



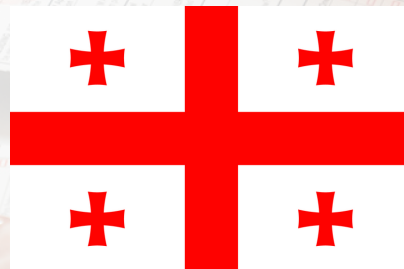
**ISFED**

საპარლამენტო არჩევნების  
და დემოკრატიის საერთაშორისო  
სამეთაღრობა

# ON THE ROAD TO THE EUROPEAN UNION

ISFED's vision on steps  
to be taken by Georgia  
regarding elections

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## On the road to the European Union: ISFED's vision on steps to be taken by Georgia regarding elections

On November 8, 2023, the European Commission gave a positive recommendation for granting Georgia the status of a candidate for EU membership,<sup>1</sup> and on December 14, the European Council supported the decision and granted Georgia the status of a candidate.<sup>2</sup> On November 8, the European Commission presented a report on the EU enlargement package, which includes a detailed assessment<sup>3</sup> of the progress of the implementation of fundamental reforms and, at the same time, includes a list of issues that must be addressed to grant Georgia candidate status.<sup>4</sup> It is worth noting that when making the decision, the European Council emphasized the need for Georgia to take the steps outlined by the European Commission.

The report on the enlargement package details the progress on the 12 priorities set for Georgia in June 2022. In addition, the report outlines nine steps that will determine Georgia's further progress in the process of European integration. Some of the nine steps are continuations of the 2022 priorities, and some are new. The recommendation regarding ensuring a free, fair, and competitive electoral process ahead of the 2024 parliamentary elections is new.

International Society for Fair Elections and Democracy (ISFED) believes that the EU's emphasis on the process of conducting the elections itself, along with the improvement of the electoral legislative framework, is especially noteworthy - this recommendation should serve as a guide for the country, and the proper implementation of the recommendation will significantly contribute to the improvement of the election processes for 2024 parliamentary elections.

ISFED presents the organization's vision regarding the steps required by the European Union (EU) related to electoral issues. The present vision is based on internationally recognized standards and principles of conducting elections, past and current opinions and recommendations of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Venice Commission of the Council of Europe in addition to assessments of the EU enlargement package. These recommendations and opinions should be read and considered together consistently and comprehensively.

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<sup>1</sup> Press Release, European Commission, *Commission Adopts 2023 Enlargement Package* (Nov. 8, 2023) (IP/23/5633) [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_23\\_5633](https://ec.europa.eu/commission/presscorner/detail/en/IP_23_5633)

<sup>2</sup> Press Release, European Council, *European Council Conclusions on Ukraine, Enlargement and Reforms* (Dec. 14, 2023) <https://www.consilium.europa.eu/en/press/press-releases/2023/12/14/european-council-conclusions-on-ukraine-enlargement-and-reforms/>

<sup>3</sup> European Commission, *Georgia 2023 Report*. SWD(2023) 697 final (Nov. 8, 2023) [https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD\\_2023\\_697%20Georgia%20report.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_697%20Georgia%20report.pdf)

<sup>4</sup> European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: 2023 Communication on EU Enlargement Policy*. COM(2023) 690 final (Nov. 8, 2023), pp. 25-26. [https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/COM\\_2023\\_690%20Communication%20on%20EU%20Enlargement%20Policy\\_and\\_Annex.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/COM_2023_690%20Communication%20on%20EU%20Enlargement%20Policy_and_Annex.pdf)

## Steps requested by the European Commission regarding electoral issues

One of the nine steps presented by the European Commission directly relates to the electoral processes and the implementation of reforms, while the other refers to the independence of the election administration. In addition, implementing several other recommendations is also significantly connected to improving electoral processes.

Unlike the recommendation related to elections as part of 12 priorities defined in June 2022 - which mainly focused on electoral reform - this time, together with the legislative framework, special attention is focused on enforcing norms, the electoral environment, and the process of conducting elections.

### Recommendation of the European Commission #4:

[Georgia should] ensure a free, fair and competitive electoral process, notably in 2024, and fully address OSCE/ODIHR recommendations. Finalise electoral reforms, including ensuring adequate representation of the electorate, well in advance of election day.

### Recommendation of the European Commission #5:

Further improve the implementation of the parliamentary oversight, notably of the security services. Ensure institutional independence and impartiality of key institutions, notably the Election Administration, the National Bank, and the Communications Commission.

## 1. Free, fair and competitive elections

Georgia, as a member state of the Organization for Security and Cooperation in Europe (OSCE), has an obligation to adhere to OSCE standards regarding election processes. According to OSCE principles, democratic governance is based on the will of the people expressed through free and fair elections. Member States agree and affirm that everyone has the right to participate in free and fair elections.<sup>5</sup>

The definition of free and fair elections is explained in detail in the OSCE Copenhagen Document,<sup>6</sup> which in turn is based on the Universal Declaration of Human Rights<sup>7</sup> and the

<sup>5</sup> Organization for Security and Co-operation in Europe, *OSCE commitments on elections*.  
<https://www.osce.org/files/f/documents/3/3/16815.html>

<sup>6</sup> Organization for Security and Co-operation in Europe (29 June 1990). *Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE*.  
<https://www.osce.org/files/f/documents/9/c/14304.pdf>

<sup>7</sup> United Nations General Assembly (1948). *The Universal Declaration of Human Rights (UDHR)*. New York: United Nations General Assembly.  
<https://www.un.org/en/about-us/universal-declaration-of-human-rights>

International Covenant on Civil and Political Rights.<sup>8</sup> According to the document, to hold free and fair elections, the state should:

- Ensure that free elections are held at reasonable intervals by secret ballot or by equivalent free voting procedure, under conditions which ensure in practice the free expression of the opinion of the electors in the choice of their representatives;
- guarantee universal and equal suffrage; ensure that votes are cast by secret ballot or by equivalent free voting procedure and are counted and reported honestly with the official results made public;
- ensure that political campaigning is conducted in a fair and free atmosphere in which neither violence nor intimidation nor any other action bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from casting their vote in support of their chosen candidates free of fear of retribution;
- ensure a clear separation between the State and political parties; in particular, political parties should not be merged with the State;
- respect the right of citizens to seek political or public office, without discrimination, and to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities; no legal or administrative obstacle should stand in the way of unimpeded access to the media on a non-discriminatory basis for all electoral subjects.
- ensure the presence of observers, both foreign and domestic, which can enhance the electoral processes.<sup>9</sup>

There is no doubt that during the assessment of the election process, the EU will be guided by the OSCE standards. Accordingly, Georgia should eliminate all those problematic issues that contradict the OSCE/ODIHR principles of holding free and fair elections.

Georgia's electoral legislative framework is generally in line with international standards, except for a few specific issues. In terms of conducting free and fair elections, the main challenges are: improper enforcement of election legislation in practice; absence of a clear separation between the state and the ruling political party; misuse of administrative resources; lack of independence of state institutions and involvement of state's central and local government agencies in elections in favor of the ruling party; alleged facts of intimidation/threats, pressure and bribery of voters, as well as lack of timely and effective investigation and response to the said facts; control of voters' free will during the pre-election period and on election day, and others.

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<sup>8</sup> United Nations (1966). *International Covenant on Civil and Political Rights*  
<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

<sup>9</sup> Organization for Security and Co-operation in Europe (29 June 1990). *Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE*, pp. 3-8.  
<https://www.osce.org/files/f/documents/9/c/14304.pdf>

Monitoring reports of both international and domestic observer organizations note the problematic nature and scale of the challenges noted above.<sup>10</sup> The report and evidence<sup>11</sup> of abuse of administrative resources, alleged crimes committed by officials, voter bribery and large-scale schemes of voter pressure have been submitted to the Prosecutor's Office of Georgia,<sup>12</sup> but so far, no proper investigation has been carried out and/or no perpetrator has been brought to justice.

ISFED believes that eliminating the challenges listed above will ensure free and fair elections in the country, and based on the European Commission's enlargement document, the evaluation criteria of the EU will also be based on that.

The functioning of the newly integrated electronic technologies in the election process will determine the quality of how the elections are administered on voting day for the 2024 parliamentary elections. In this regard, it will be essential to resolve the problems identified during the extraordinary/by-elections; ensure the comprehensive and proper functioning of the technologies; guarantee the secrecy of the vote; ensure the transparency of the technology-related processes and the possibility for stakeholders to monitor the process; proper preparation of the lower levels of the election administration and a large-scale voter information campaign, with a focus on detailed explanation of procedures.

The environment that ensures free observation of election processes by both domestic and international observers will also serve as an important criterion for assessing the elections. The current legal framework guarantees unhindered work of monitoring organizations. However, in practice, considerable scaling down of cooperation formats by the ruling party and, in general, verbal attacks on civil society organizations and their representatives remain obstacles. A noticeable trend is the rejection of the assessments and recommendations of the monitoring organizations and the attempt to discredit them, which goes against the founding principle of the OSCE - about the role of the observer organizations and the importance of their assessment.

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<sup>10</sup>OSCE/ODIHR Election Observation Mission, Final Report (April 8, 2022). Georgia: Local Elections - 2 and 30 October, 2021 [https://www.osce.org/files/f/documents/3/a/515364\\_0.pdf](https://www.osce.org/files/f/documents/3/a/515364_0.pdf)

OSCE/ODIHR Limited Election Observation Mission, Final Report (March 5, 2021). Georgia: Parliamentary Elections - 31 October, 2020

<https://www.osce.org/files/f/documents/1/4/480500.pdf>

ISFED (2021). 2021 Municipal Elections Final Monitoring Report.

<https://www.isfed.ge/eng/2021-adgilobrivi-tvitmmartvelobis/2021-tslis-munitsipalitetis-organota-archevnebis-monitoringis-saboloo-angarishi>

<sup>11</sup> ISFED and TI Georgia (2022). *State resources at the service of the ruling party: proven methods of vote buying and illegal mobilization of voters in Georgia.*

<https://www.isfed.ge/eng/angarishebi/sakhelmtsifo-resursebi-mmartveli-partiis-samsakhurshi-amomrchevlis-moskidvisa-da-ukanono-mobilizebis-aprobirebuli-metodebi-saqartveloshi>

<sup>12</sup> In July 2022, ISFED published a report on State Resources in the Service of the Ruling Party, based on information provided by a whistleblower regarding alleged crimes during the election period. The organizations submitted the report and the evidence provided by the whistleblower to the General Prosecutor's Office of Georgia before the publication of the study.

## **2. Implementation of OSCE/ODIHR recommendations**

One of the important prerequisites for satisfying the step related to elections is improving the legislative framework and fully considering OSCE/ODIHR recommendations.

It should be noted that in December 2022, OSCE/ODIHR and the Venice Commission published a joint opinion regarding electoral reform in Georgia.<sup>13</sup> The joint opinion reflected only on the amendments sent by the Parliament of Georgia and did not represent an assessment of the complete legal and institutional framework regulating elections in Georgia.

According to the opinion, the proposed amendments responded to a number of problems identified by the OSCE/ODIHR, however, the reform was not based on a comprehensive analysis of the Election Code and only addressed specific issues. In their joint opinion, the Venice Commission and the OSCE/ODIHR also emphasized that the adopted amendments failed to respond to important challenges such as the use of administrative resources, voter intimidation, insufficient criteria for recounting votes and invalidating results. According to the assessment of the Venice Commission and the OSCE/ODIHR, it is necessary to implement a comprehensive and inclusive electoral reform in the future, which will be based on a complete and in-depth analysis of the problems in electoral legislation and practice. It should be noted that the same recommendation was repeated by the OSCE/ODIHR and the Venice Commission in a joint opinion published on December 18, 2023.<sup>14</sup> ISFED also shares the idea of the need for complete, comprehensive and inclusive electoral reform.<sup>15</sup>

## **3. Finalize electoral reforms, including ensuring adequate voter representation well in advance of election day**

Ensuring adequate representation of voters is an essential priority for the European Commission. ISFED believes that the mentioned recommendation and the term “adequate representation” relate to the electoral system, particularly the adoption of the constitutional amendment initiated in connection with the electoral threshold.

On April 19, 2021, following the mediation of the President of the European Council, Charles Michel, parliamentary political parties reached an agreement - “A way ahead for Georgia”, which envisaged the introduction of an electoral threshold of up to 2% for the next two

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<sup>13</sup> Venice Commission & OSCE/ODHIR (Dec. 19, 2022). *Georgia: Joint Opinion on Draft Amendments to the Election Code and the Law on Political Associations of Citizens*. CDL-AD(2022)047, p. 4.

[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2022\)047-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2022)047-e)

<sup>14</sup> Venice Commission & OSCE/ODHIR (Dec. 18, 2023). *Georgia: Joint Opinion on Draft Amendments to the Election Code and the Rules of Procedure of the Parliament of Georgia*. CDL-AD(2023)047 ODIHR-489/2023, p. 14.

[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2023\)047-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2023)047-e)

<sup>15</sup> ISFED, GYLA and TI Georgia (2023). *Join Opinion on the December 2022 Amendments to the Election Legislation*.

<https://drive.google.com/file/d/1X6EixbNZ6Njarvml0YQyIC-GwD-IsKbT/view>

elections.<sup>16</sup> Despite the decision of the ruling Georgian Dream party to unilaterally leave the mentioned agreement, the draft constitutional amendment prepared in accordance with this agreement on lowering the electoral threshold to 2% was still adopted in the first reading.<sup>17</sup> However, the ruling party later suspended the constitutional amendment process.

The electoral system and electoral thresholds vary among the EU member countries as this significantly depends on the political context of a particular country. However, it should be noted that both the electoral system and the threshold should align with international standards and good electoral practice. Agreement on the electoral system should be made by a broad political consensus. Therefore, ISFED believes that the EU recommendation implies adherence to the agreement reached by consensus among political parties and timely resolution of the initiated constitutional amendment. It is crucial for all political parties to know the features of the electoral system for the 2024 parliamentary elections well in advance of the elections.

Adequate representation of voters is also related to increasing the participation of Georgian citizens in elections, both inside and outside the country. To achieve this goal and build trust in new electronic technologies, it is crucial, on the one hand, to inform the voters inside the country about the importance of the elections and the implemented changes, and on the other hand, to inform Georgian citizens and increase their turnout outside the country.

There are no exact statistics on Georgian citizens living abroad, but according to various sources, their number is several hundreds of thousands.<sup>18</sup> According to the data of the Central Election Commission (CEC),<sup>19</sup> for the 2020 parliamentary elections, a total of 66 217 Georgian emigrants were registered in the special list, of which 12,247 voters participated in the elections. These statistics demonstrate that the rate of participation of voters abroad (both the number of registered voters and those who voted) is extremely low. This indicates that certain problems and obstacles exist. ISFED believes it is vital to start working with all stakeholders to ensure that Georgian citizens residing abroad can smoothly exercise their constitutional rights. Taking into account the challenges faced by the diaspora and international best practices, safe, reliable, and accessible procedures can be established based on the consensus of the stakeholders.

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<sup>16</sup> The April 19, 2021 political agreement “A way ahead for Georgia” (2021), p. 3.

[https://www.eeas.europa.eu/sites/default/files/210418\\_mediation\\_way\\_ahead\\_for\\_publication\\_0.pdf](https://www.eeas.europa.eu/sites/default/files/210418_mediation_way_ahead_for_publication_0.pdf)

<sup>17</sup> Civil.ge (8 September, 2021). Parliament endorses electoral amendments in first hearing. <https://civil.ge/archives/439202>

<sup>18</sup> PMCG Research (13 September, 2022). *Emigration and the effect of remittances on Georgian economy: economic outlook and indicators. Issue #139.*

[https://www.pmcgresearch.org/publications\\_file/09d06320328790cd7.pdf](https://www.pmcgresearch.org/publications_file/09d06320328790cd7.pdf)

<sup>19</sup> CEC, 2020 elections, Voter statistics

<https://cesko.ge/static/res/docs/%E1%83%90%E1%83%A0%E1%83%A9%E1%83%94%E1%83%95%E1%83%9C%E1%83%94%E1%83%91%E1%83%982020.pdf>

## 4. Independence of election administration

The institutional independence and impartiality of the election administration are separate issues among the EU's nine steps set for Georgia.

The mentioned step also applies to the CEC composition. Both the recent changes to the CEC composition rules and the failure of the parliament to elect the CEC Chair and professional members based on consensus are problematic.

The problematic nature of the procedure for appointing the members of the CEC was mentioned in the mid-term assessment presented by the European Commissioner for European Neighborhood Policy and Enlargement, Oliver Varhey, in June 2023<sup>20</sup> and later in the November 8 enlargement document of the European Commission.<sup>21</sup> According to the EU's assessment, Georgia should fully comply with the Venice Commission and the OSCE/ODIHR's recommendation regarding the CEC composition rules. In its joint opinion published on December 18, 2023, the Venice Commission and the OSCE/ODIHR recommended the procedure for electing the chair and professional members of the CEC return to the principles of April 19, 2021, political agreement namely: chair and professional members should be elected through a high quorum of the parliament and based on the consensus among political parties, and the authority to select and nominate candidates for these positions should return to the President of Georgia.<sup>22</sup> ISFED fully shares this recommendation.<sup>23</sup>

It should be noted that in August 2022, the 6-month term of office of both the CEC chair and two professional members expired. The term of another professional member of the CEC expires before the parliamentary elections. The CEC is a collegial body composed of nine party-appointed and eight professional members. Accordingly, the election of four professional members with a high quorum and based on consensus will unconditionally increase the confidence of stakeholders towards the CEC, ultimately leading to increased public confidence in the 2024 parliamentary elections.

To ensure the independence and impartiality of the election administration, the process of appointing lower-level election commissions should also be fair and transparent, and all three levels of election administration should work in accordance with the law both on election day and during the pre-election period.

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<sup>20</sup> Speech, European Commission, *Press remarks by Neighbourhood and Enlargement Commissioner Olivér Várhelyi, following the informal General Affairs Council* (22 June, 2023) SPEECH/23/3458.

[https://ec.europa.eu/commission/presscorner/detail/en/speech\\_23\\_3458](https://ec.europa.eu/commission/presscorner/detail/en/speech_23_3458)

<sup>21</sup> European Commission, *Georgia 2023 Report*, SWD(2023) 697 final (Nov. 8, 2023), pp. 76 - 77.

[https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD\\_2023\\_697%20Georgia%20report.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_697%20Georgia%20report.pdf)

<sup>22</sup> Venice Commission & OSCE/ODHIR (Dec. 18, 2023). *Georgia: Joint Opinion on Draft Amendments to the Election Code and the Rules of Procedure of the Parliament of Georgia*. CDL-AD(2023)047 ODIHR-489/2023, p. 16.

[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2023\)047-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2023)047-e)

<sup>23</sup> ISFED (2023). *The rule for electing the CEC chairperson and professional members is not improved substantially*.

<https://isfed.ge/eng/gantskhadebebi/samartliani-archevnebis-gantskhadeba-saqartvelos-parlamentshi-initsiirebuli-kanonproeqtebis-shesakheb-romelta-tanakhmadats-itsvleba-tsoskos-dakompleqtebis-tsos>



## 5. Additional issues

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Besides elections, the nine steps recommended by the European Commission address essential issues that must be resolved for Georgia's further democratic development and European integration. Some of these issues are somewhat related to the elections.

Ensuring an independent judiciary is crucial for the fair resolution of election disputes arising in election processes, as well as for the interests of voters. Accordingly, judicial independence is also a prerequisite for improving the electoral processes.

Independent and effective functioning of other state agencies, including law enforcement and investigative agencies, National Communications Commission, Anti-Corruption Bureau, Special Investigation Agency, Personal Data Protection Agency, and others, is also important for electoral processes.

An important requirement is the fight against disinformation, external information manipulations, and external interference. Along with disinformation spread against the EU, this requirement also applies to information manipulations of other content, including those spread during elections. As already mentioned, the voter has the right to freely receive information about electoral subjects, and the electoral subjects have the right to conduct an information campaign non-discriminately. Spreading false information during the election process is against this principle. According to the 2021 report of Meta,<sup>24</sup> the company that owns Facebook and Instagram, in 2017-2020, Georgia ranked fifth in the world in terms of internal information influence operations. The 2020 and 2021 reports confirm that Meta has taken down inauthentic coordinated networks linked to political actors trying to mislead citizens.<sup>25</sup>

The involvement of the country's government institutions in information manipulation remains problematic in this regard. This was confirmed by the May 2023 report of Meta, where the company again deleted inauthentic networks and confirmed the direct connection of these networks to the strategic communications department of the Government of Georgia.<sup>26</sup> Based on the above, information manipulations and disinformation may be a big problem for parliamentary elections. Therefore, fulfilling this requirement will also ensure an increase in the quality of elections and, in general, progress toward joining the EU.

The ninth step requested by the European Commission relates to the state's obligation to ensure freedom of assembly and expression, which is an important prerequisite for the free conduct of the election period. The step also highlights the need for timely and

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<sup>24</sup> Gleicher et al. (2021). *Threat Report: The State of Influence Operations 2017-2020*. Facebook, p. 8.  
<https://about.fb.com/wp-content/uploads/2021/05/IO-Threat-Report-May-20-2021.pdf>

<sup>25</sup> Gleicher, N. (Dec. 20, 2019). *Removing Coordinated Inauthentic Behavior From Georgia, Vietnam and the US*. Meta.  
<https://about.fb.com/news/2019/12/removing-coordinated-inauthentic-behavior-from-georgia-vietnam-and-the-us/>;  
Meta (May 5, 2020). *April 2020 Coordinated Inauthentic Behavior Report*.  
<https://about.fb.com/news/2020/05/april-cib-report/>

<sup>26</sup> Nimmo, B., Gleicher, N. & Franklin, M. (2023). *Quarterly Adversarial Threat Report*. Meta, p. 20.  
<https://about.fb.com/wp-content/uploads/2023/06/Meta-Quarterly-Adversarial-Threat-Report-Q1-2023.pdf>

effective investigation and punishment of perpetrators in case of violation of this right. The importance of consultation with civil society and ensuring its meaningful involvement in legislative and policy-making processes is also emphasized.

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ISFED will actively work to assist in implementing the recommendations presented by the EU regarding the elections. This includes: monitoring the entire electoral process, submitting opinions/recommendations to improve the electoral legislative framework, and voter education campaigns. To conduct the 2024 parliamentary elections fairly and democratically, the organization expresses its readiness to cooperate with all stakeholders in the spirit of the steps requested by the EU.

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