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ASSOCIATION**

Free, Fair and Equal Electoral-Political 2022-2025 Cycle in Georgia

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INTRODUCTION

Since August 2022, the Georgian Young Lawyers' Association (GYLA) began implementation of the project "Free, Fair and Equal Electoral Political Cycle during 2022-2025" throughout Georgia. One of the goals of the project is to promote the improvement of the electoral environment through monitoring and evidence-based advocacy. In order to achieve this, the organisation will monitor ongoing policy processes and develop recommendations that will be communicated to the public and presented to decision-makers.

I. CAMPAIGN AGAINST THE AMBASSADOR OF THE USA

In the month of July, negative statements made by the newly founded movement¹ of deputies from the "Georgian Dream" towards U.S. diplomatic representation became the subject of wide discussion.²

Accusations were heard from former deputies of the "Georgian Dream" regarding the pressure of the judges by the ambassador of the United States of America. Themselves, accused of promoting the existence of a "clan" in the judicial system, the former deputies of the ruling party accused the diplomatic representation of the United States of aiding the establishment of "clan" like and selective judicial approaches in the court.³ According to the chairman of the "Georgian Dream", it was a common occurrence for deputies to ask any question to diplomats.⁴ He also criticized Kelly Degan for not addressing allegations of harassment.⁵

Criticism of the disinformation campaign was heard in political circles. On August 1, five female MPs⁶ published a joint statement criticizing the basis for the allegations against the strategic partner and its diplomatic mission, noting that the disinformation campaign threatened Georgia's national security interests.⁷ On August 4, almost the entire parliamentary opposition spectrum, with the participation of 48 deputies, responded and condemned the "slanderous" campaign against diplomatic representations.⁸ The MPs expressed their full support and reiterated their pro-Western position and Euro-Atlantic aspirations.⁹ They also accused the former chairman of the ruling party, Bidzina Ivanishvili, of indirectly encouraging and participating in the slanderous campaign, since he did not disclose the content of his conversation with the U.S.'s Ambassador Kelly Degan. At the same time, the participation of the judges in the disinformation campaign was considered alarming.¹⁰

¹ 4 former deputies of the Georgian Dream created a political movement, which, according to the founders, intends to "reveal the truth" regarding the pressure on the Georgian government from the western partners. "Macharashvili joins Kavelashvili, Khundadze and Subari", information portal Radio Tavisupleba, July 28, 2022, available at: <https://www.radiotavisupleba.ge/a/31963641.html>, updated: 10.01.2022.

² "People's Power" - Subari, Kavelashvili, Khundadze and Macharashvili founded the movement, information portal Radio Tavisupleba, August 2, 2022, available at: <https://www.radiotavisupleba.ge/a/31970666.html>, updated: 10.01.2022.

³ Those who left the "Georgian Dream" accuse the US embassy of clannishness and attacking the government, information portal Radio Tavisupleba, August 16, 2022, available at: <https://www.radiotavisupleba.ge/a/31990904.html>, updated: 10.01.2022.

⁴ "Kobakhidze on his former party members: is the question of an MP insulting to the US ambassador?", information portal Radio Tavisupleba, August 1, 2022, available at: <https://www.radiotavisupleba.ge/a/31968976.html>, updated: 10.01.2022.

⁵ Ibid.

⁶ The 5 deputies are as follows - Teona Akubardia ("Strategy Aghmashenebeli"), Khatuna Samnidze ("Republican Party"), Tamar Kordzaia (deputy without a party), Ana Natsvlshvili ("Lelo") and Ana Buchukuri ("For Georgia").

⁷ "5 female MPs issue a statement: the attack on the US ambassador strengthens the anti-Western campaign", news portal Radio Liberty, August 1, 2022, available at: <https://www.radiotavisupleba.ge/a/31968647.html>, updated: 10.01.2022.

⁸ "48 deputies condemn the government's "slanderous" campaign against the USA and the European Union", information portal „Civil.ge“, August 4, 2022, available at: <https://civil.ge/ka/archives/503055>, updated: 10.01.2022.

⁹ Ibid.

¹⁰ "Bidzina Ivanishvili repeats the message of the ruling team about the involvement of Georgia in the war", information portal „Civil.ge“, July 27, 2022, available at: <https://civil.ge/ka/archives/502163>, updated: 10.01.2022; "The former judge of the Gvaramia case accuses the MP of European parliament and the US judicial system of putting pressure on him", information portal „Civil.ge“, July 15, 2022, available at: <https://civil.ge/ka/archives/500766>, updated: 10.01.2022.

In addition, the accusations of 4 deputies who left the “Georgian Dream” concerned the possible pressure on the judiciary by the U.S. representative. Former ruling party MPs accused the U.S. diplomatic representation of pressuring individual judges and again promoting clan-like structures in the judiciary.¹¹ The U.S. Ambassador denied the accusations and spoke about the strong relationship between Georgia and the U.S. Regarding the former deputies of the ruling party, the Ambassador said that the association of 4 deputies with the “Georgian Dream” raised doubts about the involvement in the disinformation campaign of the latter.¹² Additionally, the Ambassador emphasized that the disinformation campaign against Georgia’s strategic partners was a serious problem in terms of overcoming polarization within the 12-point plan of the European Union.¹³

II. RELATIONS BETWEEN THE EUROPEAN UNION AND GEORGIA

2.1. Parliamentary working groups created to implement the 12-point plan of the European Commission

At the beginning of August, the Parliament of Georgia announced the creation of working groups within the framework of the 12-point plan of the European Commission regarding the implementation of legislative amendments.¹⁴ Working groups have been created on almost all issues of the 12 recommendations of the European Union, including electoral and justice reforms; on some issues of parliamentary control and enforcement of normative acts, and others.¹⁵ GYLA was later actively involved in the working groups.

Consultations were held regarding the creation of said working groups. Chairman of the Parliament Shalva Papuashvili met with the opposition, where he distanced the activities of the working groups within the 12-point plan from the issue of lowering the electoral barrier. According to Papuashvili, no decision on the electoral barrier issue will be made during 2022.¹⁶

According to Givi Mikanadze, “Georgian Dream” MP, the head of the working group created to amend the electoral legislation, it was planned for the recommendations of the OSCE/ODIHR and the Venice Commission to be considered in the legislative changes.¹⁷ The “Georgian Dream’s” refusal to include the non-governmental organization International Society for Fair Elections And Democracy (‘ISFED’) in the working group caused quite severe criticism.¹⁸ According to Mikanadze, the ISFED lost its neutrality when it joined the demand for the dismissal of the Prime Minister.¹⁹ In the working groups, only 2 seats were reserved for non-governmental organizations, however, the ruling party did not hide its negative attitude towards the ISFED and banned them from participating in the working groups. After this decision, GYLA suspended its work in the group until the ruling

¹¹ Those who left the “Georgian Dream” accuse the US Embassy of clannishness and attacking the government, information portal Radio Tavisupleba, August 16, 2022, available at: <https://www.radiotavisupleba.ge/a/31990904.html>, updated: 10.01.2022.

¹² “Kelly Degnan responds to the accusations of the four who left the Georgian dream”, information portal „Civil.ge”, August 17, 2022, available at: <https://civil.ge/ka/archives/504772>, updated: 10.01.2022.

¹³ “Kelly Degnan talks about current issues related to Georgia”, information portal „Civil.ge”, August 9, 2022, available at: <https://civil.ge/ka/archives/503911>, updated: 10.01.2022.

¹⁴ “Chairman of the Parliament meets with opposition political groups”, information portal Interpressnews, August 3, 2022, available: <https://www.interpressnews.ge>, updated: 10.01.2022.

¹⁵ “The Legal Affairs Committee created 5 working groups to fulfil the 12 conditions defined by the European Union” Official website of the Parliament of Georgia, August 4, 2022, available at: <https://parliament.ge/media>, updated: 10.01.2022.

¹⁶ “Shalva Papuashvili met with representatives of the parliamentary opposition”, the official website of the Parliament of Georgia, August 3, 2022, available at: <https://parliament.ge/media/>, updated: 10.01.2022.

¹⁷ “Givi Mikanadze: The goal of the working group for the revision of the election code is to revise the election code of Georgia based on the recommendations of the OSCE/ODIR and the Venice Commission”, the official website of the Parliament of Georgia, August 18, 2022, available at: <https://parliament.ge/>, updated: 10.01.2022.

¹⁸ “Disallowance of ISFED raises questions about sincerity of reform process in Parliamentary task force - US Embassy”, information portal Radio Tavisupleba, August 19, 2022, available at: <https://www.radiotavisupleba.ge/a/31996126.html>, updated: 10.01.2022; “The ruling party is being criticized for refusing to include ISFED in the electoral system reform working group”, information portal „Civil.ge”, August 18, 2022, available at: <https://civil.ge/ka/archives/505044>, updated: 10.01.2022.

¹⁹ “They were not allowed to participate in the fair elections” in the working group created for the revision of the Election Code, the first meeting of which is held in the Parliament, information portal Interpressnews, August 18, 2022, available at: <https://www.interpressnews.ge/>, updated: 10.01.2022.

party made the process inclusive again.²⁰ Regardless of this, GYLA submitted recommendations to the working group in electronic form, which were related to the shortcomings in the electoral legislation, including the staffing and procedure of the election administration, abuse of administrative resources, control of the will voters, finances of election and others.²¹ **According to the organization, “reviewing the electoral legislation and bringing it into compliance with international standards and recommendations is an inclusive process, which involves the active involvement of all interested parties.” The ruling party’s recent decision to refuse participation in this important process to the ISFED is a gross violation of the OSCE/ODIHR and the tenth recommendation of the European Commission. GYLA called on “Georgian Dream” to understand the detrimental impact of the decision on the implementation of EU recommendations and to ensure the proper involvement of all actors in the working group.**

Later, it became known to the organization that the ruling party was not going to consider GYLA’s written recommendations if it did not attend the working group meeting. Despite the fact that the organization is a member of the working group on electoral issues, GYLA refused to attend the next meetings until the process was fully inclusive with the participation of the ISFED.²² According to the EU representation in Georgia, all non-governmental organizations should have had the opportunity to participate in the working group. The representation based its argumentation on the point of the 12-point plan, which involves ensuring the involvement of civil society organizations in the decision-making process. The U.S. Embassy in Georgia made the same statement.²³

It is also interesting that together with parliamentary working groups, part of the opposition started a parallel process and announced the preparation of legislative changes within the framework of their own working groups. The initiation of such a parallel process was criticized by GYLA.²⁴

2.2. EU Report on Georgia’s European Integration Process

The European Commission has published a new report on the years 2021-2022.²⁵ It discusses the process of fulfilling obligations assumed by Georgia under the Association Agreement (AA) signed with the European Union. Concerning the 2020 elections, the report indicates that, instead of easing polarization, society has become even more divided due to the actions of both the government and opposition forces. The disagreement between the parties after the elections, in the form of the unfulfilled “Charles Michel Agreement”, was a clear manifestation of this. According to the report, the 2020 elections were competitive and generally well-administered, although suspicions of voter pressure and an imbalance of resources between the ruling party and the opposition led to an imbalance in the process and skewed the election process in favour of the ruling party. The problem of polarization is mentioned several times in the report: in the 2021 local elections, in relation to politically sensitive cases²⁶ and the media environment.

The report also criticizes the sudden cancellation of the State Inspector’s Office,²⁷ the general deterioration of the media environment, the cancellation of the “Dignity March”, the surveillance of diplomatic missions and attempts to discredit the Office of the Public Defender. The progress of the state in terms of the reform of the public administration system, the activity of civil society and the activities of the public defender are mentioned in a positional way. According to the report, progress is apparent, however, the pace needs to be accelerated.

²⁰ “Georgian Dream” is against ISFED being a member of the group working on election issues, information portal Radio Tavisupleba, August 18, 2022, available at: <https://www.radiotavisupleba.ge/a/31994261.html>, updated: 10.01.2022.

²¹ “GYLA submitted opinions to the Parliament regarding the improvement of the electoral legislation”, the official website of the Georgian Young Lawyers’ Association, August 25, 2022, available at: <https://www.gyla.ge/ge/>, updated: 10.01.2022.

²² Ibid.

²³ “US Embassy: Exclusion of ISFED in Electoral Reform Group Contradicts European Commission Recommendation”, information portal „Civil.ge”, August 19, 2022, available at: <https://civil.ge/ka/archives/505240>, updated: 10.01.2022.

²⁴ “Part of the opposition has started an alternative work process to fulfil the recommendations of the European Commission”, information portal „Civil.ge”, July 7, 2022, available at: <https://civil.ge/ka/archives/502000>, updated: 10.01.2022.

²⁵ “Georgia: EU Annual Report Marks Some Progress in Implementation of Association Agreement and Highlights Need for Further Inclusive Reforms”, EU Diplomatic Mission in Georgia - Official Website, August 13, 2022, Available at: <https://bit.ly/3RpGw5C>, updated: 10.01.2022.

²⁶ Ibid, 6.

²⁷ Ibid.

III. THE PROCESS OF ELECTING THE CHAIRMAN OF THE CENTRAL ELECTION COMMISSION (‘CEC’)

On August 6, the President of Georgia released a statement saying that for the third time Salome Zourabichvili did not nominate acting chairman Giorgi Kalandarishvili and two acting deputies for the positions of chairman and member of the CEC to parliament because they did not win the majority (2/3) of the votes the previous two times, and deputies elected them both times for a term of only 6 months instead of 5 years.²⁸ This statement was followed by a response from the CEC, according to which the explanation indicated political motivation from Salome Zourabichvili for the decision.²⁹

IV. HUNG SAKREBULO OF SENAKI

The CEC has scheduled mid-term elections in Senaki for October 1, where the population will elect one majoritarian deputy. GYLA issued a statement that the CEC’s appointment of an interim majoritarian election to elect one member of the Sakrebulo on October 1 in Senaki Municipality was not in accordance with the law and applied to the Tbilisi City Court for its annulment.³⁰ Referring to the Local Self-Government Code, GYLA noted that since the Senaki Municipality Sakrebulo has not convened for more than 6 months, there is an unconditional basis for terminating its powers and there are preconditions for snap elections in the municipality.³¹ Based on the fact that the Government of Georgia did not fulfil its obligations under the law on its own initiative, GYLA appealed to it with a statement and requested the issuance of a resolution regarding the termination of the authority of the Sakrebulo of Senaki Municipality. At the moment, the official position of the government of Georgia regarding the issues raised in the statement is not known.³² GYLA also filed a lawsuit against the government in the Tbilisi City Court, requesting the issuance of a resolution.³³ No decision has been made on the case yet.

Various political groups responded to the ongoing processes in the Senaki Sakrebulo. The CEC’s appointment of mid-term elections in Senaki only in the majoritarian district was criticized by the party of the former Prime Minister (Party “For Georgia”). One of the leaders of the party, Berdia Sichinava, on August 13 stated that the election administration “is a party appendage of “Georgian Dream”, and its decision is “illegal”.³⁴

²⁸ “The President selected the candidates for the chairmanship and membership of the CEC”, information portal „Civil.ge”, August 6, 2022, available at: <https://civil.ge/ka/archives/503393>, updated: 10.01.2022.

²⁹ “CEC accuses the president of making a “politically motivated” decision”, information portal „Civil.ge”, August 8, 2022, available at: <https://civil.ge/ka/archives/503706>, updated: 10.01.2022.

³⁰ “GYLA” demands the annulment of the mid-term elections of the Senak Sakrebulo, information portal „Civil.ge”, August 15, 2022, available at: <https://civil.ge/ka/archives/504608>, updated: 10.01.2022; “GYLA demands the annulment of the mid-term elections appointed by the CEC in Senaki”, the official website of the Georgian Young Lawyers’ Association, August 15, 2022, available at: <https://www.gyla.ge/ge/>, updated: 10.01.2022.

³¹ Ibid.

³² “GYLA launches a dispute against the Government of Georgia regarding the termination of the powers of the Senaki Sakrebulo”, official website of the Georgian Young Lawyers’ Association, August 31, 2022, available at: <https://www.gyla.ge/ge/>, updated: 10.01.2022.

³³ Ibid.

³⁴ “GYLA” demands the annulment of the mid-term elections of the Senaki Sakrebulo, information portal „Civil.ge”, August 15, 2022, available at: <https://civil.ge/ka/archives/504608>, updated: 10.01.2022.