



Current Practices of Local Election Observer Organisations

Challenges and Effective Monitoring Mechanisms to Better Impact Improvement of the Quality of Elections

Tbilisi, 2022

Irma Pavliashvili, Mikheil Kechakmadze

Council of Europe Project: „Supporting Transparency, Inclusiveness and Integrity of Electoral Practice and Process in Georgia“

The opinions expressed in this publication are those of the authors and they do not reflect official policy of the Council of Europe.

Contents

Introduction	2
Methodology	2
About organisations participating in the study	3
Profile of organisations and mandate of their observation mission	3
Georgian Young Lawyers’ Association (GYLA)	3
International Society for Fair Elections and Democracy (ISFED)	3
Transparency International - Georgia (TI GEORGIA)	4
Public Movement – Multinational Georgia (PMMG)	4
Eastern European Centre for Multiparty Democracy (EECMD)	5
Human Rights Centre (HRC)	6
The national legal framework (registration, observation, electoral disputes, etc.): advantages and challenges	6
International standards and best practices	9
Support of international organisations/donors	11
The practice of cooperation with election etakeholders	12
Observer organisations and observation methodology	16
Findings and recommendations – interventions to support further strengthening capacity and institutional sustainability of observer NGOs	28

Introduction

The purpose of the present study is to analyse the eco-climate of local impartial observer organisations, anatomy and practice of observation missions, their compliance with international standards and existing challenges. It also aims to analyse effective monitoring mechanisms for elections, which will allow to have a tangible impact on the electoral environment and promote improvement of quality of elections in Georgia.

The study has been carried out by the Council of Europe experts Irma Pavliashvili and Mikheil Kechakmadze and it entails analysis and assessment of current practices of the **following local election observer organisations** in Georgia: Georgian Young Lawyers' Association (GYLA), International Society for Fair Elections and Democracy (ISFED), Transparency International – Georgia (TI-Georgia), Public Movement Multinational Georgia (PMMG), Eastern European Centre for Multiparty Democracy (EECMD) and Human Rights Centre (HRC). **It also provides an overview of the national legal framework for elections and applicable international standards, in the context of election observation.**

Criteria for selection of organisations: two groups of trusted observer organisations were selected. First group is composed of leading organisations with many years of experience in election observation, which have been monitoring electoral processes in Georgia and within international monitoring missions since their founding and have a long-standing experience of working with the Council of Europe. The second group is composed of organisations that have less experience in election observation, compared to the afore-mentioned organisations. However, their work is already making a positive contribution to the improvement of the electoral/political processes in Georgia.

Methodology

Research methodology: given the goals of the present study, two different methods of quantitative research were chosen – desk research and in-depth interviews.

To gather data and information and analyse challenges, researchers conducted in-depth interviews with managers of the organisations participating in the study and members of their election teams. For in-depth interviews, a structural questionnaire was designed and thematic questions were categorized into the four major areas:

- Assessment of the legal framework for activities of national election observer organisations (local legislation and international standards);
- Assessment of institutional support of international organisations;
- Assessment of cooperation and communication with election stakeholders;
- Self-assessment of local observer organisations, challenges and opportunities for improvement.

The desk research entails analysis of the national legal framework (the organic law of Georgia „the Election Code of Georgia“ and others), international best practices and standards.

About organisations participating in the study

Profile of organisations and mandate of their observation mission

Georgian Young Lawyers' Association (GYLA)

Organisation profile: Georgian Young Lawyers' Association (GYLA) was founded in 1994.¹ It is a membership-based association of lawyers, aiming to create a fair environment by improving democratic mechanisms. To that end, the organisation focuses on protecting human rights and promoting good governance.

GYLA brings together over 400 members. General Assembly is the supreme governing body of the organisation, which is convened once a year. The General Assembly determines the main strategy of the organisation and elects Board members. The Board then elects the chairperson, approves program directors and oversees strategic areas and general activities of the organisation.

GYLA operates nationwide, through its central office in Tbilisi and 8 regional offices in: Ajara – Batumi, Imereti – Kutaisi (covers Svaneti and Racha), Guria – Ozurgeti, Shida Kartli – Gori (covers Samtskhe-Javakheti), Kvemo Kartli – Rustavi, Mtskheta-Mtianeti – Dusheti, Kakheti – Telavi.

Observation mission mandate: GYLA has been monitoring elections since its founding and has many years of experience/knowledge. Its observation mission entails pre-election, Election Day and post-election monitoring, with the aim of promoting fair, free, competitive and inclusive electoral environment, compliance with the national election laws and interpretation of these laws according to international standards, protection of voter rights and observance of electoral procedures by litigating electoral disputes.

To that end, GYLA implements election observation at all three levels of the electoral administration (CEC/SEC, district and precinct level electoral commissions) through 600-700 short-term and long-term PEC, DEC and CEC observers. Analysis and lawyers of the organisation are involved in the process to provide analytical support as well as legal support for electoral disputes. By taking into account challenges identified in last elections, on Election Day the organisation also monitors areas outside of polling stations.

International Society for Fair Elections and Democracy (ISFED)

Profile of the organisation: International Society for Fair Elections and Democracy (ISFED) is an observer organisation with one of the widest regional networks, founded for civic monitoring of election processes in 1995.²

The organisation operates through 5 regional offices and 73 regional representatives. As a membership-based organisation, ISFED brings together 400 members, and its supreme governing body is the General Assembly convened once a year. General Assembly elects the Board composed of 9 members. Every member of the Board is elected for the term of 3 years. 1/3 of composition of the

¹ For detailed information about the organisation, see: <https://gyla.ge/ge>

² For detailed information about the organisation, see: <https://www.isfed.ge/>

Board is renewed annually, at the General Assembly. The Board appoints the Executive Director, oversees strategic areas and general activities of the organisation.

Observation mission mandate: ISFED has been monitoring elections since its founding. Observation mission of the organisation entails pre-election, Election Day and post-election monitoring, with the aim of promoting fair and free electoral environment in Georgia, compliance with the national election laws and international standards, through Parallel Vote Tabulation (PVT) and monitoring of incidents. The organisation also monitors social media platforms.

ISFED implements election observation at all three levels of the electoral administration, through 1000 observers. Given the observation methodology, polling stations are randomly selected on Election Day. Incidents Centre that operates in the organisation provides consultations to observers for litigating electoral disputes.

Transparency International - Georgia (TI GEORGIA)

Organisation profile: Transparency International – Georgia³ (TI Georgia) was founded in 2000, as a local non-governmental organisation. Its aim is to combat corruption in Georgia by promoting transparency and accountability.

Transparency International – Georgia is a national chapter of Transparency International, which represents an international non-governmental organisation leading a global action against corruption. It brings together CSOs, businesses and governments in a single global coalition. Transparency International operates at the local, national and international levels through its international secretariat and over 90 independent national chapters.

The purpose of the organisation is to build and strengthen state institutions and promote rule of law and good governance, ensure transparency and accountability of public agencies, facilitate conduct of fair and democratic elections (by observing elections), protect universally recognized human rights and freedoms, and implement charity work. The supreme governing body of TI Georgia is the Board, which determines general strategy of the organisation and its areas of focus. It also oversees activities of the executive director and creates ED job description.

Observation mission mandate: observation activities of TI Georgia entail monitoring the entire electoral cycle and aim to examine political corruption. To that end, TI Georgia monitors political party financing and misuse of administrative resources.

TI Georgia monitors Election Day through its mobile groups and PEC and DEC observers. It uses electoral disputes mechanism to respond to election violations.

Public Movement – Multinational Georgia (PMMG)

³ For detailed information about the organisation, see: <https://www.transparency.ge/ge>

Organisation profile: Public Movement Multinational Georgia (PMMG) was founded in 1999 and it brings together citizens of Georgia that represent different ethnic, religious and linguistic groups living in Georgia.⁴

PMMG is an umbrella organisation that provides resource support and cooperates with representatives of over 18 diaspora and 56 grass-root NGOs working in the field of protection of rights of ethnic, religious and linguistic groups residing in Georgia, in the field of human rights protection.

General Assembly is the supreme governing body of PMMG convened once a year. It elects the chairperson of the organisation and members of the Board with executive functions. The organisation operates nationwide, and its activities focus on the capital and five regions with the widest ethnic, language and cultural diversity – Kvemo Kartli, Samtskhe-Javakheti, Shida Kartli, Kakheti and Adjara.

Observation mission mandate: PMMG has been observing elections in Georgia since 2003. The scope of its observation covers regions densely settled with ethnic minorities. The goal of PMMG is to increase trust of ethnic minorities towards political and electoral processes.

Considering the many years of experience and contacts, the organisation is thoroughly familiar with the political environment that exists in regions, voter behaviour and attitudes towards election processes. Given the profile of PMMG, it conducts observation in districts densely settled with minorities. The scope of observation entails pre-election, Election Day and post-election periods, at all three levels of the electoral administration. PMMG uses electoral disputes mechanism to respond to election violations.

Eastern European Centre for Multiparty Democracy (EECMD)

Organisation profile: since 2017, EECMD has been registered as a local organisation, in the form of non-profit (non-commercial) legal entity (formerly known as Netherlands Institute for Multiparty Democracy - NIMD).⁵

The organisation continues its efforts to address the capacity of political actors, further improve political and electoral playing field and enhance democratic political culture. The supreme governing body of the organisation is the General Assembly, convened at least once a year, which elects the chairperson and appoints the executive director of the Centre.

From programmatic perspective, EECMD focuses its work towards enhancing internal party democracy and transparency, sustaining democracy schools in Telavi, Gori, Kutaisi and Batumi, facilitating a dialogue on issues of gender equality and introducing parties to new technological approaches and tools to improve their functioning.

Observation mission mandate: EECMD was registered as an observer organisation in August 2021 and in the same year, it participated in observation processes for local self-government elections.

During first and second rounds of the self-government elections, EECMD monitored Election Day through as few as 13 observers.

⁴ For detailed information about the organisation, see: <http://www.pmmg.org.ge/>

⁵ For detailed information about the organisation, see: <https://eecmd.org/>

Human Rights Centre (HRC)

Organisation profile: Human Rights Centre (HRC), formerly Human Rights Information and Documentation Centre, was founded on December 10, 1996, in Tbilisi.⁶ The purpose of the Centre is to increase respect for human rights and basic freedoms and contribute to building sustainable peace and democracy in Georgia. General Assembly is the supreme governing body of the Centre that determines main areas of work and programs. Activities of the organisation are supervised by the Board, which selects from among its members a Chair.

Observation mission mandate: the Centre has been monitoring elections in Georgia as an observer organisation since 2008. During this time, HRC has monitored Election Day of all elections held in Georgia, which also included monitoring the exercise of voting rights by citizens of Georgia residing on the occupied territories.

During the election cycle of 2020-2021, HRC carried out a long-term observation mission, which entailed components of pre-election monitoring and legal aid throughout a district densely settled by ethnic minorities – Kvemo Kartli (50 observers). Observation mission of the Human Rights Centre entails: 1) villages settled by ethnic minorities (Kvemo Kartli, Kakheti, Samtskhe-Javakheti); 2) villages adjacent to the conflict zone (Shida Kartli, Samegrelo) and different specific electoral districts (Ajara, Imereti).

The organisation monitors Election Day and voting procedures through static observers and mobile groups. Election Day monitoring covers monitoring of the entire process of elections, from opening of polling stations till the end of voting, as well as the process of counting of votes and filling out summary protocols. With regards to irregularities identified, representatives of the organisation submit complaints to electoral commissions and courts.

The national legal framework (registration, observation, electoral disputes, etc): advantages and challenges

Given the objectives of this study, the national legal framework was analysed with participating organisations by focusing on the following three main areas:

- Registration of local observer organisations;
- Election monitoring – rights of observers;
- Litigation of electoral disputes

Registration of local observer organisations: participating organisations noted unanimously that according to the organic law of Georgia „the Election Code of Georgia“ (hereinafter, the Election Code), norms that apply to registration as an observer organisation are simple and they do not impose any additional barriers for observer organisations.⁷ Pursuant to art.39 of the Election Code, a local observer organisation should fulfil the following two criteria – it should be registered no later than one year prior to observation and constituent document should provide for monitoring elections and/or protecting human rights as an area of work of the organisation. More specifically: A domestic observer organisation may be a local non-entrepreneurial (non-commercial) legal entity registered according to the legislation of Georgia not later than one year prior to polling day, the Statute or

⁶ For detailed information about the organisation, see: <http://www.hrc.ge/home/eng/>

⁷ Election Code of Georgia, available at: <https://matsne.gov.ge/ka/document/view/1557168?publication=73>

another constituent document of which provides for, at the time of registration, monitoring elections and/or protecting human rights.

Quote:

„The existing legislation that regulates registration of observer organisations for elections does not create any additional barriers or difficult prerequisites for NGOs. Therefore, it is easy for any subject to obtain the right to observe elections. This is important for smooth operation of observation missions...“

However, it was unanimously confirmed that the existing procedure does not filter NGOs that register as observers for the sake of formality, while during elections they pursue a policy biased in favour of a particular party.

Quote:

„... These requirements are flexible and allow a broad spectrum of NGOs to obtain the status of an observer organisation, which is commendable. However, on the other hand, the existing provision allows the kind of organisations to register as observers that have declared protection of human rights and monitoring of elections in their constituent documents only, while in practice, they do not operate at all in these areas. As a result, often organisations that in reality work for the advancement of party interests register as observer organisations...“

Quote:

„...In addition, presence of organisations that support the ruling party at polling stations, under the disguise of a non-governmental observer organisation, creates unequal environment to the advantage of the ruling party. This hinders the conduct of elections in a free and fair environment.“

Having a blanket filter in the law will not ensure identification of such organisations. On Election Day, such observation missions greatly affect control of voters' will inside polling stations. They also often interfere with work of PECs. However, according to majority of respondents, introducing additional regulations and barriers in the election legislation will be risky, as they will be used against trustworthy and apolitical observer organisations.

Quote:

„... Introducing additional barriers in registration of observer organisations is risky and it may negatively impact monitoring of electoral processes...“

Finding: at this stage, introduction of changes and additional barriers in the election legislation will create a risk for trustworthy and apolitical organisations. Participating organisations agree that discussions about this topic should be gradually opened with involvement of trustworthy observer organisations, local and international experts/researchers.

Quote:

„I do not support introduction of regulations about so-called GONGOs by the state. Organisations should fight against GONGOs with their reputation and common sense. Further, organisations should study activities of GONGOs and provide public detailed information about their work, composition and goals...“

New rules introduced by the CEC allowing organisations to register or remove from registration observers electronically were commended by respondents, as this makes working process easier. Further, decisions about registration of a person are made in a timely manner.

Quote:

„New rules introduced by the CEC are commendable, as they allow observer organisations to register or remove from registration observers electronically, which makes the working process easier. Further, decisions about registration of a person are made in a timely manner. However, observer organisations are still subject to certain time limitations – in particular, the register is closed one week prior to elections, which makes it impossible to replace observers before Election Day. This hinders effective implementation of the mission.“ (The electronic platform has been created with the support of the Council of Europe electoral support project – note from the author).

According to respondents, despite the positive changes, certain challenges still remain – in particular:

1. **Observer organisations are still subject to certain time limitations.** The register is closed one week prior to elections, which makes it impossible to replace observers before Election Day. This hinders effective implementation of the mission;
2. Despite electronic registration, **organisations that work to advance party interests still manage to register persons that, according to the Election Code, have no right to be an observer** (for example, a member of Sakrebulo, a state/political official).

Finding: Election Code should be revised (to extend the period for replacing and registering observers), so should legal acts that regulate the process of electronic registration (to maintain a register of Sakrebulo members and other directly elected political office holders).

Observer rights: participating organisations have noted that the law **extensively protects rights of representatives of observer organisations. However, in practice they are often misinterpreted. For example, based on the CEC resolution on photography and video recording, often observers are not allowed to take photos and record videos, which they are entitled to.** As a result, it is difficult for observers to obtain evidence of procedural irregularities and facts possibly involving elements of crime.

Quote:

„...Practical problems are frequent when PEC and DEC members misinterpret legislation and curtail certain rights (for example, the right to take photos and record videos) of representatives of [observer] organisations. Interference with observer rights is subject to administrative liability according to the Election Code of Georgia, which provides certain guarantees for observers. However, on the other hand, enforcement of the norm is problematic in DEC as well as in courts.“

Electoral disputes: According to organisations with experience in litigating electoral disputes, despite changes introduced with regards to electoral disputes, in frames of electoral reforms in 2021, certain problems remain in legislation and practice, which negatively affect exercise of the right to bring a complaint, as well as litigation/resolution of electoral disputes.

Problems in the Election Code and in practice – despite changes, issues related to observing the timeframe for electoral disputes resolution (full proceedings, recount of all electoral documents in the process of repeat tabulation of votes), as well as very limited timeframe for appealing, enforcement

and violations outside of polling stations (e.g., effective enforcement by the MIA and accurate recording of incidents) are still problematic.⁸

Quote:

„...They only count ballots in the stack, without comparing them to table lists, which may even serve as the basis for nullifying precinct results...“

„In that respect, despite changes introduced in the Election Code in 2021, timeframes for resolving electoral disputes and appealing are still problematic, making it difficult for organisations to prepare well-founded and reasoned complaints and submit them to electoral commissions or courts in due time.“

Dismissing complaints on grounds that another organisation has already brought a complaint/lawsuit about the same violation is also problematic. Often cases are not merged and it can happen that a politically motivating observer organisation initiates a dispute but it „does not have adequate evidence“ or evidence is not submitted in due course, which naturally leads to rejecting or dismissing the complaint/lawsuit. In this case, the observer organisation loses standing to appeal the same violation.

In addition, **there is a need to introduce more specific/detailed legal norms to limit the use of administrative resources.**

Finding: it is essential to review applicable norms in the Election Code and plan for amendments by taking into account the challenges/findings identified.

International Standards and Best Practices

Domestic election observation is essential for electoral process. Domestic observers cover the entire election cycle, from the pre-election period to electoral disputes and drafting/discussing recommendations in the post-election periods, for making election laws and environment healthier. They have a good understanding of local culture, political context, national legislation and can facilitate conduct of elections in compliance with the national legislation and international standards and help raise awareness about electoral values and standards in their societies. Their observations are vital for the transparency of the electoral processes. Their activities can be divided into the following three main components:

- gathering information and documenting facts about the election process;
- assessing the facts/information in order to understand to what degree elections are held in compliance with international standards;

⁸ Main trends in adjudication of electoral disputes, GYLA report available at:

<https://www.gyla.ge/files/2020/%E1%83%99%E1%83%95%E1%83%9A%E1%83%94%E1%83%95%E1%83%94%E1%83%91%E1%83%98/%E1%83%A1%E1%83%90%E1%83%90%E1%83%A0%E1%83%A9%E1%83%94%E1%83%95%E1%83%9C%E1%83%9D%20%E1%83%93%E1%83%90%E1%83%95%E1%83%94%E1%83%91%E1%83%98%E1%83%A1%20%E1%83%92%E1%83%90%E1%83%9C%E1%83%AE%E1%83%98%E1%83%9A%E1%83%95%E1%83%98%E1%83%A1%20%E1%83%AB%E1%83%98%E1%83%A0%E1%83%98%E1%83%97%E1%83%90%E1%83%93%E1%83%98%20%E1%83%A2%E1%83%94%E1%83%9C%E1%83%93%E1%83%94%E1%83%9C%E1%83%AA%E1%83%98%E1%83%94%E1%83%91%E1%83%98.pdf>

- engaging in implementation of the recommendations of international election observation missions, thus contributing to the reform process in post-election periods.⁹

International standards vis-a-vis challenges in the Georgian electoral legislation and practice:¹⁰

- **Registration of observer organisations:** the election observation process should be as inclusive as possible and states should encourage election observers to observe elections at each level. Accreditation process should be simple, not dragged in time and it should be based on objective and reasonable criteria. It should allow for accreditation of the necessary number of observers.
- **Election observation – rights of observers:** through observation important evidence can be obtained with regards to legitimacy of elections, which is crucial for developing democracies. Effective election observations mean examining all aspects and stages of the election process – the pre-election period, election day and the post-election period. Freedom of movement must be guaranteed to observer sin all areas where elections occur, as well as freedom of access to all steps connected to the electoral process. The law should only impose reasonable restrictions and be very clear about the places where observers are not allowed to observe, in order to avoid inconsistent interpretations.

Quote:

„There has been a recent trend of DEC’s, the CEC and courts misinterpreting observer’s right to film or take photos. In that respect, observers have more rights than media but PECs treat observers and media equally with regards to realization of this right, as evidenced by these elections especially.“

- **Electoral disputes:** there needs to be a possibility to appeal violations of electoral legislation, in order to protect integrity of the electoral process and rights of voters. Complaints should aim the following: delivery of correct decisions, elimination of violations or nullifying election results – fully or in part. Therefore, with regards to electoral disputes resolution, electoral violations and complaint procedure, it is essential that:
 - The law provides for a complaint procedure and enforcement of the procedure is ensured;
 - The agency that handles electoral disputes is competent and unbiased;
 - The complaint procedure is clearly and unambiguously regulated by law, in line with applicable standards, that is the following rights must be guaranteed: the right to present evidence in support of the complaint; the right to a public and fair hearing on the complaint; the right to impartial and independent proceedings on the complaint.

Quote:

„With regards to review of merits of a complaint, the situation is utterly catastrophic in DEC’s and in courts. In nine out of 10 cases, merits of a complaint are not reviewed. There is only a formal review, without any willingness to determine the substance of the violation. Essentially, it means that organisations submit complaints to state that there was a violation, without having any hope that the complaint will be adequately responded. Legislative amendments can at least provide an incentive for

⁹ Using International Election Standards, Council of Europe, 2017, available at: <https://rm.coe.int/168059798b>

¹⁰ Ibid, p. 125-133.

improvements, by introducing and clarifying specific obligations. Discussions should be initiated in order to determine how the electoral disputes resolution can be improved.“

Finding: based on a comparative analysis of the national legislation and international standards, it is safe to conclude that often requirements contained by international standards are formally observed in the legal framework, while practice mostly falls short of these standards and incorrect/inadequate interpretations of legal norms are provided.

Quote:

„On election day, observers face certain problems with regards to interpretation of law by chairpersons of electoral commissions, especially concerning filming or taking photos. Observers often face these problems on election day. There are also other types of problems related to interpretation of different norms. In short, a lot depends on personal characteristics of the chairperson. Having a consistent practice, improving interpretations of the law, having unambiguous legislative framework will make the work of observers easier.“

Support of International Organisations/Donors

Given the goals of the present study, we analysed support provided by international organisations/donors for institutional development and capacity building of local observer organisations. Therefore, the questionnaire prepared for participating organisations entailed issues, such as what kind of support do they get from international organisations and in their opinion, what else is needed for their institutional strengthening.

We therefore focused on the following two components: **institutional (policy level) and technical support** in the process of observation:

- 1. Institutional (policy level) support** – international organisations/donors support local observer organisations at the institutional/policy level. Existence of different types of working groups/discussion formats facilitates sharing of information and advocacy in multilateral formats, including with participation/under the initiative of international organisations.

Quote:

„... Existing dynamics of close cooperation with donor organisations supports and strengthens advocacy potential of the organisation...

... Therefore, in addition to financial support, international organisations also act as reliable partners in the context of positive correction of the electoral environment...“

- 2. Technical (including financial) support in the process of observation** – technical support is decisive for local observer organisations. Usually, donor organisation provide additional financial support for observation missions, which allows organisations to increase the scope of monitoring and cover more PECs. This is important for generalization of observation mission findings and has a sociological significance. Moral support is also important in the process of observation. Visit of donor organisations and partner embassies to electoral headquarters strengthens motivation of observation mission representatives, illustrates their trust towards activities of observers, which adds weight to findings of the observation mission.

Organisations have also underlined contributions of international/donor organisations to their institutional development and capacity building. For example, they believe Council of Europe electoral support project was crucial for supporting the improvement of their election reports.

Quote:

„Contacts with the Council of Europe become more intensive in the pre-election period. Support of CoE expert with respect to drafting election reports was quite valuable.“

Despite the essential support that local observer organisations receive from international organisations, according to participating organisations the following is important:

- **Flexibility in decision-making** – formation of observation mission and realization of the goals is a complex and time-bound process. Due to certain unexpected factors, plans often change. It is therefore important that donor organisations are willing to **make fast decisions to make it easier for observer organisations to adapt to the new reality;**
- Despite the existing support, it is also important **to make additional steps** – an observation mission covers not only election day but also the pre-election period. It is affected by processes taking place in non-election years. For accurate conclusions and correct assessment of the electoral environment, it is crucial that this process is **continuous and uninterrupted.**

Quote:

„...Projects supported by international organisations/donors have a small budget and extensive mobilization of observers is impossible...“

„...Often grants meant for observation missions are provided by donors several months before elections, making it difficult for [observer] organisations to observe developments in a continuous manner, using a pre-determined methodology, and evaluate election day in this context. Generally, this standard is maintained at the expense of using internal organisational resources. In addition, the limited timeframe creates a problem for implementation of the mission itself, as the organisation is unable to determine until the very last minute which resources it can use to observe election day. It is therefore important that receiving and approving grant applications for observation missions is not tied to election day itself or to a pre-election period determined by law, to allow organisations to be prepared for the election year and be able to determine in advance extent to what extent they will observe the elections.“

Finding: it is important to continue and strengthen institutional and technical (including financial support) for election observation, given that resources of trustworthy observer organisations are insufficient for a fully-fledged observation mission. International/donor organisations should demonstrate more flexibility and plan grant competitions according to the local context.

The Practice of Cooperation with Election Stakeholders

Participating organisations have a long-standing experience of working with election stakeholders (public institutions, media, voters, political parties, etc.). Partnership and cooperation with each stakeholder are crucial for creating a healthy electoral environment, implementing standards of transparency and accountability, ensuring openness of elections and helping voters make an informed choice.

Participating organisations discussed each group of stakeholders individually. According to them:

- **Political actors, including opposition groups** – opposition political parties proactively report possible violations to observation missions, especially during the pre-election period. Often, they request support from the organisation or representation before relevant agencies. This helps observer organisations identify facts that would not otherwise have been known to them. Therefore, this relationship helps broaden the scope of the mission. In addition, in some cases, information provided by parties is quite voluminous and organisations lack the resources to process the entire information, as in-depth research may fall outside goals of the observation mission and the limited timeframe.

Quote:

„For years, the organisation has been actively working with political parties, for their institutional, organisational and electoral capacity building... There is a possibility to strengthen cooperation between civil society and political parties.“

„The organisation has a working relationship with parties. Representatives of opposition parties frequently contact the organisation for advice and consultation, especially if they think that their rights have been violated and the organisation should take actions in response – e.g., study the fact and make a statement on it. Political parties have phone number of lawyers of observer organisations and if any election day violations are identified, they usually call them for verifying. The organisation would like to also have a close working relationship with the ruling political party, however, usually they are reluctant to cooperate with the organisation on elections-related matters. In fact, they organize press-conferences to announce that the organisation is incompetent.“

- **Authorities** – relationship with Georgian authorities is mostly reactive. Trends identified against the background of the 2020 and 2021 elections is problematic – in particular, the authorities directly oppose findings of observation mission and question validity of reports prepared by observer organisations, in an attempt to discredit them.

Quote:

„The organisation maintains constructive relations with the authorities and has the possibility to address certain issues behind closed doors and continue advocating reforms.“

„Over the recent years, the authorities have not cooperated much with representatives of CSOs. Although the organisation maintains minimum channels of cooperation with the ruling party, it no longer implements organisational development, knowledge transfer or other programs with them.“

- **The electoral administration** – work and cooperation with the electoral administration is generally positive and mutual. However, there are certain inconsistencies at all three levels of the administration, in particular: throughout 2021, the CEC was especially actively involved with observer organisations and it ensured their involvement in all important processes. Members of the electoral administration and representatives of certain departments maintain constant cooperation prior to and on election day, with observer organisations and they ensure solving of problems within the scope of their competencies. In most cases, CEC provides public information to observer organisations in a timely manner. The situation is different in DEC and PECs. They are more reluctant to work with observer organisations. Regarding PECs, sometimes their members are aggressive towards representatives of observation missions. DEC representatives maintain professional relations. It should also be

noted that on election day, observer organisations have the opportunity to communicate directly with relevant DECs.

There are certain issues of disagreement between the electoral administration and observer organisations, however, these are not the topics that are impossible to overcome.

Finding: relationship between observer organisations and the electoral administration (mostly the CEC) is based on cooperation. However, certain challenges and issues of disagreement exist (e.g., the issue of social networking platforms in pre-election period and violations identified in this space). Organisations have also highlighted low level of trust towards the electoral administration and challenges of autonomy.

Quote:

„The organisation has traditionally enjoyed an environment of positive cooperation with the electoral administration...“

„The organisation has always had close relations with the electoral administration. However, there are also many well-known disagreements about certain issues. These are not the type of disagreements that cannot be overcome.“

- **The State Audit Office** – majority of the organisations have minimum relations with the SAO, as format of their observation mission does not envisage monitoring. Nevertheless, they have good relations with SAO and have never had any problems with regard to receiving information. **One of the respondents noted that the Office is open for cooperation with observer organisations. However, some of the recent elections have demonstrated ineffectiveness of the agency.**

Quote:

„The organisation has good relations with the State Audit Office and receiving information from the Office has never been a problem. It would be good if GRECO studies and prepares an opinion about recent legislative changes. We would also welcome a qualified research about international best practice with regards to monitoring of party financing and how to implement it in the Georgian reality.“

- **Communications Commission** – the participating organisations have a minimum communication with the Communications Commission. **One of the organisations believes that their paths may cross in the context of a dispute, however, in the election period, the Communications Commission should not have the authority to resolve such issues.**
- **Law enforcement authorities** – on Election Day, law enforcement authorities usually designate a contact person for observer organisations, which the organisations welcome. **Regarding other issues, in the pre-election and election period organisations do not receive information in a timely and effective manner, making it difficult for them to work on the final report and to assess performance of law enforcement agencies with respect to elections. Often actions of law enforcement authorities in response to violations identified by observer organisations are ineffective.**
- **Media organisations** – local observer organisations are actively working with media outlets, which help the organisations introduce their findings to public at large. In addition, media reports represent additional source of information for observer organisations (media monitoring), which are then verified by their LTOs by making site-visits. Such relations

continue on election day as well. A hotline is created for media, where they can report possible violations to observer organisations. Based on these reports, representatives of organisations verify the facts themselves, by visiting the site, if needed. On election day, observer organisations effectively use the electoral media centre created by the Open Society Foundation, where several briefings are held throughout election day and the day after elections. **Media outlets are main allies for raising public awareness. Their role is essential for creating educational and informational video and audio products for ethnic minorities, in their respective languages.**

- **Other observer organisations – including foreign and local observer groups** – the fact that organisations are actively working with local and international observer organisations is commendable. However, the cooperation mostly occurs at the policy level and on election day, at polling stations. Often local and international organisations are not familiar with each other's observation methodologies. On the one hand, this is problematic because it may appear that on some precincts there are no observers at all, while at other precincts the process may be monitored by all observer organisations at the same time. This approach leaves certain polling stations without observation missions on election day. **Deepening of cooperation will help the organisations reduce overlap and increase scope and effectiveness of their missions by making certain agreements.** There is a positive practice with respect to joint assessment and advocacy of recommendations by observer organisations (e.g., evaluation of a pre-election period).

Quote:

„Local credible observer organisations and good and trusted partners for advocating recommendations before different stakeholders, including before authorities and the electoral administration.“

Relations with international observation missions and organisations are especially important. Usually, in the pre-election period many representatives contact observer organisations to receive trustworthy information. The situation is also similar at electoral precincts, when mobile groups get themselves acquainted with the existing situation based on information provided by credible observer organisations.

- **Voters - society** – Observer organisations keep voters informed in the pre-election period, as well as on election day, in a timely manner, and ensure openness of the electoral process. Voters can contact these organisations by calling their hotline or by visiting their central or regional offices to get consultation on election issues or get legal aid, if they need to. During the voting period, observer organisations keep public updated on monitoring results through online or broadcast media and social networking platforms. On the one hand, this helps voters make an informed choice and receive reliable information on elections and their results.

Finding: the organisations have not submitted any quantitative and objective indicators that they use for measuring effectiveness of communication with voters.

First of all, it is commendable that all organisations understand the role of voters and their importance within election process. However, they are unable to identify voters as an important link of support for advocating electoral issues/recommendations. It should also be noted that number of supporters of pro-Russian – nationalistic groups is increasing in Georgia, creating a risk that supporters of these groups will grow even more and become a

critical mass for future elections. It is therefore necessary to use a more effective – intensive/proactive and strategic communication and alternative means of communication to raise awareness of voters and share with them relevant values/standards.

Observer organisations and observation methodology

Given the experience of two groups of observer organisations participating in the study (*group one is composed of organisations with many years of electoral experience, which have been monitoring electoral processes in Georgia and in international missions since they were established and have a long-standing cooperation with the Council of Europe, while the second group is composed of organisations with less experience of observing elections but already making certain positive contributions to improvement of electoral/political process*), self-assessment and findings in this chapter are divided into the following two parts:

- Organisations with many years of experience (GYLA, ISFED, TI GEORGIA, PMMG);
- Organisations with less experience (EECMD, HRC).

For both types of organisations, methodology of observation mission is analysed against several indicators, in particular:

- Advantages of the observation mission (strengths, human resources, knowledge/experience, financial and non-financial resources, technical capabilities);
- Challenges of the observation mission (weaknesses, human resources, knowledge/experience, financial and non-financial resources, technical capabilities);
- Needs.

Self-assessment of the participating organisations and subsequent findings:

- Georgian Young Lawyers' Association (GYLA)
 - Advantages of the observation mission (strengths, human resources, knowledge/experience, financial and non-financial resources, technical capabilities):

Strengths of the observation mission: GYLA has been monitoring elections since it was established. It has many years of experience and knowledge in this field, which it relies on for forming observation mission/methodology and implementing activities. GYLA has an election team that focuses on electoral issues. Given staff drain, the organisation is making efforts to transfer institutional knowledge to new employees. The organisation has a single database of observers. It monitors the entire cycle of elections – from pre-election period to elaboration/advocacy of recommendations. GYLA's observation mission is mostly composed of lawyers, which makes it unique in the process of litigation of electoral disputes.

GYLA's observation mission is composed of several layers. First, GYLA receives a report from its observers/LTOs, as well as from political parties, media and hotline calls. However, in its report GYLA includes only those incidents/violations/trends that have been verified (according to international standards), election day incidents that have been personally witnessed by GYLA's observers, or information provided by someone else that has been verified and confirmed.

To gather and process information, GYLA uses an integrated database where it thematically registers reports of observers about incidents in and outside of polling stations. The database also includes information about electoral disputes. It is important that the database covers information not only about violations but also harmful practices that have been observed. In the integrated system that operates in real time, information is received from all regions and statistics are tabulated. These reports are processed by GYLA's analysts, who then prepare feedback about conduct of electoral processes. Analytical/research documents of the organisation are highly trusted by international organisations and in partner countries. GYLA's findings are often used for advocacy at the international level. In addition, they are often cited in the association agenda and the US State Department's annual report and OSCE findings/reports.

Advantages of GYLA's observation work:

- 1. Financial capacity for implementing a fully-fledged observation mission;**
- 2. Active observers on field (on election day, in pre-election period in regions);**
- 3. Close communication with vulnerable groups and voters;**
- 4. Strong analytical team;**
- 5. Trust of international organisations and partner countries.**

Financial and non-financial resources: GYLA has offices and employees nationwide (a total of 9 offices), which should be evaluated positively. Representation on site is important for information about the context and logistics/immediate response. At this stage, the organisation has one ongoing project on elections, which does not fully cover monitoring of political processes. GYLA also does not have adequate financial resources to ensure monitoring of the 2024 election day and pre-election period.

Technical capacities: the organisation is using a database for gathering and processing information.

- **Challenges of the observation mission (weaknesses, human resources, knowledge/experience, financial and non-financial resources, technical capabilities):**

Weaknesses: it is important to have flexibility to change goals and methods of the observation mission according to legislation and behaviour of political parties. GYLA therefore needs experience with regards to methodology of international observation missions, in order to introduce new components in the mission and deepen the knowledge (e.g., preparing a gender mainstreaming plan for election day, studying family voting cases, studying needs of voters and based on that, assessing turnout of different age groups). It is also important to get knowledge about relevant reforms,

such as e-elections. Finding human resources, lack of financial support often remains a problem. There is also a problem of finding observers in certain regions. Election day environment is quite tense and processes are dragged in time, affecting the issue of human resources even more.

Financial and non-financial resources: at this stage, the organisation does not have adequate financial resources for monitoring the 2024 election day and pre-election period and recruiting observers for its mission.

Although GYLA has a database/pool of observers, it needs to be updated and supplemented for every election. The problem of finding observers has two components: 1. Tense environment in certain regions, where people are usually reluctant to observe elections; 2. Lack of financial resources and insufficient remuneration; 3. Lack of qualification and motivation among applicants; 4. Lack of time for selection of observers, caused by uncertainty of the scope of the mission due to delays in receiving financial guarantees. GYLA is not facing any particular challenges with regards to staff drain, however it is difficult to maintain observers from one election to another. Staff drain is mostly caused by a large interval between elections.

Technical capabilities of the observation mission: GYLA's observation mission is lacking technical capabilities. Although the organisation is not facing any challenges with regards to planning and logistics, recruitment of observers within a short period of time, having interviews with them and distributing them among electoral precincts is a challenge. Over the last two years, GYLA has been holding remote trainings for observers, however it believes it is important to go back to in-person format once the pandemic is over, given that in some cases, online trainings affect readiness of observers. It is also a challenge that training of this many observers is quite expensive. In addition, technical improvements are needed in the electoral database of the organisation to improve recording of information and make it easier to use on election day. The analytical database that GYLA had and used during election cycle is no longer administered given the frequent turnover of employees, due to difficulty of administering/lack of knowledge about how to administer the software.

- **Needs:**

1. **Upgrading observation methodology according to new challenges** – GYLA is constantly working to improve its observation mission. Although the methodology adequately responded to challenges of most recent elections, legal framework and behaviour of parties is constantly changing. For example, frequent facts of controlling voters' will outside of polling stations forced GYLA to add observers outside of polling stations and obtain evidence. Electronic elections require completely different observation mission strategy and observers will have to acquire different knowledge/skills. GYLA's general methodology envisages monitoring of several precincts of sociological significance, litigation of important disputes in DEC's and in courts. GYLA especially focuses on monitoring of precincts settled with vulnerable groups, e.g., ethnic minorities, IDPs, eco-migrants and others.
2. **Enhancing the knowledge of GYLA's elections team** in following areas: gender mainstreaming, women's participation in politics, examining needs of

voters, analysing electoral programs of political parties, obtaining additional information about cases of family voting on election day, observing voter turnout and studying the reasons of certain groups not going to the polls. In addition, GYLA wishes to work more on issues of disinformation and carry out media monitoring.

3. **Material and technical support, capacity development**, including with regards to designing a training module that will make it easier to train observers. Technical support may have a form of strengthening internal resources of the organisation, including improving the database and laying the necessary groundwork prior to election day. Finding international experts will be an important contribution. Meetings with them and sharing their experience will help the organisation improve observation mission methodology and bring it even closer to international standard, by taking into account the local context. It will be able to cover new aspects that seem to not have any effect on election results but are still important to get the full picture.

Financial support would entail financing observation missions for implementing long-term projects.

- **International Society for Fair Elections and Democracy (ISFED)**

- **Advantages of the observation mission (strengths, human resources, knowledge/experience, financial and non-financial resources, technical capabilities):**

Strengths: ISFED has been observing elections since it was established and its methodology covers pre-election, election day and post-election observation, with the aim of promoting fair and free electoral environment in Georgia, compliance with the national election laws and international standards, through Parallel Vote Tabulation (PVT) and monitoring of incidents. Several years ago, the organisation also introduced social media monitoring methodology, which from today's perspective is an important component of observation mission.

ISFED observers all three levels of the electoral administration through 1000 observers. Given the methodology, polling stations are randomly identified on election day. Incidents Centre operating at the organisation provides consultation to observers for litigating electoral disputes.

The organisation carries out high quality research and analytical work with participation of qualified staff. ISFED team is often involved in international missions. In particular, ISFED is a member of ENEMO.

Financial and non-financial resources: the organisation has qualified electoral team and a database of observers that it updates for every election. According to the organisation, turnover of observers is a natural process. ISFED has representatives in

all municipalities, which is commendable. Local representation is important for information about the context and logistics/immediate response.

ISFED has adequate financial resources to observe the 2024 election day and pre-election period.

Technical capacities: ISFED's technical capacities match their methodology.

- **Challenges of the observation mission (weaknesses, human resources, knowledge/experience, financial and non-financial resources, technical capabilities):**

Weaknesses: ISFED believes it needs to revise monitoring methodology with a particular focus on pre-election monitoring, given that cases of misuse of administrative resources during this period become more frequent and sophisticated. It also needs to revise and further improve election day monitoring methodology, especially considering the example of most recent elections.

Financial and non-financial resources: although ISFED has funding, support of donors mostly covers basic activities of electoral work of the organisation and it is insufficient for in-depth measures, such as carrying out quantitative research. Further, ISFED lacks funding for civic education projects or to examine in-depth misuse of state and administrative resources during the pre-election period.

Technical capabilities of the observation mission: improving technical capabilities according to updated methodology.

- **Needs:**
 1. **Designing observation methodology according to challenges** – upgrading the observation methodology given the organisation profile and challenges in the election process;
 2. **Enhancing knowledge of the election team and developing new skills after acquiring technical equipment** – enhancing knowledge according to the upgraded methodology;
 3. **Material and technical support, development of organisational capacities** – financial support, technical support based on the new methodology (databases, software for communication and receiving/processing information).

- **Transparency International - Georgia (TI GEORGIA)**

- **Advantages of the observation mission (strengths, human resources, knowledge/experience, financial and non-financial resources, technical capabilities):**

Strengths: observation activities of TI Georgia entail monitoring the entire electoral cycle, with the aim of examining political corruption. To that end, TI Georgia monitors

political party financing and misuse of administrative resources. The organisation monitors election day through mobile groups and PEC and DEC observers.

TI Georgia carries out high-quality research and analytical activity with participation of qualified staff. They also have a significant experience in election observation; however, they learn something new at every election.

Financial and non-financial resources: TI Georgia has a qualified elections team, a database of observers renewed for every election (observer turnover is a natural process). They have designed a training module according to their observation methodology.

Technical capabilities: TI Georgia technical capabilities match the existing methodology.

- **Challenges of the observation mission (weaknesses, human resources, knowledge/experience, financial and non-financial resources, technical capabilities):**

Weaknesses: the need to improve the observation methodology and develop analytical products, in view of the existing challenges – e.g., with regards to forms and technologies of political party financing monitoring on social media.

Financial and non-financial resources: although TI Georgia has funding, support of donors and international organisations is still important for carrying out in-depth measures, such as quantitative research. Further, the organisation needs guaranteed funding for election day monitoring. For example, for long-term monitoring TI Georgia receives funding from USAID, however often they have problems securing funding for election day monitoring and they have to make efforts to obtain funding for every election.

Technical capabilities of the observation mission: improving technical capabilities according to the upgraded methodology.

- **Needs:**
 1. **Designing observation methodology according to challenges** – in view of the organisation profile and challenges in the electoral process – designing observation methodology for monitoring political party financing on social media;
 2. **Enhancing knowledge of the elections team and developing new skills after acquiring technical equipment** – enhancing knowledge of the team/observers according to the upgraded methodology, improving analytical skills;
 3. **Material and technical support, development of organisational capacities** – financial support, technical, analytical support based on the new methodology (trainings, databases, software for communication and receiving/processing information).

- **Public Movement – Multinational Georgia (PMMG)**

- **Advantages of the observation mission (strengths, human resources, knowledge/experience, financial and non-financial resources, technical capabilities):**

Strengths: PMMG has been monitoring elections since 2003, in areas densely settled by ethnic minorities, which have certain characteristics. Given their many years of experience, PMMG is thoroughly familiar with political environment in areas densely settled with minorities, voter behaviour and attitudes toward electoral processes. This helps them promote electoral fairness and transparency within their monitoring mission. In view of their observation methodology, for selection of long-term and short-term observers, PMMG prioritizes local staff that are familiar with the region, the environment and the context. PMMG has an effective staff policy and there are no problems in that regard. Moreover, people that PMMG has worked for years within observation programs are always ready to support the observation mission.

PMMG always improves its methodology and designs observation strategy according to changes in practice and legislation.

In a pre-election period, PMMG long-term observers receive information about electoral activities and possible violations from different sources (media: online and broadcast media; requesting public information; local self-government bodies and their websites; social media; parties, candidates, party activists; NGOs; citizens; public meetings, electoral campaign/canvassing events).

For monitoring pre-election environment, LTOs observe and study the following:

1. Political and electoral activities of political parties and candidates;
2. Use of hate speech in pre-election campaign;
3. Interference with political/electoral activities;
4. Use of administrative resources;
5. Acts of pressure/intimidation/threats and physical retaliation;
6. Vote buying and violation of political party financing rules;
7. Applications and complaints;
8. Activities of the electoral administration;
9. Voter education issues, including awareness of minorities;
10. Pandemic-related obstacles to implementation of political/electoral activities and preparation/conduct of elections.

Through long-term observers and lawyers, information received through monitoring and electoral violations are verified with multiple sources.

As to election day, opening of polling stations, voting and counting of votes, short-term observers periodically submit information to the coordination centre, using electronic communication software, and for any violations and incidents they contact the incidents centre. According to the strategy designed by the organisation, immediately after detecting a violation at a polling station, the observer first gives a verbal instruction to the electoral commission to eliminate the violation in a timely manner. Incidents centre operators are working in an emergency mode. Operators receive from short-term observers and process information about how the election is

progressing. Legal support is provided by program lawyers. Information gathered at the coordination centre is periodically disseminated in Georgian and English languages. In addition, PMMG coordination centre operates a hotline that anyone can use to report any electoral violation/incident.

In its work the organisation is guided by a high standard of responsibility. It therefore tries to a maximum extent to create quality, objective and impartial research and analytical product – as confirmed by positive feedback of stakeholders.

Financial and non-financial resources: PMMG has an elections team, which is also involved in implementation of activities of other projects. At this stage, the organisation does not have adequate financial resources to observe the 2024 election day and the pre-election period. PMMG approach entails the possibility of realizing a three-level program:

1. Program minimum, which means stationing a limited number of observers at certain precincts (challenging and/or large precincts with high concentration of ethnic minority voters);
2. Program medium (330-400 observers), that allows to cover majority of challenging/large/remote precincts identified by the organisation;
3. Program maximum (up to 600 observers), which, in addition to the above, also entails full coverage of priority municipalities.

Since presence of observers, in addition to having a reactive effect, also prevents potential violations, election fundraising strategy is focused on the program maximum, which requires a significant support from donors. Notably, all three programs are designed in a way that allows implementation of any other program, if financial resources are not available for the program maximum.

Technical capacities: PMMG constantly tries to maximize technical capabilities of the observation mission. In that regard, many years of experience and human resources (trainers, lawyers and the coordination group) accumulated throughout this period play an important role. PMMG is therefore able to ensure technical capacities for the observation mission in a timely and effective manner.

The organisation has an electronic channel of communications, use to receive information quickly during an observation mission (on election day).

- **Challenges of the observation mission (weaknesses, human resources, knowledge/experience, financial and non-financial resources, technical capacities):**

Weaknesses: in municipalities/electoral districts, recruitment of sufficient number of qualified observers that speak fluent Georgian is a problem. It is important to enhance the methodology, in view of the existing challenges (e.g., social media monitoring).

Financial and non-financial resources: over the last five election cycles, the organisation was able to realize the program maximum only once, which clearly suggests that financial resources are lacking.

Technical capabilities of the observation mission: creating analytical database for long-term observation, allowing lawyers and analysts to receive from LTOs information quickly and thoroughly and process it.

- **Needs:**

1. **Upgrading observation methodology in view of the existing challenges** – technological developments have greatly affected every field. In recent years, an important part of pre-election campaign was implemented using social networking sites. These sites make it possible to identify important components of monitoring, such as use of administrative resources and hate speech in a pre-election campaign;
2. **Enhancing knowledge of the elections team and providing it with technical equipment** – providing software for the database and training the elections team on use of software;
3. **Material and technical support, organisational capacity building** – it is important for the organisation to be able to cover during election observation all areas densely settled by ethnic minorities. PMMG also believes that in coming years it needs to implement projects that will raise awareness of ethnic minorities on electoral and political issues, in order to promote their informed involvement in electoral processes and their integration.

- **Eastern European Centre for Multiparty Democracy (EECMD)**

- **Advantages of the observation mission (strengths, human resources, knowledge/experience, financial and non-financial resources, technical capabilities):**

Strengths: EECMD implements high quality research and analytical work, with involvement of qualified staff and experts.

Given its limited experience in election observation, it is difficult for the organisation to discuss its strengths but generally, their recipe of success includes impartiality, independence, fairness and objective analysis of processes. From programmatic perspective, EECMD focuses its work towards enhancing internal party democracy and transparency, sustaining democracy schools in Telavi, Gori, Kutaisi and Batumi, facilitating a dialogue on issues of gender equality and introducing parties to new technological approaches and tools to improve their functioning. Experience/networks allow EECMD to provide effective analysis and create better programs for development of political system, political actors and political culture.

Financial and non-financial resources: EECMD volunteers received a one-day training about election day procedures before the elections. Since this was the first experience, the organisation did not use any particular methodology, however, basic principles of EECMD's observation were in line with OSCE/ODIHR election observation methodology and principles. Observers were not recruited, EECMD found observers from the network of democracy schools.

Technical capabilities: observers were stationed in their own cities and there was no need of travel/accommodation.

- **Challenges of the observation mission (weaknesses, human resources, knowledge/experience, financial and non-financial resources, technical capabilities):**

- **Weaknesses:** observation methodology is the main challenge for EECMD. In-depth monitoring of election day processes and identification of irregularities that often aren't visible to those without direct familiarity with counting of votes and observation are valuable for EECMD. Monitoring of elections several times created an opportunity to see more clearly the details and prerequisites related to development of political parties. So they clearly saw that the existing methodology does not respond to the challenges. In the future, they are interested in discovering and observing the kind of components that are important for quality of elections but do not get as much attention.

Financial and non-financial resources: Similar to other civil society representatives, EECMD is constantly facing financial needs. It completely depends on support of donor organisations and project activities. Therefore, EECMD has to cover/co-fund the needs by implementing long-term or short-term projects of several different donors.

Technical capabilities of the observation mission: the organisation had limited technical capabilities for implementing observation.

- **Needs**
 1. **Designing observation methodology according to challenges** – designing observation methodology in view of the organisation profile and challenges in the electoral process;
 2. **Enhancing knowledge of the elections team and developing new skills after acquiring technical equipment** – empowering the elections team and observers, recruiting observers and enhancing knowledge after acquiring technical equipment for the mission (adaptation of database and corresponding software in practice);
 3. **Material and technical support, development of organisational capacities** – financial support, technological support based on the new methodology (databases, software for communication and receiving/processing information).

- **Human Rights Centre (HRC)**

- **Advantages of the observation mission (strengths, human resources, knowledge/experience, financial and non-financial resources, technical capabilities):**

Strengths: HRC provides in-depth and comprehensive analysis of long-term and short-term monitoring results. In that respect, the organisation is monitoring conflict-zone

adjacent districts and municipalities densely settled by ethnic minorities. In addition to identifying violations and litigating electoral disputes, HRC analysts analyse regulatory framework for elections. The organisations analyse relevant amendments introduced in the election system and legislation at different times, allowing stakeholders to have a clear understanding about the pre-election period and subsequent developments. Further, HRC's observation mission aims to report about elections-related developments in an impartial manner.

Financial and non-financial resources: projects are planned by the organisation in a way to avoid any financial problems in the implementation process. However, if projects received more funding, it would have been possible to implement more diverse activities. Both long-term and short-term observers attend trainings about observation methodology delivered by experienced experts specializing in elections. In that respect, over the recent years HRC has worked with ISFED representatives.

Since projects supported by international organisations/donors have small budgets, making it difficult to mobilize many observers (financial and non-financial resources are lacking), HRC has chosen a strategy to observe potentially most problematic precincts. Therefore, HRC's observation mission covers: 1) Villages settled by ethnic minorities (Kvemo Kartli, Kakheti, Samtskhe-Javakheti); 2) Villages near the conflict zones (Shida Kartli, Samegrelo) and specific electoral precincts (Ajara, Imereti).

Elections project managers, regional coordinators and observers are trained by qualified trainers for observation. HRC is trying to recruit experienced observers, especially ones that participated in the monitoring of previous elections and successfully completed their task. Further, observer groups stationed in different regions are led by coordinators – HRC lawyers, with a significant experience in preparing/submitting complaints to the electoral administration and litigating electoral disputes.

Technical capabilities: Usually, HRC monitors elections through short-term projects. Within financial support provided in these projects, the organisation ensures trainings for short-term and long-term observers. More specifically, before every election, HRC conducts trainings to familiarize observers with the most recent developments in legislation and practice and to insure against anticipated challenges and risks in the election process. The organisation has many years of experience monitoring elections. Therefore, short-term observers are usually recruited from a team of already-experienced monitors, with a track-record of effective cooperation in the past (from the database of observers). Long-term observers are an exception in that regard, as HRC announces a competition for their recruitment.

- **Challenges of the observation mission (weaknesses, human resources, knowledge/experience, financial and non-financial resources, technical capabilities):**
- **Weaknesses:** HRC has developed a long-term mission of election observation in recent years. It is therefore methodologically essential to ensure further development of the mission and adaptation to existing challenges.

Qualification of long-term observers – the organisation is making efforts to recruit qualified personnel for its observation mission, and to enhance their knowledge by trainings. Recruitment of observers is one-time event and one-day training is not sufficient to ensure that they will adequately apply the received knowledge and fulfil assignments of the organisation.

Qualification of short-term observers – although election day observers attend a qualified training, sometimes on election day they submit defective complaints to PECs or DECAs, which are then rejected.

Financial and non-financial resources: HRC's financial and non-financial resources are lacking. Regarding election projects, staff turnover is an issue mostly in the case of observers, who are involved one-time in the project, to observe election day. Long-term observers are mostly lawyers that specialize in electoral disputes, who leave the organisation once the projects are over.

On the most part, HRC implemented election monitoring through small grants projects. Majority of these projects had a small budget and allowed for observation on election day. As an exception, on several occasions (including in 2020 and 2021), long-term observation projects were implemented, which also allowed for monitoring of pre-election processes and legal aid.

Technical capabilities of the observation mission: HRC's technical capabilities are lacking and require support.

- **Needs:**

1. **Designing observation methodology according to challenges** – designing observation methodology in view of the organisation profile and challenges in the electoral process (e.g., strengthening the components of legal aid, including strategic litigation, and social media monitoring);
2. **Enhancing knowledge of the elections team and developing new skills after acquiring technical equipment** – empowering the elections team and observers, recruiting observers from thematic and analytical perspective, recruiting observers and enhancing knowledge after acquiring technical equipment for the mission (adaptation of database and corresponding software in practice);
3. **Financial and technical support for organisational capacity development** – financial support for long-term and short-term observation missions, technical support based on new methodology (databases, software for communication and for receiving/processing information). **HRC has a media resource – an online publication HUMANRIGHTS.GE, which needs to be improved and used in observation missions.**

Findings and recommendations – interventions to support further strengthening capacity and institutional sustainability of observer NGOs

Findings of this study can be categorized into the following groups:

- **Challenges that should be opened up for internal discussion (e.g., GONGOs) and issues that need to be discussed in the context of electoral reform;**
- **Issues related to institutional strengthening of observer organisations and enhancement of quality of election observation;**
- **Additional issues.**

Let us discuss each of them individually:

- **Challenges that should be opened up for internal discussion (e.g., GONGOs) and issues that need to be discussed in the context of electoral reform;**

Opening up internal discussions about pseudo-independent observation groups:

In recent years, number of so-called pseudo-independent observation groups, scope of their operation and intensity of involvement in elections has significantly increased. The observer organisations believe that these groups have already made a noticeable negative and destructive impact on election processes, including on electoral precincts during election day. Although the organisations do not believe that at this stage, strict legal norms should be introduced to regulate these groups, they believe it is possible and even necessary to study this issue more carefully and open a discussion about them, with their involvement and involvement of international organisations.

Changes in election legislation and practice:

- 1. Extending the timeframe for registration of observers and maintaining a database of directly elected political officials**

The register of observers is closed one week prior to elections, which makes it impossible to replace observers before Election Day. This hinders effective implementation of the mission. Further, despite electronic registration, **organisations that work to advance party interests still manage to register persons that, according to the Election Code, have no right to be an observer** (for example, a member of Sakrebulo, a state/political official).

- 2. Clarifying an observer's right to film or take photos**

Participating organisations have noted that legislation **broadly protects rights of representations of observer organisations. However, often these protections are misinterpreted in practice. For example, often in practice observers are not allowed to film or take photos based on the CEC resolution on photography and video recording.**¹¹ As a result, it is difficult for observers to obtain evidence of procedural irregularities and facts possibly involving elements of crime. In a number of cases, actions of PEC members are caused by their lack of knowledge about observer's rights.

¹¹ Available at: <https://matsne.gov.ge/ka/document/view/1748403?publication=0>

Recommendation: The Council of Europe can play an active role in solving this issue, by supporting a campaign for raising awareness of PEC members about observer rights.

3. Electoral dispute resolution

According to organisations with experience in litigating electoral disputes, despite changes introduced with regards to electoral disputes, in frames of electoral reforms in 2021, certain problems remain in legislation and practice, which negatively affect **exercise of the right to bring a complaint, as well as resolution of electoral disputes**. In particular, despite changes, **issues related to observing the timeframe for electoral disputes resolution (full proceedings, recount of all electoral documents in the process of repeated tabulation of votes), as well as very limited timeframe for appealing, enforcement and violations outside of polling stations** (e.g., effective enforcement by the MIA and accurate recording of incidents) are still problematic.¹²

Dismissing complaints on grounds that **another organisation has already brought a complaint/lawsuit about the same violation is also problematic**. Often cases are not merged and it can happen that a politically motivating observer organisation initiates a dispute but it „does not have adequate evidence“ or evidence is not submitted in due course, which naturally leads to rejecting or dismissing the complaint/lawsuit. In this case, the observer organisation loses standing to appeal the same violation.

4. Revising norms that regulate use of administrative resources and narrowing down the group of individuals that may not participate in campaigning

To limit the use of administrative resources, applicable legal norms need to be formulated in a more detailed manner. Practice has shown that participation of political officials in campaigning is a problem.¹³ Often the line between political parties and the state is blurred, which is against the principles of the OSCE Copenhagen Document of 1990, stipulating that „a clear separation between the State and political parties; in particular, political parties will not be merged with the State.“¹⁴

Recommendation: within the electoral reform, it is important to revise the Election Code (with regards to extending the timeframe for replacing/registering observers, allowing observers to film and take photos, about electoral disputes and use of administrative resources), as well as acts regulating electronic registration (to maintain a register/database of Sakrebulo/Assembly members and other directly elected political office holders).

¹² Main trends in adjudication of electoral disputes, GYLA report available at:

<https://www.gyla.ge/files/2020/%E1%83%99%E1%83%95%E1%83%9A%E1%83%94%E1%83%95%E1%83%94%E1%83%91%E1%83%98/%E1%83%A1%E1%83%90%E1%83%90%E1%83%A0%E1%83%A9%E1%83%94%E1%83%95%E1%83%9C%E1%83%9D%20%E1%83%93%E1%83%90%E1%83%95%E1%83%94%E1%83%91%E1%83%98%E1%83%A1%20%E1%83%92%E1%83%90%E1%83%9C%E1%83%AE%E1%83%98%E1%83%9A%E1%83%95%E1%83%98%E1%83%A1%20%E1%83%AB%E1%83%98%E1%83%A0%E1%83%98%E1%83%97%E1%83%90%E1%83%93%E1%83%98%20%E1%83%A2%E1%83%94%E1%83%9C%E1%83%93%E1%83%94%E1%83%9C%E1%83%AA%E1%83%98%E1%83%94%E1%83%91%E1%83%98.pdf>

¹³ According to the Election Code, the following are political officials: the President of Georgia, a Member of Parliament of Georgia, the Prime Minister of Georgia, other members of the Government of Georgia and their deputies, members of the Supreme Representative Bodies of the Autonomous Republics of Abkhazia and Ajara, heads of the Governments of the Autonomous Republics of Abkhazia and Ajara, a member of a municipality representative body Sakrebulo and the executive body – a Mayor, and a State Representative;

¹⁴ Available at: <https://www.osce.org/files/f/documents/9/c/14304.pdf>

The Council of Europe can play an active role in this process, by supporting organisation of discussions on the one hand and ensuring involvement of international experts on the other.

- Issues of institutional strengthening of organisations and improvement of observation quality¹⁵

The present study shows that institutional strengthening, improvement of quality of observation and planning of methodology to address challenges identified in election process is essential for both categories of organisations. Although all organisations plan their observation activities and monitoring methodologies in line with international standards¹⁶ (e.g., GYLA and ISFED have been signatories of the declaration and the code of conduct since 2010¹⁷), it is important to re-analyse international standards and upgrade monitoring methodology (according to OSCE methodology¹⁸ – in view of local context), which will have a positive impact on quality of observation.

For institutional sustainability and quality/smooth observation, more financial assistance is needed for these organisations.

Recommendation: The Council of Europe can plan activities (trainings, research, supporting improvement of methodology/databases) to improve institutional and observation methodology of the participating organisations. By sharing best international practices and involving leading foreign experts, these organisations will be able to improve their methodology for monitoring pre-election campaigns.

Further, Council of Europe experts can offer a training about successful fundraising to observer organisations, to help them obtain finances that they need for observation.

- **Additional issue:**

In the process of carrying out this research, we have found that there are many election-related topics in Georgia that need to be examined. Unfortunately, **academia is not active in that regard, while trusted observers (watchdog organisations) lack time and resources to carry out intensive research (they mostly focus on observation activities)**. We therefore recommend having a collaboration between universities, observer organisations and analytical centres, to cooperate and create joint research products. It may also be interesting to create knowledge depository on election

¹⁵ Working on issues/topics identified by needs assessment can be distributed over the period of three years: year 1 – planning/preparing with participating organisations; year 2 – introduce capacity building of the organisations; year 3 – performance of novelties introduced for the 2024 elections.

¹⁶ DECLARATION OF GLOBAL PRINCIPLES FOR NON-PARTISAN ELECTION OBSERVATION AND MONITORING BY CITIZEN ORGANISATIONS, Strasbourg, 2012, available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2012\)018-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2012)018-e)

¹⁷ Report of monitoring the 2016 elections by GYLA, p.4, available at: <https://www.gyla.ge/files/news/2008/%E1%83%90%E1%83%A0%E1%83%A9%E1%83%94%E1%83%95%E1%83%9C%E1%83%94%E1%83%91%E1%83%98-2016-GEO.pdf>

¹⁸ Handbook for Long-Term Election Observers: Beyond Election Day Observation, OSCE, Georgian translation, 2008, available: <https://www.osce.org/files/f/documents/9/2/24680.pdf>

issues, in partnership with universities, and to include more of election-related topics in syllabuses for MA programs.

Recommendation: The Council of Europe can help design and implement an effective model with involvement of local and international experts.