

The Congress of Local and Regional Authorities



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Municipal Elections in Georgia (30 May 2010)

Bureau of the Congress

Rapporteur: Günther KRUG, Germany (R, SOC)¹

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Summary

Following the official invitation from the Georgian Ministry of Foreign Affairs to observe the municipal elections of Sunday 30 May 2010, the Congress appointed an observer delegation, headed by Günther Krug (Germany, SOC), Member of Parliament of the Land Berlin. The delegation was composed of ten members of the Congress and four members of the EU Committee of the Regions, assisted by the Congress Secretariat.

The delegation concluded that the municipal elections in Georgia have shown considerable progress in respect of democracy and local self-government. The campaign was characterised by a competitive atmosphere and substantive issues. Improved overall electoral administration ensured professional and transparent processes, in particular in the run-up to these elections. Election day was generally well organised and calm. However, the delegation pointed to legal and procedural deficiencies and atmospheric disturbances on election day that could undermine the confidence of voters in the electoral process and thus put in danger the progress which had been made. This applies, in particular, to the long drawn out counting of the votes and doubtful practices of voter mobilisation and control. Concerning the pre-electoral situation there were reports of intimidation and bullying tactics. In addition, the misuse of administrative resources remains a matter of concern. Shortcomings have also been detected in respect of the appeal procedure.

¹ L: Chamber of Local Authorities / R: Chamber of Regions
ILDG: Independent and Liberal Democrat Group of the Congress
EPP/CD: European People's Party – Christian Democrats of the Congress
SOC: Socialist Group of the Congress
NR: Members not belonging to a Political Group of the Congress



A. DRAFT RESOLUTION²

1. The Congress of Local and Regional Authorities takes note of the Preliminary Draft Recommendation regarding the Municipal Elections in Georgia of 30 May 2010 and mandates the Institutional Committee with the supervision of the post-electoral process. The Congress:

a. refers to its Resolution 306(2010) of 18 June 2010 concerning observation of local and regional elections which stipulates - in respect of Congress recommendations and resolutions arising from observation reports - that if no progress is achieved after one year, the Congress can decide to request, if applicable, an opinion of the Venice Commission, and to ask the Parliamentary Assembly to consider the issue under the monitoring process;³

b. asks the Committee of Ministers to take note of the present recommendation and its explanatory memorandum, and to transmit it to the relevant bodies in the intergovernmental sector of the Council of Europe, to the Venice Commission, the Directorate General of Democracy and Political Affairs, the CPT, GRECO and the Commissioner for Human Rights;

c. invites the Parliamentary Assembly of the Council of Europe to take account of the above recommendation in its procedures for monitoring Georgia's commitments and undertakings;

d. in the light of the afore-mentioned Resolution 306(2010), affirms its interest to strengthen co-operation with other international elections observers, notably with OSCE/ODIHR. With the aim to optimise working relations with other institutions in the framework of International Election Observation Missions (IEOM), the Congress will consider proposing to deploy staff to take part in pre-election missions of other institutions (e.g. in ODIHR long-term election observation missions).

B. DRAFT RECOMMENDATION⁴

1. The Congress of Local and Regional Authorities of the Council of Europe 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.

2. The Congress underlines its specific role in the observation of local and regional elections in Council of Europe member countries.

3. The Congress notes with satisfaction the efforts undertaken by Georgia in respect of the technical preparation and the administration of the municipal elections of 30 May 2010. This considers in particular the role of the Central Election Commission's (CEC) - and other related bodies - with regard to the verification of voter's lists which was carried out in a professional, transparent and inclusive manner.

2 Preliminary draft resolution approved by the Congress Bureau on 17 September 2010

Bureau members:

Y. Mildon, President of the Congress, *I. Micallef*, President a.i of the Congress and President of the Chamber of Local Authorities, *L. Sfirloaga*, President of the Chamber of Regions, *D. Suica*, *G. Krug*, *A. Knape*, *H. Zach*, *I. Borbely*, *J-C. Frécon*, *S. Orlova*, *F. Pellegrini*, *K. Andersen*, *E. Yeritsyan*, *I. Michas*, *O. Van Veldhuizen* and *N. Romanova*

N.B : The names of members who took part in the vote are in italics

Bureau Secretariat : *D. Rios*, *Linette Taesch*

³ Congress Resolution 306(2010)

⁴ Voir footnote 2

4. The election campaign was characterised by a competitive atmosphere and lively, issue-based debates. Election day as such was generally well organised and calm.

5. With regard to legal provisions, the Unified Election Code (UEC) was substantially amended in December 2009, after a phase of thorough reform. In particular, the Congress is pleased with the fact that - for the first time - the direct election of the mayor of Tbilisi was introduced.

6. The Congress is aware of improvements and progress, over the past years, regarding the political and economic stability of the country.

7. Nevertheless, the Congress regrets to note that shortcomings remain in respect of the legal framework, both concerning electoral processes and local self-government in Georgia.

8. Also, the Congress believes that legal and procedural deficiencies in general, undesirable developments in the run-up to the elections, as well as technical problems and atmospheric disturbances on election day could continue to undermine the confidence of the voters in the electoral process and thus put in danger the progress which has been made.

9. Taking into account the previous comments, the Congress invites the Georgian authorities to take all necessary steps:

a. in line with recommendations by the Venice Commission, to proclaim the principles of local self-government in the Constitution (this is even more important as Georgia, in the framework of its constitutional reform, intends to abolish the category of “organic laws” which have a higher position in the hierarchy of norms than the ordinary laws);

b. to make all legislation that affects electoral processes more specific (notably the Election Code of Georgia but also the Organic Law on Local Self-Government);

c. in line with recommendations by the Venice Commission and the OSCE Copenhagen Document, to allow for independent candidates to run in local and regional elections;

d. in line with recommendations by the Venice Commission, to review overly stringent restrictions on the active and passive suffrage rights of citizens (concerning the voting rights of persons in a penitentiary institution but also residency requirements to run for office in local-self government elections);

e. to review legal provisions and to enhance awareness raising campaigns to avoid that administrative resources – financial, technical and human resources – are misused for campaign purposes;

f. to strengthen the effectiveness of the Inter-Agency Task Force for Free and Fair Elections (IATF) in the run-up to the elections (with regard to tangible results of the investigation of violations and concrete consequences for offenders and in respect of a more pro-active information policy);

g. to implement training programmes for the improvement of knowledge and skills of election officials (in particular, to avoid in future overlong counting of the votes);

h. to amend legal and procedural shortcomings in the complaints and appeals process (in particular, to be more specific about deadlines and procedures and to avoid inadequate response to complaints);

i. to introduce proportionate measures for ensuring transparency in campaign and party financing and to support capacity building measures for political parties;

j. to develop long-term programmes for voters' education, in particular with regard to ethnic minorities with the aim to create inclusiveness in ethnical minority regions;

k. to create initiatives to encourage young people, women and representatives of minorities to engage more actively in politics and be candidates of the future;

l. to proceed with collaboration programmes in the interest of enhancing the political dialogue between the government and the opposition.

C. EXPLANATORY MEMORANDUM

I. Introduction

1. Following an official invitation from the Ministry of Foreign Affairs of Georgia to observe the municipal elections on Sunday 30 May 2010, the Bureau of the Congress responded positively.
2. The delegation, headed by Mr Günther Krug (Germany, SOC), was composed of ten members of the Congress and four members of the Committee of the Regions of the European Union and it was accompanied by representatives of the Congress secretariat. The OSCE/ODIHR also deployed long-term and short-term observers, to observe these elections, which included also the first direct election of the Mayor of Tbilisi.
3. Already on 3 and 4 May a pre-election mission explored the situation in the capital city of Tbilisi and in the municipality of Rustavi, outside Tbilisi.
4. The Congress wishes to express its thanks to Mr Borys Wodz, Special Representative of the Secretary General of the Council of Europe, and his colleagues, for their assistance.

II. Pre-election mission

5. A delegation of the Congress of Local and Regional Authorities of the Council of Europe visited Tbilisi on 3 and 4 May 2010 to assess the political situation in the country prior to the municipal elections of 30 May. It was the aim of the mission to get a general idea on the state of affairs during the electoral campaign and to obtain more specific information in respect of territorial democracy, political pluralism, freedom of expression and the media in Georgia.
6. The delegation was composed of four Congress members: Congress Vice-President Mr Günther Krug (Germany, SOC), Mr Mihkel Juhkami (Estonia, EPP-CD), Mr Nigel Mermagen (United Kingdom, ILDG) and Mrs Véronique Moreira (France, NR). Two members of the Congress secretariat accompanied the pre-election delegation.
7. They met with representatives of the Government, the Parliament and territorial bodies, the Central Election Commission (CEC), the Civil Registry Agency and the Inter-Agency Task Force for Free and Fair Election (IATF), members of the diplomatic community in Tbilisi, with party representatives, the incumbent Mayor of Tbilisi, with NGOs and the media. Also, an exchange of views with OSCE/ODIHR was arranged. The detailed programme of this mission is provided in Appendix I.

III. Election observation mission

8. The actual election observation mission of the Congress of Local and Regional Authorities was carried out from 26 May to 1 June 2010.
9. In the days preceding the elections, the delegation met with Mr Davit Tkeshelavili, Minister of Regional Development and Infrastructure, Mr Davit Bakradze, Chairman of the Parliament of Georgia and with the Chairman of the Central Election Commission (CEC), Mr Zurab Kharatishvili. Also, another meeting with the Inter-Agency Task Force for Free and Fair Elections (IATF) was scheduled. In addition, the delegation held talks with representatives of the opposition parties, with media representatives and NGO members. A final briefing with the OSCE/ODIHR delegation and the joint press conference concluded the programme.
10. The Congress wishes to thank all those listed in the programmes for the useful information provided and for their readiness to answer the questions of the delegation. Special thanks go to the Ministry of Foreign Affairs for the logistic support. The final programmes are set out in Appendix I.

11. The delegation was composed of the following members:

Congress members:

Mr Günther Krug (Germany, SOC), Congress Vice-President – **Head of Delegation**
Mr Istvan Borbely (Hungary, EPP-CD), Congress Vice-President
Mrs Dusica Davidovic (Serbia, NR)
Mr Beat Hirs (Switzerland, ILDG)
Mr Mihkel Juhkami (Estonia, EPP-CD)
Mr Nigel Mermagen (UK, ILDG)
Mrs Véronique Moreira (France, NR)
Mrs Gudrun Mosler-Törnström (Austria, SOC)
Mr Fabio Pellegrini (Italy, SOC), Congress Vice-President
Mr Emin Yeritsyan (Armenia, EPP-CD), Congress Vice-President

Committee of the Regions members:

Mrs Sharon Taylor (UK, PSE) – Speaker of the CoR members
Mr Teet Kallasvee (Estonia, EPP-CD)
Mr Uno Silberg (Estonia, EA)
Mrs Jasmina Vidmar (Slovenia, ALDE)

Congress Secretariat:

Mrs Antonella Cagnolati, Director
Mrs Renate Zikmund, Head of the Division of Communications, International Relations and Election Observation
Mrs Lucrezia Titi, Communications Assistant, Division of Communications, International Relations and Election Observation.

IV. Electoral rules and election administration

12. The legal framework for the municipal elections of 30 May 2010 refers to the Constitution (it originates from 1995 and was last amended at the beginning of 2010), to the Unified Election Code (last amended in December 2009, after a phase of thorough reform, not least because of the criticism expressed on the occasion of the 2008 elections), to the Organic Law on Local Self-Government in Georgia (also modified in December 2009) and to some other statutory texts.

13. On 30 May, more than 3,5 million citizens were called upon to elect 63 local self government bodies (*Sakrebulos*), the Tbilisi City Council and – for the first time in the country's history – the Mayor of Tbilisi. 13 political parties and three electoral blocks put up their candidates. The members of the *Sakrebulos* were elected for a four-year term according to a mixed proportional-majoritarian system. For seats apportioned according to the proportional system, a 5% threshold applied (4% in Tbilisi). Mandates in single-mandate constituencies were awarded to the candidates who received the highest number of votes. In total, there were 1,025 majoritarian election constituencies throughout the country.

14. One of the most important regulatory changes concerned the Central Election Commission (CEC) of Georgia. The new Chairman, appointed by the President in January, largely fulfilled what he had announced, that is more transparency and consensus in the CEC's voting. The Commission, a multiparty permanent body consisting of 13 members (7 appointed by the political parties, 6 nominated by the President), is responsible for the maintenance of the centralised voter register in Georgia. In the run-up to the elections, the verification of the electoral rolls was considered as priority issue for the election administration as well as for the political parties. The Georgian authorities have attached particular importance to this question, and made a budget available to the parties represented in Parliament in order to have the electoral rolls verified as far as possible for complete and up-to-date content, in a common action between the authorities, the governing party, the opposition and NGOs.

15. In addition, at mid-level election administration, there were 73 District Election Commissions (DECs) that were divided into 3,624 Precinct Election Commissions (PECs) which administered elections at the level which is closest to the citizens. Like the CEC, also the PECs and DECs were composed of 13 members.

16. An Inter-Agency Task Force for Free and Fair Elections (IATF) was established in April 2010 with the mandate to facilitate the conduct of the local elections in a transparent and fair environment and to enhance co-ordination between different agencies, local and international observer organisations, diplomatic missions and other parties involved in the electoral process. The IATF was originally created by the President of Georgia in January 2008, on the occasion of the early presidential elections. It comprised high-ranking officials from different Ministries and the National Security Council. In parallel, the Parliamentary Inter-Faction Group of Georgia, composed of nine members (five from the opposition and four from the ruling party) was established to detect and remedy deficiencies already at an early stage. The positive trends put in motion by such bodies, in particular by the IATF, in order to do away with rumours, provide solid information and issue statements to reassure the different stakeholders in the electoral process have been broadly acknowledged. However, NGOs criticised that such activities have not produced tangible results in a timely manner.

17. In order to submit candidates and party lists, political parties had to register with the Central Election Commission. Non-parliamentary parties and parties that did not participate in the last parliamentary elections needed 30,000 signatures to be entitled to register. Out of 36 parties that applied, 26 were registered by the CEC, two of them withdrew. 14 political subjects formed three electoral blocks.

18. The main problem with regard to voter registration at past elections was that because of faulty addresses and deficient notification procedure the lists contained many “dead entries”, that is persons no longer living at the stated address or in fact no longer alive at all. According to the CEC and the Civil Registry Agency, this shortcoming was to a large extent remedied, so that the source of error in the current electoral rolls would level out at under 1%. With regard to notifications submitted by the political parties, the CEC accepted some 35,000 corrections – mainly related to incorrect addresses. In total, according to the CEC, more than 300,000 corrections have been made. Approximately 12,000 voters were de-registered from the civil register on the basis of indications given by the house owners, because they were no longer resident of the originally stated addresses. After discussions, the CEC decided that these voters would be able to vote for the proportional segment of the *sakrebulo* if they registered by 14 May with the District Election Commission (DEC) in the district where they were last registered. In the end, only some 200 such voters registered with the DECs. NGOs accused the authorities of not having duly informed the public of this regulation. A solution was also found for the 50,000 or so electors with incomplete addresses (approximately 30,000 of whom live in Tbilisi) – these voters were able to vote for the proportional segment of the *sakrebulo* elections (and, in Tbilisi, for the mayor) at special polling stations provided by the CEC.

19. Special attention was paid by the Congress delegation to the situation of internal refugees (“Internally Displaced Persons, IDPs”) and to the voting rights of minorities which included the issue of providing appropriate electoral documentation in both the Armenian and Azerbaijani languages. The most significant minority groups, Azeris and Armenians, are concentrated in Kvemo Kartli and Samtskeh-Javakheti. In the run-up to the elections, NGOs stated that the level of the electoral awareness of the population was drastically low. Also, the Congress delegation heard about complaints by minority groups concerning refusals to register their political organisations. After the events of August 2008 alone, some 130,000 Georgians from South Ossetia were in flight; already in previous years, from 1992 to 1994, approximately 250,000 Georgians had to leave Abkhazia. In accordance with the Unified Election Code, IDPs had to vote where they were registered. In the two occupied areas of Abkhazia and South Ossetia no municipal elections took place on 30 May. Citizens who had left Georgia before 1 January 2010 and did not return by 14 May were marked in the voters’ lists as being abroad. To be able to vote, they had to show a passport with an entry stamp.

V. Territorial organisation and local self government

20. In the first place, local self-government in Georgia is currently regulated in very few provisions of the Constitution. Article 2.4. stipulates that “matters of local importance” should be regulated through local self-government without prejudice to the sovereignty of the State. The office of heads of executive bodies and local self-government representatives shall be electoral.

21. The procedure of the creation to the bodies of local self-government, their authority and relation with state bodies are issues determined by the Organic Law on Local Self-Government, adopted on 16 December 2005. According to this law which largely regulates local-self government in Georgia, municipalities have their *Sakrebulo* (local assembly) which is elected by the citizens for a four-year mandate. The Mayor (*Gamgebeli*) is elected by the Sakrebulo (except for the City of Tbilisi, where, for the first time, direct mayoral elections were carried out on 30 May 2010).

22. Georgia has signed and ratified the European Charter of Local Self-Government which entered into force on 1 April 2005.

23. Ongoing endeavours by the Government to amend the Constitution of Georgia include provisions for introducing a new constitutional chapter on local self-government. According to the Opinion of the Council of Europe Venice Commission which was adopted in March 2010, the draft amendments aim to strengthen the constitutional basis for local self-government in Georgia and thus represent a positive step towards consolidation of such government.⁵ Protection at constitutional level means that a qualified majority – higher than the majority which is needed for organic laws and ordinary laws – will be necessary in order to amend the principles of functioning of local self-government, an undertaking that is to be welcomed.

24. However, the Venice Commission is of the opinion that the level of constitutional entrenchment which would be brought about by these amendments is insufficient because the amendments appear to be quite “minimalistic” in their nature. Certain important matters would need to be regulated at the level of constitution, failing which the above mentioned fundamental principles of local self-government will lack protection, in particular in respect of the right to apply to the Constitutional Court.

25. According to the Venice Commission, this refers in particular to the areas of competence of local self-government. Article 102(2) of the proposed constitutional amendment stipulates that “the powers of the local self-government shall be determined by organic law”. At the same time, it may be deduced from the present Constitution that the areas listed there may never be left to local self-government. On other matters, it appears to be entirely up to the Parliament to decide which issues are to be dealt with by the central government and which by local governments. The Venice Commission states that one solution would consist in spelling out at the constitutional level the “own competences” of local self-government units. This would prevent governments from taking away any powers from local governments if they do not dispose of a qualified majority. In addition, the Venice Commission reminds that – whenever delegation of powers from state organs to the units of the local self-government is foreseen by legislative acts or contracts – the appropriate resources have to be given to local governments so that they can implement decentralisation effectively.

26. Amendments to the Organic Law of Local Self-Government in Georgia implemented in December 2009 brought improvements with regard to the definition of competences to local self-government units, in particular in respect of territorial bodies’ “own competences”. The provisions dealing with “delegated competences” for local self-government bodies have not been changed, although clarification would be needed and is recommended by the CoE. In addition, amendments were made in respect of the status of the holder of the executive power in municipalities. Municipal organs exist since long in Georgia and used to have traditional Georgian denominations (*Sakrebulo*/local assembly and *Gamgebeli*/Mayor), at the same time there was a need for modernisation. The new version of the Organic Law of Local Self-Government brought about considerable progress by attributing political legitimacy to the “Chair of the Sakrebulo” who is elected from the members of the local assembly.

⁵ European Commission for Democracy through Law, (Venice Commission) and the OSCE office for democratic institutions and human rights (osce/odhr), Joint Opinion on the Election Code of Georgia as amended through March 2010, [CDL-AD\(2010\)008](#)

However, the law is still ambiguous because of a complicated architecture (because of the “Gamgebeli” still being in place, the “Chair of the Sakrebulo” has no full and general executive authority but only limited powers in the domain of executive administration; also, there seems to be a separation between these executive powers and the functions of the “Chair”; in addition, there is vagueness if the “Gamgebeli” is to be appointed by the “Chair of the Sakrebulo” or by the “Sakrebulo”). According to recommendations by the CoE, there should be a clear specification with regard to the question who should be the executive authority – the “Mayor” - of a municipality and clarification concerning relations between the “Chair of the Sakrebulo” and the “Gamgebeli”. Also, rules and procedures of administrative supervision have to be further developed.

27. The Congress is confident of the willingness of the Georgian authorities to take into consideration the recommendations by the Council of Europe bodies, notably the opinion of the Venice Commission, in the framework of endeavours to further strengthening local self-government and decentralisation in Georgia.

28. In addition, Georgia has set up an extensive strategy for local self-government, the so-called Draft National Strategy for the Local Self-Government Reform in Georgia 2009-2012, a process which is being favourably accompanied by the Council of Europe Congress. The same applies to an initiative of city managers in over 20 Georgian municipalities who adopted open council meetings with agendas published in advance to increase citizen participation.

VI. The socio-political situation at large

29. The political system in Georgia is determined by several structural and substantive elements. For one thing, strong polarisation prevails between President Mikheil Saakashvili’s governing UNM party (United National Movement) which dominates Parliament with 119 out of 150 seats, and the opposition parties. The opposition, which has described the early presidential and parliamentary elections of 2008 as rigged (over 50% of the 31 opposition MPs refused to enter Parliament), is furthermore extremely fragmented in itself and places but little confidence in the political leadership surrounding President Saakashvili. The third thematic element is Georgia’s relationship with Russia, especially since the armed conflict of August 2008, which formed a red strand running through the discussions during the meetings of the Congress delegation with various talking-partners.

30. Apart from the measures against day-to-day corruption, President Mikheil Saakashvili, re-elected in 2008, was praised most of all for his thorough reform policy. His concept of beating back state influences and advancing privatisation is founded on the neo-liberal premise that everyone at all capable of doing so, should open his/her own business. This principle - together with a simplified taxation system - attracted many foreign investors to the country after 2004 and gave Georgia annual growth rates of 10-12% before the armed conflict with Russia in August 2008.

31. In contrast to this, a great amount of poverty and stagnation - just slightly off the main streets – was perceived by the Congress delegation with great concern. According to various reports, at present 38% of the Georgian population live below the poverty line, 14% actually in dire poverty. In talks with Foreign Minister Gregory Vashadze, the Congress delegation received confirmation that about 2 million people were believed to be living below the poverty line. Another huge problem is the high unemployment. Officially, 13% of the employable population are jobless, while unofficial sources speak of 30-35% of unemployed. The question, how the country can function in view of this great social challenge, was answered by the Minister with an estimation: for every Georgian in employment, there are about three family members who have to live on this remuneration. State unemployment benefit is non-existent. Besides, transfers of money from abroad play a considerable part (in 2008, these represented some 15% of Georgian households’ income), and the underground economy is not to be forgotten.

VII. Campaign and media coverage

32. The election campaign was largely characterised by a competitive atmosphere and lively and substantive debates, noticeable – in particular – through media programmes. The campaign took place in a mostly calm environment and candidates were able to assemble freely and to convey issue-based messages. Campaign activities focussed on the capital city due to a clear-cut political confrontation between the incumbent mayor and his contenders. Public and private broadcasters aired various election-related programmes and talk shows. On 8 May, for the first time in the country's history, a televised debate took place between the five mayoral candidates for Tbilisi on Public TV.

33. In general, the media environment in Georgia is characterised by a division along political lines. In this respect, the Congress delegation heard complaints that the media would not adequately perform their control function, a fortiori at election times. In terms of media law, Georgia may well be liberally organised, but in practice there is lack of independent reporting. The reports on television - that is dominating the media landscape (besides the public television there are two important private national broadcasters in Georgia, Rustavi 2 and Imedi TV) – were largely in consonance with the government and the President. Only two smaller channels, Kavkazia TV and Maestro, are regarded as pro-opposition. Furthermore, media experts described the Georgian media market vis-à-vis the Congress delegation as being characterised by the “front man” principle – so that it is not really known which owner stands behind which television station. This is a situation which points to dubious business connections, to opaque links between opinion leaders and financiers.

34. Irrespective of the structural problems, it is mentionable that at the beginning of 2010 a second public television channel, “Channel 2”, was set up, dedicated to political reporting, *nota bene* live broadcasts from Parliament. Although this channel does not have any particular outreach at present, the fact that it exists is already noteworthy.

35. According to media monitoring results presented by OSCE/ODIHR in respect of Georgia's First and Second Public Channels, Rustavi 2, Imedi TV, Kavkazia TV, TV Maestro, Real TV and TV Adjara, only the First Channel offered viewers a balanced picture of the campaign in its news. According to media monitoring results financed by UNDP and the European Union, the efforts made by the First Channel to improve election reporting, were considerable. This channel was also the most critical one as regards the abuse of administrative resources. The campaign coverage in news programmes of all other monitored television channels lacked balance, with some supporting the government and others the opposition. Most monitored television channels devoted extensive and favourable coverage to the activities of authorities outside the immediate campaign context, thus – indirectly – benefiting candidates with a pro-governmental orientation.

36. As bitter taste about election media reporting in Georgia remains also the fact that, even though the electoral law provides for coverage free of charge, paying election commercials on television are extremely expensive. Concerning the situation in Tbilisi, OSCE/ODIHR media monitoring revealed strong support on the two most popular TV channels Rustavi 2 and Imedi TV for the ruling party and its mayoral candidate Gigi Ugulava – who finally outpolled his competitors with 55 %.

37. A further point of concern with regard to the campaign is the correct use of administrative resources which becomes evident through activities carried out by civil servants in the pre-electoral period. Already in the past years, the abuse of administrative resources by members of the ruling party and local government officials has been a major problem in the run-off to elections in Georgia. The Congress election observation delegation heard complaints by NGOs and opposition parties that pressure was exerted on state employees (e.g. civil servants, policemen, teachers) to refrain from supporting opposition parties and vote for the ruling party. According to the Unified Electoral Law of Georgia, civil servants are permitted to campaign outside their normal duties. This time, many of them took leave to be able to campaign for the ruling party. As a consequence, international observers received allegations that in several places were left understaffed because of mass leave taking. In some municipalities officials on leave continued to carry out official duties. Opposition parties criticised that the Tbilisi mayor's office started a public campaign (“I love Tbilisi”) before the elections were officially announced. This campaign was later carried over into the official campaign of the ruling party. With regard to finance, there were complaints that local-government spending was deliberately concentrated in the pre-election period although the law prohibits implementation after the official announcement of elections of projects not previously scheduled.

VIII. Congress deployment on election day

38. The Congress delegation was divided in eight teams which covered some 150 different polling stations in different constituencies in Tbilisi, Rustavi, Gori and Marneuli. At the beginning of the day, the deployment of teams was as follows:

Constituencies of Gori and Didube (Tbilisi): Mr Günther Krug (Germany, SOC) and Mrs Sharon Taylor (UK, PSE, EU Committee of the Regions),

Constituency of Tbilisi - Isani: Mr Istvan Borbely (Hungary, EPP-CD) and Mrs Renate Zikmund (Congress Secretariat, Head of the Division of Communication, International Relations and Election Observation);

Constituencies of Marneuli and Ponichala (Tbilisi): Mrs Véronique Moreira (France, NR) and Mr Fabio Pellegrini (Italy, SOC),

Constituency of Tbilisi – Chugureti District: Mrs Gudrun Mosler-Törnström (Austria, SOC) and Mr Beat Hirs (Switzerland, ILDG),

Constituency of Tbilisi - Nadzaladevi: Mr Mikhel Juhkami (Estonia, EPP-CD) and Mr Emin Yeritsyan (Armenia, EPP-CD),

Constituency of Tbilisi - Saburtalo: Mr Teet Kallasvee (Estonia, EPP-CD, EU Committee of the Regions) and Mr Uno Silberg (Estonia, EA, EU Committee of the Regions),

Constituencies of Rustavi and Samgori (Tbilisi): Mrs Jasmina Vidmar (Slovenia, ALDE, EU Committee of the Regions) and Mr Nigel Mermagen (UK, ILDG),

Constituency of Tbilisi – Gidani Village: Mrs Dusica Davidovic (Serbia, NR) and Mrs Lucrezia Titi (Congress Secretariat, Assistant, Division of Communication, International Relations and Election Observation).

39. The polling stations were open from 8 am until 8 pm. The Congress teams observed opening procedures as well as closing and counting sessions in different polling stations. In relation to the developments and observations during polling day, the teams decided to inspect certain polling stations twice or to add specific precincts to their observation programme.

IX. Observations on voting day

40. In comparison to previous elections at local and regional level observed by the Congress of Local and Regional Authorities, the Congress delegation noticed that Georgia has made considerable efforts to improve the overall election administration, professionalism and transparency. The election day was generally calm and the processes were well-managed, with some exceptions (group voting, persons “assisting” voters, ballot stuffing, violation of the secrecy of the ballot, deficient finger inking procedure etc).

41. However, deficiencies became obvious, once the counting of the votes had started. The vote count was long drawn out and marred, in some polling stations, by procedural errors and omissions. It was observed that the validity of the ballots was not always verified in a consistent manner and that vote summary protocols were not always completed in due form. International observers from OSCE/ODIHR who monitored the procedures in 43 District Election Commissions reported that in a few DEC's the tabulation process was erroneous.

42. With regard to the vote counting, the Chairman of the Central Election Commission concluded that the performance of PECs deteriorated in comparison to the elections of 2008. According to the CEC, these problems resulted from the fact that PEC Secretaries (they were nominated, for the first time, by the opposition) did this job for the first time. Due to this situation, the counting process took longer than expected, namely three days.

43. Outside polling stations Congress observers witnessed several incidents, in particular in respect of doubtful practices by party agitators in respect of voter mobilisation and exercise of control (for example by systematic surveillance of voters, occasionally through video recording by party activists or through security forces presence). Also, members of the Congress delegation heard accusations that voters have been paid or that pressure was brought to bear on officials or on business operators to vote for candidates of the governing party. The immediate problem with such accusations is certainly that of provability.

44. Contrary to the satisfactory representation of women in election administration at the level of Precinct Election Commissions (overall, 67 % of PEC members were women), the representation at higher election administration level as well as participation of women in politics in general is disappointing in Georgia. The proportion of women candidates in single-mandate constituencies and on proportional lists remained unchanged compared to the 2006 municipal elections. Only 11 % of the majoritarian candidates and 18% of the candidates on proportional lists were women. None of the nine candidates for the mayor of Tbilisi was a woman.

45. Mentionable is also the fact that some polling stations were located in places which have to be described as suboptimal. There were, for example, polling stations where the members of the commissions did not have access to proper restrooms and water during the whole day. In addition, many polling stations were totally inaccessible for disabled voters.

X. Election results and follow-up of complaints

46. According to the Central Electoral Commission, a total of 1,740,652 voters (49 % of the electorate) cast ballots for local self-governmental elections, Tbilisi mayoral elections and parliamentary by-elections on 30 May 2010. Among the total of 981,505 voters in Tbilisi, 457,903 (46,7 % of the electorate) participated in the elections.

47. With regard to the first direct elections of the mayor of Tbilisi and elections to the representative bodies of the local self-governance (Sakrebulo).the CEC confirmed on 15 June 2010 the victory of Giorgi Ugulava (UNM/United National Movement) who drew in 55,2 % of the vote. Mandates in the Tbilisi Sakrebulo, determined through proportional and majoritarian election systems, were divided as follows: UNM 14 mandates (52,5 %), Alliance for Georgia 5 mandates (17,9%), Christian Democratic Movement 3 mandates (12,05%), National Council 2 mandates (8,2%), Industry to Save Georgia 1 mandate (6,2%). 3 electoral blocks and 14 political subjects participated in the municipal elections, out of them 3 blocks and 11 subjects in the elections for the Tbilisi Sakrebulo.

48. According to the law, concerning local self-government elections, the CEC does not sum up the results for the entire country. Results are summed up by each of the 73 District Election Commissions and published on the website of the Central Election Commission (www.cec.gov.ge).

49. The municipal elections of 30 May 2010 were monitored by more than 13,000 international and local observers. CEC registered 36 local, 28 international and 54 media organisations.

50. According to the Central Electoral Commission, most violations in the voting procedures were observed in the areas densely populated with ethnic minorities (Kakheti, Samtskhe-Javakheti and Kvemo Kartli). In total, the CEC received 90 complaints. The number of complaints received by the CEC increased compared to the last elections, however, the number of complaints submitted at District Election Commission (DEC), Precinct Election Commission (PEC) and court levels has reduced. More than 50% of the complaints were rejected by the CEC on formal grounds (e.g. missed deadlines). Furthermore, the CEC annulled results of 7 PECs (elections were repeated in these PECs on 12 June 2010). A couple of serious violations were noted (in particular with regard to exertion of pressure on opposition candidates to withdraw from the elections) and cases were sent to the Prosecutor's Office.

XI. Conclusion

51. The Congress election observation delegation considers the municipal elections of 31 May 2010 as an important test for the democratic maturity of the country and with regard to the next ballots at national level. In this respect, Georgia has made a real step forward to increase professionalism of electoral organisation and transparency of the related processes.

52. However, taking into account own impressions and observations and information received by Congress interlocutors during both the pre-election and the election observation mission, the delegation thinks that there is need for action to eliminate shortcomings concerning electoral concomitants, such as:

- the legislative environment (provisions with effect on electoral processes should be more specific);
- election administration (vote counting procedures should be reviewed);
- the election campaign (the misuse of resources should be avoided, access to the media should be more evenly balanced and party activists should be prevented from intimidations and bullying tactics);
- the handling of the post-election situation (the appeal system but also mechanisms to resolve electoral disputes should be improved);
- also, capacity building measures for political parties and voters' education programmes should be put in place.

53. In general, the Congress delegation believes that Georgia is on the right track to further develop territorial democracy and local self-government. The municipal councils, the mayors and – more specifically – the directly elected Mayor of Tbilisi have now to face the real challenges which include, in particular, the socio-economical problems of the country. From the perspective of local elected representatives, regional stability policies are key in this respect. The Congress delegation deems strong and independent municipalities as crucial for the further democratic development of Georgia and advocates that targeted assistance to the authorities should remain on the agenda of co-operation between the Council of Europe and the country.

Appendix I: Programmes

Pre-election observation mission of the Congress of Local and Regional Authorities of the Council of Europe in Georgia, from 2 to 5 May 2010

Sunday, 2 May 2010

Arrival of the delegation.

Monday, 3 May 2010

- 09:00 - 10:00 Meeting with Mr Borys Wodz, Special Representative of the CoE Secretary General in Tbilisi
Venue: Ambasadori Hotel
- 10:00 – 10:45 Meeting with of OSCE/ODIHR delegation:
Ambassador Audrey Glover – Head of Mission
Stefan Krause - Deputy Head of Mission,
Peter Palmer – Political Analyst, Goran Petrov - Election Analyst,
Rasto Kuzel - Media Analyst
Venue: Ambasadori Hotel
- 11:00 – 11:45 Meeting with **Mr Zurab Kharatishvili**, Chairman of the Central Election Commission
Venue: Central Election Commission (Agmashenebeli Highway 13th kilometer)
- 12:00 – 12:45 Meeting with the Members of the Parliamentary Inter-Fractional Group of Georgia
Venue: Rustaveli Str. 8
- 15:00 – 16:00 Meeting with the Ambassadors - members of the Ambassadorial Working Group (AWG)
Venue: UN House - Eristavi Str. 9
- 17:00 – 17:45 Meeting with **Mr George Ugulava**, Tbilisi Mayor Candidate
Venue: Pekini Str. 34
- 18:00 – 18:45 Meeting with NGOs and media representatives
Ms Natela Giunashvili, Civil Development Institute
Mr Mathias Huter, Analyst Transparency International
Ms Eka Kvesitadze, Journalist
Venue: CoE premises (I. Chavchavadze II lane Building 3a)
- 19:30 Dinner hosted by the Georgian Delegation to the Congress *Venue: Restaurant Kalakuri, (Add: Shavteli N-13)*

Tuesday, 4 May 2010

- 10:00 – 11:30 Meeting with candidates of the opposition parties running for the post of Mayor of Tbilisi:
Mr Zviad Dzidziguri, “Conservative Party”
Mr Viktor Dolidze on behalf of Mr Irakli Alasania, “Alliance for Georgia”
Mr Gia Chanturia, Christian-Democratic Movement
Mr Gogi Topadze, “Industry will save Georgia”
Mr Nika Ivanishvili, “People’s Democrats”
Mr George Lagidze, Party “Future Georgia”
Venue: CoE premises
- 12:00 – 12:45 Meeting with **H.E. Mr. Gregory Vashadze**, Minister of Foreign Affairs of Georgia

Venue: Ministry of Foreign Affairs (Chitadze Str. 4)

- 13:00 **Departure for Rustavi**
- 13:30 – 14:15 Meeting with **Mr Soso Shvelidze**, Head of Rustavi District Commision
- 14:30 Meeting with **Mr Zviad Devdariani**, Head of Agency of Shida Kartli Regional Development
- 15:00 *Lunch with **Mr Mamuka Chikovani**, Mayor of Rustavi, and **Mr Kakha Gurgenidze**, Head of Rustavi City Council*
- 17:00 Meeting with **Mr George Vashadze**, Chairman of the Civil Registry Agency
Venue: Civil Registry Agency (Tsereteli Str. 67a)
- 18.00 Meeting with the Inter-Agency Task Force for Free and Fair Elections
*Mrs Eka Zguladze, 1st Deputy Minister of Internal Affairs
Mr Giorgi Bokeria, 1st Deputy Minister of Foreign Affairs
Mrs Tina Burjaliani, 1st Deputy Minister of Justice
Mr Giorgi Vashadze, Deputy Minister of Justice
Mr Jambul Bakuradze, 1st Deputy Minister of Regional Development and Infrastructure
Venue: old Presidential Palace*

Wednesday, 5 May 2010

Departure of the delegation (morning)

**Municipal elections observation mission
of the Congress of Local and Regional Authorities of the Council of Europe
in Georgia, from 26 May to 1st June 2010**

Wednesday, 26 May 2010

Arrival of the delegation.

Thursday, 27 May 2010

- 09:00 - 11:00 Internal briefing with the delegation
Venue: Ambasadori Hotel
- 11:30 – 12:15 Meeting with **Mr Davit Tkeshelavili**, Minister of Regional Development and
Infrastructure
- 13:00 – 13:45 Meeting with **Mr Zurab Kharatishvili**, Chairman of the Central Election
Commission
Venue: Central Election Commission (Agmashenebeli Highway 13th kilometer)

Afternoon

- 15:00 – 15:45 Meeting with **Mr Davit Bakradze**, Chairman of the Parliament of Georgia
Venue: tbc
- 17:00 – 17:45 Meeting with the Inter-Agency Task Force for Free and Fair Elections (IATF)
Venue: Office of the National Security Council of Georgia (Ingorokva Str 7)

Friday, 28 May 2010

- 10:00 – 11:00 Meeting with media representatives
Maestro – Mr Kakha Beqauri
Kavkasia – Ms Nino Jangirashvili
Imedi – Ms Eka Tsamalashvili
Venue: Ambasadori Hotel
- 11:00 – 12:00 Meeting with NGOs
ISFED – Ms Ekaterine Siradze
GYLA – Ms Tamar Khidasheli
TI – Mr Vakhtang Kobaladze
Human Rights Center – Mr Ucha Nanuashvili
PMMG – Mr Arnold Stepanian
nGnL – Mr Mikheil Devdariani
Venue: Ambasadori Hotel

Afternoon

- 14:30 – 16:00 Meeting with representatives of the opposition parties
Mr Irakli Chikovani – Alliance for Georgia
Mr Vladimir Bojadze – Conservative party/People's Party/Justice for Georgia
- 16:30 – 18:00 Meeting with of OSCE/ODIHR delegation:
Ambassador Audrey Glover – Head of Mission
Stefan Krause - Deputy Head of Mission,
Peter Palmer – Political Analyst, Goran Petrov - Election Analyst,
Rasto Kuzel - Media Analyst
Venue: Ambasadori Hotel

Saturday, 29 May 2010

17:00 – 19:00 Internal briefing with drivers and interpreters before election day
Venue: Hotel Ambadori

Sunday, 30 May

Election day

23:00 De-briefing and preparation of the final statement
Venue: Hotel Ambadori

Monday, 31 May 2010

Early morning: Departure of Congress members

14:00 **Congress/ODIHR-OSCE Press Conference**
Venue: Hotel Sheraton

Tuesday, 1 June 2010

Early morning: Departure of Congress members

Appendix II: Media Advisory

Ref. MA041a10

Strasbourg, 28.04.2010

Local elections in Georgia: Congress pre-election delegation heads for Tbilisi

Date: 3-4 May 2010

Location: Tbilisi (Georgia)

A delegation of the Congress of Local and Regional Authorities of the Council of Europe, headed by Günther Krug (Germany, SOC), will carry out a pre-electoral mission to Georgia, in view of the local elections and the first ever elections of the Mayor of Tbilisi, scheduled for 30 May 2010.

The delegation will meet with representatives of government, opposition and electoral bodies, as well as with the Georgian delegation to the Congress. Views will be exchanged with members of the OSCE/ODIHR delegation and with members of the diplomatic community, as well as with media representatives.

Members of the delegation:

Günther KRUG (Germany, SOC), Member of the Berlin Parliament – **Head of Delegation**
Mihkel JUHKAMI (Estonia, EPP-CD), Chair of the Rakvere City Council
Nigel Mermagen (UK, ILDG), Councillor, South Somerset District Council
Véronique MOREIRA (France , NR) Regional Councillor, Rhône-Alpes Region

Press contacts on the spot:

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Appendix III: Media Advisory

Ref: MA057a10

Strasbourg, 21.05.2010

Council of Europe Congress to observe local elections in Georgia

Date: 27-31 May 2010

Location: Tbilisi (Georgia)

A delegation of the Congress of Local and Regional Authorities of the Council of Europe will observe local elections in Georgia, including the first direct elections of the Mayor of Tbilisi, on 30 May 2010.

On 27 and 28 May the delegation will meet with representatives of government and electoral bodies, amongst them the Chairman of the Parliament, Davit Bakradze and the Minister of Regional Development and Infrastructure, Davit Tkeshelavili. Meetings are scheduled also with media and local NGO representatives. Views will be exchanged with members of the OSCE/ODIHR delegation.

Congress Vice-President Günther Krug (Germany, SOC) will head a delegation, which will also include four members of the European Union's Committee of the Regions, as a part of the cooperation agreement between the two institutions.

A pre-election mission was carried out at the beginning of May in Tbilisi and Rustavi to assess the situation in the country prior to the elections. On this occasion, Congress members met representatives of electoral bodies, representatives of government and Parliament, as well as candidates from the ruling party and from the opposition to the post of Mayor of Tbilisi.

The delegation will present its findings during a **press conference** scheduled for **Monday 31 May at 11 am** (Hotel Ambadori, 13 Shavteli St. – Tbilisi).

The delegation

Congress members:

Mr Günther Krug (Germany, SOC), Congress Vice-President – **Head of Delegation**
Mr Istvan Borbely (Hungary, EPP-CD), Congress Vice-President
Mr Emin Yeritsyan (Armenia, EPP-CD), Congress Vice-President
Mr Fabio Pellegrini (Italy, SOC), Congress Vice-President
Mrs Dusica Davidovic (Serbia, NR)
Mr Beat Hirs (Switzerland, ILDG)
Mr Mihkel Juhkami (Estonia, EPP-CD)
Mr Nigel Mermagen (UK, ILDG)
Mrs Véronique Moreira (France, NR)
Mrs Gudrun Mosler-Törnström (Austria, SOC)

Committee of the Regions members :

Mr Teet Kallasvee (Estonia, EPP-CD)
Mr Uno Silberg (Estonia, EA)
Mrs Sharon Taylor (UK, PSE)
Mrs Jasmina Vidmar (Slovenia, ALDE)

Congress Secretariat:

Mrs Antonella Cagnolati, Director
Mrs Renate Zikmund, Head of the Division of Communications, International Relations and Election Observation
Mrs Lucrezia Titi, Communications Assistant, Division of Communications, International Relations and Election Observation

More information is available at www.coe.int/congress-georgia

Press contacts on the spot:

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Appendix IV: Press Release

Ref. 434a10

International election observers to present findings at press conference in Tbilisi on Monday

Tbilisi, 31.05.2010 - The international observers deployed by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Council of Europe's Congress of Local and Regional Authorities will present their preliminary statement at a news conference on Monday.

The preliminary statement will be delivered by Günther Krug, Head of the Congress of Local and Regional Authorities delegation, and Ambassador Audrey Glover, Head of the OSCE/ODIHR long-term Election Observation Mission. A representative of the European Union's Committee of the Regions, which participates in the Congress delegation, will also speak at the press conference.

The OSCE/ODIHR Election Observation Mission comprises some 249 observers from over 40 countries, including 41 long-term and 208 short-term observers. The Congress of Local and Regional Authorities deployed 17 observers.

Journalists are invited to attend the news conference at 14:00 on Monday, 31 May at the Hotel Sheraton Metechi Palace in Tbilisi.

For further information contact:

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Appendix V: Press Release

Ref. 435a10

Georgian local elections mark evident progress, but significant shortcomings remain to be addressed

Tbilisi, 31.05.2010 – Yesterday's municipal elections in Georgia marked evident progress towards meeting international standards, but significant shortcomings remain to be addressed, international observers from the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Council of Europe's Congress of Local and Regional Authorities concluded in a statement released today.

The election administration organized these elections in a transparent, inclusive and professional manner, but systemic irregularities were observed on election day in some regions, including several cases of ballot box stuffing and procedural violations during the vote count. The observers also noted deficiencies in the legal framework and its implementation, and characterized the campaign environment as an uneven playing field favouring contestants from the incumbent party. The Georgian public broadcaster provided overall balanced coverage.

The authorities made efforts to pro-actively address problems, including improving the quality of the voter lists. Nevertheless, the low level of public confidence in the election process persisted. The observers said further efforts in resolutely tackling recurring misconduct are required in order to consolidate the progress achieved and enhance public trust before the next national elections.

"These elections were marked by clear improvements and efforts by the authorities to address problems occurring during the process. It is now time to fix the remaining shortcomings and take effective steps to prevent electoral malpractices before the next elections at the national level," said Ambassador Audrey Glover, Head of the OSCE/ODIHR long-term Election Observation Mission.

"The municipal councils, the mayors and – more specifically – the directly elected Mayor of Tbilisi have now to solve the social and economic problems of the country which are serious. From the perspective of locally elected representatives, responsible regional stability policies are key in this respect. The Congress is ready to accompany and assist Georgia in this direction, in particular with regard to the development of local democracy and citizens' participation," said Günther Krug, Head of the Congress of Local and Regional Authorities delegation.

"Strong democracy is built from local level upwards so we were particularly pleased to see the high level of engagement and interest of young people, women and minorities in these elections. We hope that, as shortcomings are addressed and confidence develops, many of them will move from involvement in the process to be the candidates of the future," said Sharon Taylor, speaker of the members of the European Union's Committee of the Regions in the Congress delegation.

For further information contact:

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