



## **Joint assessment of the pre-election environment of the 2020 parliamentary elections**

### **Introduction**

On August 31, 2020, the Decree of the President of Georgia [established](#) that the next Parliamentary Elections would be held on October 31 of the same year. The official pre-election campaign began on September 1, sixty days prior to the casting of votes, and became more intense as the Election Day drew closer. The pre-election environment, as well as the preparations for the Election Day, were significantly affected in a negative manner by the new coronavirus (SARS-CoV-2) pandemic and the respective challenges brought about by the outbreak. The number of infected individuals saw a sharp rise with the approach of the Election Day. This has resulted in the healthcare system's registration system for infected and isolated individuals to become vague. Furthermore, the Central Election Commission's attempt to adopt a [Decree](#) to regulate this issue two weeks prior to the elections proved to be insufficient. There were also shortcomings in public communication and voters were not duly provided with important information. Due to these circumstances, the right to vote of thousands of voters was called into question.

### **Pre-election campaign**

The pre-election campaign was preceded by the declaration of the state of emergency, strict state policy on isolation and an economic shock due to the outbreak of the coronavirus. Under the guise of countering the effects of the outbreak, the central and local governments carried out large-scale social projects. There was no clear visible boundary between the state and ruling party during the implementation of the said social projects. As a result, the ruling party entered the pre-election campaign with a clear advantage over other political parties.

Instances of physical confrontations and violence, which were mostly carried out against representatives of the opposition parties, constituted a significant challenge during the pre-election campaign. As the pre-election campaign went into full force, there have been reported cases of the abuse of administrative resources. Furthermore, there have been instances of intimidation, threats, physical violence and interference in the work of journalists. In most cases, opposition parties have pointed out cases of intimidation in the regions, which has resulted in activists leaving their positions. A large number of political parties abstained from traditional mass-scale pre-election events due to the coronavirus outbreak, while other parties continued to carry out such events. This has created an imbalanced and unfair pre-election environment.

The pre-election campaign was taking place against the background of high polarization and exchange of accusations by parties/candidates. This environment was further aggravated by a polarized media environment and the rise of discrediting campaigns organized by anonymous groups on social networks. The use of such discrediting campaigns is particularly worrisome in terms of its negative effects during a pandemic when social media serves as a principle source of information.

### **Intimidation/threat and dismissal from office**

Increased reports of threats and intimidation of opposition politicians, voters, observers, activists and representatives of media have become one of the most important challenges for the pre-election environment of the 2020 Parliamentary Elections. Our organization was made aware of over 80 instances of intimidation of observers, threats and dismissal from office during the pre-election campaign. Observers received a vast amount of information on the surveillance of local activists of opposition parties. Moreover, the observers met up with citizens who were unable to express their political opinions out of fear of losing their social benefits, getting dismissed from office or other reasons. As the Election Day drew near, there were [reports](#) that representatives of law enforcement agencies were deployed in the regions with a special order from their superiors to mobilize votes for the ruling party, including with the use of intimidation and threats if necessary. The Ministry of Internal Affairs has called these reports ‘fake news’ and an investigation has not been launched.

Of grave concern are reports of blackmail of two female politicians with the release of recordings of private life. This puts female candidates in a particularly difficult situation and impedes women’s participation in politics.

Observers were notified of individual cases when municipal employees were ordered to bring a so-called “supporter’s list”. The practice of intimidating directors and teachers of public schools and using their positions for the purposes of political campaigning remains commonplace today. The term of office ran out for a large number of directors of public schools throughout Georgia, and a number of them didn’t have their contracts prolonged, likely due to their or their family’s political preferences.

### **Violence and physical confrontation**

The pre-election environment was significantly damaged by the instances of violence, which manifested mostly as physical confrontations and assaults on party offices. Observers have revealed over 20 such cases. The events that unfolded in the Marneuli Municipality were particularly concerning, when the state failed to resolve the growing political tension that by the end of the day culminated in large-scale physical assault on the local leaders of the United Opposition, journalists and observers. The shooting with a gallery gun of an activist from the European Georgia as he set up party posters should be considered as a very dangerous precedent. Instances of violence and physical confrontation were most notable in the Bolnisi-Dmanisi majoritarian district, where there have been reports of a number of physical violence. Both the [leaders](#) of the ruling party

and opposition pointed out to the use of firearms during the confrontations. Such facts and the current tense environment in the election precincts need to be closely followed and monitored to ensure a calm environment on Election Day.

There have been instances of infringement of transport vehicles, offices of opposition parties and other private property during the election campaigning period. Moreover, unidentified persons broke into one of the offices of an opposition party for the purpose of installing surveillance equipment, according to the candidate. There are reports of systematic damages to campaigning materials across different municipalities. Both the posters of the ruling party and the opposition have been targeted, however the identity of the persons doing the damages has not been established.

### **Misuse of administrative resources**

The crisis caused by the outbreak of the pandemic prompted the state to carry out social support programs, however there has been no clear boundary between the ruling party and the state during their implementation. Furthermore, questions have been raised about the political underpinnings and use for party interests of some of the programs. These social programs have a significant impact on the public's mood.

There have been no specific instances of municipal bodies engaging in political campaigning, however Majoritarian MPs and candidates were actively and openly involved in the process. Moreover, there has been a noticeable trend of ruling party candidates showing up at various program events that were financed by private companies and from state and/or local self-government budgets.

Public servants and employees of state/municipals non-commercial legal entities continued to campaign in favor of the ruling party, including through social networks during work hours. Public servants frequently took a day-off to attend the ruling party's event as a way to avoid the scope of the restriction. Representatives of the City Hall in administrative units were frequently not politically neutral and combined the work of campaigning for and representing the ruling party.

### **Vote buying**

Alleged vote buying represented one of the most important challenges during the pre-election period. There have been over 60 instances of different political parties and candidates handing out physical goods or providing services to voters. The election campaigning of opposition parties included a comparatively less signs of vote buying in comparison to the activities of the ruling party's candidates.

### **Participation of unauthorized persons in the election campaign**

Persons restricted by law actively participated in election campaigning. There have been instances when local public servants, employees of non-commercial legal entities and members of the district election commission were identified as the participants during their work hours in election campaign events. A foreign national has also been identified as participating in such an event. The participation was done in favor of the ruling party

both during the pre-election meetings and the dissemination of the Georgian Dream's political advertisements on social media sites. High-ranking members of the Georgian Orthodox Church took part in the events organized by the ruling party, which represented the Georgian Orthodox Church's explicit support for the ruling party.

### **Investigative agencies**

The Ministry of Internal Affairs has launched an investigation into all instances of violence and in some cases quickly detained the suspects. According to the [information](#) provided by the Ministry, 59 investigations connected to elections were launched as of October 20. Investigation has been terminated on six cases, while the other 53 cases are pending investigation. A number of persons involved in 9 out of these 53 cases have already been criminally indicted. Due to the low number of resolved cases, the Ministry has become a target of criticism.

It is worth mentioning the attempt of the Prosecutor's Office of Georgia to discredit the former ruling party United National Movement before the elections by using a specific investigation. Namely, on October 7, the Prosecutor's Office of Georgia detained former members of the governmental Commission on Delimitation and Demarcation and accused them of carrying out actions aimed at violating the territorial integrity of Georgia. The timing of the investigation, the pre-election context, the signs of a selective approach to the investigation, the populist statements made by the ruling party leaders, and the violation of the presumption of innocence, raises doubts that the investigation is politically motivated, aimed at creating misconception and discrediting political opponents.

### **Election administration**

As the Election Day grew closer and the infection rate saw a considerable rise, it became clear that the election administration should set up ad hoc precinct election commissions and carry out special activities to ensure the right to vote of infected citizens in quarantine and in self-isolation. A special [Resolution](#) was adopted by the Central Election Commission only 12 days prior to the election day, which called into question the issue of ensuring timely public awareness and due participation in elections of voters that are in self-isolation. Furthermore, another significant issue was the limited deadline provided to voters in self-isolation to register on the mobile ballot box list. This limited registration deadline restricted their right to vote.

The formation of the precinct election commissions was mostly a formality. In most of the districts, the members of the commission had made a decision beforehand on whom to elect amongst from the pool of candidates and these decisions were simply subsequently reflected on printed papers by district. Representatives of the opposition requested adding to the agenda for each candidate to be discussed individually and for the commission to be formed only after this process. In some districts this request was put up for a vote, but it didn't gather the necessary number of votes. The process therefore took place at the background of protest by the opposition. In some districts, the opposition refused to participate in the voting. Some newly elected members of the district commissions have a noticeable connection with the ruling party. Some of the relatives or family members of the commission members are party activists or coordinators. Amongst

those elected are public servants of City Halls and Assemblies, as well as employees of administrative units and municipal non-commercial legal entities. According to information obtained by International Society for Fair Elections and Democracy (ISFED), the aforementioned persons are on leave. While it is true that this case isn't a violation of the law, it still raises questions about the impartiality of said persons.

### **Inter-agency Commission**

The Inter-Agency Commission for Free and Fair Elections held regular meetings and discussed alleged violations of the election legislation by public servants. The Commission issued [recommendations](#) on two separate occasions and published an [interim report](#) at the end of September. In spite of this, the effectiveness and importance of the Commission's work was diminished by a number of circumstances. First of all, unlike in the previous years, the Commission in their discussions mainly focused on issues that were connected to the violations of the election legislation by public servants. According to the Commission, they narrowed down the list of topics for discussion on the basis of recommendations by OSCE/ODIHR. Secondly, the majority of the opposition parties did not attend the sittings of the Commission, which by itself reduced the quality of the topics discussed. Due to this, the Inter-Agency Commission for Free and Fair Elections did not have a meaningful impact on the election process.

### **Campaign finance and the State Audit Office**

The State Audit Office, which is responsible for monitoring of campaign finance, responded to possible violations and provided information on those cases to the public during the pre-election period. In the beginning of October, the Head of the State Audit Office held a meeting with the representatives of the civil society and presented information on the Office's activities. At the end of October, the State Audit Office published an interim [report](#).

Election subjects submitted 2 three-week financial declarations during the pre-election period. According to the report of the State Audit Office, all election subjects jointly received GEL 23,846,652 as income and spent GEL 22,973,913 in the period from September 1 to October 12. 43% of total revenues and 46% of expenditures went to the ruling Georgian Dream party.

As for specific donations, almost half of the total donations from all election subjects were received by the ruling Georgian Dream - Democratic Georgia party. There are still several visible trends in terms of political corruption. For example, companies affiliated with the ruling party's donors won tenders worth about GEL 47 million in 2020 (before October 1), in return for which they donated GEL 1.3 million in favor of the Georgian Dream during the same period. In addition to tenders, companies donating to the ruling party are also recipients of simplified public procurement contracts. In particular, by October 1, 2020, simplified public procurement contracts worth approximately GEL 3.8 million were awarded to companies of those individuals who donated approximately GEL 2.2 million in favor of the ruling party.

Over the years, several large groups have formed among the ruling party's donors, which fund the Georgian Dream with large sums of money during almost every election. Three such groups continued to make large donations in 2020 as well. In particular, people connected with Bidzina Ivanishvili donated a total of GEL 447,500 to the Georgian Dream. Persons affiliated with Lilo-Mall LLC donated a total of GEL 595,000 in favor of the ruling party, while persons directly or indirectly affiliated with Service-Agro LLC donated GEL 255,000 to the same party.

Among the donors of both the ruling party and several other parties were groups of separate business partners, whose members donated money to the party on the same day or within 1-2 days, which raises some doubts as to whether this collective action was organized. Georgian law prohibits donations through third parties.

According to the State Audit Office, administrative proceedings were launched in 7 cases as a result of analyzing information obtained through the Office's media monitoring efforts and information provided by political subjects. Out of these 7 proceedings, three were finalized and a notice of administrative violation were drafted for two cases.

Two cases are still pending review, including one that was launched on the basis of a journalistic investigation published in two parts on August [24](#) and [31](#) by Dossier, which is a platform for investigative journalism. These reports included information on the Alliance of Patriots of Georgia's connection and financial links to the Kremlin. This case has once again made it clear that the State Audit Office does not have the respective authority and legal mechanisms to investigate such instances. However, the agencies that were required to launch an investigation into the case because of the signs of a criminal offense avoided liability and limited themselves to forwarding the case only to the Audit Office.

The State Audit Office does not maintain a publicly available register of complaints / applications, where stakeholders can have access to ongoing administrative proceedings, which would ensure a high degree of transparency in the work of the Office.

### **Media environment**

The broadcast media environment was [severely polarizing](#). As it was the case in [previous years](#), this remains a significant problem as the television remains as the first source of information for the majority of the population.

Representatives of the Georgian Dream refused to visit Formula TV, the Main Channel, TV Pirveli and Kavkasia, while visiting Imedi and POSTV frequently. They also refused to take part in the debate on Palitra TV and were mostly present alone, without opponents, in the last part of the program.

Instances of physical assault on journalists and verbal insults and [threats](#) toward critical media organizations and their representatives by high-ranking public officials have been revealed during the pre-election period. Moreover, there was a [campaign](#) against a specific media outlet - "Pankisi Community Radio". Of particular concern was the threat made against Avtandil Tsereteli, the father of the founder of TV Pirveli. According to Avtandil Tsereteli's [son](#), the threat was connected to the editorial policy of TV Pirveli.

It is noteworthy that the investigation has not resulted in a legal outcome or other result, which in itself encourages such instances and significantly damages the media environment in the pre-election period.

The [letter](#) sent by the Georgian National Communications Commission to Main Channel on October 23, 2020, might be a cause for concern. The letter demanded documentation that would prove the rightful placement of musical clips. This fact, coupled with the Commission's earlier attempt to interfere in the content of the created/allocated product, generates a risk for restricting the freedom of expression.

The [disinformation campaign](#) spread on social media during the pre-election period remains a significant challenge. Ahead of the 2020 parliamentary elections, discrediting campaigns on anonymous Facebook pages were intense in the Georgian Facebook space. The coordinated activities of anonymous discrediting pages were manifested in their malicious, organized information campaigns against political events, parties, politicians, the media, civil society activists, and non-governmental organizations, with the aim of provoking negative attitudes against them among voters.

In addition to anonymous discrediting information campaigns, Facebook pages were also active on social media, spreading anti-Western, and anti-liberal, pro-Russian, xenophobic or homophobic sentiments in order to promote polarization in the society. At the same time, they were actively involved in the election campaign in favor of pro-Russian political parties and candidates.

During the Coronavirus pandemic, journalists also have to perform their professional duties in a stressful environment, which in turn poses an additional challenge to the working conditions of journalists.