

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 205 (2006)¹ on the local elections in Georgia (observed on 5 October 2006)

The Congress,

1. Refers to:

a. the Committee of Ministers' Statutory Resolution (2000) ¹ on the Congress of Local and Regional Authorities of the Council of Europe;

b. the principles laid down in the European Charter of Local Self-Government (ECLSG) which was ratified by Georgia on 8 December 2004 and entered into force in that country on 1 April 2005;

c. its Recommendation 157 (2004) on local and regional democracy in Georgia;

d. its previous reports on elections monitored in Georgia;²

e. its Resolution 188 (2004) on the situation of local and regional democracy in Georgia;

f. its report on the local elections held on 5 October 2006 in Georgia detailing the findings of the Congress observation mission;

2. Recalls that an overall territorial reform is under way in Georgia and that the local elections were held in the midst of this reorganisation process;

3. Welcomes:

a. the positive developments in local self-government which have taken place in Georgia since the adoption of Congress Recommendation 157 (2004) on local and regional democracy in Georgia;

b. the fact that the mayors of the cities of Tbilisi and Poti, who were previously appointed by the President of Georgia, were for the first time elected further to the 2006 local elections, in accordance with Article 3 of the ECLSG;

c. the fact that the territorial reform under way is being carried out in close co-operation with the Council of Europe;

4. Commends the Georgian authorities for having conducted the local elections overall in compliance with international electoral standards;

5. Notes:

a. with regard to the legal framework of the elections:

i. that elections in Georgia are regulated by the Unified Election Code which has been amended numerous times since its adoption in 2001;

ii. that the latest amendments were adopted only a few months prior to the local elections and that an important part of these amendments brought changes to Chapters XV to XVII relating to the elections of representative bodies of local self-government;³

iii. that these amendments were passed without the support of opposition forces and without their presence in parliament;

iv. that the latest amendments were not submitted to the European Commission for Democracy through Law (Venice Commission) and the Office for Democratic Institutions and Human Rights (ODIHR) for assessment before adoption and implementation;

b. with regard to the appointment of the elections:

i. that the possibility to appoint elections forty days before the date of the elections was introduced by a recent amendment to the election legislation;⁴

ii. that the local elections were announced exactly forty days prior to the date of the elections and that, although it could be considered that they were called in accordance with the law, the short deadline confronted election administration, opposition parties and observers with considerable difficulties;

c. with regard to the election campaign and to political forces and citizens' participation in the elections:

i. the lack of an active campaign throughout the country as well as of an informative campaign on local issues;

ii. the unclear distinction between the use made of administrative resources for state activities and for partisan electoral purposes;

iii. that in 27.5% of majoritarian races and 8.7% of proportional races only one candidate or party list appeared on the ballot, in all but one case representing the governing party;

iv. the low voter turnout which, in the view of the Congress, reflects the insufficient involvement of citizens and political forces in local public affairs;

d. with regard to election administration:

i. that, according to the law, the borders of local election districts were defined only a few days before the holding of elections;⁵

ii. that the remaining inaccuracies of the voters' register and the work undertaken before the local elections to update the voters' register was interrupted due to the choice of the date of the elections;

iii. that a large number of polling stations are still inaccessible for people with disabilities and present accessibility difficulties for elderly persons;

iv. that not all election commission members were adequately trained;

v. that the number of voters per polling station often went above the maximum number provided by law and that, despite the low turnout, certain polling stations were overcrowded at peak hours;

e. with regard to observation modalities:

that, in order to register their observers, international observer organisations are requested to indicate the election districts where they will observe the elections and that this might undermine the principles underlying election observation;⁶

6. Wishes to bring the attention of the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to the recommendations presented below;

7. Invites the Georgian authorities to take all the necessary measures aimed at implementing the following recommendations, namely to:

a. with regard to election legislation:

i. ensure that, in the future, broader consensus is achieved among political forces on amendments to election legislation;

ii. ensure that, in the future, amendments to the election legislation are introduced well before the holding of the elections to make possible their assessment by relevant international bodies such as the Venice Commission and the ODIHR before they are adopted and implemented;

iii. ensure that the recommendations made following the assessment of the latest amendments by the Venice Commission and the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) as well as previous recommendations on electoral matters are implemented;

b. with regard to the appointment of the elections:

ensure that, in the future, elections are announced as part of an inclusive process giving political parties and candidates enough time for a meaningful election campaign;

c. with regard to the election campaign and to political forces and citizens' participation in the elections:

i. take appropriate measures to avoid misuse of administrative resources for partisan electoral purposes in future elections;

ii. take the necessary measures to ensure that local elections are an inclusive process contributing to the involvement of all political forces and of the citizenry in local public matters;

d. with regard to election administration:

i. make sure that the borders of electoral constituencies' boundaries are delimited at least one year ahead of the

elections and that in this regard, the legislation in force is brought into line with international electoral standards;

ii. take the necessary measures to improve the voters' register in time for the forthcoming parliamentary elections;

iii. ensure that all electoral commission members receive professional, timely and adequate training;

iv. ensure that polling stations are adequate and adapted to the needs of the voters and suggests, with a view to this:

– that polling stations be, as far as possible, made more accessible for persons with disabilities and for elderly persons;

– that the law on the number of voters per polling station be re-examined and consideration be given to fixing a threshold of 1 500 voters per polling station;

e. with regard to observation modalities:

ensure that the principles of election observation are respected and, in this regard, amend legislation so as to ensure that international observer organisations are not requested to indicate the election districts where they will observe;

f. with regard to the territorial reorganisation:

ensure that the territorial reorganisation under way is pursued in close co-operation with the Council of Europe, in compliance with the principles laid down in the European Charter of Local Self-Government, with other Council of Europe standards as well as with previous Congress recommendations and other relevant Council of Europe recommendations;

8. Renews its readiness to support and assist the Georgian authorities in their efforts to implement the above-mentioned recommendations and to consolidate local and regional democracy all over the country, in conformity with Georgian commitments in respect of international electoral standards and of the European Charter of Local Self-Government.

1. Debated and adopted by the Standing Committee of the Congress on 15 November 2006 (see Document CG(13)32, draft recommendation presented by W. Van Gelder (Netherlands, R, EPP/CD), rapporteur).

2. Report on local elections in Georgia (2 June 2002): CG/BUR (9) 17 and report on the regional elections in Adjara (20 June 2004): CG/BUR (11) 40.

3. Chapter XV – Elections of representative body of local self-government Sakrebulo; Chapter XVI – Electoral districts and electoral precincts; Chapter XVII – Elections of Sakrebulo of municipalities and self-governing cities.

4. Amendment introduced on 23 June 2006.

5. Articles 112.2 and 115.2 of the Unified Electoral Code of Georgia.

6. Article 69.6 of the Unified Electoral Code of Georgia.