

# CSO METER

A compass to conducive  
environment and  
CSO empowerment

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GEORGIA 2023

COUNTRY REPORT

TBILISI





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## CSO Meter 2023: Georgia Country Report

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The Civil Society Institute (CSI) is one of the leading CSOs in Georgia. Established in 1996, CSI facilitates the formation and development of civil society and democracy by promoting democratic values and the rule of law. CSI also educates social actors with the aim of increasing their civic activism and creating a more enabling environment for civil society. CSI has a strong capacity for advocacy, along with solid experience in facilitating government-CSO relations. CSI experts have advised municipalities, the Ministry of Justice, the Ministry of Finance, and the Parliament of Georgia in policy development. CSI has monitored and reported on the implementation of several state policies. Since 1996, CSI has trained several thousand national and local government officials, CSO representatives and community members.

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knowledge, empowers partners and helps set standards that create, protect and expand civic freedoms.

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# ABBREVIATIONS & ACRONYMS

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AI	Artificial intelligence
AML	Anti-money laundering
CSI	Civil Society Institute
CSO	Civil society organisation
CTF	Counter-terrorism financing
EaP	Eastern Partnership
ECNL	European Center for Not-for-Profit Law
EU	European Union
EUR	Euro
FATF	Financial Action Task Force
GDP	Gross domestic product
GDPR	General Data Protection Regulation
GEL	Georgian Lari
GYLA	Georgian Young Lawyers' Association
IDFI	Institute for Development of Freedom of Information
ISP	Internet service provider
KYC	Know Your Customer
LEPL	Legal entity of public law
LGBTQ+	Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, Intersex, Asexual, Ally, etc.
LLC	Limited liability company
MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
NNLE	Non-entrepreneurial non-commercial legal entity
OGP	Open Government Partnership
SLAPP	Strategic litigation against public participation
USD	US Dollar
VAT	Value Added Tax

# I. EXECUTIVE SUMMARY

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## Country context and important trends relevant to the civil society environment

2023 was somewhat turbulent for Georgian civil society. On 14th December, Georgia obtained European Union (EU) candidate country status. This is a great achievement for the country and its people who have repeatedly chosen to be a part of the European family. Considering this trajectory, the suggested draft law about ‘foreign agents’ in the beginning of the year raised great concerns. The EU commented that the draft law’s adoption would be inconsistent with Georgia’s aspirations for continued development and EU membership as enshrined in Georgia’s Constitution,<sup>1</sup> and contrary to EU norms and values.<sup>2</sup> The draft law triggered widespread protests, attracting a diverse group of demonstrators, including young people, students, and community organisers, who voiced their opposition to the law. Law enforcement responded with force, deploying tear gas, water cannons, physical confrontation and mass arrests, provoking criticism for their use of disproportionate measures against peaceful protesters. In light of these developments, the governing party made the decision to retract the proposed legislation shortly thereafter, attributing this action to their intention to actively include the public and provide a more comprehensive explanation of the law’s objectives once heightened emotions had faded.

Nevertheless, the consequences of these events have had an enduring and detrimental effect on the state-civic sector relationship, which has yet to be restored. As a result, a series of events has been set in motion, leading to adverse consequences for several endeavours that depended on cooperation between civil society organisations (CSOs) and the Government, as well as the effectiveness of public-private partnership mechanisms, including those involving dialogue-driven approaches to the renewal of policies addressing anti-money laundering (AML) and countering the financing of terrorism (CTF). It has been greatly concerning that the Government maintained its rhetoric that leading Georgian CSOs are threatening peace in the country, while simultaneously trying to damage their reputation.<sup>3</sup>

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<sup>1</sup> Georgian Constitution, <https://matsne.gov.ge/en/document/view/30346?publication=36>.

<sup>2</sup> European Union External Action Service, ‘Georgia: Statement by the Spokesperson on the draft law on “transparency of foreign influence”’, 24 February 2023, [https://www.eeas.europa.eu/eeas/georgia-statement-spokesperson-draft-law-%E2%80%9Ctransparency-foreign-influence%E2%80%9D\\_en](https://www.eeas.europa.eu/eeas/georgia-statement-spokesperson-draft-law-%E2%80%9Ctransparency-foreign-influence%E2%80%9D_en).

<sup>3</sup> Civil Georgia, ‘Speaker: USAID and EED “Fund Extremism in Georgia”’, 25 October 2023, <https://civil.ge/archives/565471>.

The process of polarisation, instances of unwarranted use of force, outbreaks of riots, and subsequent arrests have not ceased. Numerous additional incidents involving restrictions on freedom of expression and peaceful assembly have occurred, encompassing a range of topics such as protests against a Russian cruise ship entering the Georgian port city of Batumi and events during LGBTQ+ Pride week. In this regard, it is important to note that within the Georgian legal framework, the Code of Administrative Offences is the sole remaining law from the Soviet Union era and it continues to serve as the primary tool for detaining protesters.<sup>4</sup>

Over the past two years, a notable geopolitical development has been Russia's war in Ukraine. The primary related social and political occurrence that is exerting a significant and seemingly enduring impact on society overall is linked to the significant influx of Russian citizens into Georgia, with indications of their prolonged presence without a specified duration. In the last three years, according to data from the first quarters, the highest rate of border crossings from the Russian Federation into Georgia was recorded in 2023.<sup>5</sup>

It is important to note that, in November 2023, the European Commission recommended to the European Council that Georgia be granted the status of candidate country on the condition that the country takes a number of steps.<sup>6</sup>

Overall, 2023 was a year of significant social events that sowed the seeds of change in the civil society environment in Georgia.

## Key developments in the civil society environment

The civil society environment in Georgia exhibited a modest degree of transformation in relation to the previous year, as it continued to grapple with a multitude of obstacles. The overall country score remained the same as in 2022 (4.8 out of 7), as did the overall country scores in law (5.2) and practice (4.3).

Various circumstances, such as the proposed adoption of legislation pertaining to foreign agents, challenges around peaceful assembly, and difficulties in state-CSO collaboration, have played a role in the adverse consequences experienced by CSOs. The

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<sup>4</sup> For more information see Section 3.4 (*Freedom of Assembly*).

<sup>5</sup> Institute for Development of Freedom of Information (IDFI), 'Influx of Russian citizens to Georgia and emerging concerns in public safety', available (in Georgian) at:

[https://idfi.ge/ge/the\\_influx\\_of\\_russian\\_citizens\\_to\\_georgia\\_and\\_emerging\\_concerns\\_in\\_public\\_safety](https://idfi.ge/ge/the_influx_of_russian_citizens_to_georgia_and_emerging_concerns_in_public_safety).

<sup>6</sup> 2023 Communication on EU Enlargement Policy: [https://neighbourhood-](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/COM_2023_690%20Communication%20on%20EU%20Enlargement%20Policy_and_Annex.pdf?fbclid=IwAR01ZKjWxItp6a9KDGKeQWqu3sD64HdOgcviIAWYuuTBZEEI95vneLDMwU)

[enlargement.ec.europa.eu/system/files/2023-](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/COM_2023_690%20Communication%20on%20EU%20Enlargement%20Policy_and_Annex.pdf?fbclid=IwAR01ZKjWxItp6a9KDGKeQWqu3sD64HdOgcviIAWYuuTBZEEI95vneLDMwU)

[11/COM\\_2023\\_690%20Communication%20on%20EU%20Enlargement%20Policy\\_and\\_Annex.pdf?fbclid=IwAR01ZKjWxItp6a9KDGKeQWqu3sD64HdOgcviIAWYuuTBZEEI95vneLDMwU](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/COM_2023_690%20Communication%20on%20EU%20Enlargement%20Policy_and_Annex.pdf?fbclid=IwAR01ZKjWxItp6a9KDGKeQWqu3sD64HdOgcviIAWYuuTBZEEI95vneLDMwU)

persistent nature of the obstacles to protecting the fundamental rights of freedom of expression and the right to peaceful assembly against arbitrary infringements is evident. These concerns frequently emerge due to misinterpretations of the Code of Administrative Offences.

Since December 2022, civil society in Georgia has been grappling with the proposed introduction of draft legislation pertaining to ‘foreign agents’ and its subsequent consequences. The implementation of the ‘Law on Foreign Agents’ in Georgia has emerged as a highly debated and dynamically moving matter. The Law was first introduced by the conservative political party affiliated with the ruling ‘Georgian Dream’ party and was intended to classify Georgian CSOs, which receive significant funding from foreign sources, as ‘foreign agents.’ Although proponents of the Law claimed that its true objective was to promote transparency regarding foreign influence within the country, such a designation implies that the targeted organisations are influenced by foreign entities and may be driven by biased motives while impacting certain societal developments. This has the effect of presenting the work of CSOs in a negative light. The proposed legislation required every CSO to voluntarily declare its status as an agent of foreign influence and failure to do so would result in severe legal repercussions, including substantial fines that might potentially force certain smaller CSOs into insolvency and liquidation.

Furthermore, the state's inability to adequately mitigate the risks and challenges presented by right-wing extremist groups against activists and LGBTQ+ organisations continues to be a matter of concern. Insufficient inquiries into the actions of leaders affiliated with these extremist groups exacerbate the situation.

There has been a lack of success in terms of state institutions producing Georgia's risk assessment report in the area of AML/CTF. Additionally, the level of involvement of CSO representatives in this process has almost stopped altogether following the proposed adoption of the Law on Foreign Agents.

The aforementioned developments have led to amendments in score in the following areas:

- Several areas noted deteriorations in score. Area 3 (*Access to Funding*) deteriorated in practice from 5.3 in 2022 to 5.1 in 2023 and Area 4 (*Freedom of Peaceful Assembly*) deteriorated in practice from 3.9 in 2022 to 3.8 in 2023. There have been negative developments in Area 8 (*State Duty to Protect*) in which the score in practice deteriorated from 3.9 in 2022 to 3.8 in 2023 and in Area 10 (*State-CSO Cooperation*) in which the score in practice deteriorated from 3.9 in 2022 to 3.8 in 2023.



- The two areas with the highest overall scores remain the same as in 2022: Area 1 (*Freedom of Association*) with 6.1 out of 7) and Area 2 (*Equal Treatment*) with 5.6 out of 7, followed by Area 6 (*Freedom of Expression*) and Area 11 (*Digital Rights*) which both have the same overall score as last year, 4.9.
- Although Area 7 (*Right to privacy*) is the only area in which an increase in the score in legislation was recorded this year (as a result of Parliament adopting the new Law on Personal Data Protection, the score rose from 4.6 to 4.7), the area remains one of the three lowest-scoring areas in 2023, together with Area 9 (*State Support*) and Area 10 (*CSO-State Cooperation*).

## Key priorities

1. The Government of Georgia should design and adopt unified standards/rules on public consultations of draft laws and other normative acts at the national level, including by clearly setting participation as the obligatory stage in the elaboration of decrees, draft laws, strategic documents, and other instruments, and establish redress mechanisms for their violation;
2. State representatives, government authorities and other representatives of the ruling party should stop attacking and harassing CSOs, must strengthen the participation of CSOs critical of the Government in the civil sector and ensure the existence of a safe and free environment for the activities of CSOs and human rights defenders;
3. The Government of Georgia needs to adopt new laws on administrative detentions that are in accordance with human rights standards;
4. To guarantee compliance with MONEYVAL guidelines, while avoiding undue deterioration of the CSO environment, the LEPL Financial Monitoring Service of Georgia should continue communication with CSO representatives and assure their involvement at every stage of its activities;
5. The state must unwaveringly safeguard the right to peaceful assembly, calmly handle public protests, negotiate with the public, and limit the police response to rallies;
6. State institutions, especially the Government of Georgia, should respect and affirm their obligations within the Open Government Partnership (OGP) framework and return to its principles, including by adopting OGP Action Plans and allocating sufficient financial and administrative resources for implementing necessary policy steps for efficient CSO-state cooperation; and
7. The Prosecutor's Office should prioritize and promptly investigate alleged illegal and arbitrary surveillance of CSO representatives, journalists, and others, and ensure that all relevant actors are granted victims status and have access to case files, at the same time updating the public on the progress of investigations.

## II. GEORGIA – IN NUMBERS

Population: 3 736.4 (2023)<sup>7</sup> | GDP per capita: 6,672.00 USD (2023)<sup>8</sup> | Number of CSOs: Registered organisations: 30258;<sup>9</sup> active organisations: 1,286<sup>10</sup> | CSOs per 10,000 inhabitants: 3 | Registration fee for a CSO: 200 GEL (approx. 70 EUR) or 400 GEL (approx. 140 EUR) for the accelerated procedure | Freedom in the World Ranking: Partly Free (58/100)<sup>11</sup> | World Press Freedom Index: 61.69 (77 out of 180 countries, 2023)<sup>12</sup>



Country score: 4.8  
Legislation: 5.2  
Practice: 4.3

The scores range from 1 to 7, where 1 signifies the lowest possible score (extremely unfavourable – authoritarian - environment) and 7 signifies the highest possible score (extremely favourable environment).

Areas	Overall	Legislation	Practice
Freedom of Association	6.1	6.1	6.0
Equal Treatment	5.6	5.8	5.3
Access to Funding	5.6 ↓	6.0	5.1 ↓
Freedom of Peaceful Assembly	4.5 ↓	5.2	3.8 ↓
Right to Participation in Decision-Making	4.8	5.3	4.2 ↓
Freedom of Expression	4.9	5.6	4.1
Right to Privacy	3.9 ↑	4.7 ↑	3.0
State Duty to Protect	4.4 ↓	5.0	3.8 ↓
State Support	4.2	4.4	4.0
State-CSO Cooperation	4.0 ↓	4.2	3.7 ↓
Digital Rights	4.9	5.1	4.7

The arrows indicate improvement or deterioration compared to last year's scores.

<sup>7</sup> National Statistics Office of Georgia, <https://www.geostat.ge/en/modules/categories/41/population>.

<sup>8</sup> National Statistics Office of Georgia, <https://www.geostat.ge/en/modules/categories/23/gross-domestic-product-gdp>.

<sup>9</sup> CSO Georgia, List of registered CSOs, [https://csogeorgia.org/storage/app/media/organisation\\_list.pdf](https://csogeorgia.org/storage/app/media/organisation_list.pdf).

<sup>10</sup> CSO Georgia, <https://csogeorgia.org/en/>.

<sup>11</sup> Freedom House, Freedom in the World 2023, <https://freedomhouse.org/country/georgia/freedom-world/2023>.

<sup>12</sup> Reporters Without Borders, Press Freedom Index, <https://rsf.org/en/index>.

# III. FINDINGS

## 3.1 Freedom of Association

Overall score per area: **6.1/7**

Legislation: **6.1/7**

Practice: **6.0/7**

Georgia has a strong commitment to upholding everyone's right to freedom of association, both in its laws and in practice. This commitment has remained steady in 2023, with no significant changes from the previous year. The score in this area remains the same as for 2022 in both law and practice.

The process of implementation of the law adopted in the previous reporting period for establishing and registering commercial and non-profit entities has not been finalized. Therefore, it is too early to evaluate its impact at this stage. The cost for registering a nonprofit legal entity and changing registration data has been increased. Most CSOs that operate at the local level struggle to update their documents because they have limited access to legal expertise inside their organisations and most of them do not have an in-house lawyer.

Despite these negative aspects, the positive feature in this amendment is that non-operating CSOs will no longer be registered if they do not update relevant documentation by the stated deadline. Since there are many registered but inactive CSOs, this feature will be helpful to filter those out.

Apart from these changes, there have not been any significant alterations to the overall process for establishing CSOs, their operational regulations, geographical reach, or the procedures for their dissolution. This means that the previous recommendations in this area remain in place.

### 1) CSOs continue to update their registration data in line with legal amendments, yet the impact of these changes is unclear.

A significant focus for CSOs at present is prioritising registration renewal of their data to comply with the new provisions of the Law on Entrepreneurship.<sup>13</sup> In practice, numerous CSOs have successfully completed the necessary data updates in the register. During the reporting period, the Government was responsive to CSOs requiring assistance by providing general information on the process. This included clarifying the appropriate interpretation of specific rules and offering guidance. The Georgian Ministry of Justice used commercials<sup>14</sup> as part of a public campaign to effectively distribute information on a large scale. This was insufficient,

<sup>13</sup> Law of Georgia on Entrepreneurs, <https://matsne.gov.ge/ka/document/view/5230186?publication=1>, (consolidated version is available only in Georgian). As of 1 January 2022, the new Law on Entrepreneurship, as well as a new Order from the Minister of Justice of Georgia, entered into force.

<sup>14</sup> Ministry of Justice of Georgia Facebook page, Commercial on new registration process (in Georgian), <https://www.facebook.com/MinistryofJusticeofGeorgia/videos/518412390427812/>.

however, as many, especially regional, CSOs do not have in-house lawyers and need to outsource the necessary legal services to comply which is a significant expense.

The proactive engagement of CSOs in ensuring compliance and the high level of awareness reached within the CSO sector on the necessary actions to be taken must be emphasized. Numerous CSOs have launched campaigns to educate and inform their regional counterparts on the intricate details of the registration changes.<sup>15</sup> These outreach initiatives are commendable efforts to ensure that CSOs across the country are well informed.

Despite these positive developments, which partially refuted the somewhat negative expectations in regard to this process in the previous reporting period,<sup>16</sup> the complete impact of the changes is still uncertain as the deadline to re-register has not yet passed at the time of writing.

Following the decision to liquidate/terminate a CSO, the tax authorities must verify that the organisation's financial state enables the liquidation and that there is no debt due to the Government. The maximum time period for termination is four months and this may be extended by one month at the request of the tax authorities. For these reasons, CSOs wishing to cease their activities often want to avoid the lengthy and difficult liquidation procedure, resulting in thousands of registered but non-functioning CSOs. Given that under the new legal requirements, CSOs not complying with the re-registration requirement will be de-registered, the predicament will be resolved and an accurate estimation of the number of active CSOs will finally be possible. Despite this, the legal requirements for the process of liquidation and re-organisation of CSOs in Georgia remain ineffective.

## 2) CSOs' financial and human resources continued to be burdened by the latest legislative requirements.

CSOs are burdened by the legal requirements related to their registration. For example, the increased registration fees for CSOs,<sup>17</sup> though intended to support the registration process, remain too high, especially for many CSOs, primarily those operating at the local level, which stated in Focus Groups that they struggle with financial sustainability.

In addition, navigating the new legal requirements for CSOs that wish to register necessitates additional consultation and support from legal experts whose involvement incurs additional

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<sup>15</sup> CSI. 'Bringing the registration data of A(A)IP and its branch into compliance with the new Law of Georgia On Entrepreneurs' (in Georgian), <https://civilin.org/aiip/>.

<sup>16</sup> See Area 3.1 in Country Report 2022, <https://civilin.org/en/information/georgia-is-a-medium-risk-country-for-cso-activities-according-to-cso-meter-2022/>.

<sup>17</sup> The current registration fee is 200 GEL (approx. 70 EUR) up from 100 GEL (approx. 35 EUR) in 2021. For the price of 400 GEL (approx. 140 EUR), increased from 200 GEL (approx. 70 EUR), registration can be performed on the same day via an accelerated process.

costs for the organisation. The financial strain on local CSOs is an ongoing concern that affects their ability to navigate the registration process.<sup>18</sup>

Specific recommendations under Area 1:

- A registering entity should only be required to fulfil procedural requirements stipulated in the Law on Entrepreneurship if these are directly allowed by the Civil Code of Georgia and relate to and make sense in relation to CSOs; and
- The national registry of Georgia ought to facilitate prompt, cost-free but high-quality consultations for registration of the interested CSOs. These consultations should be conducted within the House of Justice itself, where CSO representatives can seek support throughout the process and have their enquiries addressed. This would ensure that CSOs that are unable to afford external legal advice still have access to the necessary guidance. For these purposes, additional training may be necessary for the relevant registrars, operators, and personnel.

## 3.2 Equal Treatment

Overall score per area: **5.6/7**

Legislation: **5.8/7**

Practice: **5.3/7**

With a few exceptions, such as more favourable VAT refund laws for business entities or less stringent restrictions for CSOs when establishing or constructing their legal structure, CSOs and commercial entities are treated equally. That the overall score in this area remains the same as for 2022 indicates that the specific recommendations from past years in this area continue to be applicable.

CSOs and commercial enterprises have been equally affected by the registration and establishment amendments detailed in Area 1 (*Freedom of Association*) above, preserving a fair playing field. In addition, there are no differences in the legislative approach for different types of CSO. However, in practice, CSOs critical of the authorities face greater pressures.

It is evident that the number of government representatives vocally criticising CSOs who have publicly criticised the Government has increased. The state must follow the 2022 recommendation and implement oversight tools to identify and correct government-affiliated CSO preferential treatment. Overall, it can be concluded that the state treats all CSOs equally in terms of establishment, registration, and their activities and that related legislation does not support a discriminatory approach towards CSOs. Furthermore, no legislative changes have been made to equal treatment in this reporting period, preserving the 2022 area score meaning that earlier recommendations, such as harmonising VAT refund dates for CSOs and corporate entities, remain valid in 2023–2024.

<sup>18</sup> Commentaries supporting this statement are taken from the Focus Group meeting held on 6 September 2023.

## 1) The Government fails to treat CSOs equally with businesses in terms of the VAT refund claim period.

Business entities continue to have a one-year VAT refund claim period, while CSOs have a much shorter refund claim period of just three months. The significance of this inequality is heightened by the recent introduction of new tax-related procedures which restrict the reimbursement of VAT on service fees if the contractor is found to have outstanding state debts at the time of the transaction. The limited timeframe of three months accorded to CSOs poses challenges for contractors in effectively addressing state debt issues in this short period, hence reducing the likelihood of timely completion of procedures by CSOs.

## 2) Certain CSOs receiving unequal treatment when opening bank accounts remains a challenge.

The main example that indicates unequal treatment towards certain CSOs during the reporting period is the refusal to open bank accounts for organisations and individuals connected to Belarus. Recent practice shows that banks are imposing extra fees on such applicants for conducting intensive background checks and are then mostly rejecting their requests to open bank accounts. Banks are not providing a formal justification for their decisions, but are generally stating that their approach is motivated by the developments in Ukraine, meaning that Belarusian and Russian affiliates are considered high-risk clients. In general, banks are requiring that a long list of original corporate documents be provided, as well as the personal information and data of their beneficiaries from organisations whose founders are foreign, in order to comply with internal Know Your Customer (KYC) and AML/CTF policies. This requires greater effort and is more time-consuming for foreign stakeholders than for ones residing in Georgia. Therefore, practically speaking, it is always harder for foreign representatives to open bank accounts in Georgia than for local CSOs. However, this seems to be justified by the fact that this is a common standard of diligence for the legitimate purposes of AML/CTF.

### Specific recommendations under Area 2:

- The Government of Georgia should initiate amendments to taxation procedures and enable CSOs to enjoy the same VAT refund timelines as corporations;
- The National Bank of Georgia should adopt institutional regulations and control mechanisms in order to guarantee that cases of unequal treatment from commercial banks are justified by the existence of an overriding legal interest, excluding the possibility of discrimination; and
- The state should adopt control mechanisms in order to identify and eliminate preferential treatment for particular government-affiliated CSOs.

## 3.3 Access to Funding

Overall score per area: **5.6/7**

Legislation: **6.0/7**

Practice: **5.1/7**

Georgian CSOs have access to local and international governmental and non-governmental financial sources in a variety of forms. However, the proposed enacting of the ‘foreign agents’ law threatened the country's free financial space. This legislation, although ultimately abandoned, had the real potential to disrupt international funding for CSOs, limiting their effectiveness and independence. Since the possibility of initiating the same kind of regulation has not been entirely eliminated, it is still crucial to analyse how laws of a similar nature could affect Georgian CSO sustainability and autonomy.

The overall score in this area decreased from 5.3 in 2022 to 5.1 in 2023. This is due to the emergence of an unfavourable rhetoric in relation to CSOs in the context of their opposition to the suggested draft law on foreign agents. The recommendations in this area stress the importance of the Government not creating a prohibitive atmosphere for CSOs in relation to their seeking local or foreign funding.

### 1) The state tends to stigmatise CSOs that use foreign sources of funding.

The Georgian legal framework generally upholds the freedom of CSOs to seek, receive, and use financial resources from various international and national donors, as well as state and non-state funding mechanisms. However, a looming concern pertains to the introduction of a ‘foreign agents’ law in February 2023. While the law was ultimately prevented from being enacted, the overall process of even considering and discussing such a law in the public sphere has affected the financial landscape for CSOs in Georgia. Namely, CSOs, particularly those that are supported by foreign donors, have experienced a significant level of pressure to respond to the emerging issues and reallocate budgets and human resources which were intended for other purposes to respond to the threat. CSOs were also, in some instances, even prevented from fulfilling their obligations under grants and this strained their relationships with donors.<sup>19</sup>

### 2) The state maintains a passive stance with respect to the advancement of funding mechanisms for civil society.

In the pursuit of fostering a robust and financially sustainable civil society, it is important that the state takes proactive measures to recognise and support the diversification of funding sources for CSOs and unregistered unions. While existing legislation generally supports CSO funding in Georgia, there are a few improvements for which civil society has long advocated, but on which the state maintains its previous stance on perspectives to further develop the issues.

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<sup>19</sup> Commentaries supporting this statement are taken from the Focus Group meetings and interviews.

For instance, for everyone to be able to access funding through state grants, CSOs have advocated for transparency in the distribution of state grants to be ensured, which is currently not the case. Progress in this area, along with cooperation and mutually beneficial projects that were underway (including the OGP format), ceased due to the draft 'foreign agents' law at the beginning of 2023. Additionally, there is a lack of laws, including tax benefits, that incentivise individual and corporate donations to CSOs. The framework of the OGP transparency initiative has not been further developed in the current reporting period.

#### Specific recommendations under Area 3:

- The Government should refrain from enacting any laws or regulations that illegitimately restrict access to existing funding mechanisms, such as foreign funding; and
- The state should recognise and support the diversification of funding sources for CSOs and unregistered unions, including by promoting philanthropy, acknowledging the concept of social entrepreneurship and establishing any necessary legislative guarantees.

## 3.4 Freedom of Peaceful Assembly

Overall score per area: **4.5/7**

Legislation: **5.2/7**

Practice: **3.8/7**

Everyone's right to peaceful assembly is protected by the Constitution of Georgia. Coupled with this, Georgia has the Law on Assemblies and Demonstrations which prescribes core principles and obligations pertaining to organising demonstrations. Georgian legislation guarantees both planned and spontaneous assemblies and demonstrations, as well as assemblies both indoors and outdoors. The right to peaceful assembly is not absolute and it can be restricted based on legitimate interests. For instance, Georgian law restricts demonstrations within a twenty-meter radius of certain government and military buildings, as well as railway stations, airports, and ports. Georgia still fails to properly regulate spontaneous assemblies, in addition to not implementing the Venice Commission recommendations on modifying the five day prior notice required to be given if an assembly is held on a public highway or hinders transport movement. However, in practice, this has not negatively impacted people's right to spontaneous protests.

Despite legal guarantees, several key issues remain in practice, including the unlawful arrests of peaceful activists, the events of the 'foreign agents' law protests and infringements on LGBTQ+ individuals' right of assembly. Given that throughout the reporting period unlawful arrests have been persistent and the number of protests significant, the practice score in this area has decreased from 3.9 in 2022 to 3.8 in 2023. The overall score in this area has also decreased. Additionally, through amendments to the 'Assemblies and Manifestations' Law, participants in gatherings and demonstrations will be prohibited from building temporary constructions during demonstrations, which further risks obstruction of



freedom of assembly for all interested parties. However, since the Law has not yet come into force, the score for law in this area remains unchanged.

### 1) Law enforcement practice unlawful arrests of activists during peaceful protests.

The Code of Administrative Offences, which is the only remaining law in Georgia that was adopted during the Soviet Union, is still used as the primary tool to detain protesters. The provisions of the Code often lack clarity which creates room for arbitrary decisions. For instance, the notion of ‘petty hooliganism’ is often applied to restrict the speech of protesters that might be unacceptable to a certain part of society, even if it does not cross the line into language that could be considered offensive.<sup>20</sup>

Similar to in previous years, there was unjustified interference by law enforcement during peaceful assemblies.<sup>21</sup> On 2 June 2023, lawyer Shota Tutberidze and CSO leader Eduard Marikashvili were arrested for unfurling an anti-government banner during a peaceful demonstration regarding government policies towards incoming Russian citizens and tourists in the vicinity of the Parliament of Georgia in Tbilisi. Arresting a person for unfurling a banner at a peaceful demonstration is beyond the scope of police action within the constitutional framework. Similarly, the next day on 3 June at a rally on Era Square in Batumi which aimed to show solidarity with the detained human rights defenders in Tbilisi, six more people were administratively detained, including two minors.<sup>22</sup> Such demonstrations of authority by law enforcement are not only detrimental to freedom of expression and assembly in Georgia, but also do not comply with the legislation and international standards in force in the country, undermine the principle of the legal and democratic state, and further worsen the situation for free speech and expression which is increasingly repressive.<sup>23</sup>

Cases of arrests of activists engaged in peaceful protests increased during the influx of Russian tourists in Georgia, as people across Georgian society protested the free arrival of Russian citizens who support the war in Ukraine or the Georgian occupation. On 20 May 2023, information was spread through public sources that the daughter of the Minister of Foreign Affairs of Russia, Sergey Lavrov, was in the Kvareli Lake area of eastern Georgia along with accompanying guests. It should be noted that Lavrov and his family are among the first on the list of sanctioned persons, along with Vladimir Putin. Civil activists protested in the vicinity of

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<sup>20</sup> Art 166. Administrative Offences Code of Georgia (in Georgian)-  
<https://matsne.gov.ge/ka/document/view/28216>

<sup>21</sup> For more information about detentions and interference in peaceful assemblies see Parliamentary Reports (in English) by the Public Defender (Ombudsman) of Georgia:  
<https://www.ombudsman.ge/eng/saparlamento-angarishebi>.

<sup>22</sup> GYLA, ‘Civil society organisations respond to the facts of the detention of human rights defenders’, 03.06.23, available (in Georgian) at: <https://bit.ly/3DKYQlh>.

<sup>23</sup> GYLA, ‘Arrest for unfurling a banner is illegal and undermines the constitutional principle’, 02.06.23, available (in Georgian) at: <https://gyla.ge/ge/post/baneris-gashlis-gamo-dakaveba-ukanonoa-da-dzirs-utkhris-konstituciur-principis#sthash.VNspSyKC.dpbs>.

Kvareli Lake. Agents of the Special Task Force Department were mobilized at the entrance of the Kvareli Lake Hotel, and at around midday, according to reports, water jet vehicles and police convoys were heading towards Kvareli to prevent the protests. Footage also shows degrading treatment of persons detained by the police under the Administrative Code of Georgia. About ten activists were arrested in total on that day.<sup>24</sup> Similarly, on 31 July 2023, the arrival of a Russian cruise ship in Batumi was followed by a public protest. Again, the police did not protect the right to freedom of assembly and expression guaranteed by the Constitution of Georgia and prevented the participants of the protest from expressing their protest in a peaceful manner. Along with physical obstacles, the police administratively arrested more than twenty protestors to prevent the protest.<sup>25</sup>

On 2 October 2023, amendments were made to the ‘Assemblies and Manifestations’ Law, subject to which participants in gatherings and demonstrations will be prohibited from building temporary constructions during demonstrations. The purpose of the initiated changes is to further restrict civil rights, which will lead to the narrowing of the space for free expression in the country, and, as a result, will directly affect the quality of the country's democracy and, accordingly, people's well-being.<sup>26</sup> The amendments were, however, vetoed by the President.<sup>27</sup>

## 2) Disproportionate use of police force at protests about the law on ‘foreign agents’.

A wave of opposition, in which CSOs and other stakeholders organised campaigns and protests, grew in Georgia when both versions of the law on ‘foreign agents’ were submitted to Parliament and the committees in charge of their review began discussions. During the reading of the law, the protesters, especially young people, students, and community organisers (civic activists) with the leadership of country-based CSOs, began gathering near Parliament to object to the law in a nonviolent manner. They continued to do so until, at the end of the parliamentary bureau summit on 7 March 2023, the final Committee on Legal Issues reached a conclusion on the first draft law to adopt the law and to proceed with the process of a public hearing. Even though the first parliamentary hearing was expected to take place on 9 March 2023, it was, without prior notice, scheduled for the same evening as the conclusion of the Committee on Legal Issues (7 March). Therefore, demonstrators quickly assembled outside Parliament to

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<sup>24</sup> GYLA, ‘Statement of the Association of Young Lawyers of Georgia on the current events in Kvareli’, 20.05.23, available (in Georgian) at: <https://bit.ly/3YqH6VP>.

<sup>25</sup> GYLA, ‘The practice of administrative detention violates the rights guaranteed by the constitution’, 01.08.2023, available (in Georgian) at: <https://bit.ly/3OrjHPI>.

<sup>26</sup> GYLA, ‘The growing trend of restricting civil rights continues with new legislative changes’, 02.10.23, available (in Georgian) at: <https://bit.ly/3Qlj7zp>.

<sup>27</sup> InterPressNews, ‘The President vetoed the amendments to the Law on “Assemblies and Demonstrations”’, 17.10.2023, available (in Georgian) at: <https://bit.ly/49gymqq>.

continue their protests. The proposed draft bill was supported by 76 members of parliament (out of 89) during its first reading.

Meanwhile, peaceful and nonviolent protestors were confronted with tear gas, water cannons, beatings, and mass arrests.<sup>28</sup> On 8 March, there was another, larger wave of demonstrations, which resulted in numerous and severe assaults on protesters by the police, including the use of tear gas bombs and directed shootings with rubber bullets. Even though, at a later stage, some windows of the Parliament building were shattered and certain protesters attempted to cross barricades, none of the actions used by the police in response could be justified as proportionate.<sup>29</sup>

In addition, it is worth noting that the detainees and human rights defenders faced problems both during administrative detentions and during court proceedings. It was problematic for lawyers and family members to determine the location of the detainees and, accordingly, to obtain information about their treatment and condition. The detainees were distributed in isolation cells all over Georgia, which made it even more difficult for the lawyers to meet with the detainees. In addition, the Ministry of Internal Affairs mostly left the detainees in isolation for the maximum period without any justification.<sup>30</sup>

Following the protests, court hearings for the detainees were disorganised due to numerous procedural errors. However, despite this, with the help of human rights defenders, the cases of many detainees ended with a positive result. None of the detainees defended by lawyers from CSOs were sentenced to administrative detention. In addition, notices were issued to 18 detainees, partially-suspended and partial notices were issued to 3 detainees, while 31 detainees were given fines.<sup>31</sup>

### **3) Law enforcement again failed to protect the rights of marginalised groups from disruptive groups.**

The state still fails to ensure that LGBTQ+ individuals and activists can equally and fully enjoy the right to freedom of assembly. In 2023, the Pride festival was intended to be a closed event, organised as part of Tbilisi Pride Week to take place on 8 July. The day prior, on 7 July, the

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<sup>28</sup> GYLA, 'People against the Russian law - presentation of the assessment report of the facts of the March 7-9 demonstration and related human rights violations', 30.10.23, available (in Georgian) at: <https://bit.ly/49lvx7g>.

<sup>29</sup> GYLA, 'The police used illegal and disproportionate force against the peaceful civil protest', 08.03.23, available (in Georgian) at: <https://bit.ly/3qkxM9u>; CSO Meter, 'Georgia: following mass protests, ruling party withdraws foreign agents draft law', 9 March 2023, available at: <https://bit.ly/43ZazHH>.

<sup>30</sup> GYLA, 'Statement of non-governmental organisations about the cases of persons arrested on March 2-3 and 7-9, 2023', 21.03.23, available (in Georgian) at: <https://bit.ly/3QpKEWx>.

<sup>31</sup> Ibid.

Ministry of Internal Affairs issued a statement regarding the event, which stated that in order to conduct the closed event peacefully, police units would be mobilised at all necessary locations and would protect law and order and security within the scope of their competence. Contrary to this, however, and despite the fact that the Ministry of Internal Affairs was well informed and knew that hate groups intended to attack the Tbilisi Pride event with violent methods (see, for example, Zurab Makharadze's speech),<sup>32</sup> representatives of the counter demonstration who had gathered at the Vazha-Pshavela monument were allowed to move freely to Lake Lisi, where the Pride festival was taking place, around four kilometres away. In the area surrounding the Lake, counter demonstrators did not face any serious obstacles from law enforcement and hate groups were able to freely break through the police cordon and move towards the main entrance of Lake Lisi. More than 2,000 anti-LGBTQ+ demonstrators stormed the festival area. The organisers were forced to cancel the event but managed to evacuate the premises in a timely manner in cooperation with the police.<sup>33</sup>

Analysis by GYLA shows that the strategy of the Ministry of Internal Affairs could not and did not adequately counter the level of risk from violent groups. It must be noted, that, just as on 5 July 2021, the state's responsibility to protect people's freedom to assemble from hate groups was not fulfilled, nor were there any repercussions for those responsible for the outcome.<sup>34</sup>

#### Specific recommendations under Area 4:

- The Parliament of Georgia should adopt a new law on administrative detentions in accordance with human rights standards;
- The state must unwaveringly safeguard the right to peaceful assembly, calmly handle public protests, negotiate with the public, and limit police response to rallies;
- All cases involving the abuse of power by law enforcement officers during demonstrations must be investigated promptly, impartially, and objectively by the Ministry of Internal Affairs and the Prosecutor's Office; and
- The Parliament of Georgia shall amend national legislation in line with the recommendations of the Venice Commission and regulate issues related to spontaneous assembly. In particular, an exception should be made to the general rule of early warning to the local self-government body and participants.

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<sup>32</sup> GYLA, 'The Ministry of Internal Affairs continues to have a tolerant policy towards hate groups', 08.07.2023, available (in Georgian) at: <https://bit.ly/30OqgNG>.

<sup>33</sup> Ibid.

<sup>34</sup> GYLA, 'The events that took place on July 5-6, 2021 have not yet been properly investigated', 5 July 2023, available (in Georgian) at: <https://bit.ly/44Z4hZM>.

## 3.5 Right to Participation in Decision-Making

Overall score per area: **4.8/7**

Legislation: **5.3/7**

Practice: **4.2/7**

The opportunity to participate in decision-making processes has emerged as a crucial component of a democratic society in an era in which principles of good governance are increasingly emphasised. While legislative measures have ostensibly recognised this fundamental right in Georgia's governance framework, it has never appeared more difficult to put these provisions into effective and meaningful practice. The looming spectre of the 'foreign agents' law impacted this area most significantly by casting a lengthy shadow over the landscape of public participation, potentially curtailing civil society's ability to engage in decision-making processes. This resulted in a decrease in the score in this area in practice from 4.3 in 2022 to 4.2 in 2023. Starting in 2021, more or less positive developments in terms of active efforts for CSOs to be involved in decision-making were seen, although in the last reporting period these developments took a step back. In practice, the evolving dynamics of public participation have shifted from potentially progressive to almost non-existent. The overall score in this area remains the same as in 2022.

### 1) **Backwards steps in guaranteeing the practical implementation of the mechanisms of participation in decision-making.**

Georgian law provides key guarantees for CSO participation in the decision-making process both in the central government and at the municipal level. These include mechanisms for petitioning (both in person and online), initiating and commenting on proposed laws, access to parliamentary sessions, and the ability to speak during committee meetings, among others. These standards were buttressed by the EU institutions that prescribed the involvement of civil society in decision-making processes at all levels as one of the key prerequisites for Georgia obtaining EU candidate country status.

However, the process of discussing and proposing laws that directly negatively impact CSOs without any consultation that encounter support from Parliament, such as the 'foreign agents' law, demonstrates that putting these provisions into practice is a formidable challenge. The Government's unwillingness to mend its relationship with CSOs following the proposed draft law is evident in practice. In this reporting period, there has not been CSO involvement in adopting the national report on the risk assessment of money laundering and terrorism financing in Georgia. Even mechanisms such as the OGP that allowed for very practical progress in the CSO environment lost their power in a single day when the introduction of an undemocratic law (the 'foreign agents' law) caused civil society representatives to temporarily decline their participation and regular cooperation.<sup>35</sup> Since the statement and official letter of concern from CSOs, there have not been further developments in the country regarding

<sup>35</sup> Transparency International Georgia, 'CSO Statement: The Government of Georgia is flagrantly violating the Open Government Partnership (OGP) principles', 16 May 2023, <https://bit.ly/3tqEOpK>.

implementation of the OGP Action Plan. By November 2023, it is expected that a response will be received to the concern that was raised in April,<sup>36</sup> which will show how the situation will develop further. This case is a clear illustration of the shrinking space for meaningful dialogue and cooperation between CSOs and government officials, considering that the OGP is one of the most prominent cross-sectorial spaces. Focus group representatives from local CSOs have confirmed that this situation worsened at the local level, as local government representatives were following the central government's lead and closing the doors for participation to CSOs.<sup>37</sup>

## 2) State representatives are not obliged in law to implement participation methods, and this affects practice.

Despite the Government approving instructions for public consultations, most barriers to participation in decision-making are established in practice due to the absence of clear instructions that could have provided state organs and parties with guidelines regarding the manner, timing, and stipulations by which participation in particular procedures should be permitted. One of the notable obstacles to effective CSO participation, which is the limited access to early stages of draft laws (especially for those adopted through accelerated procedures), contributed to CSOs not having the opportunity to provide timely input on one of the most sensitive issues affecting their very existence: the 'foreign agents' law. Interviews and focus group discussions carried out for this report confirm that, since then, as the relationship between the CSO sector and the Government has been tense, there has not been any kind of CSO involvement in decision-making.

Regarding the National Risk Assessment on money laundering and terrorism financing, following the developments around the draft 'foreign agents' law, the Financial Monitoring Service of Georgia notified CSOs that it would proceed with conducting the Risk Assessment without engaging CSOs or the international expert. It has been promised that CSOs will be involved in the public discussions prior to the finalisation of the Risk Assessment. It is not unreasonable to suppose that the outcomes of Risk Assessment could become an additional means to suppress CSOs.

In addition, the prevalent inclination towards refusing or unreasonably postponing requests for the release of public information, as well as ambiguities and opaque information in the agendas and announcements of public proceedings, impede not only the transparency of the decision-making process, but also hamper proactive and effective protests and interventions when applicable. IDFI has issued a report confirming that, in 2022-2023, Georgia has a very low rate of publishing information. In the first five months of 2023, IDFI sent 1,255 requests for public information to ministries and its subordinate agencies, out of which only 94 requests (7 per cent) were answered. In response to this, on 2 June 2023, IDFI simultaneously sent an

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<sup>36</sup> OGP, 'Response Policy Case: Georgia', 13 April 2023, <https://www.opengovpartnership.org/ogp-response-policy/response-policy-case-georgia/>.

<sup>37</sup> Commentaries supporting this statement are taken from the Focus Group meeting held on 6 September 2023.

unprecedented number of administrative complaints (89 in total: 11 ministries, the Office of the State Minister and 77 subordinate agencies).<sup>38</sup>

#### Specific recommendations under Area 5:

- The Government of Georgia should continue to design and adopt unified legislative standards on public consultations of draft laws and other normative acts at the national level, including by clearly setting participation as an obligatory stage in the elaboration of decrees, draft laws, strategic documents, and other instruments and establish a redress mechanism for their violation;
- The state should ensure that consultations with CSOs happen at the earliest stage of development of laws and policies and that they are provided with comprehensive feedback on their input;
- The state should eliminate legislative and practical hurdles restricting meaningful participation both at the central and local level (e.g., simplifying entry pass requirements, providing sufficient space and infrastructure for participation, etc.) and support local governments in advancing electronic tools for participation and publishing information; and
- The Government and other state agencies should affirm their obligations to guarantee access to public information and ensure that CSOs can receive comprehensive information in due time, especially on contentious topics with heightened public interest. The Government should publish draft laws and draft normative acts for public comment before their introduction to Parliament/their adoption. To this end, the Government should establish an online platform that will ensure transparent and open policy-making procedures.

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<sup>38</sup> IDFI, 'Sharp Decline in Access to Public Information', 8 June 2023, [https://idfi.ge/en/sharp\\_decline\\_in\\_access\\_to\\_public\\_information](https://idfi.ge/en/sharp_decline_in_access_to_public_information).

## 3.6 Freedom of Expression

Overall score per area: **4.9/7**

Legislation: **5.6/7**

Practice: **4.1/7**

Freedom of expression is guaranteed by Georgian legislation. Therefore, individuals generally enjoy this fundamental right, including in their online communications.<sup>39</sup> The state's approach to protection of freedom of expression is considered to be the most progressive in the Caucasus.<sup>40</sup> Along with the relevant laws, the Constitutional Court of Georgia has significantly contributed to setting this high standard.<sup>41</sup> The Court has repeatedly observed that a 'free society consists of free individuals who think freely, hold independent and different opinions and participate in democratic processes, which entails exchange of opinions and debates.'<sup>42</sup>

Despite legal guarantees, in practice several key issues hinder free expression, namely the latest trend of safety of journalists and other media representatives, the latest defamation cases against media organisations and new restrictive accreditation rules in Parliament for journalists. Furthermore, new changes were introduced to the 'Assemblies and Manifestations' Law which prohibit participants in gatherings and demonstrations from building temporary constructions during demonstrations. Concerns have been raised about swiftly-passed amendments to the Broadcasting Law which significantly empower the National Communications Commission, allowing intervention in the content decisions of broadcasters, especially in regards to hate speech, incitement to terrorism, and obscenity. The change is controversial as the Commission has been known to disproportionately target media critical of the authorities.

The 2024 overall perspective shows that legislation related to the right to free expression is still regarded as progressive and compliant with international norms, justifying the scores in this area remaining unchanged from 2022.

### **1) Attacks on and arrests of media representatives and increasing cases of concern for their safety when reporting on civil society-related topics.**

**In the current reporting period, regarding the security of media representatives, the trend that started in previous years has significantly worsened and cases of verbal and physical attacks on journalists and illegal interference in their professional activities have become even more**

<sup>39</sup> Freedom House Report 2021, available at: <https://freedomhouse.org/country/georgia/freedom-world/2021>.

<sup>40</sup> Media Advocacy Coalition, 'Media Environment in Georgia', 2020, 23, available at: <https://bit.ly/3m6QPIC>.

<sup>41</sup> The judgment of 30 September 2016 of the Constitutional Court of Georgia on the case N1/6/561,568 Georgian citizen Yuri Vazagashvili vs. the Parliament of Georgia.

<sup>42</sup> The judgment of 26 October 2007 of the Constitutional Court of Georgia on the case N2/2/389 Maia Natadze and others vs. the Parliament of Georgia and the President of Georgia, II, 13.



frequent in 2023.<sup>43</sup> The media environment remains hostile and unfriendly. The state does not provide timely prevention of or a proper response to such occurrences and does not effectively investigate the crimes committed.<sup>44</sup>

In 2023, violations of freedom of expression were most intense during the legitimate protests against the 'foreign agents' law. At the protests, media representatives were deliberately restricted from fulfilling their professional duties and enjoying the freedom of expression guaranteed by the Constitution. Law enforcement officers often used violence and disproportionate force and administratively detained journalists and cameramen.<sup>45</sup> In some cases, when evaluating the evidence, the national court relied only on the explanations of the patrol police and the representatives of the Ministry of Internal Affairs and fined the media representatives.<sup>46</sup> The Tbilisi City Court's fining of journalists arrested for protesting against the 'foreign agents' draft legislation creates a dangerous precedent and is harmful to the media environment. It is clear that the court's decision is aimed at further limiting journalists' professional activities.<sup>47</sup>

## 2) Defamation cases to silence media representatives.

Another attempt to silence media representatives are defamation lawsuits known as strategic litigation against public participation (SLAPP). High-ranking political officials, police officers and persons otherwise associated with the Georgian Dream political party<sup>48</sup> made attempts to interfere with freedom of expression by using defamation lawsuits against broadcasters and media representatives. During 2023, 28 lawsuits were filed against three leading TV channels critical of the authorities: 'Main Channel', 'Formula' and 'TV First'. Most of the petitioners are representatives of the ruling party and people close to them.<sup>49</sup> The number of lawsuits against

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<sup>43</sup> Media Advocacy Coalition statement on threats against Irakli Tabliashvili, 26.06.2023, available at: <https://bit.ly/3OEgoWG>; Media Advocacy Coalition condemns the theft against Nodar Meladze, 13.06.2023, available at: <https://bit.ly/3ODkOwl>.

<sup>44</sup> E.g. see: 'The events of June 20-21 are uninvestigated,' website of GYLA, 19.06.20, available at: <https://bit.ly/3w2NW5Z>, updated: 05.03.22; Svimonishvili M. et al., GYLA, 'Chronology and Legal Assessment of the July 5-6 Events', 2021, 13-21, available at: <https://bit.ly/3IRlqyX>, updated: 27.04.2022; 'Tbilisi city court announced the sentences in the July 5 case', website of GYLA, 04.04.202, available at: <https://bit.ly/3LIDEV1>, updated: 27.04.2022.

<sup>45</sup> Media Advocacy Coalition [Facebook page], 13.03.2023, Media Advocacy Coalition appeals to the Special Investigation Service regarding illegal interference in journalistic activities and other violations, available at: <https://bit.ly/3JxaRNV>, updated: 04.04.2023.

<sup>46</sup> Media Advocacy Coalition, 20.04.2023, Punishment of Journalists Arrested for Protesting Russian Law Sets Another Dangerous Precedent for Media, available at: <http://mediacoalition.ge/ge/a/1288877b>, [21.04.2023], Updated: 04.04.2023.

<sup>47</sup> Ibid.

<sup>48</sup> See 'Court rulings on media defamation have become a dangerous trend' Transparency International - Georgia. 02.12.2022, available at: <http://bit.ly/3TjFmLq>, updated: 04.04.2023. See: The right to non-discrimination in practice for different groups in Georgia 2021 report. Equality Coalition, 2022, available at: <http://bit.ly/3ljnYKl>, updated 04.04.2023.

<sup>49</sup> Ibid.

critical media in a short period of time clearly indicates a coordinated trend aimed at restricting and intimidating the activities of the media. The problem is exacerbated by a change in judicial practice, whereby the burden of proof rests with the journalist, despite the clear record established by law.<sup>50</sup> This practice limits and interferes with freedom of speech and media.

### **3) Disproportionate limits on freedom of expression, as new parliament regulations on journalists' accreditation are adopted and amendments are passed to the Broadcasting Law.**

On 6 February 2023, the Chairman of the Parliament of Georgia issued an order that determined the procedure for accreditation of mass media representatives in Parliament. The regulation entered into force on 7 February.<sup>51</sup> According to one of its stipulations, a journalist is obliged to stop an interview as soon as a member of parliament, an employee of the office, or a person visiting the parliament, requests it. Otherwise, accreditation will be suspended. Research from the Parliament of Georgia states that the European Parliament's code of conduct for journalists indicates that an interview with a parliamentarian requires prior consent and, at the request of the parliamentarian, the interview can be terminated at any time, the violation of which will result in sanctions.<sup>52</sup> It should be noted that the European Parliament's code of conduct for journalists does indeed include such a regulation that a prior agreement is required to give an interview, although it does not provide for the obligation to terminate the interview upon request.<sup>53</sup> The regulation could lead to the suspension of accreditation for a journalist that has asked unwanted questions, as the order does not specify in what cases it may be legitimate to refuse to answer the journalist's questions, or to immediately stop the interview. The regulation will hinder the activities of journalists and disproportionately limit freedom of expression.

The regulation will also contribute to the deterioration of an already polarised media and political environment in Georgia. According to the available data, the ruling party already avoids talking to media who are critical of it, which means that the audience of that media, in particular, will not have the opportunity to hear the answers of the elected deputies to the

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<sup>50</sup> 'Court rulings on media defamation have become a dangerous trend, Transparency International – Georgia', 01.12.2012, available at: <https://bit.ly/3TjFmLq>, updated: 04.04.2023.

<sup>51</sup> See: Order on approval of the accreditation procedure of mass media representatives in the Parliament of Georgia. 06.02.2023, available at: <https://bit.ly/3HJuQb8>, updated: 04.04.2023.

<sup>52</sup> Media accreditation in the Parliament, experience of foreign countries, Research Center of the Parliament of Georgia, 2021 available at: <https://bit.ly/3YdJTRk>, updated: 04.04.2023.

<sup>53</sup> See: Code of conduct for journalists in the building of the European Commission. Article 6, available in English: <https://bit.ly/3RKErmx>, updated: 8.02.23.

critical questions posed to them. In practice, the regulation has already led to the discriminatory suspension of accreditation for critical media representatives.<sup>54</sup>

On 19 October 2023, Georgia's Parliament passed amendments to the Broadcasting Law in an accelerated manner. The amendments significantly empower the National Commission, allowing intervention in the content decisions of broadcasters, especially regarding hate speech, incitement to terrorism, and obscenity. The changes grant the National Commission considerable authority to impose sanctions directly.<sup>55</sup> This raises concerns of further unjustified intervention by the National Commission against critical media representatives and companies, given that in previous years interference in the content of broadcasting and the unjustified restriction of freedom of expression on the part of the Commission has been revealed several times.<sup>56</sup>

#### Specific recommendations under Area 6:

- The state must respond quickly and thoroughly to allegations of illegal intervention and excessive force in the performance of professional duties by media representatives;
- The state should refrain from discriminatory attitudes towards critical media representatives and CSOs; and
- The state must refrain from proposing or adopting laws which could hinder freedom of expression.

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<sup>54</sup> Media Advocacy Coalition, 'The coalition echoes the suspension of accreditation for the journalists of 'Formula' TV station in the parliament', 06.05.2023, available (in Georgian) at: <http://mediacoalition.ge/ge/a/1ad4d65e>.

<sup>55</sup> CSO Meter, 'Georgia: Trend of repression of civil society and critical voices continues with controversial legal changes', 07.11.2023, available at: <https://bit.ly/40v6ZEY>.

<sup>56</sup> Annual report of the Public Defender of Georgia, 2021, 140, available at: <https://www.ombudsman.ge/res/docs/2022070612391254904.pdf>; 2022 Country Reports on Human Rights Practices: Georgia, United States Department of State, available at: <http://bit.ly/3Mf3mOP>.

## 3.7 Right to Privacy

Overall score per area: **3.9/7**

Legislation: **4.7/7**

Practice: **3.0/7**

Despite the persistent challenges faced by Georgia's civil society with respect to the right to privacy and the absence of notable changes to practical aspects, the legal framework has eventually received the anticipated update it has been awaiting since 2019. After recommendations were made in the CSO Meter Report 2021 to enhance statutory protections for the right to privacy by bringing existing laws in line with international norms (specifically, the GDPR), Parliament adopted the new Law on Personal Data Protection by publishing the amended version on the official webpage on 3 July 2023. The Law will become effective in March 2024, with full implementation anticipated on 2 January 2025. This development has resulted in an increased score in legislation from 4.6 in 2022 to 4.7 in 2023 and in the overall score in this area from 3.8 in 2022 to 3.9 in 2023.

This must be viewed, however, in the context of the state having enacted modifications that expand surveillance techniques, while freezing the progress made in the investigative procedures relating to the unlawful surveillance of CSO representatives. For these reasons, the score in practice in this area remains unchanged from 2022 (3.0) and is significantly lower than the legislative framework that is moving in a positive direction.

### 1) Increased personal data protection standards introduced via a new law.

With the aim of complying with international standards (based on the GDPR), the new edition of the Law on Personal Data Protection, which fully enters into force from March 2024, introduces stricter regulations and greater accountability for handling personal data.<sup>57</sup> The obligation for public institutions and specific private companies to appoint personal data protection officers will likely lead to increased compliance efforts and potential changes in data management within these organisations. The rules and conditions for audio and video monitoring introduce greater transparency and accountability in data processing, which may affect organisations using surveillance technology for various purposes. Expanding the grounds for data processing will provide organisations with more flexibility in handling personal data for various purposes, but they must still ensure compliance with the law. By introducing amendments that align domestic legislation with EU standards, the new Law can be regarded as a modest advancement towards the overarching objective of Georgia's integration with the EU.<sup>58</sup>

<sup>57</sup> Legislative Herald of Georgia, Law of Georgia on Personal Data Protection, 14 June 2023, <https://matsne.gov.ge/en/document/view/5827307?publication=0>.

<sup>58</sup> Transparency International Georgia, '8 Amendments that the New Law on the Personal Data Protection Envisage', 5 July 2023, <https://www.transparency.ge/en/blog/8-amendments-new-law-personal-data-protection-envisage>.

## 2) Privacy implications threat in light of the ‘foreign agents’ law.

The draft law ‘on Registration of Foreign Agents’, even though it has not been adopted, has still raised considerations of future negative developments and threats within the context of the preservation of personal data.

If a similar legislative proposal is put forward in the future, as a result of their financial relations to foreign countries, CSOs and many businesses, including those with foreign capital such as credit card companies and banks, would be required to register as ‘foreign agents’. The wide definition applies to both domestic and foreign enterprises operating in Georgia, which may inhibit foreign investment and hinder the ease of doing business. In addition, the proposed law extended its reach to include government officials, requiring them to register as ‘foreign agents’ if they provide even the most fundamental information on Georgia’s domestic or foreign policies to a foreign individual or organisation at their request. Even ordinary citizens, representing both the commercial and non-commercial sectors, could fall under the ‘foreign agent’ label, which would have severe privacy implications. The draft law required the annual submission of a financial declaration that discloses information on the source, amount, and purpose of any funds/material benefits received and spent. The Ministry of Justice was authorised to conduct monitoring to identify ‘foreign agents’, and examine financial declarations, while requesting and processing any relevant information, including personal data. The wording of the draft law allowed for the disclosure of personal information in full. The Ministry of Justice was also entitled to commence monitoring on its own initiative or based on an application submitted by any individual, including an anonymous notice. This particularly resembles Georgia’s Soviet past when anonymously-written complaints would become the basis for persecution.

### Specific recommendations under Area 7:

- The Government of Georgia should urgently introduce the necessary legal amendments to create comprehensive legal safeguards for personal data processing and covert investigative actions, including by reforming and increasing oversight of the State Security Service of Georgia. The Government should also ensure that CSOs are consulted on and engaged in the reform process from its initial stages; and
- The Prosecutor’s Office should prioritise and promptly investigate alleged illegal and arbitrary surveillance of CSO representatives, journalists, and others and ensure that victims have full access to case files, at the same time updating the public on the progress of the investigation.

## 3.8 State Duty to Protect

Overall score per area: **4.4/7**

Legislation: **5.0/7**

Practice: **3.8/7**

Georgian law emphasises the state's responsibility to safeguard media representatives, CSOs, and affiliated individuals from any potential harm in a very direct manner. However, the score in this area has decreased due to several incidents that took place during the reporting period. Not only have there been several cases of physical and psychological violence and pressure against peaceful protestors, but the Government, despite its initial intent to establish a safe place for open debate with CSOs in regard to AML/CTF policies, has not delivered any improvement or tangible results due to a lack of initiative and a sudden cessation of cooperation. The score for practice has decreased from 3.9 in 2022 to 3.8 in 2023 which has resulted in the decrease of the overall score in this area from 4.5 in 2022 to 4.4 in 2023.

### 1) **The state fails to provide safeguards for the physical, verbal, and psychological safety of CSOs and individuals associated with CSOs.**

Government representatives have persistently engaged in discriminatory practices against CSOs in 2023, ranging from public accusations to restrictive legal measures. This has had far-reaching consequences for civil society and marginalised communities. Starting in March 2023, several protests have been organised in which all of the CSO leaders, activists, and human rights defenders taking part were detained during what were peaceful demonstrations. During the protests on 7-9 March, many activists and opposition party members were detained. GYLA has been actively involved in defending civil rights activists and detained individuals. The Administrative Code is almost always used by the police and the Government as a means to arrest peaceful protesters. Despite the Ministry of the Interior's inability to substantiate the extension of their administrative detention, in June on another wave of protests civil right's activists ~~they~~ were detained for possessing invalid documents and placards with no writing on them.

Meanwhile, on 8 August, the organisers of Tbilisi Pride and participants once again became the targets of aggressive groups intent on direct physical and verbal assaults, while the state failed to provide the necessary support in terms of human resources or other means for peace-making purposes.<sup>59</sup>

## 2) The state has ceased the process of public discussion relating to AML/CTF policy renewal and risk assessment procedures.

Although the responsible authorities have stated that the national assessment of terrorist financing risks is almost due, there has not been any tangible data, reports or similar progress shown by state representatives before the end of 2023. The risk assessment report should have been published by 30 July 2023, but has only been publicly available since 3 October 2023.<sup>60</sup> With the aim of moving forwards, the responsible state authority, the LEPL Financial Monitoring Service of Georgia, had contacted interested CSO representatives in 2022, even going as far as creating working groups to discuss what form appropriate protective measures should take in relation to CSOs.<sup>61</sup> Unfortunately, the cooperation process suddenly ceased and continued behind closed doors.

The AML/CTF risk assessment document has been published without any prior public discussions. The document considers non-profit and for-profit legal entities under the same chapter. This means that it contains very scant information about non-profit organisations and the focus remains on limited liability companies (LLCs) and the related risks that stem from them. The document states that money laundering cases are pertinent to LLCs because their creation and management is possible through easier procedures, whereas other legal entities have lower vulnerability. Overall, the money laundering risk related to legal entities (both non-profit and for-profit) is considered to be 'medium-high' and the terrorism financing risk to be 'low'. Although this assessment seems vague, it is significant that the risk assessment document directly refers to CSOs and that they are considered as low risk in regards to terrorism financing.

### Specific recommendations under Area 8:

- The state should use all necessary measures to ensure the existence of stable safety and protective measures against hate crimes towards CSO representatives that safeguard them, regardless of the prevailing political or social environment;
- State representatives, government authorities and other representatives of the ruling party should stop attacking and harassing CSOs, must strengthen the participation of critical CSOs in the civil sector and ensure the existence of a safe and free environment for the activities of CSOs and human rights defenders; and
- To guarantee compliance with MONEYVAL guidelines, while avoiding undue deterioration of the CSO environment, the LEPL Financial Monitoring Service of Georgia should continue communication with CSO representatives and ensure their involvement at every step of their activities.

<sup>60</sup> Law on Anti-Money Laundering and Countering the Financing of Terrorism, <https://matsne.gov.ge/ka/document/view/4690334?publication=10>.

<sup>61</sup> CSI, 'Public organisations met with state representatives on the issues of terrorism financing prevention', 13 October 2010, available (in Georgian) at, <https://civilin.org/information/9703/>.

## 3.9 State Support

Overall score per area: **4.2/7**

Legislation: **4.4/7**

Practice: **4.0/7**

Legislation related to state support mechanisms allows CSOs to receive grants from public institutions. This process is governed by general regulations, providing flexibility for necessary adjustments to enhance predictability, transparency, and fairness in these requests. Despite Georgia introducing a new draft of the Public Procurement Law, incorporating a goal to promote volunteerism in its 2030 development strategy, and making some adjustments in VAT-refund mechanisms that have added complexity to the overall procedure, none of these changes are deemed substantial. There were no observed modifications pertaining to taxation or tax advantages for sector representatives or other stakeholders. Consequently, Georgia's model of state funding remains unchanged from previous years, mirroring the situation in 2022. Therefore, the scores in this area remain the same as in the previous reporting period.

### **1) State institutions continue to be uncooperative towards CSOs critical of them in the context of state support.**

Georgian legislation establishes necessary guarantees to ensure access to public information free of charge and within a reasonable timeframe (immediately, or within no more than ten days). However, as reported by IDFI in 2022-2023, practice indicates that after 2022, the quality of access to public information and, accordingly, the accountability of state bodies has sharply deteriorated.

State authorities reduced their responsiveness towards requests for disclosure of grant information, including the amounts of grants and recipients of those grants. Also, they continue to rely on political willingness to reach final decisions about awarding state funding to CSOs, as opposed to developing a transparent and accountable process.<sup>62</sup> Such lack of information on state grants information was confirmed, as part of the information gathering process for the purpose of this report. CSI reached out to fourteen public entities with a letter to request public information. Some of the bodies did not reply, while others stated that they have either not been issuing grants at all or have not submitted the required responses to the request for public information.

Despite Commitment 12 of the OGP Action Plan indicating that the reform of the state/public institutions' grant funding system to enhance transparency should have commenced in 2018, there is still no consistent regulatory framework in place.

<sup>62</sup> Commentaries supporting the statement are taken from the Focus Group meeting held on 6 September 2023.



## 2) A non-favourable tax environment for CSOs continues to be a challenge.

Following the adoption of the 'Estonian Model' of taxation, Georgian CSOs have the opportunity to engage in non-essential economic activities and invest their earnings in their stated purposes, all without the obligation to pay profit taxes. Additionally, CSOs are exempt from property taxes unless their properties are used for economic activities. In addition to these benefits, CSOs still enjoy VAT exemptions and have the option for VAT refunds through grant programmes. However, a new regulation implemented on 20 September 2022 has complicated the procedure for VAT refunds. According to this regulation, obtaining a VAT refund from a legal partnership is no longer possible if the contractor's debt to revenue services exceeds 25,000 GEL (approximately 9,156 EUR). This time constraint poses a challenge for CSOs, as they have only three months to submit a refund request, increasing the risk of the contractor failing to settle the bill promptly, leading to the organisation missing out on the VAT refund. Consequently, CSOs are required to reassess their procurement standards when dealing with suppliers and to continuously verify the financial standing of potential contractors before entering into contracts.

### Specific recommendations under Area 9:

- The Government of Georgia should develop unified legislative standards for state funding, encompassing clear guidelines for the award process (participatory decision-making, preliminary identification of selection criteria, avoidance of conflicts of interest, transparency, etc.), preventing discriminatory and arbitrary decisions, and further institutionalising transparency and accountability standards;
- The state institutions should develop a system for managing state grants and publishing information about ongoing processes, proactively enabling the participants to monitor the process, submit questions, receive information and feedback and/or submit complaints; and
- The tax authorities should consider strategies to allow CSOs to file a VAT refund request after three months if the previous request was refused because of the contractor's debt.

## 3.10 State-CSO Cooperation

Overall score per area: **4.0/7**

Legislation: **4.2/7**

Practice: **3.7/7**

Georgia currently lacks standardised tools and a comprehensive strategy for enhancing collaboration between the state and CSOs. Despite having a unique legislative framework in the form of the OGP to facilitate cooperation between CSOs and the Government, practical implementation often falls short due to a lack of political commitment in swiftly developing and executing action plans. This deficiency in political will is a key factor contributing to the criticism that the OGP is ineffective in Georgia. Consequently, due to the absence of institutional mechanisms, collaborative efforts at both the national and local levels predominantly hinge on the discretion of specific decision-makers. Government representatives have exhibited increased reluctance to engage in political dialogue with critical watchdog organisations, potentially leading to a more hostile environment for CSOs involved in advocacy work. However, CSOs focusing on less politically-sensitive reforms or working on non-contentious issues have experienced more success in state-CSO collaboration.

Considering these challenges, the recommendations put forth in previous reporting cycles remain relevant. These recommendations primarily seek to enhance the efficiency of existing collaboration tools and prioritise the overarching objective of strengthening the CSO sector within the Government's agenda. CSOs' cooperation with the state in practice has become increasingly challenging meaning that the score for practice has deteriorated from 3.9 in 2022 to 3.7 in 2023. In addition, it is essential to consider how the informal effects of the current draft law on 'foreign agents' have impacted cooperation between CSOs and the state, potentially adding further complexity to the existing challenges in achieving meaningful collaboration and safeguarding democratic values in Georgia.

The overall score in this area has decreased from 4.1 in 2022 to 4.0 in 2023.

### **1) The state has not progressed in ensuring and advancing policies that facilitate cooperation with CSOs and promote their development.**

Georgia has still not adopted a uniform system that would promote and institutionalise CSO development and cooperation between the state and CSOs. To date, there is only fragmentary legislation and policies that support measures for state-CSO cooperation. Georgia currently faces significant challenges in establishing a relationship and cooperation with the state in which the development of civil society is promoted and institutionalised. While some fragmented legislation and policies aimed at supporting state-CSO collaboration does exist, progress in this domain has been hindered by a lack of political will to expedite the creation and implementation of working mechanisms for cooperation. Consequently, the effectiveness of

these policies has been called into question, raising concerns about the state's commitment to fostering CSO development.

One key cornerstone of state-CSO cooperation in Georgia is the Memorandum for Cooperation signed in 2013 between the Parliament of Georgia and over 145 CSOs. The Memorandum outlines principles for successful collaboration and encourages the development of a State Concept for Supporting the Development of CSOs. However, despite the initiation of the concept's development in 2014, Parliament has made little progress in its adoption. The absence of supportive policy documents not only hinders collaboration, but also limits the availability of resources and the capacity to facilitate effective state-CSO cooperation.

## 2) OGP stagnation as a reflection of overall state-CSO cooperation.

While Georgia lacks comprehensive supportive policy documents, its legislation has introduced various mechanisms for facilitating state-CSO cooperation.

Regarding collaboration at the central level, CSOs have participated in OGP processes. To facilitate this, appropriate coordination mechanisms have been established within executive and legislative bodies. Specifically:

- i. *At the government level:* The Interagency Coordinating Council of Open Government of Georgia was established at the government level. The Council is responsible for coordinating the implementation of Open Government policies in the country. Its tasks include drafting the Open Government Georgia Action Plan and submitting it to the Government for approval. The Coordination Council comprises heads of state institutions and public organisations also have representation with advisory voting rights. While this formal mechanism appears effective on paper, it has not been operational since its inception in February 2020. Despite initiatives from public organisations and from the Government's Secretariat to develop a new Plan starting in 2020, the process has not yet been completed; and
- ii. *At the parliamentary level:* The Parliament of Georgia has established a permanent Parliamentary Council of Open Governance, comprising members of parliament. The Council collaborates with an advisory group composed of representatives from CSOs and donor entities. The Council, in conjunction with its advisory group, is responsible for drafting action plans for an open parliament. Historically, the civil sector has actively engaged with Parliament through this framework, leading to the successful implementation of crucial initiatives supported by donor organisations.

However, recent developments, including the introduction of the draft 'foreign agents law' and attempts by the Government to discredit and attack the civil sector, have made it impossible for most organisations to cooperate with the majority of Parliament within this format. Consequently, organisations that are part of the advisory group have temporarily suspended their participation in the group during this period. They have also sent a letter of concern has

been sent to the government and to the OGP Steering Committee.<sup>63</sup> While the OGP has not been dismantled, progress in advancing cooperation has so far been minimal if non-existent, and there has been an agreement to develop a new action plan which civil society will closely monitor. The central question has shifted from how to improve overall relationships to how not to worsen existing tensions.

In summary, Georgia's state-CSO cooperation faces significant challenges stemming from a lack of standardised tools and political will. The introduction of the draft Law on Foreign Agents has further strained these relationships, highlighting the need for a more conducive environment to foster meaningful collaboration and safeguard democratic values in the country.

#### Specific recommendation under Area 10:

The state institutions, especially the Government of Georgia, should respect and affirm its obligations within the OGP framework, return to its principles including by adopting OGP Action Plans and allocating sufficient financial and administrative resources for implementing necessary policy steps for efficient CSO-state cooperation.

## 3.11 Digital Rights

Overall score per area: **4.9/7**

Legislation: **5.1/7**

Practice: **4.7/7**

The right to freely access and use the internet is protected by the Georgian Constitution. Internet users in Georgia are able to express themselves and use online platforms to advocate for a variety of public policy topics. Despite this, the country lacks a comprehensive legislative framework to ensure that the use of technologies and artificial intelligence (AI) is compliant with human rights standards.

During the reporting period, online social media pages were effectively used for organising protests against the proposed controversial draft law on foreign influence transparency (the so-called law on 'foreign agents'). The number of internet users in Georgia is continually increasing, as well as the Government's success in developing internet infrastructure in certain remote regions of the country. However, the police periodically interrogate internet users for their online activity. In addition, an intensification of the dissemination of fake news, including from the Government and government-affiliated groups was observed during the reporting period.

<sup>63</sup> Georgia – Letter of Concern (April 2023) - <https://www.opengovpartnership.org/documents/georgia-letter-of-concern-april-2023/>

However, the developments both positive and negative have not been of such significance to change the scores in this area, so they remain the same as in 2022.

### **1) Civil society uses online tools and platforms to protect and exercise freedoms, yet there are cases when the state abuses these to limit freedoms.**

Digital freedoms are generally protected in Georgia, as online users do not encounter obstacles in expressing themselves online. On the contrary, online communication tools and platforms have been effectively used to challenge and scrap the controversial draft law on ‘foreign agents’. The risk was that the law supported by the ruling party, among other things, aimed to put forward obligations for CSOs, online media, and online platforms to register as foreign agents of influence if their funding from foreign sources exceeds 20 per cent of their total income.<sup>64</sup>

There have been several reported cases in past years in which online users have been interrogated for posts they have published on online social media. For instance, according to a report by GYLA, on 10 March 2023, an individual was fined 2,000 GEL (around 674 EUR) by the Tbilisi City Court for a TikTok video in which the individual was using offensive language directed at both the mayor and the police while criticising traffic regulations and selective fining practices.<sup>65</sup>

In addition, when it comes to abuse of online platforms, as Facebook reported, the Strategic Communications Department of the Government Administration of Georgia (Government Stratcom) has engaged in online manipulation and the dissemination of fake news about opposition parties, activists, and demonstrations and has spread pro-government narratives.<sup>66</sup> In general, Georgia experienced the intensification of disinformation campaigns and attempts from various internal and external actors to influence public opinion on various public policy issues, such as the Russian invasion of Ukraine, opposition leaders, and Western countries and their leaders.

In September 2022, controversial regulations were approved regarding video-sharing platforms in the Law on Broadcasting,<sup>67</sup> which, due to vagueness in definitions and a lack of specificity of content regarded as harmful, created the risk of video-sharing platforms becoming responsible for online content uploaded by users. The proposed amendments were changed in May 2023,<sup>68</sup> following consideration of the concerns of local and international organisations, which brought regulations on video-sharing platforms in line with EU directives.

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<sup>64</sup> Civil Georgia – “People’s Power Tables Draft Law on Foreign Agents” 15 February, 2023, available at: <https://civil.ge/archives/525575>

<sup>65</sup> GYLA. ‘Justice under the 1984 Code Quarterly Review, January-March 2023’, available (in Georgian) at: <https://bit.ly/3OvxQes>.

<sup>66</sup> Georgian News. ‘Facebook Exposes the Georgian Government’s Stratcom in Connection with Fake Accounts’, 3 May 2023, available at: <https://bit.ly/3sNz4KX>.

<sup>67</sup> IDFI, ‘Effects of the Amendments to the Law on Broadcasting on Digital Rights’, 25 May 2023, available at: [https://idfi.ge/en/effects\\_of\\_the\\_amendments\\_to\\_the\\_law\\_on\\_broadcasting\\_on\\_digital\\_rights](https://idfi.ge/en/effects_of_the_amendments_to_the_law_on_broadcasting_on_digital_rights).

<sup>68</sup> Parliament of Georgia. ‘Changes to the Law on Broadcasting’, available (in Georgian) at: <https://parliament.ge/legislation/26467>

## 2) The state took steps to develop internet infrastructure.

Similar to in 2022, the Government's efforts to expand internet infrastructure in Georgia have shown some progress. As of June 2023, as a result of four projects, a total of 380 kilometres of internet infrastructure was completed for 90 settlements with a total population of around 60,000.<sup>69</sup> There has also been some progress in the Government's attempts to introduce 5G internet, as one of the Internet Service Providers (ISPs) (Cellfie, previously named Beeline) was provided with a license following an auction. However, the other two largest Georgian ISPs criticised the regulator for unreasonable requirements and refused to participate in the tender.<sup>70</sup> Furthermore, in December 2022, the EU unveiled its intention to allocate 2.3 billion EUR for the development of a strategic submarine electricity cable in the Black Sea, connecting Georgia to the EU.<sup>71</sup>

Specific recommendations under Area 11:

- The Government of Georgia should elaborate on the transparency requirements for blocked or restricted websites, to be followed by the telecommunication sector regulator, the Communications Commission;
- The Government should continue and accelerate its efforts to improve internet infrastructure, competition, and quality in the sector to enable Georgian citizens to equally exercise digital freedoms and use new technologies; and
- The Government of Georgia should also prioritise increasing digital resilience and awareness of the general public which can be better achieved through public-private collaboration and transparency in the work of its Stratcom unit(s).

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<sup>69</sup> Information gathered from the State Procurement Agency website, where the tender details and documents are available about these projects: <https://tenders.procurement.gov.ge/>.

<sup>70</sup> Civil Georgia, 'Silknet and MagtiCom Criticize ComCom's Handling of 5G Auction', 1 August 2023, available at: <https://civil.ge/archives/554005>.

<sup>71</sup> Civil Georgia, 'EU to Invest EUR 2.3 Billion in Georgia-Romania Black Sea Electricity Cable', 12 December 2022, <https://civil.ge/archives/518324>.

## IV. KEY PRIORITIES

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In this reporting period, the civil society environment in Georgia has been faced with a series of significant challenges and developments that require urgent attention and action. Although there are several areas in which there were no significant changes, the introduction of the draft law on 'foreign agents' created an atmosphere that has potentially undermined the transparency and credibility of CSOs.

Prioritising the protection of the autonomy and integrity of CSOs and ensuring they are not unfairly labelled as 'foreign agents' is crucial. There is also an ongoing need to safeguard the fundamental rights of freedom of expression and of peaceful assembly. The authorities must ensure that these rights are not arbitrarily restricted, particularly in the context of protests and public gatherings.

The state must take proactive measures to address the challenges posed by right-wing extremist groups targeting activists and LGBTQ+ organisations. Investigations into the actions of extremist leaders should be thorough and impartial.

The divergence of viewpoints between political leaders, such as between the president and the Government, contributes to political polarisation in Georgia. This culminated in October 2023 with the unsuccessful impeachment of the president started by a majority in Parliament. Efforts should be made to bridge these divides and maintain a stable political environment. This is especially the case now that Georgia has received EU candidate country status.

In the previous year the state had been actively working on FATF Recommendation 8. A consultative group had been assembled which included CSOs. However, considering the unfortunate developments at the beginning of this year regarding the foreign agent's law and the subsequent protests it provoked in the country, this process has stopped and has continued behind closed doors. The official report on Georgia's assessment of terrorist financing risks was unexpectedly made publicly available on 3 October 2023 without public consultations. The assessment is mostly positive for the CSO sector but lacks specificity.

Since the Government refuses to assist the civil society sector and continues hostile rhetoric against it, CSOs still largely depend on foreign donor organisations, which is in itself also a reason for the authorities to continue stigmatisation.

In this reporting period, Georgia has not made any major modifications to its legislative framework and associated policies. The majority of the concerns identified in previous country reports remain unresolved. Therefore, the prior set of recommendations to provide a favourable environment for CSOs in Georgia remains relevant.

The seven priority actions for the improvement of the civil society environment (key recommendations) for the Georgian authorities are:

1. The Government should design and adopt unified standards/rules on public consultations of draft laws and other normative acts at the national level, including by clearly setting participation as the obligatory stage in the elaboration of decrees, draft laws, strategic documents, and other instruments and establish redress mechanisms for their violation;
2. State representatives, government authorities and other representatives of the ruling party should stop attacking and harassing CSOs, must strengthen the participation of critical CSOs in the civil sector and ensure the existence of a safe and free environment for the activities of civil organisations and human rights defenders;
3. The Government should adopt a new law on administrative detentions that is in accordance with human rights standards;
4. To guarantee compliance with MONEYVAL Guidelines while avoiding an undue deterioration of the CSO environment, the LEPL Financial Monitoring Service of Georgia should continue communication with CSO representatives and assure their involvement at every step of its activities;
5. The Prosecutor's Office should prioritise and promptly investigate alleged illegal and arbitrary surveillance of CSO representatives, journalists, and others, and ensure that all relevant actors are granted victims status and have access to case files, at the same time updating the public on the progress of investigations;
6. The Government should encourage state institutions to support local initiatives by adding municipalities to the list of grant-issuing entities by introducing relevant legislative amendments; and
7. The Government should continue and accelerate its efforts to improve internet infrastructure, competition and quality in the sector to ensure that Georgian citizens are equally able to exercise digital freedoms and use new technologies.



# V. METHODOLOGY

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The CSO Meter supports regular and consistent monitoring of the environment in which CSOs operate in the Eastern Partnership (EaP) countries. It consists of a set of standards and indicators in 11 different areas to measure both law and practice. It is based on international standards and best practices. The CSO Meter was developed by a core group of experts from ECNL and local partners from the six EaP countries.

Since 2020, ECNL has worked with the methodology experts RESIS on adapting the CSO Meter methodology package to enable for both qualitative and quantitative comparison of the different areas of the enabling environment across the EaP countries and years. The proposal for this model was consulted on and tested with the extended regional CSO Meter Hub via email and an online event. With the updated comparison model, we aim to (i) assess the environment for civil society in each of the 11 areas; (ii) enable tracking of developments/progress throughout the years per country; and (iii) compare the environments regionally.

The country partners, together with other CSOs part of the CSO Meter Hub, conducted the monitoring process and drafted the narrative country report. They also established an Advisory Board in each country, composed of expert representatives of key local stakeholders. The members of the Advisory Boards have two main tasks: to review the narrative reports and to assign scores for every standard based on the narrative reports.

The current report covers the period from December 2022 to November 2023.

## Monitoring process

The report was prepared by the leading local CSOs: The Civil Society Institute (CSI), the Georgian Young Lawyers' Association (GYLA) and the Institute for Development of Freedom of Information (IDFI), following a joint methodology for all six EaP countries. The report assesses the key developments and provides an overview of progress and the main challenges both in terms of the legislative framework and in practice. The report was developed through an inclusive process including active consultancies with CSOs. The working group has incorporated various research methods to collect and comprehensively analyse relevant data.

At the initial stage, the project team thoroughly reviewed the existing legislative framework, including the implemented and pending reforms that affect the civil society ecosystem. To fully assess how certain standards and policies are implemented in practice, the project team requested public information from various governmental agencies, the Parliament of Georgia, the National Agency for Public Registry, and others.

In order to obtain data on the amounts of grants issued by state entities to participating non-entrepreneurial non-commercial legal entities (NNLEs) during the fiscal year 2022-2023, a request letter was sent to 15 different authorities, including ministers and legal entities of public law (LEPLs). Seven of them provided information, four stated that they were not currently issuing grants, and the remaining four provided no information at all.

The project team also analysed secondary sources, including surveys, reports and assessments published by local and international organisations and the public authorities, which helped to converge and outline the main trends and challenges.

As part of the qualitative research, the project team organised two focus groups and several in-depth interviews. To allow inclusive participation, focus groups were held through the Zoom platform in September 2023. Twenty CSOs from 13 different municipalities participated in the focus groups. The participants had various backgrounds and represented different experiences, fields of work, and legal statuses.

In addition to the focus group, the research team also organised in-depth interviews with the field experts. Namely, individual interviews were conducted with the following individuals:

**Anna Jikia**, legal practitioner in the field of commercial and non-commercial law, discussed how the changes in the new entrepreneurship law affect the process of CSO registration in practice, as well as recent or previous cases of registration refusal or the type of consultations that are needed from the organisations and what is to be expected in the near future.

**Levan Paniashvili** and **Davit Tivishvili**, CSI experts specialised in tax and legal issues, discussed current trends related to equal treatment of CSOs and businesses, the tax environment and its favourability, as well as state-CSO cooperation and developments with the OGP processes.

**Dimitri Gugunava**, an expert in the field of cyber and data security, discussed the changes in the legal environment regarding privacy protection and the ongoing trends in practice in terms of new legislative initiatives that might be creating new threats or be the reason for positive developments in the field.

The report reviews the sets of standards that are part of the CSO Meter and provides recommendations for improvement in each of the 11 areas covered. These recommendations could serve as a basis for future reforms that the relevant state authorities can undertake to improve the environment for civil society in Georgia.

The current report covers the period from December 2022 to November 2023. Important developments for civil society that occurred between the period of data collection and finalisation of the report have been included in the executive summary of the report but have not been considered when assigning scores.

The draft country narrative report was reviewed by the Advisory Board members in Georgia via online communications. Based on the recommendations of the Advisory Board members, the findings and recommendations were further revised and finalised.

## Scoring process

The country researchers and the 10 Advisory Board members in Georgia reassessed each standard of the 11 areas of the CSO Meter tool in legislation and practice where change has occurred. Accordingly, scores have increased in cases where progress is shown, and decreases are motivated by certain cases of deterioration. The final score for each standard was then calculated according to a formula in which the researchers' score participates with 50 per cent, and the Advisory Board members' average score with 50 per cent. The score for each area is then calculated as the average value of the final scores of each standard and rounded with one decimal for presentation purposes. Generally, for the scoring procedure, a 7-point scale is used. The extreme values of the scale are conceived as the most extreme or ideal situation or environment. For example, (1) is an extremely unfavourable (authoritarian) environment, while (7) is an extremely favourable (ideal democratic) environment for CSOs. For more information on the CSO Meter tool, the scoring process, and the calculation, please visit: <https://csometer.info/>.

# VI. REFERENCES

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## LEGISLATION

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