



## **Monitoring report on the reforms and activities to be conducted in the frames of Action Plan of the European Neighborhood Policy**

### **Strengthen Rule of Law January 2008 – October, 2009**

#### **Introduction**

The following document presents the report on monitoring the implementation of the Action Plan under the European Neighborhood Policy (ENP) during the period from January, 2008 to October, 2009. Monitoring report covers the first priority area of the Action Plan – Rule of Law.

ENP Action Plan was developed in 2004, as a political document laying out the strategic objectives of the cooperation between Georgia and the EU. Its implementation will help fulfill the provisions of the PCA, build ties in new areas of cooperation and encourage and support Georgia's objective of further integration into European economic and social structures.

Georgian civil organizations (NGO coalition) dedicated a significant effort, on monitoring the implementation of the Action Plan, by the government of Georgia. International Society for Fair Elections and Democracy (ISFED) joined the coalition in 2009.

ISFED is a non-governmental, non-profit and impartial organization, having a widest network throughout Georgia. Organization's main priority and scope of work is election monitoring, which aims to guarantee the transparency of elections by monitoring the implementation of electoral procedures and thereby increasing society's confidence in the results of the elections. Besides election monitoring, organization works in the field of rule of law, civic education and local governance. ISFED monitors the transparency and accountability of local government officials to the public; the citizens' access to public information in governmental bodies; the activities of local government and transparency of local budgets. That is why, ISFED as a watchdog organization, monitoring the implementation of ENP Action Plan. As in 2008 ISFED was unable to present its findings on election monitoring to the ENP this report covers the first priority area of the Action Plan – rule of law

#### **Priority Area Third – Monitoring Report**

The first priority area of the Action Plan is:

*Strengthen rule of law especially through reform of the judicial system, including the penitentiary system, and through rebuilding state institutions. Strengthen democratic institutions and respect for human rights and fundamental freedoms in compliance with international commitments of Georgia (PCA, Council of Europe, OSCE, and UN).*

According to the Action Plan, the government of Georgia was responsible for the implementation of several specific activities within the first priority area. We will focus on the following area:

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- Ensure the local (2006), parliamentary (2008) and presidential (2009) elections in Georgia are conducted in accordance with international standards, through implementation of OSCE/ODIHR and Council of Europe recommendations, notably regarding the need for a reliable voter registry and a functioning and transparent electoral commission;

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International Society for Fair Elections and Democracy – ISFED closely monitored 2006 Local Self-Government, 2008 Extraordinary Presidential, Parliamentary and Adjara Supreme Council Elections in Georgia. Organization developed final reports on the elections and set up number of recommendations. The monitoring reports include the findings - whether the elections were conducted in accordance with the international standards, OSCE/ODIHR and Council of Europe’s recommendations.

According to the law, elections should be held in 2008 (Parliamentary) and 2009 (Presidential). However, because of tensed political situation and November 2007 events elections were not held in its constitutional timeframes and Snap Presidential Elections were called in January 5, 2008. At the same time a plebiscite was run to determine the date of next Parliamentary elections in Georgia. Based on the 69, 8% of voters voted, Parliamentary elections were held in May21, 2008.

**Snap Presidential Elections** – Even though the election was considered as valid by ISFED, the finding of election monitoring reveal a number of serious violations – improper election legislation, imperfect election system, inconsistency of the rules of election campaign, imperfect lists of voters, unfair attitude of the court during considering the claims, frequent attempts of involvment of independent observers and incompetence of all levels of election administration. All these violations have complicated the evaluation of the elections of January 5, 2008 according to high democratic standards. In addition to all mentioned, election administration and the court did not use the local legislation and international standards during considering the claims. Within the full election period, all levels of election administration experienced the lack of impartiality and objectivity.

**Parliamentary Elections** – Despite of the fact that during Parliamentary elections a number of positive developments were revealed in comparison with the Snap Presidential one, ISFED observed that the pre-election period of the Parliamentary Elections was distinguished by its complexity and specificity. The Organization considered that the problems revealed within the pre-election period significantly affected the election date and determined the results of the elections. Within the pre-election period, the Election Administration could not ensure the proper reaction on the existing violations on its own initiative.

During the post election period, the reaction from the side of the Election Administration improved in terms of reviewing and giving appropriate response to the claims recorded by the representatives of ISFED, however, some

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<sup>1</sup> The title is the exact reiteration from the ENP Action Plan, and do not coincides the real dates of Presidential and Parliamentary Elections

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defects had been detected concerning the acceptance of claims and access to the video records from the Election Day.

In addition, after the elections some cases of physical pressure on the members of Election Administration and the witnesses of election disputes had taken place, all attacks were performed in a doubtful manner and circumstances. These facts have put the post-election period under serious doubt and gave rise to a number of questions.

According to ISFED the following issues influenced evaluation of elections in full compliance with the democratic standards. Impartiality and neutrality of the professional members (not party appointees) of the election administration of all levels was under doubt; there were frequent cases when the administration platform was used by the representatives of the parties existing in the Election Administration for political statements; insufficiently transparent work of election administration, in particular, the central election commission; insufficient information and involvement in the administration operation of the political parties of administration by the professional members of election administration; the election commission did not take sufficient steps in view of developing the quality of trust of the electorate towards the election processes; the Central Election Commission did not ensure sufficient supervision on usage of administrative resources, amending the Election Code 2 months prior to the election date.

Based on the monitoring findings, ISFED developed recommendations, for further improvement of Electoral Processes in Georgia. Full versions of the reports and recommendations can be seen on ISFED web-site, on the following link: <http://isfed.ge/eng/elections/reports/>.

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