

**Recommendation of the Interagency Task Force for Free and Fair Elections
(Session of April 11, 2014)**

The Interagency Task Force for Free and Fair Elections created under the Ministry of Justice of Georgia,

Declaring, that being responsible for facilitating the conduct of Local Government Elections of 2014 in a transparent and fair environment,

Considering recommendations issued during 2013 presidential pre-election period as essential institutional mechanism,

Taking into account, that during 2013 presidential pre-election period, provisions stipulated in the Georgian legislation may appear insufficient for the interpretation of definition of pre-election agitation and participation in the pre-election agitation,

issues the following recommendations to

1. Public Servants, political parties, their members and activists:

Participation in organizing the pre-election events; distribution of campaigning materials; working on the supporters lists; being present at political parties` offices and representations; activity carried out for supporting or for opposing to an election subject/candidate during pre-election events; activity carried out for shaping the voters opinion (making speeches, applauses, whistling, verbal or written appeal); participation in marches; wearing T-shirts or other attributes supporting an electoral subject/candidate; campaigning or counter-campaigning in social networks is considered as the pre-election agitation.

2. Political parties participating in the elections and election subjects:

To ensure internal discipline and respect for the law within the party, and to call upon party members and activists to refrain from hindering other political parties in organizing and conducting their pre-election events. Every citizen has the right to express protest and/or dissatisfaction with any political party or politician, but freedom of expression and freedom of assembly should stay within the limits of the law; the form of protest should not breach the public order, neither should it prevent a political party/politician from carrying out their pre-election campaigns.

The political parties should issue a clear instruction to their activists to refrain from attending the campaign meetings of opponent election subjects with the purpose of counter-campaigning or making speeches, in order to prevent any confrontation, even the verbal one, on the political grounds, and to enable the candidates to communicate with voters without any hindrance.

In addition, political parties should issue a clear instruction that strongly prohibits their activists/representatives from damaging the campaign materials of an opponent or unacceptable party to them, or preventing such materials from being posted.

3. Ministries:

For the purpose of preventing and responding to the violations of the Georgian electoral legislation, to issue all instructions, elaborated during the 2013 presidential pre-election period for those public servants, who are employed within the ministry system in a form of a minister's decree; those ministries, who have already done so, to ensure that provisions set forth in the minister's decree are brought once again to public servants employed within their respective systems.

4. Ministry of Internal Affairs:

All the officers of the Ministry of Internal Affairs should strictly abide by the principle of political neutrality - not to take part in the pre-election agitation or campaigning performed by any electoral subject, to observe requirements established by instructions as adopted by minister's decree №713 of 13 September 2013. Namely, when a pre-election event and campaign (meeting) is organized by an electoral subject/candidate, each employee of the Ministry of Internal Affairs in charge of guaranteeing public order and safety of participants of the meeting should:

- Be wearing a designated type of uniform;
- In case the event takes place outdoors, not to get closer than 5 meters to the participants of that event (except for in cases determined by Law), and not to allow an opposing force to approach participants;
- In case the event takes place indoors, protect the outer perimeter of the premise only, and not to allow an opposing force enter the building. The employee of the Ministry of Internal Affairs is strongly prohibited to enter such building during the event, except for in cases determined by the Law.

5. Bodies of local authorities:

To issue detailed and clear explanatory notes for civil servants employed within their structures about what they are authorized and not authorized to do during the elections, on the polling day and before summarizing/announcing the final results of the elections; what sanctions have been envisaged for violating the statutory requirements, and how protected the freedom and secrecy of their choices are.

To take the attached instructions as guidelines, further elaborate and develop in accordance with existing local realities in territorial units and disseminate among public officials within the shortest period of time.

In addition, the local government bodies are requested to furnish the IATF with regular updates about the compliance with or violation of the requirements set out in the instructions.

To ask the ministry of regional development and infrastructure again to provide once the local government bodies with relevant information and to undertake explanatory work in order to execute this recommendation.

Elections 2014
Instructions
For Public Servants of Local Government Bodies

- In accordance with the Constitution of Georgia, supreme law of the country, every citizen of Georgia who has attained the age of 18 shall have the right to participate in referendum or elections of state and self-government bodies. Free expression of the will of voters shall be guaranteed.
- Every person has the right to assembly in public and without arms, both indoors and outdoors, without prior permission except those in the military forces and the forces of the Ministry of Internal Affairs. However, in exercising the freedom of assembly and expression, it is prohibited to violate the rights of other people, in particular, to hinder or disrupt a meeting of any election subject with electorate, to confront people with different opinion, insult them, use violence or attempt to do so.
- Public officers of local government, among them the Gangebeli (head of local executive body), members and chairperson of Sakrebulo (local representative body), are prohibited to use any property listed on the administrative body register during the election campaign.
- Further, they are prohibited to involve subordinate or otherwise dependent on them person in the electoral process.
- It is prohibited to implement the projects/programs that were not envisaged in the budget of a local self-governing unit 60 days before the elections, polling day including. Increase of social disbursements is also prohibited (pension, social assistance, allowance, etc.).
- Following activities shall also be considered to be the use of administrative resource: preparation of social advertisement, campaign material, video or audio material, creation of a website or its part which depicts specific “electoral subject”/political party or a number assigned to it for participating in the elections, and/or which contains supportive/adverse information about specific electoral subject/political party, by using the budgetary resources of a local self-governing unit.
- It is inadmissible to conduct election campaign by the organizers of the event/presentation funded from the local budget. This prohibition applies to all public officers irrespective of their positions. Such conduct will be considered to be the use of administrative resources.
- Public officers of local government are prohibited to participate in election campaigning during work hours or while on duty. This restriction does not apply to those representatives

of local authorities, who are considered political officials in accordance with the Election Code. These are: the members of a representative body, Sakrebulo; the chairperson of Sakrebulo and the head of an executive body (Mayor, Gamgebeli).

- Public officer of the local government, the heads of representative and executive bodies – chairperson of Sakrebulo, Gamgebeli/Mayor among them, also their deputies, may not be appointed as the members of district election commission.
- Reshuffle of the leading officials of the local government is prohibited, except on the ground of expiration of their term /or the cases of breach of law that spans from the registering deadline of "electoral subjects" to the end of the polling day.