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Evaluation of the Pre-Election Environment of the 2018 Presidential Election

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On August 1, the President of Georgia set October 28 as the date of the regular presidential election. Official election campaign began on August 28, sixty days prior, and became more intensive and strained as Election Day approached.

The election campaign was dominated by electoral subjects exchanging accusations and engaging in campaigning against one another. This election was marked with an obvious trend of unprecedented coordinated attacks on domestic observer organizations by officials of the government and the ruling party, coupled with a smear campaign on social media. With regard to effects of social media on the electoral environment, attempts to discredit major presidential candidates and political parties using organized pages and sponsored content on Facebook was a challenge. As the intensity of the election campaign grew, observer organizations detected instances of abuse of administrative resources and intimidation/harassment, which are damaging to equal electoral environment. No large-scale cases of violence and physical confrontation took place, however attempts to disrupt campaign turned into confrontation in some cases.

The election period was accompanied by release of compromising recordings, including the much-publicized recordings related to Iberia TV and Omega Group cases, accusing acting and former high-level officials of the government of business harassment, possible corrupt deals and other crimes. The recordings also contained conversations about possible illegal scheme of funding of the ruling party for elections. These accusations triggered serious doubts about elite corruption and informal governance in the country.

Pressure on observer organizations: Ahead of the 2018 presidential elections, observer organizations had to operate under unprecedented, coordinated attacks of high-level officials of the government and the ruling party. As the election campaign became more active, attempts to discredit observer organizations started first by the heads of administrative bodies involved in elections¹, which later continued by daily verbal attacks by high-level officials of the government and the ruling party.² Generally, the rhetoric of these attacks aimed to accuse non-governmental

¹ ISFED responds to the GNCC Chair, ISFED, 15 September 2018, <http://www.isfed.ge/main/1411/eng/>
2018 presidential election - first interim report of monitoring the pre-election environment, ISFED, 13 September 2018, <http://www.isfed.ge/main/1409/eng/>;

GYLA responds to the CEC Chair. GYLA, 21 August 2018: <https://gyla.ge/en/post/saias-pasukhi-ceskos-tavmjdomares#sthash.nG8KVINW.dpbs>

GYLA responds to Thea Tsulukiani, GYLA 28 August 2018: <https://gyla.ge/en/post/saias-pasukhi-iusticiis-ministrs#sthash.9gVIyblR.dpbs>

² Irakli Kobakhidze about civil society sector, Rustavi 2, 2 October 2018, <http://rustavi2.ge/ka/news/115128>

Tsulukiani: in reality, these 13 NGOs are political parties and we are ready to register them, Tabula, 3 October 2018, <http://tbl.ge/35wj>;

organizations of being politically charged and biased. The Speaker of the Parliament of Georgia, the Minister of Justice and the ruling party chair all engaged in personal attacks against leaders of observer organizations, including two days before the election. There were noticeable attempts to interfere with activities of monitoring organizations and set their agenda for them. Attacks by the authorities were coupled with a sponsored smear campaign against NGO leaders on anonymous Facebook pages.

Intimidation/harassment: As intensity of the election campaign grew, observer organizations detected instances of intimidation and harassment in different regions. Civil servants and employees of non-profit (non-commercial) legal entities of municipalities were instructed by their managers to compile lists of supporters of Salome Zourabichvili and ensure that people on those lists voted for her. These facts, in addition to intimidation and harassment also qualify as abuse of administrative resources. Other cases of harassment and intimidation were also found, including threats made against socially vulnerable people to cancel their social benefits unless they confirmed to the *Georgian Dream* coordinators that they supported Salome Zourabichvili.

Violence and physical confrontation: The pre-election period was free from any major incidents of violence and physical confrontation. Exception were three cases when counter protest rallies turned into a physical confrontation. UNM activists in several municipalities held rallies with protesters holding banners and shouting insults while Salome Zourabichvili was meeting with voters. Despite mobilization of the law enforcement authorities, in three cases, acts of physical confrontation could not be prevented.

Abuse of administrative resources: In addition to engaging career subordinates in campaign events and instructing them to compile lists of supporters, another noticeable trend was mobilization of civil servants for campaign events of the independent candidate endorsed by the ruling party, Salome Zourabichvili. Further, in some cases, means of communication of administrative bodies were used in favor of the candidate endorsed by the ruling party, Salome Zourabichvili.

Campaigning on social media: In the pre-election period, observers found a number of instances of civil servants campaigning on their personal Facebook pages during working hours, in violation of the electoral legislation. Even though the memorandum on use of administrative resources interpreted campaigning on social media during working hours in the context of misuse of administrative resources³, unfortunately the electoral administration did not take any effective actions in response to these facts.

On social media, during pre-election period, anonymous pages became especially active, spreading insulting and false information and hate speech against candidates and political parties. Most of these campaigns were sponsored and organized.

Electoral administration: Staffing of DEC members with temporary members and competitions for selection of PEC members created legitimate questions about political influences and nepotism in the process. Among 73 temporary DEC members, 14 were relatives of officials of the electoral administration and 8 were supporters or activists of p/u *Georgian Dream*.⁴ The process for selection of PEC members lacked transparency. DEC members did not interview candidates in any of the district. Announcement of competitions was preceded by release of a much-publicized recordings of telephone conversations of Krtsanisi DEC Chair, in which he possibly confirmed that he agreed PEC

Kakha Kaladze – statements of NGOs are biased and they do not reflect actual problems in the election period, Channel1, 6 October 2018, <https://bit.ly/2OK3SXi>;

Salome Zourabichvili on NGOs, Channel 1, 5 October 2018, <https://bit.ly/2QBcehs>

Irakli Kobakhidze believes that some NGO representatives are “accomplices of fascism”, Radio Liberty, 8 October 2018, <https://bit.ly/2yFb0ez>

Excerpt from a video of an international anti-corruption conference in Copenhagen, where Thea Tsulukiani is discrediting civil society organizations: <https://www.facebook.com/TransparencyInternationalGeorgia/videos/191375408422176/>

³The memorandum of mutual agreement on use of administrative resources for the October 28, 2018 presidential election:

<http://cesko.ge/geo/list/show/114737-urtiertshetankhmebis-memorandumi-2018-tslis-28-oqtombris-archevnebstvis-administratsiuli-resursebis-gamokenebis-shesakheb>

⁴ First interim report of the pre-election monitoring, ISFED, 13 September 2018, <http://www.isfed.ge/main/1409/eng/>

membership candidates with the head of the *Georgian Dream* campaign office. Following release of the recordings, the DEC Chair resigned.

Complaints process during the pre-election period was also problematic. In some cases, individuals responsible for drawing up reports of offence made decisions that lacked legal basis. During adjudication of pre-election disputes by the electoral administration it was revealed that in most cases DEC chairs did not study facts described in complaints in a comprehensive manner and they conducted administrative proceedings improperly. As a result, they made unsubstantiated decisions that denied drawing up of protocols of administrative offence. More specifically, when verifying a report about possible violation of the electoral legislation, DEC chairs only considered positions of potential offenders and [relied solely](#) on their statements for decision-making. They did not examine all circumstances relevant to the case and based their decisions on circumstances, facts, evidence or arguments that had not been examined and studied during [administrative proceedings](#). In addition, when adjudicating complaints/applications concerning drawing up of protocols of administrative offence, DEC chairs did not follow the procedure provided in the [Guidelines for Electoral Disputes](#), based on which “applications/complaints are unilaterally considered in an oral hearing by a person authorized by the DEC for preparing a report, with participation of interested parties. A report of the oral hearing should be prepared.”

Registration of candidates: 46 electoral subjects/initiative groups applied to the electoral administration for participation in elections. 25 presidential candidates were able to complete their registration. There was a trend of nominating so-called “technical candidates” with the aim of supporting other candidate and obtaining additional resources (funding from the State budget and advertising time) for electoral subjects, instead of winning the election. Almost all major candidates were using resources of these “technical candidates”.

Inter-agency commission: Confidence in the Inter-Agency Commission for Free and Fair Elections was significantly harmed by attacks on observer organizations by the commission chair and her unconstructive rhetoric. Instead of reacting to reports of violation made by credible observer organizations, the commission chair showed unprofessional, cynical and aggressive attitude. Since resource for constructive cooperation and working discussions for improving health of the pre-election process had been exhausted within the platform, GYLA, ISFED and Transparency International – Georgia left the commission as an act of protest.

Despite positive and progressive recommendations provided in the past, this format fails to ensure effective prevention of violations due to non-binding nature of the recommendations, lack of monitoring mechanism and political will and it needs to be comprehensively reformed in the future.

Media environment: Media environment was pluralistic and majority of TV broadcasters were actively covering the presidential election. Television remains main source of information about election-related topics for population, however polarized editorial policy of broadcasters continues to be an important challenge. The Public Broadcaster hosted political debates during the pre-election period with participation of presidential candidates. During the debates they introduced their election platforms and positions about important issues. There were no acts of physical assault or pressure against reporters during the pre-election period, however high-level government officials often verbally attacked critical media organizations and especially Rustavi 2.

Factual closing of Iberia TV had a negative effect on media environment. Due to problems of owners of the TV company related to their other business, the broadcaster suspended its news and political programs days before the election.

Several decisions of the Georgian National Communications Commission (GNCC) were problematic. More specifically, the GNCC made illegal demands on broadcasters for airing public opinion poll results. In addition, GNCC positions about certain political advertisements were ambiguous, which made an impression that its decisions were intentionally biased against opposition parties. Remarkably, the Chair of the Commission unethically criticized election reports of monitoring organizations on several occasions.

Financing of the election campaign: During the pre-election period, the State Audit Office, which is responsible for monitoring party financing, was reacting on possible violations, however it has not yet made decisions about

any of the major cases. An important problem was the fact that financial disclosure forms were inadequately filled out by electoral subjects. SAO's attempts to remedy the problem have been unsuccessful for years. Oversight of expenditures is especially problematic.

From August 1 to October 15, the presidential candidate endorsed by the ruling party *Georgian Dream*, Salome Zourabichvili and five major candidates nominated by qualified electoral subjects collectively earned nearly 7 million Lari, their expenditures were roughly the same as the earnings. Salome Zourabichvili's earnings were about three times more than Grigol Vashadze's and about 1,5 times more than total earnings of presidential candidates from five major qualified parties. This was also true for expenditures.

Donations made by up to 15 medical professionals from Chachava and Ghudushauri clinics on October 2 and 3 in favor of Salome Zourabichvili, drew much public and media attention in early October. This may involve illegal donations made through a third person, which is prohibited by the Georgian legislation and is subject to a fine double the amount of donation.

Eight qualified electoral subjects gave their free advertising time to other presidential candidates, which should be viewed as donations. This is prohibited by the Georgian legislation.