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YOUNG
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ASSOCIATION**

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

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INTRODUCTION

Since August 2019, the Georgian Young Lawyers' Association (GYLA) has been actively engaged in the implementation of the “Free, Fair, and Equal Election” project across Georgia, which encompasses the electoral political cycle spanning from 2022 to 2025. Among the project's primary objectives is the advancement of the electoral landscape by means of monitoring and evidence-based advocacy. In pursuit of this goal, our organization diligently monitors ongoing policy processes and formulates recommendations that are disseminated to the public and presented to key decision-makers. Presently, we are pleased to introduce Newsletter #56, presenting insights into the significant events of May 2024 that have significantly shaped the political environment.

1. ADOPTION OF THE “FOREIGN INFLUENCE TRANSPARENCY LAW” (COMMONLY REFERRED TO AS THE “RUSSIAN LAW”)

Despite citizens' protests and opposition from Western partners, on May 14, the Georgian Parliament passed the “Russian Law” bill in its third and final reading, with 84 votes in favor and 30 against.¹ Following the adoption of the draft law, several opposition parties and independent MPs² announced a boycott of work in both the parliamentary and all municipal councils.³

President Salome Zourabichvili vetoed the bill on May 18, but the majority of “Georgian Dream” overcame the President's veto on May 28 with 84 votes against.⁴ On May 28, local non-governmental organizations published a statement declaring their disobedience to the “Russian Law.”⁵ The President of the European Council, Charles Michel, responded to the veto of the President on the draft law and its final adoption, stating that the adoption of the law “is a backward step and takes Georgia further away from the path to the European Union.”⁶

On May 21, the Venice Commission published its opinion on the “Russian Law” in an expedited manner. The Commission's opinion highlighted that the fundamental flaws in the law would have significant negative consequences on fundamental human rights.⁷ Prime Minister Irakli Kobakhidze responded to the Venice Commission's opinion on the “Russian Law” by calling it “weak.” He further stated that “the Venice Commission has denied professional dignity.”⁸

On May 30, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) published an urgent legal analysis of the “Russian Law,” stating that the law is incompatible with international human rights standards and the country's obligations as an OSCE member state.⁹

¹ “In light of the protests, the parliament adopted the draft law on “foreign agents” in the third reading”, information portal “civil.ge”, May 14, 2024, available at: <https://civil.ge/ka/archives/606456>, updated: 21.06.2024.

² Opposition parties: “United National Movement”, “Strategy Aghmashenebeli” and “Lelo”, independent MPs: Tamar Kordzaia and Tariel Nakaidze.

³ “Several opposition parties and independent MPs have announced a boycott of the parliament”, information portal “civil.ge”, May 14, 2024, available at: <https://civil.ge/ka/archives/606596>, updated: 21.06.2024.

⁴ “Parliament Overcame the President's Veto on the Draft Law on “Foreign Agents”, information portal “civil.ge”, May 14, 2024, available at: <https://civil.ge/ka/archives/609896>, updated: 21.06.2024.

⁵ “We will not obey the Russian law!”, May 28, 2024, available at: <https://www.transparency.ge/ge/post/rusul-kanons-ar-davemorchilebit>, updated: 21.06.2024.

⁶ “Charles Michel: The adoption of the law on transparency takes Georgia away from the path to the European Union”, information portal “civil.ge”, May 28, 2024, available at: <https://civil.ge/ka/archives/610102>, updated: 21.06.2024.

⁷ URGENT OPINION ON THE LAW ON TRANSPARENCY OF FOREIGN INFLUENCE issued on 21 May 2024 pursuant to Article 14a of the Venice Commission's Revised Rules of Procedure, available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI\(2024\)013-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2024)013-e), updated: 21.06.2024.

⁸ The Prime Minister calls the critical opinion of the Venice Commission on the “foreign agents” law “weak”, information portal “civil.ge”, May 23, 2024, available at: <https://civil.ge/ka/archives/609021>, updated: 21.06.2024.

⁹ URGENT OPINION ON THE LAW OF GEORGIA “ON TRANSPARENCY OF FOREIGN INFLUENCE”, OSCE Office for Democratic Institutions and Human Rights, May 30, 2024, available at: <https://www.osce.org/files/f/documents/b/d/569922.pdf>, updated: 21.06.2024.

Actions of intimidation, threats, and physical abuse were carried out against participants of the rally against the “Russian Law”, including politicians and members of civil society organizations. On May 13, the Public Defender issued a statement urging the Special Investigation Service to conduct a timely and effective investigation into the attacks on opposition members, activists, journalists, and citizens protesting the draft law.¹⁰ In the background of intense attacks on civil activists and opposition politicians, diplomatic missions also urged the authorities to take action and conduct thorough investigations into the incidents.¹¹ On May 16, GYLA issued a statement declaring that in some cases, the violence inflicted by the police on protestors amounts to torture in its intensity and level of brutality.¹²

2. THE PARLIAMENT OVERCAME THE PRESIDENT’S VETO ON GENDER QUOTAS

On May 15, the Parliament of Georgia overcame the President’s veto on the amendment to the Election Code, which provides for the abolition of gender quotas for female MPs. The amendment was supported by 85 deputies, while 22 voted against it.¹³

In the Organic Law “On Political Union of Citizens” from Article 39¹ the part that provided for the so-called “gender quota” was removed. According to this section, political parties were required to compose their electoral lists so that each list of three candidates included at least one representative of a different gender. By adhering to this rule, parties would receive an additional supplement to their state funding.

3. THE PRESIDENT PRESENTED THE “GEORGIAN CHARTER”

At the event marking Georgia’s Independence Day, President Salome Zourabichvili unveiled the “Georgian Charter”, a roadmap for addressing the political crisis and steering the country back toward European Union integration. According to her, the October 2024 elections will serve as a referendum on the key provisions of this roadmap.¹⁴ According to Salome Zourabichvili, the “Georgian Charter” reflects the society’s will and demand.¹⁵ According to her, the document with its essence and spirit also serves to take the main steps that are of existential importance for the society today. According to the president, the steps that the signatories of this charter undertake to fulfill are the cancellation of laws harmful to the European course of the country, the release of the justice system and the restoration of trust, and the improvement of the electoral system.¹⁶ According to the text of the charter, proper conditions must be established for holding fair and free elections. This includes reviewing the procedure for electing and staffing the chairman of the Central Election Commission (CEC), lowering the electoral threshold, allowing the creation of electoral blocs, revising the procedure for party financing, and ensuring the diaspora can participate in elections without hindrance.¹⁷

¹⁰ “The Public Defender talks about the persecution of protesters based on their political, activity and opinion”, information portal “civil.ge”, May 13, 2024, available at: <https://civil.ge/ka/archives/606221>, updated: 21.06.2024.

¹¹ “Campaign of intimidation and violence against civil activists and opposition politicians drew international response”, news portal “civil.ge”, May 11, 2024, available at: <https://civil.ge/ka/archives/605290>, updated: 21.06.2024.

¹² “In order to protect the Russian law, the authorities continue to use violence against peaceful protestors”, website of GYLA, May 16, 2024, available at: <https://shorturl.at/OmysK>, updated: 04.07.2024.

¹³ “The Parliament overcame the President’s veto on the cancellation of gender quotas”, information portal “civil.ge”, May 15, 2024, available at: <https://civil.ge/ka/archives/607551>, updated: 21.06.2024.

¹⁴ “President: I present to you the action plan - “Georgian Charter”, May 26, 2024, available at: https://president.ge/index.php?m=206&appeals_id=398, updated: 21.06.2024.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

4. PARLIAMENT ADOPTED AMENDMENTS TO THE ELECTION CODE

On May 30, the Parliament of Georgia adopted amendments to the Election Code by 80 votes.¹⁸ According to the amendments, if a decision by the CEC, which requires the support of at least two-thirds of the full membership, is not adopted as a result of the initial vote, it will be re-voted at the same session. In this case, the decision will be considered adopted if it is supported by a majority of the full composition of the CEC.¹⁹ Additionally, the CEC advisory group, which included a representative from the Public Defender’s Office and local and international experts selected by monitoring organizations, is being abolished.²⁰ Before the changes, the CEC was required to approve the composition of the advisory group, which was responsible for providing recommendations to the CEC regarding the process of reviewing election disputes.

5. PRESIDENT’S ADDRESS TO THE DIASPORA

In her address on May 27, Georgian President Salome Zourabichvili urged Georgians living abroad to “fully mobilize” for the upcoming parliamentary elections in October.²¹ According to the President, May 27 was designated as Diaspora Day; however, she noted that, for reasons unknown to her, “a decision was made not to celebrate this day this year.” Discussing the “Georgian Charter” developed for the upcoming elections, the President emphasized that “the diaspora plays a crucial role in this plan.”²²

6. VISIT OF OSCE/ODIHR NEEDS ASSESSMENT MISSION REPRESENTATIVES

Representatives of the needs assessment mission of the OSCE Democratic Institutions and Human Rights Office visited Georgia in May. They held meetings with opposition MPs,²³ civil society and government representatives. On May 23, Mateo Mecacci, Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), met with Georgian President Salome Zourabichvili and Parliament Speaker Shalva Papuashvili.²⁴ According to the President’s administration, the Office of Democratic Institutions and Human Rights of the OSCE is ready to send both a long-term and a short-term observation mission to Georgia during the elections. On his part, the Director of OSCE/ODIHR expressed his readiness to strengthen the promotion and support of the development of democratic institutions of Georgia.²⁵

¹⁸ “Parliament adopted amendments to the Election Code”, information portal “civil.ge”, May 15, 2024, available at: <https://civil.ge/ka/archives/610695>, updated: 21.06.2024.

¹⁹ Draft Law “On Amending the Organic Law of Georgia “Election Code of Georgia”.

²⁰ Ibid.

²¹ “President to Diaspora - your vote will be very important in this election. Show us, tell us what kind of future you want for Georgia”, President’s website, May 27, 2024, available at: https://president.ge/index.php?m=206&appeals_id=399, updated: 04.07.2024.

²² Ibid.

²³ “Girchi”, “Eurooptimists”, “For a national and democratic state”, “Lelo - partnership with Georgia” and “Citizens”.

²⁴ “The OSCE/ODIHR mission visits Georgia”, information portal “civil.ge”, May 23, 2024, available at: <https://civil.ge/ka/archives/609070>, updated: 04.07.2024.

²⁵ Ibid.

7. THE OPPOSITION PARTIES ANNOUNCED THE CREATION OF THE “EUROPEAN PLATFORM OF NATIONAL RESISTANCE”

Mamuka Khazaradze, the leader of the “Lelo for Georgia” party, said that a “European platform of national resistance” should be created with joint forces.²⁶ According to him, close coordination with President Salome Zourabichvili is crucial in this process. Levan Khabeishvili, leader of the “United National Movement,” supported the “Lelo” initiative, asserting that there should no longer be divisions between pro-Georgian, pro-European, and pro-Western factions. He affirmed that the National Movement is open to dialogue and willing to reach any necessary compromises. Additionally, “Strategy Aghmashenebeli” issued a statement confirming its readiness to unite in support of Georgia and its European future.

8. ELECTORAL RISKS ASSESSED BY THE EXPERT DOCUMENT

On May 31, 2024, the German Marshall Fund released a document authored by Laura Thornton titled “2024 Parliamentary Elections in Georgia: Pre-Election Risk Assessment.”²⁷ The document provides an evaluation of the pre-election environment and outlines key events that could impact the elections or the pre-election atmosphere. Among them, according to the document, based on the developments surrounding the law “On Transparency of Foreign Powers”, there is a risk of an “unstable and developing crisis that pitted the government against its own people” in the pre-election process.²⁸ The document includes other risks as well:²⁹

- Civil unrest could arise from continued violence against the Georgian people, civil society, journalists, and opposition representatives. Additionally, an increasing number of arrests, detentions, and heightened intimidation may contribute to the unrest;
- Cancellation or limitation of efforts to observe the main non-partisan elections in Georgia (due to fines, arrests, lack of accreditation and/or difficulties in recruiting observers); limited or no oversight of all aspects of elections (pre-election, election day, counting);
- limited media coverage of the election campaign due to pressure on journalists and media outlets or fines; Uneven coverage of election candidates, limitation of investigative journalism in violations;
- Failure to implement electoral reforms in order to restore some independence for the electoral administration and remove the prohibition of electoral blocs and/or high thresholds; There remains a party election commission that questions the process and fair hearing of complaints;
- Mediated unified opposition platform fails, which further distorts the electorate and causes votes to be “lost” due to the high threshold;
- Georgian Dream’s information campaigns about war and threats to territorial integrity, attempts to portray the West as a “global war party” and false narratives surrounding the Foreign Agents Act scare and confuse voters; It is not possible to provide voters with accurate information about this propaganda and misinformation;
- Disputed election results and the potential for post-election instability and civil disturbance.

The document also provides recommendations for the Georgian civil sector. It advises combating Kremlin propaganda and anti-European narratives within the country, while simultaneously enhancing information campaigns

²⁶ “Opposition parties announce the creation of the “European platform of national resistance”, information portal “civil.ge”, May 14, 2024, available at: <https://civil.ge/ka/archives/606648>, updated: 04.07.2024.

²⁷ „Georgia’s 2024 Parliamentary Election: Pre-Election Risk Assessment”, GMF, May 31, 2024, available at: <https://www.gmfus.org/news/georgias-2024-parliamentary-election-pre-election-risk-assessment>, updated: 11.07.2024.

²⁸ „Georgia’s 2024 Parliamentary Election: Pre-election risk assessment”, By Laura Thornton with contributions from Tamara Sartania, May 31, 2024, available at: <https://www.gmfus.org/sites/default/files/2024-06/Georgia%20Election%20Analysis.pdf>, p. 1.

²⁹ Ibid, p. 9.

about electronic voting; Political candidates should be offered different platforms that cover the entire territory of the country, and data should be provided after the election observation in a single clear approach.³⁰

Experts recommend international donors to “give a strong response” to the ruling party and strengthen the civil sector.³¹

³⁰ „Georgia’s 2024 Parliamentary Election: Pre-election risk assessment”, By Laura Thornton with contributions from Tamara Sartania, May 31, 2024, available at: <https://www.gmfus.org/sites/default/files/2024-06/Georgia%20Election%20Analysis.pdf>, p. 10.

³¹ Ibid, p. 10.