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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.

1. MEETINGS WITH THE POLITICAL PARTIES

In October of this year, GYLA held networking meetings with political parties at the regional level.¹ The meetings were held within the framework of the project “Free, fair and equal electoral-political cycle 2019-2022” funded by the US Agency for International Development (USAID). The purpose of the event was to assess the political environment at the local level, including studying the facts related to pressure political leaders. The network meetings were attended by local representatives of political parties, who spoke about such challenges as: adaptation of legislation to party interests by the government, difficulty in reaching consensus between parties, superficial attitude of the mayor towards the city council, impossibility of cooperation between city councils with an opposition majority and city halls, lack of support for the initiatives of the opposition, failure to take into account the problems of the majoritarian constituencies represented by the opposition.

2. PUBLIC OPINION RESEARCH OF THE INTERNATIONAL REPUBLICAN INSTITUTE (IRI)

On November 7, the “International Republican Institute (IRI)” public opinion survey was published,² reflecting the results of a survey conducted among the population in the period from September 13 to October 2, 2022.³

According to the survey, 25% of respondents would vote for “Georgian Dream” in the parliamentary elections, 12% for “United National Movement”, 3%-3% for Giorgi Gakharia’s party “For Georgia” and “Girchi - More Freedom”, 2%-2% - “Strategy for Aghmashenebeli”, “Droa”, “Labor Party”, “For the People”, “Girchi” and “Patriot Alliance”. 1%-1% - to “Lelo”, “Citizens” and “Conservative Movement”.⁴

According to 62% of the respondents, Georgia is going in the wrong direction, while 30% think that it is going in the right direction.⁵ 48% of respondents believe that multi-party governance is useful for Georgian democracy.⁶ 72% of respondents say that they want to see new political parties for the next elections.⁷ 42% of the participants in the research state that none of the existing parties express their interests.⁸

The research of the “International Republican Institute” was followed by critical responses from politicians.⁹

¹ Regional offices of GYLA held network meetings with political parties in Batumi, Zugdidi, Ozurgeti, Dusheti, Gori, Rustavi and Telavi.

² “Public Opinion Survey Residents of Georgia”, the website of “International Republican Institute (IRI)”, November 7, 2022, available at: <https://www.iri.org/resources/public-opinion-survey-residents-of-georgia-september-2022/>, updated: 19.12.2022; “IRI’s survey reflects the pessimism of the population”, news portal “Civil.ge”, November 8, 2022, available at: <https://civil.ge/ka/archives/514132>, updated: 08.12.2022.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

Members of the ruling party called the survey results “manipulation”.¹⁰ The representatives of the opposition focused on the need to create new opposition poles.¹¹

3. STEPS TAKEN TO IMPLEMENT THE 12-POINT PLAN OF THE EUROPEAN COMMISSION IN THE PARLIAMENT

In the month of November, in order to fulfil the 12-point plan of the European Commission, work continued on several key issues. On November 2, the Parliament of Georgia, with 88 votes, supported the draft of the Parliament’s Regulations¹² “On Amendments to the Regulations of the Parliament of Georgia”,¹³ which envisages increasing the mechanisms of parliamentary control.¹⁴ **GYLA positively evaluated the improvement of a number of parliamentary control mechanisms with the legislative changes,¹⁵ herewith the organization called on parliament and the profile committees to discuss the improvement of the mechanisms of supervision over the financial and security sectors.¹⁶**

On November 2, the Parliament adopted the draft law “On the Special Investigation Service” on the further institutional strengthening of the Special Investigation Service and the Personal Data Protection Service, developed within the framework of the 12-point plan, with 83 votes in the first reading.¹⁷ In order to fulfil the same recommendation, on November 15, as part of the second reading,¹⁸ and on November 30, in the third reading,¹⁹ parliament supported amendments to the law “On Conflict of Interest and Corruption in Public Institutions”,²⁰ along with accompanying bills.²¹ According to the amendments, a Legal Entity Under Public Law (LEPL) - “Anti-corruption Bureau” will be created,²² which will “carry out its activities independently” and will be tasked with promoting the fight against corruption within the scope of its powers.²³ The initiative was criticized by the non-governmental organization “Transparency International-Georgia”²⁴ and said that the draft law does not adequately respond to the 4th recommendation issued by the European Commission.²⁵

On November 4, the Legal Affairs Committee supported the submission of a package of amendments to the Or-

¹⁰ “The results of the IRI public opinion survey are appreciated by politicians”, information portal „Civil.ge”, November 8, 2022, available: <https://civil.ge/ka/archives/514215>, updated: 08.12.2022

¹¹ Ibid.

¹² “Parliament approved the amendments to the regulations regarding the increase of parliamentary control mechanisms in the third reading”, the official website of the Parliament of Georgia, November 2, 2022, available at: <https://bit.ly/3FEBr6X>, updated: 09.12.2022.

¹³ “On Amendments to the Regulations of the Parliament of Georgia”, the official website of the Parliament of Georgia, available at: <https://info.parliament.ge/#law-drafting/24684>, updated: 09.12.2022.

¹⁴ “Parliament approved the amendments to the regulations regarding the increase of parliamentary control mechanisms in the third reading”, the official website of the Parliament of Georgia.

¹⁵ “Statement of GYLA regarding the strengthening of parliamentary control mechanisms in connection with legislative changes”, website of the Young Lawyers’ Association of Georgia, September 30, 2022, available at: <https://bit.ly/3iRuB57>, updated: 09.12.2022.

¹⁶ Ibid.

¹⁷ “Parliament approved the package of legislative amendments prepared on the issue of further institutional strengthening of the Special Investigation Service and the Personal Data Protection Service in the first reading”, the official website of the Parliament of Georgia, available at: <https://bit.ly/3W1qYI3>, updated: 09.12.2022.

¹⁸ “Parliament reviewed the package of legislative amendments prepared on the issue of institutional strengthening of anti-corruption activities in the second reading”, the official website of the Parliament of Georgia, November 15, 2022, available at: <https://bit.ly/3iQFDYf>, updated: 09.12.2022.

¹⁹ “Parliament approved the necessary changes for the creation of the Anti-Corruption Bureau”, information portal „Civil.ge”, November 26, 2022, available at: <https://civil.ge/ka/archives/516533>, updated: 08.12.2022.

²⁰ On Amendments to the Law of Georgia “On Conflict of Interest and Corruption in Public Institutions”, the official website of the Parliament of Georgia, available at: <https://info.parliament.ge/#law-drafting/24960>, updated: 09.12.2022.

²¹ “Parliament reviewed the package of legislative amendments prepared on the issue of institutional strengthening of anti-corruption activities in the third reading”, information portal „Civil.ge”, 30 November 2022, available at: <https://bit.ly/3hBK9cN>, updated: 09.12.2022.

²² Ibid.

²³ Ibid.

²⁴ „TI Georgia “: The draft law on the establishment of the “Anti-Corruption Bureau” does not respond to the recommendation of the European Commission, information portal „Civil.ge”, November 1, 2022, available at: <https://civil.ge/ka/archives/513370>, updated: 09.12.2022.

²⁵ Ibid.

ganic Law “On Common Courts” to the Parliament in the manner of a legislative initiative regarding the issue of granting Georgia EU membership candidacy status.²⁶ On November 22, the Parliament sent the mentioned package to the European Commission for the Protection of Democracy through Law (Venice Commission) and to the Office of Democratic Institutions and Human Rights of the OSCE for a joint legal opinion.²⁷ **GYLA criticized the initiated changes.²⁸ According to the organization, the draft law does not comply with the recommendations of the European Commission, other international partners or civil society, the proposed changes are fragmented and do not serve to improve the Judiciary.²⁹**

On November 3rd, Parliament adopted a bill “On Deoligarchization” in the first reading,³⁰ and on November 15, in the second reading.³¹ The opposition criticized the draft law, according to Levan Bezhashvili, a member of the “United National Movement”, the prepared version did not take into account Georgian reality and represented a copy of the Ukrainian one.³² The representative of the European Union called upon the government to forward the “deoligarchization” law to the Venice Commission,³³ the initiative of the representative of the European Union was also approved by the US ambassador to Georgia, Kelly Degnan.³⁴ On November 28, the government made a statement regarding sending the draft law to the Venice Commission.³⁵

4. NIKA GVARAMIA’S CASE

On November 2, the Tbilisi Court of Appeal left Nika Gvaramia, the general director of the TV company “Mtavari Arkhi” in prison.³⁶ The court also left the prison sentence unchanged.³⁷ According to the defence, the court’s decision deprives not only Nika Gvaramia of his freedom, but also the country and hinders it on the way to European integration.³⁸ The members of “Georgian Dream” considered the court decision legal and fair, and called the statements of the opposition speculations.³⁹ The representatives of the opposition evaluated Nika Gvaramia’s case as political persecution and considered the process as an obstacle to European integration.⁴⁰ The non-governmental

²⁶ “The Legal Affairs Committee supported the initiation of amendments to the organic law “On Common Courts”, official website of the Parliament of Georgia, November 4, 2022, available at: <https://bit.ly/3iERJ6A>, updated: 09.12.2022.

²⁷ “Parliament sent draft laws prepared within the framework of justice reform to the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights for a joint legal opinion”, Official website of the Parliament of Georgia, November 22, 2022, available at: <https://bit.ly/3W3g4Br>, updated: 09.12.2022.

²⁸ “GYLA’s opinion on the draft law - “On Common Courts” regarding the amendment to the Organic Law of Georgia”, website of the Young Lawyers’ Association of Georgia, November 18, 2022, available at: <https://bit.ly/3W1KDaL>, updated: 09.12.2022.

²⁹ Ibid.

³⁰ “Parliament adopted the draft law on deoligarchization in the first reading”, official website of the Parliament of Georgia, November 3, 2022, available at: <https://bit.ly/3YmKil9>, updated: 09.12.2022.

³¹ “Parliament adopted the draft law on deoligarchization in the second reading”, official website of the Parliament of Georgia, November 15, 2022, available at: <https://bit.ly/3FDNKjG>, updated: 09.12.2022.

³² „Levan Bezhashvili - the Georgian law “on deoligarchization” must correspond to the Georgian reality - naturally, the opposition will not be able to support the facade law, information portal „Interpressnews”, November 3, 2022, available at: <http://bit.ly/3tB89Pu>, updated: 09.12.2022.

³³ „The European Union delegation requests the opinion of the Venice Commission on the “deoligarchization” draft law, information portal „Civil.ge”, November 21, 2022, available at: <https://civil.ge/ka/archives/515847>, updated: 08.12.2022.

³⁴ “Kelly Degnan: “It is a good advice” to send the deoligarchization bill to the Venice Commission, information portal „Civil.ge”, November 22, 2022, available at: <https://civil.ge/ka/archives/515956>, updated: 08.12.2022.

³⁵ “Georgian Dream will send the draft law on “deoligarchization” to the Venice Commission, information portal „Civil.ge”, November 29, 2022, available: <https://civil.ge/ka/archives/516859>, updated: 08.12.2022.

³⁶ “The Court of Appeal left Nika Gvaramia in custody”, information portal „Civil.ge”, November 2, 2022, available at: <https://civil.ge/ka/archives/513436>, updated: 08.12.2022.

³⁷ Ibid.

³⁸ Ibid.

³⁹ “Georgian Dream and the opposition respond to the fact of leaving Nika Gvaramia in prison”, information portal „Civil.ge”, November 2, 2022, available at: <https://civil.ge/ka/archives/513503>, updated: 08.12.2022.

⁴⁰ Ibid.

sector⁴¹ and the office of the Ombudsman⁴² also expressed concern about the case. Similarly, the decision was also negatively evaluated by the US ambassador to Georgia.⁴³

5. HEALTH CONDITION OF MIKHEIL SAAKASHVILI

On November 25, the director of the “Empathy” centre, Mariam Jishkarian, said that the life of the imprisoned third president of Georgia, Mikheil Saakashvili, is in danger and he should be released immediately.⁴⁴

13 non-governmental organizations responded to the information about Mikheil Saakashvili’s health condition with a joint statement.⁴⁵ They called on authorities not to be guided by politics, but rather by recommendations of experts when discussing the issue of Saakashvili’s treatment, including his possible transfer abroad for treatment.⁴⁶ According to the President of Georgia, Salome Zourabichvili, she is monitoring the reports on the health condition of the imprisoned ex-president of the country Mikheil Saakashvili, carefully and on a daily basis.⁴⁷ According to her explanation, representatives of the president’s administration regularly meet with councils created to monitor the former president’s health.⁴⁸

6. SNAP ELECTIONS

On the 25th of November, the mayor of Tsageri Municipality, Giorgi Nemsadze left his post.⁴⁹ According to Nemsadze, his resignation was not connected to failed attempts at political dialogue, but rather he was offered a better position elsewhere.⁵⁰ According to electoral law, if a sitting mayor steps down during the period of 15th June to 15th of January, snap elections are held in April of the following year.⁵¹ As such, snap mayoral elections in Tsageri will be held in April of 2023. The Tsageri snap election coincides with similar snap elections in Terjola municipality. The Mayor of Terjola passed away due to a traffic accident on October 9th.⁵² In April 2023, midterm parliamentary elections will also be held in the majoritarian district of Khobi, Poti and Senaki. The latter midterm elections are a consequence of former MP, Irakli Khakhubia passing away.⁵³

⁴¹ “Non-governmental organizations and the media appeal to Charles Michel to immediately ask the president to pardon Gvaramia”, information portal „Civil.ge”, November 7, 2022, available at: <https://civil.ge/ka/archives/514003>, updated: 08.12.2022.

⁴² “Ombudsman expresses concern over leaving Nika Gvaramia in custody”, information portal „Civil.ge”, November 2, 2022, available at: <https://civil.ge/ka/archives/513596>, updated: 08.12.2022.

⁴³ “US Embassy: Gvaramia’s imprisonment puts European future at risk”, information portal „Radio Tavisupleba”, November 2, 2022, available at: <https://www.radiotavisupleba.ge/a/32112115.html>, updated: 08.12.2022.

⁴⁴ “Jishkariani on Saakashvili: death of a person is possible at any moment”, information portal „Radio Tavisupleba”, November 25, 2022, available at: <https://www.radiotavisupleba.ge/a/32148265.html>, updated: 08.12.2022.

⁴⁵ “Non-governmental organizations address the health condition of Mikheil Saakashvili”, information portal „Civil.ge”, November 26, 2022, available at: <https://civil.ge/ka/archives/516533>, updated: 08.12.2022.

⁴⁶ Ibid.

⁴⁷ “The President is “carefully” observing reports on Mikheil Saakashvili’s health condition”, information portal „Civil.ge”, November 24, 2022, available at: <https://civil.ge/ka/archives/516201>, updated: 08.12.2022.

⁴⁸ Ibid.

⁴⁹ “Mayor of Tsageri Municipality Resigned”, Information portal “Civil.ge”, November 25, 2022, available at: <https://civil.ge/archives/516455>, updated: 08.12.2022.

⁵⁰ Ibid.

⁵¹ Art. 169², Georgia’s Organic law - “Election Code of Georgia”

⁵² “Mayor of Terjola, Lasha Gogiashvili passed away”, Information portal “Radio Tavisupleba”, October 9, 2022, available at: <https://www.radiotavisupleba.ge/a/32071866.html>, updated: 08.12.2022.

⁵³ „MP Irakli Khakhubia found dead at home”, Information Portal “Interpressnews”, October 27, 2022, available at: <https://bit.ly/3Yxappk>, updated: 08.12.2022.