



Evaluation of the Pre-Election Environment for the 2020 Parliamentary Elections

July 1, 2020

This document is made possible by the support of the United States Agency for International Development (USAID) and the European Union. The opinions expressed herein belongs solely to the International Society for Fair Elections and Democracy and do not necessarily reflect the views of the USAID, the United States Government or the EU.



USAID
FROM THE AMERICAN PEOPLE



ევროკავშირი
საქართველოსთვის
The European Union for Georgia

Contents

Introduction	2
Political Context	3
Election Reform	12
Media Environment	13
Social Media	16
Election Administration	19
The State Audit Office	20
Recommendations	21

Introduction

On October 31, 2020, regularly scheduled parliamentary elections will be held in Georgia. On June 1, the International Society for Fair Elections and Democracy (ISFED) launched nationwide monitoring of the pre-election period with approximately 70 long-term observers. The monitoring entails observation of the pre-election period, the Election Day and the post-election period. Along with the launch of the pre-election monitoring, ISFED is presenting an evaluation of the pre-election environment with respect to the election legislation, as well as the political and media landscape in the country.

The 2020 parliamentary election is an important political event in Georgia. The polls will largely determine the country's future democratic development and trajectory of its reforms, as well as its foreign and domestic policies. The 2020 election is a lot more important in view of the fact that the political environment in Georgia in the last two years has been especially tense and polarized, with concerns about democratic backsliding increasingly raised both inside and outside the country. In addition to that, in 2020, the ruling Georgian Dream - Democratic Georgia party is concluding its second consecutive term in office. Notably, no other ruling party in Georgia has maintained power for more than two consecutive terms.

These elections are also important due to the election system reform. Since 2019, along with the civil society organizations and political parties, changes in the system of parliamentary composition have been demanded by civil society organizations and political parties, as well as by the general public. Following the protests that began in June 2019, the ruling party pledged to replace the existing mixed majoritarian-proportional electoral system with a fully proportional one. However, after respective constitutional amendments were voted down in November 2019, in a political dialogue facilitated by international partners, on March 8, 2020 the ruling and the opposition parties agreed on a mixed electoral system model in which 120 MPs will be elected through proportional representation and the remaining 30 will be elected from single-member constituencies, with the electoral threshold standing at 1%. The agreed model is not ideal, but it is the best solution considering the existing reality. In a mixed system, the so-called "120/30" model of the electoral system increases the number of seats to be allocated under the proportional system, which helps translate votes into seats more proportionally and improves political pluralism. Overall, the change of the electoral system should have a positive effect on establishing a competitive pre-election environment.

An unusual challenge associated with the upcoming election is the novel coronavirus infection -COVID-19 - and the risks of the virus outbreak. On March 11, the World Health Organization declared the novel coronavirus a pandemic, followed by enactment of social distancing policies in many countries.¹ Due to rapid spread of the virus, elections were

¹ See: R. Baldwin, B. Weder di Mauro, Mitigating the COVID Economic Crisis: Act Fast and Do Whatever It Takes, p. 1

postponed in over 50 countries. The reason was two-fold: prevention of spread of the virus and restrictions placed on important election-related rights under state of emergency measures, including on freedom of assembly and freedom of movement.² The state of emergency in Georgia was lifted on May 22 and according to public health experts, the epidemiological situation is not alarming at this stage. However, the second wave of the virus outbreak is expected in Fall. Therefore, conducting full-scale pre-election campaigning remains a challenge since political actors will have to take certain precautions in their communications with constituents, as well as the E-day organization since - if required - certain safety measures will have to be applied and voters will have to be informed accordingly, in order to avoid the risk of virus spreading.

It is clear, that the 2020 parliamentary elections will be marked by certain unique circumstances and challenges. Against this background, it is important to ensure equal and fair election environment and integrity of elections, in order for the 2020 elections to allow Georgia to move to another level of democratic development.

Political Context

The 2020 election period was preceded by gradual escalation of political processes that began after the 2018 Presidential election and culminated after failure of the ruling party to adopt the constitutional amendments for transitioning to the proportional system in late 2019, as well as the appointment of 14 judges in the Supreme Court despite broad criticism.

Throughout 2019, political process was characterized by clear divergence of opinion about composition of the Supreme Court. In addition to harsh criticism voiced by civil society organizations, problems in the process of judicial appointments were also highlighted by the Public Defender,³ as well as the OSCE Office of Democratic Institutes and Human Rights, which monitored the process,⁴ and other international partners. Developments concerning the judiciary resulted in a confrontation within the Georgian Dream itself.⁵ On February 22, after amendments to cancel lifetime appointment of judges in the first and the second instance courts were voted down by the parliament, Eka Beselia left the party.⁶ Since then, several other MPs have left the ruling party, resulting in the Georgian Dream losing its

² See: <https://rm.coe.int/election-and-covid-19/16809e20fe>; p. 1;

³ Report of monitoring selection of judicial candidates for the Supreme Court of Georgia by the High Council of Justice, Public Defender of Georgia, 2019, <https://bit.ly/2WQn1J1>

⁴ Report on the First Phase of the Nomination and Appointment of Supreme Court Judges in Georgia, June-September 2019, <https://www.osce.org/ka/odihr/429491?download=true>

⁵ Gedevan Popkhadze on leaving the party: I will make the decision in several days, February 22, 2019, on.ge, <https://bit.ly/2SFsKAp>

⁶ Eka Beselia left the Georgian Dream, February 21, 2019, civil.ge, <https://civil.ge/ka/archives/277504>

constitutional majority.⁷ Later, Beselia created a new party with several other MPs, former members of the Georgian Dream, called “For Justice”.⁸

The political tension in the country grew even further as a result of the Interparliamentary Assembly on Orthodoxy held at the Parliament of Georgia on June 20, 2019, when a member of the Russian State Duma, Sergey Gavrilov sat in the seat of the Georgian Parliamentary Chairman and addressed the Assembly.⁹ This prompted a large-scale demonstration the same day, with protesters demanding resignation of the Parliamentary Chairperson. The rally proceeded peacefully for several hours, but after one group of protesters tried to enter the Parliament, a confrontation ensued between protesters and the police. Later that night, police started dispersing protesters using rubber bullets and tear gas, without any prior warnings. The dispersal lasted the entire night, with 275 individuals including over 30 reporters physically injured and over 300 individuals arrested. According to local organizations, the methods used for dispersing the demonstration amounted to use of disproportionate force.¹⁰ A representative of an influential international human rights organization, the Human Rights Watch highlighted a range of violations as well.¹¹

The protest renewed on June 21 and new demands were added, including release of individuals arrested during the dispersal, resignation of the Minister of Internal Affairs and transition to a fully proportional electoral system. On June 21, following a meeting of the Georgian Dream’s political council, a statement was made about resignation of the Chairperson of the Parliament of Georgia, Irakli Kobakhidze.¹² On June 25, the Parliament of Georgia elected Archil Talakvadze as the chairperson.¹³

As the large-scale protests continued, during a briefing on June 24, the Georgian Dream chairperson, Bidzina Ivanishvili unveiled a promise of the Georgian Dream to hold the 2020 parliamentary elections under a fully proportional system, with zero threshold and without electoral blocs.¹⁴ Despite difference of opinion about certain aspects of the proposed electoral system, the promise was positively evaluated at the local level, as well as by international partners. On June 28, draft constitutional amendments were registered in the Parliament, envisioning fully proportional system for the 2020 election.¹⁵ A constitutional commission¹⁶

⁷ Georgian Dream lost constitutional majority, February 22, 2019, Tabula, <https://bit.ly/2xBxxvf>

⁸ Eka Beselia created a new party “For Justice”, May 27, 2019, <https://bit.ly/3bbWRG8>

⁹ What happened on June 20 in Tbilisi - a brief overview, June 22, 2019, on.ge. <https://bit.ly/3c5XaUd>

¹⁰ Statement of NGOs on June 20 developments, June 21, 2019. <http://www.isfed.ge/eng/gantskhadebebi/arasamtavrobo-organizatsiebis-gantskhadeba-20-ivniss-ganvitarebul-movlenebze>

¹¹ Human Rights Watch’s representative on June 20-21 developments, June 21 2019. Radio Liberty, <https://bit.ly/2SrKf6W>

¹² Georgian parliamentary chairperson Irakli Kobakhidze has resigned, June 21 2019. Netgazeti <https://netgazeti.ge/news/373933/>

¹³ <http://www.parliament.ge/ge/ajax/downloadFile/121003/4847->

¹⁴ <https://www.radiotavisupleba.ge/a/30269211.html>

¹⁵ <http://parliament.ge/ge/ajax/downloadFile/121325/07-3.380>

was created to facilitate public discussions about the bill and 11 public meetings were held in various cities across the country.

On September 2, against the backdrop of ongoing rallies and anticipation of election system reform, PM Mamuka Bakhtadze resigned. Although protesters were demanding resignation of the Minister of Internal Affairs, Giorgi Gakharia, he was nominated for PM's office. On September 8, the Parliament endorsed Giorgi Gakharia and his government. Vakhtang Gomelauri assumed the office of the Interior Minister¹⁷ and Irakli Garibashvili became the Minister of Defense.

On November 14, the Parliament of Georgia held a vote on the constitutional amendments on election system reform. This was preceded by two days of intense discussions as some majoritarian MPs from the ruling party were voicing objections to the changes. The amendments required 113 votes, but only 101 MPs voted for the bill, resulting in failure to adopt the change.¹⁸ All opposition MPs (44 MPs) voted for the amendments, while majority of the Georgian Dream MPs voted against it, with 57 voting in favor and 37 abstaining. To justify this, the Georgian Dream claimed the majoritarian MPs had a different position about the electoral system reform. These developments were evaluated as a staged process by local NGOs, and they held the entire ruling party and its chairperson responsible for failure to transition to a proportional system.¹⁹

Failure to move to the proportional system caused a stalemate in the political process, and intensified polarization. The decision caused a rift within the Georgian Dream, with 12 MPs leaving the party, including one quitting her seat in the Parliament.²⁰

Failure to adopt the bill was followed by protest rallies. Protesters set up tents in front of the Parliament building, demanding resignation of the government and snap elections under the fully proportional electoral system or under the so-called German Model.²¹ On November 18, the Special Forces Unit used water cannons against protesters to clear the Parliament

¹⁶ Commission Meets to Organize Public Debate on Election Reform, May 5, 2019, civil.ge. <https://civil.ge/ka/archives/318998>

¹⁷ Giorgi Gakharia becomes the Prime-Minister, parliament approved the new government, September 8, 2019, Batumelebi, <https://batumelebi.netgazeti.ge/news/227000/>

¹⁸ MPs vote down constitutional amendments on transition to proportional electoral system, November 14, 2019, civil.ge. <https://civil.ge/ka/archives/326293>

¹⁹ Special statement of NGOs, November 14, 2019. <https://isfed.ge/geo/gantskhadebebi/arasamtavrobo-organizatsiata-sagangebo-gantskhadeba>

²⁰ How the Georgian Dream majority is decreasing, November 22, 2019, Radio Liberty. <https://bit.ly/2KQFawO>

²¹ Protest rally outside the Georgian Dream office, November 16, 2019, Radio Liberty. <https://www.radiotavisupleba.ge/a/30275058.html>

building entrances from them.²² Over 30 individuals were arrested and several were injured during the dispersal.

Another rally on November 26 was also dispersed early in the morning using water cannons. Three individuals were injured and 28 were arrested as a result of the dispersal.²³ According to Amnesty International, use of water cannons during both dispersals amounted to the use of unnecessary and disproportionate force.²⁴ Additionally, according to local organizations,²⁵ as well as the Public Defender,²⁶ administrative cases against individuals arrested during the dispersals were handled with a number of violations.

On November 30, with the aim of defusing the extremely polarized and tense environment in Georgia and reaching an agreement on the electoral system, a process of consultation and dialogue was initiated between the authorities and the opposition, facilitated by heads of the diplomatic missions of the EU, the United States, Germany and the Council of Europe. Several meetings were held between the authorities and the opposition parties within this format, where both sides presented and discussed different models of the electoral system, but alignment of positions turned out to be nearly impossible. The electoral system models²⁷ proposed by the opposition were rejected by the ruling party, which attempted to maintain the mixed system not only for the 2020, but also for the 2024 elections.²⁸ These attempts were criticized by civil society organizations.²⁹

On December 12, despite harsh criticism about selection of the Supreme Court judges and the Venice Commission recommendations to refrain from filling more than half of the positions available, of a total of 19 candidates nominated by the High Council of Justice,³⁰ the Parliament of Georgia appointed 14 as judges of the Supreme Court.³¹ This decision enabled a powerful group of judges (the so-called clan) that exercises an informal power over the

²² 2 of the five individuals injured during the dispersal on November 15 remain in hospital, November 19, 2019, Netgazeti. <https://netgazeti.ge/news/407250/>

²³ MIA: during dispersal of the November 26 protest, 28 individuals were arrested, 2 were injured, November 26, 2019, Netgazeti. <https://netgazeti.ge/news/409274/>

²⁴ Amnesty International: use of water cannons was neither proportional nor necessary, November 27, 2019, Tabula. <https://bit.ly/3fjnVWY>

²⁵ Trials for arrested protesters were held with serious violations, November 21, 2019. <https://bit.ly/2WsW3XO>

²⁶ The Public Defender reacts on trials of individuals arrested during the protest outside of parliament, November 22, 2019. <https://bit.ly/3d5V9HA>

²⁷ Another meeting held between the ruling party and the opposition working on the electoral system reform, December 9, 2019, civil.ge. <https://civil.ge/ka/archives/330752>

²⁸ 100 proportional, 50 majoritarian -,The Dream”s new proposal on the electoral system, December 20, 2019, Tabula. <https://bit.ly/3b35lPI>

²⁹ The electoral system model offered by the ruling party is unacceptable and not serious, December 20, 2019. <https://bit.ly/2ys9zTz>

³⁰ Initially, 20 candidates were nominated, however the chairperson of the Constitutional Court, Zaza Tavadze withdrew his candidacy, December 2, 2019, Netgazeti. <https://netgazeti.ge/news/410791/>

³¹ Parliament appointed 14 new Supreme Court judges, December 12, 2019, civil.ge. <https://civil.ge/ka/archives/331223>

judicial system to extend its influence not only to the lower instance courts, but also to the Supreme Court.³² The 14 new judges included then-chief prosecutor and Bidzina Ivanishvili's confidant Shalva Tadumadze, whose legal education has been questioned by not only local, but also international observers.³³ Failure to consider critical opinions and recommendations in the process of appointment of the Supreme Court justices further intensified the political tensions.

The consultations between political parties about the electoral system entered a deadlock on the basis of increasing suspicions about use of the judiciary for political purposes by the ruling party. Following the June 2019 protests, concerns about political retaliation by the Georgian Dream against its opponents were increasingly raised. On July 25, leader of the Victorious Georgia party, Irakli Okruashvili was arrested on charges of organizing, leading and participating in group violence. This fact raised serious questions about validity of evidence against Okruashvili, as well as about the fact that his arrest coincided with his scandalous statements about Rustavi 2 TV case.³⁴ Later, on April 13, 2010, the Tbilisi City Court found him guilty of participating in group violence and sentenced him to 5 years in prison.

In connection with the June 20-21 developments, charges of leading and participating in group violence were also brought against an MP from the United National Movement, Nika Melia. On December 2, in connection to the Cartu Bank's bankruptcy case, the Tbilisi City Court deprived Nika Melia of the right to hold an office for two years and three months and imposed a fine.³⁵ Based on the court decision, on December 12, the Parliament suspended Nika Melia's parliamentary mandate. As the investigation into the bankruptcy case had been launched in 2013, the fact that the court made the decision so many years later, raised suspicions about its political motivations.

During a protest rally outside of the Parliament on November 18, businessman Giorgi Rurua was arrested on charges of illegal acquisition, storage and carriage of firearms. Before that, Rurua acquired shares of a newly created Mtavari Channel. He also funded the anti-government rallies started on June 20. Therefore, the opposition argued that his arrest was a political retaliation and that Rurua was a political prisoner.³⁶ According to the Public

³² Chronology of a year-long process for selection of the Supreme Court judges.

<https://www.gdi.ge/uploads/other/1/1084.pdf>

³³ Tadumadze's diploma, October 9, 2019, Radio Liberty. <https://bit.ly/30Xr3TQ>

³⁴ Okruashvili's arrest creates suspicions of political persecution - TI, July 26, 2019, Netgazeti.

<https://netgazeti.ge/news/383589/>

³⁵ Nika Melia ordered to pay a GEL 25,000 fine and was deprived from the right to hold an office for 3 years, December 2, 2019, on.ge. <https://bit.ly/3b0MCEg>

³⁶ Tbilisi City Court upheld Giorgi Rurua's imprisonment, April 27, 2020, Radio Liberty.

<https://www.radiotavisupleba.ge/a/30579426.html>

Defender, the case against Rurua does not include any objective evidence that would corroborate the weapons-related charges.³⁷

On February 10, the Supreme Court found Gigi Ugulava, one of the leaders of the European Georgia, guilty of embezzling money from the Tbilisi Development Fund, and sentenced him to three years in prison. He was subsequently arrested.³⁸ Notably, the verdict in Ugulava's case was delivered by Shalva Tadumadze, who used to represent the prosecution in the case as the Chief Prosecutor of Georgia.³⁹ The defense raised a motion for his recusal, but the motion was declined. Following Gigi Ugulava's arrest, opposition parties decided to boycott the election system negotiations with the authorities.

These and other processes⁴⁰ have had a clearly negative effect on Georgia's democratic development, and have contributed to an extremely tense environment and a political deadlock. Georgia's Western partners reacted promptly to the situation. Following the failure to pass the election system reform, the problematic process of appointment of the Supreme Court members and arrests of opposition leaders, strong statements were made by U.S. senators and congressmen, as well as other partners. Their letters, addressed to the Prime Minister and other high-level government officials, highlight gravity of the situation and criticize the Georgian Dream decisions that have hindered implementation of democratic reforms.⁴¹

Against the backdrop of growing national and international pressure, as a result of diplomatic efforts by the United States, the EU, Germany and the Council of Europe, dialogue between the ruling party and the opposition was renewed in an unofficial format.⁴² Eventually, on March 8, an agreement was reached on the electoral system and the parties signed a memorandum. The agreement was welcomed by local NGOs as a way for overcoming the crisis.⁴³ According to the agreement, the 2020 parliamentary elections will be held under a mixed electoral system, where 120 MPs will be elected through proportional representation and another 30 will be elected from single-member constituencies. In order to obtain seats in the proportional elections, a party will have to clear 1% threshold. The system also includes the so-called 40% lock mechanism, according to which, no party can form the government

³⁷ To the Public Defender, lack of evidence is the weakness of Giorgi Rurua's case, June 25, 2020, Radio Liberty. <https://www.radiotavisupleba.ge/a/30690060.html>

³⁸ The Supreme Court found Gigi Ugulava guilty and sentenced him to an additional 3 years in prison, February 10, 2020, Tabula. <https://bit.ly/3b3eJmq>

³⁹ Is Gigi Ugulava a political prisoner? May 10, 2020, Netgazeti. <https://bit.ly/3dsdA9j>

⁴⁰ See the chapter on media

⁴¹ A chronicle of harsh evaluations from the United State, Europe, Radio Liberty. <https://bit.ly/35ugcAP>

⁴² Unofficial consultations on the electoral system continue between the opposition and the Georgian Dream, February 27, 2020, civil.ge. <https://civil.ge/ka/archives/340320>

⁴³ Agreement on the electoral system creates an opportunity to overcome the crisis and create a stable electoral environment, March 9, 2020. <https://bit.ly/2W4oLj0>

without securing at least 40.6% of votes.⁴⁴ Based on the agreement, on March 11, a package of constitutional amendments was registered in the Parliament and on March 17, a commission for organizing public discussions about the amendments bill was established.⁴⁵

The novel virus COVID-19 that has spread worldwide has greatly influenced the political processes in the country. On March 21, the Parliament of Georgia approved a presidential order declaring the state of emergency, with the aim of preventing the virus outbreak.⁴⁶ The state of emergency was initially declared until April 21 but was later extended to May 22.⁴⁷ Because of the existing situation, under Article 77.7 of the Constitution of Georgia, deliberations about the constitutional amendments were suspended until the state of emergency was lifted.

The second part of the March 8 agreement concerned refraining from use of the judiciary in the political processes.⁴⁸ According to the opposition, this part of the agreement related to release of the so-called political prisoners - Ugulava, Okruashvili and Rurua, and temporary suspension of other cases initiated on the basis of political motivations.⁴⁹ The Georgian Dream categorically denied that such agreement existed. At a press briefing on May 11, the Chairperson of the Parliament announced that the Georgian Dream had not agreed to release the prisoners, and urged the mediators to clarify this matter.⁵⁰ The Prime Minister⁵¹ and other representatives of the Georgian Dream government also denied existence of political prisoners. In turn, the opposition parties announced that they would not support the constitutional amendments unless the issue of political prisoners was resolved.⁵²

On May 11, facilitators of the political dialogue issued a joint statement, saying “the agreement is composed of two parts - one focused on the election system and the other on addressing the appearance of political interference in the judicial system.”⁵³ Once again, Georgia’s international partners reacted to the ensuing dispute, including the U.S. Senate

⁴⁴ What the memorandum signed by the opposition and the authorities says, March 8, 2020, on.ge. <https://bit.ly/2W2lZdW>

⁴⁵ Draft constitutional law of Georgia and the resolution of the Georgian Parliament, see: <https://matsne.gov.ge/ka/document/view/4824798?publication=0>

⁴⁶ Parliament approved the presidential order on declaration of the state of emergency, March 21, 2020. <https://bit.ly/2YBeSuQ>

⁴⁷ The state of emergency has been extended, April 23, 2020, Radio Liberty. <https://bit.ly/2Yzw43H>

⁴⁸ The opposition demands release of political prisoners, March 9, 2020, Radio Liberty. <https://bit.ly/2WtPF2t>

⁴⁹ Statement of the political dialog facilitators on agreement (March 8), <https://ge.usembassy.gov/ka/statement-of-the-political-dialog-facilitators-on-agreement-march-8-ka/>

⁵⁰ I ask the ambassadors to confirm that we didn’t undertake an obligation to release Ugulava, Orkuashvili and Rurua - Talakvadze, May 11, 2020, publika.ge. <https://bit.ly/2YWBzd4>

⁵¹ Giorgi Gakharia: let’s agree that there are no political prisoners in Georgia, full stop! May 9, 2020, Radio Liberty. <https://bit.ly/2AVnhiz>

⁵² Who thinks what on release of political prisoners, May 12, 2020, Radio Liberty. <https://bit.ly/2zs32IO>

⁵³ Joint statement by the facilitators of the political dialogue, May 11, 2020, U.S. Embassy in Georgia. <https://ge.usembassy.gov/ka/joint-statement-by-the-facilitators-of-the-political-dialogue-may-11-ka/>

Foreign Relations Committee Chairperson,⁵⁴ and the co-chair of the Georgia Caucus in the U.S. House of Representatives, who urged the authorities to fully implement the March 8 agreement.⁵⁵ A Member of the European Parliament, Andrius Kubilius reminded the Georgian Government of its promise to release the so-called political prisoners for the first time on May 7.⁵⁶ On May 15, the President of Georgia announced her decision to pardon Gigi Ugulava and Irakli Okruashvili.⁵⁷ Both left prison the same day. The decision was welcomed by local actors and Georgia's international partners.⁵⁸

Following the agreement, opposition parties launched negotiations on majoritarian candidates. In particular, they were discussing if they should nominate a joint candidate already in the first round, or if they should consolidate around an opposition candidate in the second round.⁵⁹ On June 4, the chairperson of the UNM Political Council, Nika Melia announced that they would nominate candidates only in two of the eight majoritarian districts in Tbilisi. On June 19, it was announced by the opposition that they would have joint candidates in six districts of Tbilisi.⁶⁰ So far, candidates for Saburtalo and Didube-Chugureti districts have not been announced.

As the state of emergency was lifted on May 23, public discussions about the constitutional amendments were renewed, but in an online format. On June 21, the Parliament of Georgia passed the electoral system changes with 136 votes, in the first reading.⁶¹ The UNM did not participate in voting. Since Giorgi Rurua remains in prison, opposition parliamentary parties - the European Georgia and the United National Movement - refused to participate in the process. On June 19 and 20, respectively, statements were released by the international facilitators⁶² and local NGOs,⁶³ calling for implementation of the March 8 agreement. The day before voting, the European Georgia said it would support the changes in the first reading, and that their participation in the second and the third reading would depend on Rurua's release. On June 23, the Parliament adopted the constitutional amendments in the

⁵⁴ <https://twitter.com/SenateForeign/status/1260004543779217408>

⁵⁵ Political prisoners? What are Americans, Europeans telling the Georgian Dream? May 12, 2020, Radio Liberty.

<https://bit.ly/2ApjycZ>

⁵⁶ MEP Kubilius urging the government to implement the agreement made with the opposition, May 8, 2020, on.ge.

<https://bit.ly/3cwi8fa>

⁵⁷ President pardons Ugulava and Okruashvili, May 15 2020, Radio Liberty.

<https://www.radiotavisupleba.ge/a/30614505.html>

⁵⁸ Joint statement by the facilitators of the political dialogue, May 15, 2020. <https://bit.ly/3e7b1Y7>

⁵⁹ Why did the opposition start discussions on coordination in the second round? June 2, 2020, Netgazeti.

<https://netgazeti.ge/news/457311/>

⁶⁰ Who sees advantages and who sees disadvantages, June 19, 2020, Radio Liberty. <https://bit.ly/3fHodq6>

⁶¹ Five MPs didn't support the constitutional amendments, June 21, 2020, Radio Liberty. <https://bit.ly/2AOD3wm>

⁶² Joint statement by the facilitators to the political dialogue, June 19, 2020. <https://ge.usembassy.gov/ka/joint-statement-by-the-facilitators-to-the-political-dialogue-june-19-ka/>

⁶³ We urge the parliamentary parties to support the change of the electoral system, June 20, 2020. <https://bit.ly/2YO1YI4>

second reading with 115 votes. On June 29, the amendments were adopted in the third reading with 117 votes. The UNM and the European Georgia did not participate in voting.

With respect to formation of a new center of political forces, a new political union Lelo for Georgia was formed, bringing together a public movement Lelo, which was established by Mamuka Khazaradze and Badri Japaridze, as well Davit Usupashvili's Development Movement and the New Rights party. The party convention was held on December 22,⁶⁴ while the presentation of the public movement Lelo was held on September 12.⁶⁵ Prior to that, on July 24, Chairperson of TBC Bank's Supervisory Board Mamuka Khazaradze and his deputy Badri Japaridze were charged with legalization of illicit income by the prosecution.⁶⁶ The investigation was launched in August 2018 concerning a fact that occurred in 2008. On March 4, 2019, at the hearing of the Parliament's financial/budgetary committee, Khazaradze announced that the National Bank President was blackmailing him, while then-Minister of Internal Affairs Giorgi Gakharia sent him a threatening letter prior to the 2018 presidential elections.⁶⁷ Two weeks before Khazaradze and Japaridze were charged, on July 9, Khazaradze announced his political plans, raising suspicions that the charges may have been brought against him in connection with his political plans.⁶⁸ In addition, there are suspicions that the case related to the Anaklia Port, and it aimed to remove Khazaradze from the project as the founder of the Anaklia Development Consortium.⁶⁹ Notably, on January 9, 2020, the government cancelled the agreement with the Consortium.⁷⁰ According to the Public Defender's report, the case materials indicate no elements of legalization of illicit income in Khazaradze's case.⁷¹

On June 1, a radical conservative group, the Georgian March announced its intentions to transform into a political movement and run in the elections.⁷² Until now, the Georgian March was an informal group known for its racist and homophobic statements. It often organized or participated in violent actions.

⁶⁴ New political association Lelo for Georgia has been founded, December 22, 2019, [civi.ge. https://civil.ge/ka/archives/332570](https://civil.ge/ka/archives/332570)

⁶⁵ Khazaradze-Japaridze's political "Lelo", September 12, 2019, Radio Liberty. <https://bit.ly/2WHFPdN>

⁶⁶ What happens when Khazaradze and Japaridze is summoned to the prosecution service, July 24, 2019, Radio Liberty. <https://bit.ly/2YAxOd1>

⁶⁷ Khazaradze and Japaridze charged with legalization of illicit income, July 24, 2019, Tabula. <https://bit.ly/3banniN>

⁶⁸ Khazaradze's case - money laundering or political persecution, July 26, 2019, Netgazeti. <https://netgazeti.ge/news/383446/>

⁶⁹ Anaklia Port: will Mamuka Khazaradze be replaced? March 22, 2019, Radio Liberty. <https://bit.ly/2xBuR0N>; Anaklia Port - logical ending, January 9, 2020, Radio Liberty. <https://bit.ly/2YAJwnZ>

⁷⁰ The Government cancels the agreement with Anaklia Consortium, January 9, 2020, On.ge. <http://go.on.ge/1dki>

⁷¹ Public Defender's report on the situation of human rights and freedoms in Georgia - 2019, p.231. <https://bit.ly/2ZbxP5E>

⁷² Georgian March creates a party, Bregadze announces about consolidation with other forces, June 1, 2020, Publika. <https://publika.ge/qartuli-marshi-partias-qmnis-bregadze-skhva-dzalebtan-konsolidacias-aanonsebs/>

On June 18, a non-judge member of the High Council of Justice (HCoJ), Ana Dolidze, together with Aleko Elisashvili and Levan Koberidze announced a political platform.⁷³ Prior to that, on May 21, Ana Dolidze founded a social movement For the People. Since the HCoJ members are prohibited from engaging in political activities, on June 15, a group of non-governmental organizations urged Ana Dolidze to resign from the Council.⁷⁴ On June 22, Ana Dolidze announced her resignation from the HCoJ.

Election Reform

In addition to the constitutional changes concerning the electoral system, amendments to the electoral legislation was also an important issue. The past few elections demonstrated substantial problems and gaps to that end, which need to be addressed through legislative changes, in order to prevent various types of violations and to ensure fair and competitive electoral environment. Despite numerous calls by ISFED and its partner organizations, in 2017 and 2018, the authorities did not consider it a priority to work on electoral issues. However, in view of the 2020 parliamentary elections, the issue of the election reform became relevant again. With efforts of local and international partners, on June 13, the first meeting of the working group on electoral issues was held at the Parliament of Georgia (hereinafter, the working group), which created positive expectations about improvement of the election legislation.

Various stakeholders, including political parties, NGOs and international partners were involved in the working group. According to the chairperson of the Parliament of Georgia, the purpose of the working group was to adopt recommendations issued by the OSCE/ODIHR following the 2018 presidential elections.⁷⁵ ISFED and the Transparency International-Georgia presented joint recommendations to the working group,⁷⁶ covering issues such as:

- composition of the electoral administration;
- use of administrative resources;
- campaigning rules;
- electoral disputes;
- party financing, etc.

⁷³ Ana Dolidze, Aleko Elisashvili and Levan Koberidze created a political platform, June 18, 2020, Tabula. <http://tbl.ge/4u9d>

⁷⁴ Statement of NGOs, June 15, 2020, ISFED. <https://isfed.ge/geo/gantskhadebebi/arasamtavrobo-organizatsiebis-gantskhadeba>

⁷⁵ The presidential election of Georgia, October 28 and November 28, 2019, OSCE/ODIHR observation mission, final report, February 29, 2019, Warsaw, <https://bit.ly/2Xto6IA>

⁷⁶ Recommendations for improving the electoral environment, 2019, <http://www.isfed.ge/eng/rekomendatsiebi/Recommendations-for-Improving-Electoral-Environment-ISFED-TI>

On November 14, 2019, after the Georgian Dream failed to fulfill its promise to move to the fully proportional system, turning the political environment extremely tense, the work of the electoral working group was suspended indefinitely. The working group renewed its operation after the authorities and the opposition reached an agreement on the electoral system on March 8, 2020.

It is worth noting that the initial draft of the amendments contained a number of problematic provisions with respect to the freedom of expression and media regulations, attracting harsh criticism.⁷⁷ Following discussions within the working group, these provisions were removed and a number of positive new regulations were introduced concerning the criteria for selecting Precinct Election Commission (PEC) members and conflict of interest, limitations placed on employees of budgetary organizations in terms of participation in campaigning during working hours, regressive financing of political parties, etc. Nevertheless, it is problematic that substantial reform of composition of the election administration is not being implemented and amendments do not concern electoral disputes resolution or campaigning on social media, which is increasingly becoming one of the biggest problems. The amendments bill was registered in the Parliament on June 24 and it will likely be adopted in the nearest future.

Media Environment

In the run-up to the 2020 parliamentary elections, Georgia continues to face challenges related to media freedom and pluralism. The media environment has drastically changed following the decision of the European Court of Human Rights on Rustavi 2 TV case and the processes unfolding at Ajara TV.

On July 18, 2019, the ECtHR delivered its judgment on the Rustavi 2 case. The court did not find any violations in the case concerning impartiality and independence of judges that handled the case. Other claims of the applicant were found inadmissible. Consequently, under the Supreme Court decision, the company was to be returned to its former owner, Kibar Khalvashi.⁷⁸ The latter fired Rustavi 2 General Director, Nika Gvaramia and appointed Paata Salia as his replacement.⁷⁹ Throughout the process, reporters openly spoke about violations of editorial independence and labor rights. After head of the news office and several leading reporters were fired, majority of Rustavi 2 journalists left the company.⁸⁰

⁷⁷ Work on amendments to the electoral legislation should continue, August 20, 2019,

<http://www.isfed.ge/eng/gantskhadebebi/saarchevno-kanonmdeblobis-tsvlilebebze-mushaoba-unda-gagrdzeldes>

⁷⁸ ECtHR did not find any violation in Rustavi 2 case, July 18, 2019, on.ge, <https://bit.ly/3c7Ui8q>

⁷⁹ Nika Gvaramia is no longer the general director of Rustavi 2 - the change has been reflected in the registry, on.ge, July 18, 2019, <https://bit.ly/3cBuqCU>

⁸⁰ Media Advocacy Coalition reacts to the developments around Rustavi 2, August 20, 2020, <https://bit.ly/2TaVfpI>

In the fall of 2019, two new TV companies were founded with former Rustavi 2 reporters. The former director of Rustavi 2, Nika Gvaramia established Mtavari Channel, which started broadcasting in September, operating from offices of Iberia TV, owned by Omega Group. In October, another TV company called Formula launched broadcasting. According to media reports, the channel has been created in partnership with the former Minister of Defense, Davit Kezerashvili.⁸¹

Last year, suspicions intensified that TV broadcasters critical of the authorities were being pressured. On February 16, 2019, during a meeting held on media challenges, Nino Zhizhilashvili, who was then a journalist of TV Pirveli, spoke about the authorities' attempts to pressure the television company into changing its editorial policy.⁸² Later, a criminal case was initiated and charges were brought against businessman Avto Tsereteli, the father of TV Pirveli founder, Vato Tsereteli, in connection to a case involving facilitation of legalization of illicit income, concerning the case initiated against TBC Bank founders, Mamuka Khazaradze and Badri Japaridze.⁸³ Vato Tsereteli was questioned in the Tbilisi City Court. He claims the case amounts to pressure against the broadcaster.⁸⁴

Shortly after the ECtHR announced its decision, on July 20, the Office of the General Prosecutor initiated a probe into abuse of powers against legitimate interests of Rustavi 2 Broadcasting Company, misappropriation of its funds using official position and hiding property.⁸⁵ On August 9, Nika Gvaramia was charged under Article 220 of the Criminal Code of Georgia, which prescribes liability for abuse of authority and entails abuse of management authority against interests of an organization.⁸⁶ As part of the case, an investigation was initiated to examine legitimacy of spending large amounts of money received by an advertising company Intermedia Plus, a Rustavi 2 contractor. According to the prosecution service, founder of the company Zuka Gumbaridze, who is also a founder of Formula TV Company, was involved in the case. Later, several days after Formula TV Company was officially launched, Zuka Gumbaridze was summoned to the prosecution service for questioning.⁸⁷ Gumbaridze claims this was connected to launch of the new TV company.⁸⁸ On August 11, under the decision of the Tbilisi City Court, Nika Gvaramia was ordered to

⁸¹ Davit Kezerashvili became owner of Formula Creative's controlling shares, on.ge, September 5, 2019, <https://bit.ly/2LuBRj8>

⁸² See the statement here: <https://netgazeti.ge/news/253378/>

⁸³ The prosecution service charged father of TV Pirveli owner in connection to TBC case, August 22, 2019, Netgazeti, <https://netgazeti.ge/news/387961/>

⁸⁴ Father of TV Pirveli founder, businessman Avtandil Tsereteli has been charged, August 22, 2019, Tabula, <https://bit.ly/3637oCk>

⁸⁵ See the statement here: <http://pog.gov.ge/news/generaluri-prokuraturis-ganxadeba>

⁸⁶ The prosecution charged Nika Gvaramia in connection to Rustavi 2 case, August 9, 2019, <https://bit.ly/2WRO5c7>

⁸⁷ General Director of Formula TV, Zuka Gumbaridze summoned to the prosecution service, October 1, 2019, on.ge, <https://bit.ly/37SqKv2>

⁸⁸ Formula director left the prosecution service after nearly a nine-hour long interrogation, October 3, 2019, on.ge, <https://bit.ly/2Nf5PZr>

pay a bail of GEL 40,000. He was also ordered not to leave the country without permission of the law enforcement authorities.⁸⁹ On September 6, new charges were brought against Nika Gvaramia, involving embezzlement of significant amount of Rustavi 2 property and fraud.⁹⁰ On November 1, he was also charged with abuse of management authority in connection to receiving a car in exchange for placing ads on Rustavi 2.⁹¹ Notably, according to the Public Defender's report, one of the charges brought against Nika Gvaramia concerning property embezzlement does not contain elements of crime, and it falls within the scope of private law.⁹²

On March 20, 2020, the Ministry of Finance requested freezing of assets of TV Pirveli, Mtavari Channel and Caucasia TV over tax liabilities. In the past, the Ministry of Finance had published information about TV companies that owed significant amounts in taxes, including Imedi TV and Maestro, but they were not sanctioned.⁹³ The Charter of Journalistic Ethics believes that selective tax policy pursued by the authorities against broadcasters amounts to pressure against them.⁹⁴

Developments at Ajara TV of the Public Broadcaster were especially problematic. The process began on April 19, 2019, when the General Director of Ajara TV, Natia Kapanadze was impeached by the Council of Advisors.⁹⁵ The decision was negatively evaluated by local NGOs and international organizations. According to the joint statement of NGOs, during Natia Kapanadze's tenure, Ajara TV and Radio was an independent, impartial and growing institution.⁹⁶

Following Natia Kapanadze's dismissal, the Council of Advisors, majority of which are members nominated through the Georgian Dream quota, elected Giorgi Kokhreidze as the new director of the broadcaster.⁹⁷ The new director expressed his disapproval of the station's critical tone.⁹⁸ Later, Giorgi Kokhreidze began introducing staff changes at Ajara TV,

⁸⁹ See the statement here: <https://1tv.ge/news/nika-gvaramias-aghkvetis-ghonisdziebad-giraos-gadakhda-sheefarda/>

⁹⁰ New charges have been brought against Nika Gvaramia, in connection to Rustavi 2 case, September 6, on.ge <https://bit.ly/3eoKUPi>

⁹¹ Pre-trial session held about charges against Nika Gvaramia, Kaha Damenia and Zurab Iashvili, ,1tv.ge, <https://bit.ly/3d8WCx3>

⁹² Public Defender's report on the situation of human rights and freedoms in Georgia - 2019, p.230, <https://bit.ly/2ZbxP5E>; <https://bit.ly/2Zb26BI>

⁹³ Accounts of TV Pirveli, Kavkasia, Rustavi 2 and a regional TV have been frozen, December 25, 2019, <https://bit.ly/2V3K9np>; Why aren't accounts of Imedi and Maestro frozen, whose liabilities amount to 27 million laris, December 26, 2019, <https://bit.ly/3hUagHq>

⁹⁴ See the statement here: <https://bit.ly/3cViYSD>

⁹⁵ Ajara TV Advisory Council has forced Natia Kapanadze to resign, April 19, 2019, on.ge, <https://bit.ly/2T8MBZ4>

⁹⁶ NGOs react to the impeachment of Ajara TV and Radio director, April 12, <https://bit.ly/2LTBVJq>

⁹⁷ Kokhreidze became Ajara TV director, reporters see threats to editorial independence, on.ge, November 22, 2019, <https://bit.ly/3cwd9Lg>

⁹⁸ New director of Ajara TV, Giorgi Kokhreidze disapproves the channel's critical tone, on.ge, November 22, 2019, <https://bit.ly/360aUNZ>

triggering protest of the television reporters. According to them, independence of the broadcaster and freedom of speech were at stake.⁹⁹ Through a targeted process, the following individuals were gradually dismissed from Adjara TV: the deputy director for broadcasting development issues, Natia Zoidze,¹⁰⁰ the head of news service, Shorena Glonti,¹⁰¹ the host of Hashtag talk show, Malkhaz Rekhviashvili,¹⁰² news presenters Teona Bakuridze and Teona Turmanidze.¹⁰³ Information about the dismissals was covered in the report of an international organization Reporters without Borders, and was evaluated as pressure on the state-owned media.¹⁰⁴ In her report on the human rights situation in 2019, the Public Defender criticized the developments at Ajara TV.¹⁰⁵

During pre-election period, public demand for diverse and independent media organizations increases even more. As political processes become more active, and especially as the election draws near, the degree of media polarization increases, one of the significant challenges of the media environment in Georgia. As the parliamentary election approaches, it becomes crucial for citizens to be able to receive impartial and objective information from media outlets. The state plays crucial role in the process of establishing adequate guarantees for freedom of speech and opinion, development of a competitive environment for broadcasters and ensuring their independence. Any interference that will affect realization of these principles directly or indirectly amounts to violation of positive obligations of the authorities. Therefore, effective policy to ensure media freedom should be pursued and any illegitimate interference in the activities of broadcasters should be eliminated.

Social Media

Considering the coronavirus pandemic, social distancing and limited personal interactions, for the 2020 parliamentary elections, social media will be one of the most important communication tools for political actors, as well as for the election administration, observer organizations, media and other stakeholders in the process.

Facebook is the most popular social media platform in Georgia. It represents an important area for political activity, which along with external hostile forces, is also used by domestic political actors, candidates and their supporters as a weapon for disseminating their

⁹⁹ See the information here: <https://ajaratv.ge/article/55878>

¹⁰⁰ The artificial crisis at Ajara Broadcaster is political - the Coalition, publika, February 24, 2020, <https://bit.ly/36a38RK>

¹⁰¹ The Coalition for Media Advocacy evaluates processes at Ajara's Public Broadcaster, February 24, 2020, <https://bit.ly/2z1eLYr>

¹⁰² Ajara TV director dismissed Hashtag host Malkhaz Rekhviashvili, May 11, 2020, Radio Liberty, <https://www.radiotavisupleba.ge/a/30606190.html>

¹⁰³ TV host fired while on air, April 21, 2020, Radio Liberty, <https://www.radiotavisupleba.ge/a/30568534.html>

¹⁰⁴ Georgian TV channel's deputy director resign under pressure, Reporters without Borders, February 5, 2020, <https://bit.ly/2T7rne3>

¹⁰⁵ See the public defender's report, p.229: <http://www.ombudsman.ge/res/docs/2020040215365449134.pdf>

information. Most recent public opinion survey¹⁰⁶ shows that 69% of the population uses Internet. Among them, 57% browse Internet for using Facebook. 53% of respondents who use Internet report that they follow political news on Facebook, which is mostly or somewhat trusted by 78%.

The 2018 presidential election and post-election period demonstrated that Facebook is used by political actors not only for dissemination of their platforms and ideas or for discussions, but also for discrediting individual candidates by spreading disinformation and other harmful information in an organized and targeted manner. It is also clear that along with discrediting various electoral subjects, social media is also used to bypass prohibitions set by the election legislation on political financing and campaigning.

The fact of using large-scale and coordinated disinformation and discrediting campaign for political purposes in Georgia was confirmed by Facebook two times by uncovering manipulative networks.

At first, on December 20, 2019, Facebook removed 418 accounts managed by Panda, an advertising company associated with the ruling Georgian Dream party. These pages engaged in smear campaigns against opponents, public figures critical of the authorities and political processes, and their total advertising costs amounted to USD 316,000. Later, in April 2020, Facebook removed¹⁰⁷ 943 accounts from the platform (pages, accounts, groups, Instagram accounts) including 790 associated with the ESPersona agency and 153 associated with the opposition United National Movement party. According to Facebook, page moderators frequently posted about political news or elections. In the recent period, these accounts were frequently posting about the Coronavirus.

In both cases, majority of accounts removed by Facebook are associated with the ruling party. Actors closely associated with the ruling party (Panda and ESPersona) created networks that manipulated with information on Facebook, and engaged in a large-scale smear campaigns in an attempt to manipulate public opinion and undermine legitimate public discussions on social media. Notably, significant part of the pages removed operated as false media. ISFED published respective reports¹⁰⁸ about false media networks before both operations.¹⁰⁹

¹⁰⁶ Public attitudes in Georgia, December 2019, carried out for NDI by CCRC Georgia,

<https://drive.google.com/file/d/1faAM785QzuJgcovildmrBkeCini6Hjtd/view>

¹⁰⁷ April 2020 Coordinated Inauthentic Behavior Report, <https://about.fb.com/news/2020/05/april-cib-report/>

¹⁰⁸ An attempt to create alternative reality in Georgia: false media pages on Facebook, January 25, 2019.

<https://isfed.ge/eng/sotsialuri-mediis-monitoringi/alternatiuli-realobis-sheqmnis-mtsdeloba-saqartveloshi-tsr-media-gverdebi-Facebook-ze>

¹⁰⁹ A network of coordinated false media pages, operating for political purposes, April 20, 2020.

<https://isfed.ge/eng/sotsialuri-mediis-monitoringi/politikuri-miznit-moqmedi-koordinirebuli-tsr-media-gverdebis-qseli-Facebook-ze>

Facebook also removed 153 pages associated with the United National Movement, which also operated as a coordinated network. Their posts mostly concerned local events, the 2018 presidential election, criticism of the Orthodox Church and the government's plan for handling the Coronavirus pandemic. Some of these pages had ceased operation in 2018.

Manipulation with social media has become an element of domestic politics in Georgia. However, it is also freely used by external forces that are exploiting opportunities offered by the platform for accomplishing hostile goals. This was also confirmed by the most recent Facebook intervention, when 140 accounts of Russia's aggressive disinformation agency News-Front were removed worldwide, some of which, operated in Georgia. Before Facebook's operation, ISFED studied the network in Georgia,¹¹⁰ and found that the Facebook page of News-Front Georgia and its administrator, together with other inauthentic accounts, disseminated information to a narrow group of audience to stir up antagonism and aggression, and to facilitate societal fragmentation and political polarization. News-Front and its coordinated inauthentic accounts employed various tactics for spreading anti-Western, pro-Russian messages,¹¹¹ and created inauthentic interaction to mislead the Facebook audience.

ISFED also discovered¹¹² that the inauthentic, coordinated network associated with News-Front has a history of manipulative information operations on Facebook. The coordinated inauthentic behavior of the network is evident on closely coordinated fake media pages during the 2018 presidential election. Through these pages, information attacks were launched against observer organizations, while the Central Election Commission was portrayed in a positive light.

ISFED also identified fake, disguised accounts associated with the Kremlin-funded agency Sputnik,¹¹³ majority of which were also removed by Facebook.

Even though Facebook interventions played an important role in clearing the information space on the platform, these measures may have a temporary effect, and electoral actors may continue abusing the platform based on a new strategy and tactics.

¹¹⁰ Russian information operation on Facebook encouraging political polarization in Georgia and inauthentic accounts involved in it, May 1, 2020. <https://isfed.ge/eng/blogi/saqartveloshi-politikuri-polarizatsiis-khelshemtskobi-rusuli-sainformatsio-operatsia-feisbuqze-da-masshi-chartuli-araavtenturi-angarishebi>

¹¹¹ Kremlin's 10 disinformation narratives on COVID-10 in Georgia, March 26, 2020. <https://isfed.ge/geo/sotsialuri-mediis-monitoringi/kremlis-10-dezinformatsia-COVID-19-is-shesakheb-saqartveloshi>

¹¹² The past of News-Front's inauthentic accounts: involvement in campaigns supporting the pension agency and the CEC, May 4, 2020. <https://isfed.ge/eng/blogi/News-Front-is-araavtenturi-angarishebis-tsarsuli-chartuloba-tsekos-da-sapensio-saagentos-mkhardamcher-kampaniebshi>

¹¹³ Russian information operation in Georgia - Sputnik's coordinated network on Facebook, April 8, 2020. <https://isfed.ge/eng/sotsialuri-mediis-monitoringi/rusuli-sainformatsio-operatsia-saqartveloshi-sputnikiskoordinirebuli-qseli-feisbuqze>

Facebook pages that disseminate value-based divisive narratives, and spread disinformation to disorient the society and stir up anti-liberal, anti-Western values remains a challenge.¹¹⁴ Overall, they focus less on internal political events and act according to their agendas; they manipulate with sensitive topics during non-election and election periods in an attempt to determine internal political agenda and to attract broader audiences. It is likely, that they will become active in order to influence the 2020 parliamentary elections, since in the lead up to the 2018 presidential election runoff, these pages started pursuing election- and politics-related goals. They were actively involved in campaigning in favor of Salome Zourabichvili and the ruling Georgian Dream party.

Lack of transparency of political financing is especially problematic in view of political advertising and anonymous smear campaigns on social media platforms. Opportunities offered by the social media are often abused by individual political actors as tools for mobilizing and spending undeclared finances in politics, which may cause irreparable damage to democratic election processes. For instance, one of the most damaging tactics in the 2018 presidential elections in Georgia - activities of anonymous, discrediting pages and funds spent on their operations remained beyond the scope of the State Audit Office scrutiny.

To respond to these challenges, ISFED is monitoring social media for the 2020 parliamentary elections, focusing on information operations on Facebook by actors involved in the electoral processes.

Election Administration

Proper conduct of the upcoming election amid the Coronavirus pandemic is an important challenge faced by the election administration. It is important for the CEC to examine all risks associated with COVID-19, and take appropriate measures within the scope of its competencies to ensure safe conduct of elections. According to the CEC chairperson, the commission will take certain precautionary measures for preventing the virus outbreak, and require individuals authorized at polling stations on the E-day to adhere to certain rules.¹¹⁵

The CEC will conduct the upcoming elections with renewed composition. The last call for filling four vacant CEC positions was announced by the president in November 2019. The

¹¹⁴ Divisive narratives on Facebook during the 2018 elections, November 19, 2019.

<https://isfed.ge/eng/angarishebi/propagandistuli-narativebi-Facebook-ze-2018-tslis-archevnebis-periodshi>

¹¹⁵ Novelities that voters will find at polling stations and how the elections will be held amid the pandemic, June 11, 2020, Interpressnews. <https://bit.ly/3hH5ixD>

competition raised a number of important questions both concerning the political neutrality of members of the selection commission, as well as the substantiation of their decisions.¹¹⁶

For years, one of the challenges facing the election administration was the process of selecting district- and precinct- level commission members, which raised questions on the objectivity of competitions, as well as the existence of political influences and nepotism in the process. Against the background of the upcoming election, when the process of selecting district- and precinct- level commission members will be renewed, it will be important that the election administration prioritizes transparent and objective selection process.

Election dispute resolution practices of the election administration is problematic. ISFED's research demonstrates that commissions review complaints without proper examination of factual circumstances, leading to formal and superficial review of cases by the election administration.¹¹⁷ To improve the election dispute resolution process, the election administration should change this approach and examine complaints and make decisions based on comprehensive examination of factual circumstances and evidence.

As social networks are increasingly used for election purposes, the CEC should adequately address the challenges that exist in that respect, including by taking legal action in response to campaigning by civil servants on social media during working hours. Instances of social media campaigning falling outside the scope of legal scrutiny is against the spirit of the Election Code.

The State Audit Office

During the pre-election period, the State Audit Office (SAO) plays an important role in monitoring financial activities of political parties. Notably, during the 2018 presidential election, in the advisory commission established together with local and non-governmental organizations, the SAO actively cooperated with election stakeholders and local observer organizations, manifested in SAO's reporting on its activities to these organizations, as well as in its use of effective mechanisms for addressing the complaints.¹¹⁸ Ahead of the upcoming election, it is important that this cooperation is continued without interruptions. It is also important that proceedings in connection to possible violations are carried out in a transparent and timely manner, and the public is informed about legal actions taken by SAO in response to violations.

¹¹⁶ See the Order #05/11/02 of the President of Georgia, dated November 5, 2019, on open competition for selection of candidates to the CEC membership and on starting a competition commission for selecting the CEC membership candidates; <https://bit.ly/2IDMqj0>

¹¹⁷ Electoral disputes as an insurmountable problem of the electoral administration, September 17, 2019, ISFED. <https://isfed.ge/eng/politikis-dokumentebi/saarchevno-davebi-rogor-ts-saarchevno-administratsiis-daudzleveli-problema>

¹¹⁸ See the information here: p. 67 <https://sao.ge/Uploads/2019/11/7b54cb9a-8439-4ef2-bd67-919262637020.pdf>

Campaigns on social media remain a challenge for the State Audit Office. It is likely that these campaigns will intensify as the parliamentary election approaches.¹¹⁹ Running sponsored content on social media amounts to campaigning for election purposes; it also contains signs of illegal election donations. Such use of financial resources in favor of or against certain candidates may be increased amid the ongoing pandemic and the social distancing measures. In this process, it is important for the SAO to start working on elaborating mechanisms for monitoring social media expenses.

Recommendations

To the Government of Georgia:

- The Government should adopt legislative changes planned within the election reform in a timely manner, in order to help create fair and equal electoral environment;
- In view of the risks associated with COVID-19, it is important to implement legislative amendments that will ensure the conduct of elections in a safe environment; legislative amendments and regulations should be moderate and proportional to existing risks, to prevent any unjustified restrictions on the right to vote;

The Government should foster free and impartial work of media organizations. Any interference in broadcasters' work and limitation of their independence is unacceptable.

To the election administration:

- The election administration should take effective measures within the scope of its competencies to avoid risks associated with COVID-19, and to ensure that the right to vote of Georgian citizens are upheld in a safe and fair environment;
- In the process of filling the electoral administration with professional members, it is highly important to ensure that they are selected based on objective and transparent criteria. The role of the Central Election Commission in this process is especially important, in contributing to establishing an environment free from political influences;
- The election administration should effectively resolve disputes and address them based on comprehensive examination of circumstances surrounding the cases, excluding the existence of formal and superficial criteria during the administrative proceedings.

¹¹⁹ See here: <http://www.isfed.ge/eng/angarishebi/2018-tslis-saprezidento-archevnebis-saboloo-angarishi>

To the State Audit Office:

- As elections draw near, the mandate of the State Audit Office is increasing with respect to monitoring of political financing and expenditures for election purposes, as well as spending on social media for placement of political ads. Judging from the experience of the previous elections, determining the amount and the origin of funds spent on social media platforms for advertising or negative campaigning, especially on Facebook, remains a significant challenge. Therefore, it is highly important that such cases are addressed in an effective and timely manner, in order for these expenditures not to go beyond the control of the State Audit Office.

To political parties:

- Political parties and candidates should refrain from using anonymous campaigns aimed at discrediting their opponents, media outlets or other election stakeholders.