NDI's international election observation mission will monitor these recommendations and will issue additional statements at key points in the process. The delegation notes that many recommendations from previous elections have not yet been adequately addressed and expresses its sincere hopes that they will be heeded before October 2017.

Political Parties

- Agree on a common code of conduct for the electoral campaign that emphasizes commitment to nonviolence. Party leaders should adopt internal awareness raising and accountability measures, and should continue to communicate to all activists and candidates their expectations for compliance with the code, levying sanctions for members found to have violated it.
- Acknowledge and identify internal obstacles to women's participation within parties. Parties should consider changing internal behaviors and practices, including working hours and decision-making processes, in order to attract women candidates. Parties should also honor their verbal commitments to ensure a minimum of 30 percent women candidates on *sakrebulo* party lists in these elections.
- Present concrete policies that take into account the mandate of local self-government bodies and describe plans for delivering on promises to citizens. This requires participating in media debates and political talk shows, particularly for the ruling party, which declined participation in multiple debates in 2016.

Parliament

- Reconsider the local government reform package. Take time to incorporate a more systematic, long-term approach in the announced decentralization strategy in consultation with local government associations, NGOs, and other stakeholders. Allocation of majoritarian *sakrebulo* seats should be reconsidered to ensure the principle of equality of the vote.
- Refrain from introducing significant changes to election-related legislation less than a year ahead of an election.

Government Bodies

- Law enforcement bodies should respond to and investigate allegations of intimidation and violence in a timely, effective, and transparent manner.
- The IACFF and other government bodies should undertake a visible, concerted effort to communicate to all civil servants and the public that abuse of administrative resources will not be tolerated, and that violators will swiftly be held accountable.
- Explore ways to increase the human resources of the SAO to ensure adequate and comprehensive analysis of political finances and provide timely information to the public.
- Relevant ministries should develop concrete strategies to mitigate against disinformation, taking into account the EU resolution to counteract (anti-EU) propaganda.
- Consider ways to regulate the spread of disinformation, for example by working with civil society and media on developing a clear criteria defining disinformation and fact-checking coordination mechanisms.

Election Administration

- Consider clarifying the qualifications and selection procedures for professional PEC members, including standards for impartiality.
- Dedicate special attention to training PEC members on counting and reconciliation procedures.
- In order to build on achievements to date on inclusion of ethnic minorities in the election process, consider making essential information on the CEC website available in Armenian and Azeri. This would allow speakers of those languages to more easily navigate to relevant electoral information and services.

Media

- To increase voter access to information on contestants, broadcasters should grant nonqualified subjects a minimum amount of free airtime to convey their messages.
- The public broadcaster should ensure that announced election-related programs and talk shows provide equitable access and balanced coverage of electoral contestants and their platforms.

Judiciary and Law Enforcement

- Prosecutors and judges should ensure impartial, timely application of justice to the cases of violence during the 2016 elections, as well as recent political violence -- looking broadly to all individuals involved in planning or aiding these crimes -- to help deter such violations in the future.

Civil Society focused on Media and Disinformation

- Monitor disinformation not only in mainstream media but also smaller platforms.
- Expand media literacy programs so that citizens develop skills of verifying content and sources and avoid being consumers and disseminators of disinformation.

International Community

- Consider supporting local media outlets, which have become increasingly reliant on funds from local government, to ensure voters have access to in-depth coverage of local races and candidates.
- Increase support for citizen election observer groups to ensure issues such as abuse of state resources, campaign finance, violence, rule of law, media, and disinformation campaigns are thoroughly monitored. This is particularly important for the local elections, given the lower level of international observer presence relative to national elections.

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