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**GEORGIAN
YOUNG
LAWYERS'
ASSOCIATION**

Free, Fair and Equal Electoral-Political 2019-2022 Cycle in Georgia

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INTRODUCTION

In August 2019, The Georgian Young Lawyers' Association (GYLA), with the support of USAID, launched the project “Free, Fair and Equal Electoral-Political 2019-2022 Cycle in Georgia”. It covers the territory of Tbilisi, Kakheti, Mtskheta-Mtianeti, Kvemo Kartli, Shida Kartli, Imereti, Samegrelo-Zemo Svaneti, Guria and Adjara.

One of the primary goals of the project is to support improvement of the electoral environment through monitoring and evidence-based advocacy. To this end, GYLA will monitor ongoing political processes and develop recommendations that will be presented to the public and decision-makers.

THE PROCESS OF AMENDING ELECTORAL SYSTEM

On 14 November 2019, the majority rejected to pass the draft constitutional bill on holding the 2020 Parliamentary Elections through the fully proportional, zero threshold, electoral system¹ resulting in a public protest. With the aim of overcoming the crisis in the country, negotiations between the ruling party and the opposition began with the initiative and participation of diplomatic corps.² Four rounds of negotiations were held, yet the parties failed to agree on changes to the electoral system.³

The fifth round of the negotiations was scheduled for January, but it has not yet taken place.⁴ The opposition proposes the government to conduct the 2020 Parliamentary Elections under the so-called “German Electoral System” or within multi-mandate majoritarian electoral constituencies.⁵ On its behalf, the ruling party presented to the opposition a proposal suggesting the election to be held through a mixed-election system, which envisages the reduction in the number of majoritarian MPs up to 50 and the increase in the proportional list MPs up to 100.⁶ The parties are still unable to reach a consensus.

European Parliament MPs have once again criticized the Georgian authorities for failing to move to the proportional electoral system.⁷ The Parliamentary Assembly of the Council of Europe (PACE) is concerned about the failure of the Georgian Dream to transit to a fully proportional electoral system and calls on the ruling party to ensure a fair electoral system that all stakeholders would trust, before the 2020 elections.⁸ The Congressmen representing Georgia Caucus in the U.S House of Representatives have written to Prime Minister Giorgi Gakharia urging him to protect the legitimacy of the 2020 Parliamentary Elections and prevent any interference.⁹

¹ Plenary session voting report, the website of the Parliament of Georgia, 14.11.2019, available at: <https://bit.ly/3ffHygR>, updated: 11.02.2020.

² “Dialogue between the ruling party and the opposition ends in vain,” the website of the Georgian Public Broadcaster (GPB), 30.11.2019, available at: <https://bit.ly/3csK2IT>, updated: 11.02.2020.

³ “Politicians Assess Ruling Team’s Initiative on Maintaining a Mixed Electoral System,” news portal “civil.ge”; 20.12.2019, available at: <https://bit.ly/2xV4F1a>, updated: 11.02.2020.

⁴ “Opposition and Government Preparing for Fifth Round of Talks,” Imedi TV, 15.12.2019, available at: <https://bit.ly/2SV4j1S>, updated: 11.02.2020.

⁵ “What Does the Adapted “German Model” of the Opposition Mean” News Portal “Netgazeti”, 29.11.2019, available at: <https://bit.ly/2Aer5LB>, updated: 11.02.2020

⁶ “100/50 - Ruling party again offers the opposition to maintain a mixed electoral system,” news portal ‘civil.ge’, 20.12.2019, available at: <https://bit.ly/3fE1YSK>, updated: 11.02.2020.

⁷ “European Parliament MPs criticize Georgian Dream,” 21.01.2020, news portal Netgazeti, available at: <https://bit.ly/3cqzV7r>, updated on 11.02.2020.

⁸ “PACE Concerned about Proportional System Rejection,” 31.01.2020, News Portal Netgazeti, available at: <https://bit.ly/2yGsUkk>, updated: 11.02.2020.

⁹ “Georgian Government Releases Letter Received from the Congressmen,” 22.01.2020, News Portal NetGazeti, available at: <https://bit.ly/2T0UEqz>, updated:11.02.2020

Civil society organizations again appealed to the government to return to discussion on changing the electoral system.¹⁰

As the parliamentary elections approach, the prospects of introducing constitutional amendments related to the electoral system are diminishing. The dialogue between the ruling party and the opposition is reaching a deadlock.

GYLA believes that the government should make more efforts to reach a consensus on the electoral system.

PUBLIC PROTESTS AND PHYSICAL CONFRONTATIONS

Following the rejection of the constitutional amendments on proportional electoral system, the public protest and confrontation between representatives of political parties have not ceased.¹¹

The Movement “Change” held rallies in Samegrelo, namely, in Zugdidi (near MP Merab Kvaraia’s Bureau),¹² Chkhorotsku (near MP Goga Gulordava’s Bureau),¹³ Khobi (near MP Dachi Beraia’s Bureau).¹⁴ Again, the rallies did not go without confrontation. Verbal insults followed protests in Zugdidi and Khobi, and after the Chkhorotsku demonstration, activists of the Movement “Change” were physically assaulted as well.¹⁵ In the course of the ongoing investigation into the incident, one person was arrested on charges of violence against two or more individuals.¹⁶

GYLA reiterates that acts of violence are significantly affecting the political/electoral environment, poses a threat to stability and deepens the existing polarization between political forces. In regard, especially important is the role and responsibility of law enforcement officers to promptly and efficiently carry out the investigation and ensure the protection of the impartiality principle regardless of the political affiliation of offenders, to prevent any risks to holding the parliamentary elections 2020 in a peaceful and fair environment.

¹⁰ “NGOs Call on Government to Discuss Proportional Election System,” News Portal Netgazeti, 28.02.2020, available at: <https://bit.ly/2WMpYdK>, updated: 11.02.2020.

¹¹ GYLA Newsletter No.3, Pages 2-5, the official website of the Georgian Young Lawyers’ Association, available at: <https://bit.ly/37vC-gdJ>, updated: 11.02.2020.

¹² “The Protest Rally of “Change” in Zugdidi Transformed into Confrontation,” Radio Tavisufleba, 31.01.2020, available at: <https://bit.ly/2YUJIUy>, updated: 11.02.2020.

¹³ “Activists of Movement “Change” Assaulted in Chkhorotsku,”(video footage), News Portal “paqtebi.ge” 30.01.2020, available at: <https://bit.ly/2LIGXyh>, updated: 11.02.2020;

¹⁴ “Confrontation in Khobi, near the Bureau of Dachi Beraia, the majoritarian MP, where members of the Movement “Change” held a protest,” News Portal InterPressNews, 31.01.2020, available at: <https://bit.ly/3fRXesW>, updated: 11.02.2020.

¹⁵ “Activists of Movement “Change” Beaten in Chkhorotsku,”(video footage), News Portal “paqtebi.ge” 30.01.2020, available at: <https://bit.ly/2YWmBUj>, updated: 11.02.2020.

¹⁶ “Members of the movement “Change” declare their three members assaulted in Chkhorotsku”, the Radio Liberty, 30.01.2020, available at: <https://bit.ly/2Woxis>, updated: 11.02.2020.