

BGI Law Brief

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Legality of Parliamentary Elections Disputed

On 26 October 2024, for the first time in Georgia's post-Soviet history, fully proportional parliamentary elections were held in Georgia, with a 5% electoral threshold.

Ten days after the election, election results have been recognized only by a handful of countries, mostly authoritarian regimes, including Venezuela, which does not recognize Georgia's territorial integrity. OSCE ODIHR final report is yet to be published, however almost all local and international observers have reported severe breaches of election legislation and violation of the integrity of the election process, with not a single observer organization calling the elections "free and fair". Most democratic international partners have called for an unbiased investigation into the reported facts of organized vote fraud and election rigging. Many highlighted the Russian interference into the Georgian elections, much like the Moldovan elections and referendum a few days earlier.

During the campaign, the pro-Russian Georgian Dream (GD) party, which has ruled Georgia since 2012, fueled tensions and polarization, inciting fears of war and "LGBT propaganda", as well as accusing a certain "global war party" of trying to drag Georgia into war. In April 2024, the Parliament reintroduced a "Kremlin-inspired" foreign agents' law, targeting civil society and independent media, despite the fact that GD was compelled to withdraw an identical bill a year earlier. GD also adopted an "anti-LGBT propaganda law" (discussed below). Furthermore, the de facto leader of GD, oligarch Bidzina Ivanishvili and other high-ranking officials repeatedly threatened to ban opposition parties and persecute their supporters after the elections. GD's aggressive anti-Western rhetoric and disinformation narratives fundamentally undermined Georgia's Euro-Atlantic integration process, culminating in full suspension thereof in October.

Prior to the elections, observers spoke of vote buying, ID-card and voter list manipulation, intimidation, violation of voting secrecy, and myriad of other fundamental flaws, accompanying the election. On the election day, significant violations were observed all over the country. Despite immense pressure put on voters by the ruling GD party, independent exit poll

results provided by the prominent international research organization Edison Research gave the opposition parties a cumulative lead of approximately 52% of votes versus 41% for GD (the remaining 7% of the votes were attributed to the parties expected to fall below the 5% threshold).

Nonetheless, the official results of elections published by the Central Election Commission were drastically different from exit poll results, with approximately 54% officially received by GD, versus less than 38% received by the opposition cumulatively (the remaining votes cast for the parties below the 5% threshold).

The results sparked mass protests, due to daily exposure of various methods and evidence of organized, systemic rigging by GD. The opposition parties refuse to recognize the official results of the election, referring to large volume of violations and a well-orchestrated, centrally managed rigging process resulting in the election not being reflective of voters' will. Georgia's Western partners have raised grave concerns with respect to the said violations, called for a thorough investigation, speaking about Russian interference in Georgian elections. Meanwhile, the ruling GD party refuses to accept any criticism and seems increasingly comfortable as part of the authoritarian club.

Currently, Georgian democracy and sovereignty are both at risk, while Georgia's EU integration process has been suspended indefinitely, due to GD's anti-democratic rhetoric and actions, including repressive laws and election rigging.

Parliament Adopts the Controversial Law on Family Values and Protection of Minors

On 17 September 2024, the Parliament adopted the Law on Family Values and Protection of Minors, also known as "anti-LGBT propaganda law" in GD lingo. This is yet another controversial bill that was adopted by the ruling party regardless of public and international criticism and despite the Opinion No. 1188/2024 dated 25 June 2024, of the European Commission for Democracy Through Law, which recommended "the Georgian authorities to reconsider this legislative proposal entirely and to not proceed with its adoption".

The law puts the concept of LGBTQI+ issues in the same category as incest, and prohibits the “popularization” of these topics. Popularization is defined very broadly and implies any information and/or actions that represent the LGBTQI+ issues or incest in a positive context, or as being exemplary. The law, inter alia, prohibits same-sex marriage, child adoption/foster care of minors by same-sex couples, indication of a different-than-biological sex in official identification documents and/or civil status acts, as well as medical procedures that alter biological sex. It also restricts educational institutions in sharing the information that may “popularize” these concepts. In the same context, it further restricts public demonstrations and broadcasts, intervenes in labor relations and introduces enforcement mechanisms, including, inter alia, criminal liability for its violation. The respective amendments have been introduced to various normative acts. This controversial law is a concerning development as it curbs LGBTQI+ rights and creates the risk of discrimination, inequality, social exclusion of LGBTQI+ persons and censorship. The law was adopted despite the presidential veto and shall enter into force on 2 December 2024.

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