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# CSO METER

## Empowered for Action

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### GEORGIA 2024

### Country Report Tbilisi





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**European Center for  
Not-for-Profit Law**



## CSO Meter 2024: Georgia

### Country Report

Reporting period: January–November 2024

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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 developing policies. CSI has monitored the implementation of several state policies and developed reports. Since 1996, CSI has trained several thousand national and local government officials, CSO representatives, and community members.

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The *CSO Meter: Empowered for Action* project is implemented by ECNL and its partners: Transparency International Anticorruption Center in Armenia, CSI in Georgia, Promo-LEX Association in Moldova, and ISAR Ednannia in Ukraine.

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The project is implemented by a consortium led by the Konrad-Adenauer-Stiftung, which includes some of Georgia's most prominent CSOs: CSI, the Center for Strategic Research and Development of Georgia, the Center for Training and Consultancy, the Education Development and Employment Center, and the Institute for European Politics.

Together, these initiatives underscore a shared commitment to strengthening the role of civil society in Georgia and the wider region, ensuring that CSOs remain essential drivers of democratic development, accountability, and resilience.

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## Civil Society STAR Initiative

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# ABBREVIATIONS & ACRONYMS

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AI	Artificial intelligence
AML	Anti-money laundering
CEC	Central Election Commission
ComCom	Georgian National Communications Commission
CSI	Civil Society Institute
CSO	Civil society organisation
CTF	Counter-terrorist financing
DFRLab	Digital Forensic Research Lab
EaP	Eastern Partnership
ECNL	European Center for Not-for-Profit Law
EUR	Euro
FATF	Financial Action Task Force
FIDH	International Federation for Human Rights
GDP	Gross domestic product
GDPR	General Data Protection Regulation (Regulation (EU) 2016/679)
GEL	Georgian Lari
GYLA	Georgian Young Lawyers' Association
IDFI	Institute for Development of Freedom of Information
ISFED	International Society for Fair Elections and Democracy
ITU	International Telecommunication Union
LEPL	Legal Entity of Public Law
LGBTQ+	Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, Intersex, Asexual or Ally, etc.
MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
NNLE	Non-entrepreneurial (non-commercial) legal entity
NPO	Non-profit organisation
OGP	Open Government Partnership
Order No. 1019	Order No. 1019 of the Minister of Justice of Georgia on Approval of the Rules for Registration, Financial Declaration Submission, and Monitoring of Organisations Pursuing the Interests of Foreign Powers, 01/08/2024
OSCE	Organization for Security and Co-operation in Europe
OTA	Operational-Technical Agency
PEP	Politically exposed person
Registering Body	National Agency of Public Registry of Georgia's Ministry of Justice
SLAPP	Strategic litigation against public participation

StratCom	Strategic Communications Department of the Government Administration of Georgia
TI Georgia	Transparency International Georgia
USD	U.S. Dollar
VAT	Value Added Tax

# I. EXECUTIVE SUMMARY

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

*The 'Findings' section of this report primarily examines developments in Georgia's civil society environment from January to the end of October 2024. Political turbulence and other significant events that negatively affected civil society and further deteriorated the civic space continued and intensified following the parliamentary elections in October 2024. While the Executive Summary incorporates key post-October developments, and these have been considered in the recommendations and priorities, the 'Findings' section may not fully cover events beyond this period. These developments will be fully addressed in the CSO Meter report for 2025.*

In 2024, Georgia experienced a profound regression in its democratic trajectory. Legislative overreach, violent suppression of dissent, human rights violations, and international isolation marked this period. Civil society organisations (CSOs), historically a cornerstone of Georgia's democratic development, faced unprecedented challenges as the government enacted repressive laws, stigmatised dissent, and constrained freedoms.

Georgia began 2024 at a crucial crossroads. Having secured European Union (EU) candidate status in December 2023, public expectations for comprehensive reforms were high. However, the Georgian government swiftly dashed these hopes. Legislative and political actions throughout the year demonstrated a systematic effort by the government to consolidate power, undermine civil liberties, and weaken the role of independent institutions.

In April/May 2024, the introduction and adoption by the Georgian Parliament of the Law on Transparency of Foreign Influence (also known informally as the 'foreign agents law' or the 'Russian law'), which labels organisations receiving more than 20 per cent of their funding from abroad as 'agents of foreign influence', was an early indication of the government's trajectory. The legislation has been widely criticised by CSOs and international stakeholders for stigmatising foreign-funded organisations and restricting their operations. CSOs were quick to mobilise against the proposed law. Advocacy campaigns highlighted the law's potential to criminalise independent voices and cripple civic engagement. International actors, including the EU and the United States, condemned the legislation, warning that it violated international norms and posed a severe threat to Georgia's democratic future.

The political environment was further strained by widespread protests against the law. During protests in April and May 2024, there were numerous instances of gross violations of the right to peaceful assembly, including systematic violence by law enforcement officers, the incitement of violence by high-ranking political officials, and the use of legal mechanisms to intimidate protest participants. Activists, journalists, and politicians (and their family members) faced intimidation, psychological violence, and physical assaults. The political environment worsened in the leadup to the October 2024 parliamentary elections. The law's adoption in May 2024 led to a deterioration of relations between the government and civil society, with many leading CSOs suspending their

participation in government-led platforms, including, in June 2024, the Open Government Partnership (OGP) Georgia Forum.

Another concerning development was the adoption and enactment of the Law on Family Values and the Protection of Minors in September/October 2024. This legislation bans same-sex marriage, prohibits LGBTQ+ individuals from adopting children, and criminalises the public expression of non-heteronormative relationships. Human rights groups have warned that the law institutionalises discrimination and legitimises violence against LGBTQ+ individuals.

During the same period, the Georgian Anti-Corruption Bureau classified the CSOs Transparency International Georgia (TI Georgia) and Choose Europe as ‘persons with a declared electoral goal’. As a result, these CSOs were barred from registering as electoral observers, monitoring the 2024 electoral campaign, and engaging in other activities related to the electoral process. The Anti-Corruption Bureau changed its decision regarding recognizing the entity as one with electoral purposes and consequently prohibiting it from registering as an election observer shortly after a request from Prime Minister Irakli Kobakhidze.

In October and November 2024, Georgia experienced significant political upheaval following the parliamentary elections on 26 October, which were widely criticised for alleged irregularities, voter intimidation, and manipulation. The ruling Georgian Dream party was declared the winner, a result contested by opposition parties, CSOs and international observers. Mass protests erupted, with tens of thousands of people gathering in Tbilisi on 28 October to demand new elections and denounce the government’s perceived authoritarian practices. The President supported the protesters, declaring the elections fraudulent.

The post-election period saw renewed protests, with citizens demanding electoral reforms and accountability. CSOs played a critical role in documenting violations and providing legal support to detained protesters. However, the government responded with hostility, escalating its crackdown on dissent.

The newly elected parliament convened on 25 November amid an opposition boycott and ongoing protests outside the parliament building. These events intensified challenges for CSOs, underscoring concerns over democratic governance, electoral integrity, and the restricted civic space, while exacerbating tensions between civil society and the government.

On 28 November 2024, the ruling Georgian Dream party announced, citing alleged ‘blackmail and manipulation’ by EU officials. This decision contradicted Georgia’s longstanding constitutional commitment to European integration and was met with an immediate domestic and international backlash. The suspension triggered mass protests across the country, with demonstrators advocating for the resumption of EU accession negotiations and the scheduling of new parliamentary elections. In major cities such as Tbilisi, Batumi, Kutaisi and Zugdidi, thousands of citizens gathered, chanting slogans against the ruling party and calling for a firm commitment to the European path.

The Police forces’ response to these peaceful demonstrations was marked by excessive force. Riot police employed tear gas, water cannons, and other special means to disperse crowds. Reports indicated that the Ministry of Interior’s dispersal was ‘unlawful’ and ‘disproportionate,’ with the physical force used amounting to torture. By early December, over 400 protesters had been detained, with numerous reports of physical abuse during custody. The Public Defender (Ombudsman) of Georgia documented cases of torture and inhumane treatment, raising serious concerns about human rights violations.

Furthermore, the President, having already rejected the legitimacy of the parliamentary elections, opposed the suspension of EU accession talks, deepening the political crisis and triggering a constitutional standoff. Tensions escalated further when the ruling party nominated a candidate to replace the President, however, the incumbent president questioned the legitimacy of the selection of a new candidate, raising the prospect of a constitutional crisis.

On 13 December 2024, Georgia's Parliament enacted amendments to the Administrative Offences Code and the Law on Assemblies and Demonstrations, significantly increasing penalties, introducing new offences, and broadening the grounds for administrative arrests. The amendments have raised serious concerns about their disproportionate impact on fundamental freedoms, particularly the rights to freedom of expression, assembly, and protest. Notably, the amendments introduced new offences, such as covering one's face with a mask during assemblies and the possession of laser or light-emitting devices, each punishable by a fine of 2,000 GEL (around 687 EUR). These provisions appear aimed at targeting protesters and justifying police searches and confiscations. Additionally, the unauthorised wearing of police or military uniforms (or similar attire) now carries a penalty of 2,000 GEL (around 687 EUR), and confiscation of the items. The amendments also expanded Article 173 of the Administrative Offences Code to include penalties for parents or guardians failing to fulfil their responsibilities, a measure frequently used to arrest demonstrators. Penalties for organisers of demonstrations held in restricted areas or those blocking roads have been increased from 5,000 GEL to 15,000 GEL (previously around 1,718 EUR, now up to around 5,155 EUR). Organising road blockages using vehicles now carries a fine of 1,000 GEL (around 343 EUR), along with the suspension of the right to drive for one year. Furthermore, penalties for defacing public or municipal property, such as through graffiti or posters, have risen dramatically, ranging from 1,000 GEL to 3,500 GEL (from around 343 EUR to around 1,202 EUR), depending on the severity and location, with higher penalties applied to areas under cultural heritage protection.

Law enforcement agencies, particularly the Ministry of Internal Affairs, has been actively employing these provisions against protesters, with the judiciary approving their use without safeguarding justice or accountability. The Ministry of Internal Affairs had already faced criticism for disproportionately targeting protesters.

During the protests, numerous journalists were arrested and physically assaulted while covering the events. A journalist with Radio Free Europe/Radio Liberty was reportedly beaten and arrested by security forces near the Georgian Parliament in Tbilisi. His lawyer stated that he was seized by security personnel while walking in the vicinity of an anti-government rally. A journalist for Formula TV sustained severe injuries after being beaten by police during the protests, including broken facial bones and a fractured collarbone. According to the Public Defender, a journalist from Publika was also assaulted by police, resulting in a broken nose. These attacks were not isolated incidents but part of a systematic effort to intimidate and suppress independent media coverage. The Council of Europe's Safety of Journalists Platform reported that, on 28–29 November 2024, police and special forces brutally cracked down on media workers in Tbilisi during a pro-EU protest. According to reports, at least 35 journalists and media workers — mostly from independent and government-critical media outlets — were targeted during these protests.

According to the OSCE's final report on the 26 October Georgian parliamentary elections,<sup>1</sup> while Georgia's legal framework theoretically provides a foundation for democratic elections, recent legislative amendments have raised significant concerns. The report notes that these changes represent a regression, potentially serving political interests and compromising the stability and impartiality of the electoral process. The report underscores the necessity for a comprehensive legislative review to restore confidence in the electoral system. The electoral campaign itself was characterised by deep-seated polarisation and the adoption of legislation adversely affecting fundamental freedoms and civil society. Widespread reports of voter intimidation emerged, particularly targeting public sector employees and vulnerable populations. Such practices compromised the ability of voters to make independent choices without fear of retribution, thereby eroding public trust in the electoral process. On election day, observers reported that, while the process was technically well-managed, it was overshadowed by public perceptions of bias due to the recent legislative changes. The use of electronic voting devices lacked trustworthiness, and the coverage by government-affiliated media, which constitutes a significant part of the media landscape, was accordingly directed in favour of the ruling party, limiting voters' access to balanced information. These factors collectively hindered the conduct of genuinely democratic elections.

International reactions to these developments have had significant consequences. In July 2024, the EU effectively froze Georgia's EU accession process, citing concerns over democratic backsliding and the impact of the Law on Transparency of Foreign Influence on civil society. The EU also froze 30 million EUR in assistance to Georgia and considered further measures should the situation deteriorate. The United States government announced a comprehensive review of bilateral cooperation with Georgia, resulting in the suspension of over 95 million USD in assistance directly benefiting the Georgian government. These international responses highlight the broader implications of the 'foreign agents law' on Georgia's foreign relations and its aspirations for European integration.

Between December 2024 and January 2025 the EU, the United States, and the United Kingdom imposed targeted sanctions on Georgian officials and influential figures in response to escalating human rights violations, violent crackdowns on protests, and democratic backsliding. These measures aimed to hold key actors accountable for suppressing civil liberties and undermining democratic norms. However, the Prime Minister (from the Georgian Dream party) dismissed the sanctions, pledging to honour and financially support the sanctioned officials, further straining relations with Western allies. These sanctions underscore growing international alarm over Georgia's retreat from democratic values, with consequences for its aspirations for EU integration and Western partnerships.

All of the above-mentioned political and social turmoil in Georgia, amplified by the suspension of EU accession talks, has created an environment of uncertainty for CSOs. Recent discussions among leading CSOs in the country have revealed an alarming consensus: the future of civic engagement and advocacy work in Georgia is increasingly precarious. The ruling party's strategic ambiguity, restrictive policies, and a challenging funding landscape have collectively placed unprecedented pressures on CSOs, leaving many unsure of how to sustain their operations and missions in the face of mounting obstacles.

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<sup>1</sup> OSCE, 'Georgia Parliamentary Elections: ODIHR Election Observation Mission Final Report', 26 October 2024, [https://www.osce.org/files/f/documents/1/6/584029\\_0.pdf](https://www.osce.org/files/f/documents/1/6/584029_0.pdf).

This constrained phase is not coincidental, but a deliberate strategy by the ruling Georgian Dream party to stifle dissent and suppress civic activism. By maintaining an environment of unpredictability, the government has strategically destabilised the CSO sector, discouraging long-term planning and effective advocacy. CSOs, once the backbone of Georgia's democratic progress, are now grappling with questions of sustainability, operational viability, and their ability to continue advocating for human rights, transparency, and democratic principles.

One of the most pressing issues for Georgian CSOs is the lack of reliable and fluid funding mechanisms. As foreign donors reassess their support amidst Georgia's democratic backsliding, many organisations have found themselves cut off from traditional funding streams. The passage of the Law on Transparency of Foreign Influence has further complicated funding arrangements, with donors wary of inadvertently putting their grantees at risk of public stigmatisation or legal repercussions.

Small and medium-sized CSOs, particularly those operating in rural or underserved areas, have been hit hardest by these challenges. Unlike larger, well-established organisations, these smaller CSOs often lack the institutional capacity to navigate complex funding requirements or to diversify their income streams. Many have reported difficulties in covering basic operational costs, let alone implementing long-term advocacy programmes.

The future of Georgia's civil society hangs in the balance. The current unstable phase, while fraught with challenges, also presents an opportunity for civil society to recalibrate and strengthen its foundations. By prioritising resilience, innovation, and collaboration, Georgian CSOs can continue to play a vital role in promoting democracy, protecting human rights, and advocating for a more just and equitable society.

## Key developments and priorities in the civil society environment

The overall score for the CSO environment in Georgia has decreased from 4.8 in 2023 to 4.0 in 2024, reflecting ongoing challenges in both Legislation (score decrease from 5.2 in 2023 to 4.3 in 2024) and in Practice (score decrease from 4.3 in 2023 to 3.7 in 2024). The top three areas with the highest scores in 2024 are Freedom of Association (5.4), Digital Rights (4.7), and Equal Treatment (4.7). The areas with the lowest scores are State–CSO Cooperation (2.8), Freedom of Peaceful Assembly (2.9), and Right to Privacy (3.4). Freedom of Peaceful Assembly is the area that has seen the largest decrease in overall score (from 4.5 in 2023 to 2.9 in 2024), due to the persistent challenges related to the use of excessive force, arbitrary detentions, and limited accountability for violations of assembly participants' rights.

**Freedom of Association** remains the most enabling area (overall score 5.4), with relatively straightforward legal provisions (score of 5.2 for Legislation) and robust day-to-day practices (score of 5.5 for Practice). However, CSOs continue to report difficulties linked to the stigmatisation of foreign-funded organisations and the absence of effective legal mechanisms to protect civic actors from government pressure, which has led to a decrease in the overall score in this area from 6.1 in 2023 to 5.4 in 2024.



In the area of **Equal Treatment** (which has decreased in score from 5.6 in 2023 to 4.7 in 2024), both Law and Practice remain unfavourable, underscoring the need to strengthen anti-discrimination measures and ensure equitable conditions for all groups, including marginalised communities.

The area of **Access to Funding** (score decrease from 5.6 in 2023 to 4.1 in 2024) remains a concern, particularly after the adoption of the Law on Transparency on Foreign Influence, which risks creating new barriers for organisations that access foreign funds. Although legal provisions theoretically permit diverse funding sources (score of 4.3 for Legislation), in practice there are ongoing obstacles to financial sustainability and an unpredictable regulatory environment (score of 3.8 for Practice).

Meanwhile, the **Right to Participation in Decision-Making** (score decrease from 4.8 in 2023 to 4.3 in 2024) highlights a significant disparity between a comparatively favourable legal framework (score of 5.3 for Legislation) and weaker implementation (score of 3.3 for Practice), as formal mechanisms for consultation and early-stage involvement rarely translate into meaningful engagement with civil society.

**Freedom of Expression** (score decrease from 4.9 in 2023 to 4.2 in 2024) demonstrates a similarly uneven dynamic between Legislation (score of 4.7) and Practice (score of 3.6), with mounting reports in 2024 of intimidation against independent media outlets and a growing tendency to penalise critical voices.

In the area of **Right to Privacy** (score decrease from 3.9 in 2023 to 3.4 in 2024), the relevant legislation (score of 4.0 for Legislation) has yet to catch up with emerging technologies, and oversight remains insufficient to prevent surveillance abuses, resulting in a lower score for Practice (2.8).

**Freedom of Peaceful Assembly** saw the sharpest decline, with the score dropping from 4.5 in 2023 to 2.9 in 2024 (Legislation: 3.1; Practice: 2.7). This was due to widespread violations during protests, excessive use of force, arbitrary detentions, and a lack of accountability for law enforcement.

**State Duty to Protect** (score decrease from 4.4 in 2023 to 3.8 in 2024) similarly underscores the state's partial failure to ensure an environment free from intimidation or violence against CSOs, activists, and journalists.

**State Support** (score decrease from 4.2 in 2023 to 4.1 in 2024) indicates that while there are formal channels (score of 4.4 for Legislation) to assist CSOs, the practical application falls short, offering limited financial or institutional backing to organisations, particularly those critical of government policies (score of 3.7 for Practice).

**State-CSO Cooperation** (score decrease from 4.0 in 2023 to 2.8 in 2024) continues to be the weakest area, as sporadic or symbolic consultative processes (score of 3.1 for Legislation) seldom lead to genuine collaboration in Practice (score of 2.5), and no overarching strategy or policy effectively guides partnership between the government and civil society.

Finally, Digital Rights, on the other hand, remained among the more favourable areas, scoring 4.7 overall (Legislation: 5.1; Practice: 4.3). However, concerns persist about increasing state surveillance, particularly targeting CSOs critical of the government.

No significant improvements were observed in 2024 across most areas, largely due to the introduction of restrictive laws and the government's increasingly confrontational stance toward civil society. While the legal frameworks in some domains imply a baseline for protection or support, practical implementation remains hindered by political pressures, limited resources, and

insufficient accountability. To address these challenges, it is essential for the Georgian authorities to take concrete steps toward creating an enabling environment for CSOs — one that upholds freedom of assembly, ensures fair access to funding, guarantees personal data protection, and fosters meaningful cooperation with civil society in policy development. Without these measures, the CSO environment risks further deterioration, undermining both democratic principles and Georgia's broader aspirations for European integration.

Previous recommendations by CSOs and international bodies such as the EU, the OGP, and the OSCE have largely been ignored by the government. The CSO Meter, which provides assessments and recommendations on the civil society environment, has highlighted the need for legal reforms and enhanced cooperation mechanisms. However, the government's actions have not aligned with these recommendations, and the environment has continued to deteriorate.

The civil society environment in Georgia has faced significant setbacks due to legislative changes, a lack of political will to engage with CSOs, and the erosion of collaborative platforms. The restrictive legal framework and practical obstacles have hindered CSOs' ability to operate freely, participate in decision-making, and contribute to policy development. Urgent action is needed to address these challenges, restore open dialogue between the government and civil society, and realign Georgia with democratic principles and international commitments.

Technological changes have not significantly altered the civil society environment in terms of digital registration or reporting processes. However, there are concerns about increased surveillance and potential misuse of digital technologies to monitor CSO activities, especially those critical of the government or that receive foreign funding.

Societal changes include a growing sense of disillusionment among civil society actors due to the government's disregard for their input and the restrictive legislative environment. The withdrawal of CSOs from government consultations and platforms signifies a breakdown in dialogue and collaboration. Public protests and statements by CSOs reflect the sector's frustration and the urgent need for policy reforms to restore a conducive environment for civil society.

## Key developments

1. **Adoption of the Law on Transparency of Foreign Influence (May 2024):** This law requires organisations receiving more than 20 per cent of their funding from abroad to register as organisations 'pursuing the interests of a foreign power', significantly restricting CSO operations and access to funds, contributing to the stigmatisation of CSOs that receive foreign funds, and straining relations between the government and civil society.
2. **Adoption of the Law on Family Values and the Protection of Minors (September 2024):** This legislation bans any expression or activity that 'popularises nontraditional relationships'. As a result, positive portrayals of gender identities differing from biological sex, same-sex relationships, or incest are banned in contexts such as public assemblies, education, direct communication with minors, broadcasting, and advertising. The law severely restricts freedom of assembly and expression for LGBTQ+ individuals and organisations, imposing both administrative and criminal sanctions.
3. **Widespread Violations of Freedom of Assembly During Protests:** During protests against the aforementioned laws, there were numerous instances of excessive use of force by law

enforcement, including dispersal of peaceful assemblies, physical violence, intimidation, and legal repercussions against protesters, journalists, and activists.

4. **Breakdown of State–CSO Cooperation:** In addition to the adoption of restrictive laws, and stigmatising narratives against CSOs, the government ceased implementing the OGP Action Plan, and CSOs reported being excluded from public consultations and events, leading to a near-total breakdown in communication and collaboration between the state and civil society.
5. **Access to Funding Under Increased Pressure:** In response to Georgia’s democratic backsliding and the restrictive impact of new legislation on civil society, the EU froze Georgia’s EU accession process, while the United States suspended over 95 million USD in financial assistance. These developments significantly threaten civil society’s financial sustainability, as international funding opportunities become more uncertain and politically constrained.
6. **Suppression of Freedom of Expression:** Increased attacks on journalists, aggressive rhetoric from high-ranking officials, and legislative measures have undermined freedom of expression. Amendments to the Law on Assemblies and Demonstrations and the Administrative Offences Code significantly increased penalties, introduced new offences, and expanded the grounds for administrative arrests.
7. **Civil society’s right to participation in decision-making and in general participation in public life is limited by the constant changes and an unstable political and legal environment:** The current political and legislative environment in Georgia is characterised by instability and frequent, unpredictable changes. The government has adopted troubling legislation, notably the Law on Transparency of Foreign Influence, the Law on Family Values and the Protection of Minors, amendments to the Code of Administrative Offences and the Law on Assemblies and Demonstrations, which contain discriminatory and stigmatising content through expedited procedures. These processes often disregard inclusive deliberation or transparency, leading to significant concern among domestic and international observers. The lack of stability, transparency, and inclusiveness in legislative processes has had severe repercussions for governance. It has eroded the foundational principles of democracy and good governance, leading to increasing concerns both within Georgia and internationally.

## Key priorities

In 2024, Georgia saw significant setbacks in addressing the recommendations outlined in the CSO Meter 2023 report, with little to no progress being made on key reforms. Unlike previous years, where some engagement mechanisms were at least under discussion, the reintroduction and enforcement of the Law on Transparency of Foreign Influence fundamentally altered the CSO environment, pushing the sector into a defensive stance, rather than enabling proactive participation. Critical issues such as legal and practical barriers to civic engagement, the erosion of freedom of assembly, and increasing restrictions on independent organisations remain unaddressed, while new challenges — including state-led stigmatisation campaigns and heightened pressure on foreign-funded CSOs — have further deteriorated the landscape. Instead of fostering improved CSO

participation in policymaking or addressing concerns, 2024 was marked by repressive measures, widespread protests, and legal battles against new legislation. Financial sustainability remains an urgent challenge for CSOs, compounded by restrictions that have impacted funding channels and increased operational uncertainty for many organisations.

To safeguard the space for civil society and fundamental freedoms in Georgia and to ensure that meaningful dialogue, legal protections, and democratic safeguards are restored in the coming period, it is crucial that the government, relevant institutions, and CSOs prioritise the following key recommendations:

1. Repeal all discriminatory and stigmatising legislation restricting freedom of expression and freedom of association for CSOs, media representatives, and vulnerable groups including the Law on Transparency of Foreign Influence.

*Once all discriminatory and stigmatising legislation restricting the freedoms of expression and association for CSOs, media representatives, and vulnerable groups is repealed:*

2. Conduct a comprehensive revision of the Code of Administrative Offences to remove unjustified restrictions on the rights to freedom of peaceful assembly and expression (for example, detaining individuals to prevent their participation or imposing administrative imprisonment without proper safeguards);
3. Implement measures to protect CSOs and individuals associated with them from interference and attacks, ensuring accountability for any acts of violence or intimidation against them;
4. Strengthen the regulatory framework governing the collection, processing and storage of personal data by government authorities, ensuring it meets international standards for privacy protection;
5. Ensure that CSOs are free to seek, receive and use financial and material resources for the pursuit of their objectives, without undue restrictions and regardless of their source (domestic or foreign); and
6. The government should design and implement effective oversight mechanisms to ensure accountability and transparency in law enforcement agencies' handling of digital rights and privacy.

## II. GEORGIA – IN NUMBERS

Population: 3,694,600 (2024)<sup>2</sup> | GDP per capita: 9 141.4 USD (2024)<sup>3</sup> | Number of CSOs: Registered organisations: 31,325;<sup>4</sup> Active organisations: 3,900<sup>5</sup> | CSOs per 10,000 inhabitants: 3 | Registration fee for a CSO: 200 GEL (around 69 EUR) or 400 GEL (around 138 EUR) for the accelerated procedure | Freedom in the World Ranking 2024: Partly Free (58/100)<sup>6</sup> | World Press Freedom Index 2024: 53.05 (103 out of 180 countries).<sup>7</sup>



Country score: 4.0

Legislation: 4.3

Practice: 3.7

The scores range from 1 to 7, where 1 signifies the lowest possible score (extremely unfavourable, authoritarian environment for civil society) and 7 signifies the highest possible score (extremely favourable, ideal democratic environment for civil society).

Areas	Overall	Legislation	Practice
Freedom of Association	5.4 ↓	5.2 ↓	5.5 ↓
Equal Treatment	4.7 ↓	4.1 ↓	5.3
Access to Funding	4.1 ↓	4.3 ↓	3.8 ↓
Freedom of Peaceful Assembly	2.9 ↓	3.1 ↓	2.7 ↓
Right to Participation in Decision-Making	4.3 ↓	5.3	3.3 ↓
Freedom of Expression	4.2 ↓	4.7 ↓	3.6 ↓
Right to Privacy	3.4 ↓	4.0 ↓	2.8 ↓
State Duty to Protect	3.8 ↓	4.4 ↓	3.2 ↓
State Support	4.1 ↓	4.4	3.7 ↓
State–CSO Cooperation	2.8 ↓	3.1 ↓	2.5 ↓
Digital Rights	4.7 ↓	5.1	4.3 ↓

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

<sup>2</sup> National Statistics Office of Georgia, 'Population', <https://www.geostat.ge/en/modules/categories/41/population>.

<sup>3</sup> Ibid., 'Gross Domestic Product (GDP)', <https://www.geostat.ge/en/modules/categories/23/gross-domestic-product-gdp>.

<sup>4</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>5</sup> National Statistics Office of Georgia, 'Number of registered and active entities by organizational–legal form and size', <https://www.geostat.ge/en/modules/categories/67/by-legal-status>.

<sup>6</sup> Freedom House, Freedom in the World 2024: Georgia, <https://freedomhouse.org/country/georgia/freedom-world/2024>.

<sup>7</sup> Reporters Without Borders, 2024 World Press Freedom Index, <https://rsf.org/en/index>.

# III. FINDINGS

## 3.1 Freedom of Association

Overall score per area: **5.4/7**

Legislation: **5.2/7**

Practice: **5.5/7**

Freedom of association is guaranteed for everyone in Georgia and is respected in practice. The operational scope of CSOs includes a broad spectrum of activities, and they can use different forms of operation without territorial or geographical limits. Establishment procedures are easy and the legal consequences of a breach of the law are foreseeable. However, CSO liquidation procedures are still viewed as overly complicated. The state has also failed to improve statistical information and ensure that there is precise data available about registered and active CSOs. The overall score in this area has decreased from 6.1 in 2023 to 5.4 in 2024, with decreases in the scores for both Legislation (from 6.1 in 2023 to 5.2 in 2024) and Practice from 6.0 in 2023 to 5.5 in 2024). This is due to the adoption of the Law on Transparency of Foreign Influence,<sup>8</sup> which grants state institution excessive powers to interfere with freedom of association through disproportionate reporting requirements and the stigmatisation of organisations receiving foreign funding. Additionally, the Georgian Parliament enacted the Law on Family Values and the Protection of Minors, which imposes significant restrictions on organisations and initiatives advocating for LGBTQ+ rights.

### Standard I. Everyone can freely establish, join, or participate in a CSO.

Freedom of Association is guaranteed by the Georgian Constitution,<sup>9</sup> which imposes a positive obligation on the state to protect and enable freedom of association for everyone within or outside the country. The Constitution also implies that any infringement must be carried out in accordance with the principles of legality, proportionality, and necessity.<sup>10</sup> The main legal act governing the establishment and operation of CSOs is the Civil Code of Georgia.<sup>11</sup> Meanwhile, the Organic Law of Georgia on the Suspension and Prohibition of Activities of Public Associations lists prohibited activities of non-entrepreneurial (non-commercial) legal entities (NNLEs).<sup>12</sup> The general rule implies that any local or foreign natural person with full legal capacity,<sup>13</sup> or any local or foreign legal person,<sup>14</sup> can establish a CSO, become a member of one, or serve on the body responsible for its management. Public servants<sup>15</sup> have certain limitations in this regard: they are not permitted to

<sup>8</sup> Law of Georgia on Transparency of Foreign Influence, <https://www.matsne.gov.ge/en/document/view/6171895?publication=0>.

<sup>9</sup> Constitution of Georgia, Art. 22, <https://matsne.gov.ge/en/document/view/30346?publication=36>.

<sup>10</sup> Ibid., Art. 22(2), 'An association may only be dissolved by its own or a court decision in cases defined by law and in accordance with the established procedure'.

<sup>11</sup> Civil Code of Georgia, <https://matsne.gov.ge/en/document/view/31702>.

<sup>12</sup> The NNLE is the only official organisational and legal form in which registered CSOs can operate in Georgia.

<sup>13</sup> In Georgia, full legal capacity is attained when a person reaches the age of 18.

<sup>14</sup> Legal entities that are either private or public, including government and municipal bodies.

<sup>15</sup> Defined as 'a qualified public officer, a person recruited on the basis of an agreement under public law, a person recruited on the basis of an employment agreement and persons working in an institution equivalent to a state institution'.



be members of a CSO's representative body or hold any position within a CSO if it involves receiving a salary.<sup>16</sup> Considering that this prohibition is intended to avoid conflicts of interest and corruption in public service, as well as limit opportunities for state manipulation of civil sector representatives, the rule is regarded as compliant with international standards. Children between the ages of 14 and 18 can also join CSOs but considering that the membership of an organisation leads to certain legal responsibilities, it must be justified with their parents' permission.<sup>17</sup>

The number of founders is not determined and an organisation can be founded by a single individual.<sup>18</sup> Because the law does not specify mandatory minimum capital requirements, registration does not necessitate a financial contribution from the founders. This can be regarded as a positive factor for the CSO environment since lack of prior financial or personal backing does not prevent motivated actors from establishing CSOs.

CSOs in Georgia can operate both online and offline, either as registered private legal entities or as unregistered unions and initiative groups.<sup>19</sup> Civic enthusiasts who wish to pursue non-commercial goals without formalising their unregistered union can form a group and create a common platform — either digitally or in person — to engage with society, seek support, and promote their activities. However, most CSOs operate in the legal form of NNLEs and are officially registered with the National Agency of Public Registry of Georgia's Ministry of Justice (the Registering Body).

In practice, the state does not generally impose significant obstacles to establishing or joining CSOs, or to participating in their activities. Individuals are free to decide their level of involvement in CSOs. However, the consequences of the adoption of the Law on Transparency of Foreign Influence (especially on access to funding) could hinder CSO operations and deter participation.

## **Standard II. The procedure to register a CSO as a legal entity is clear, simple, quick, and inexpensive.**

CSO registration is carried out in accordance with the procedures outlined in Georgia's Civil Code, the Law on Entrepreneurship,<sup>20</sup> and the Order of the Minister of Justice on Approval of the Instruction on Registration of Entrepreneurs and Non-Entrepreneurial (Non-Commercial) Legal Entities.<sup>21</sup> The procedure is easy, cost-effective, and time-efficient and only requires the submission of the necessary documentation to the Registering Body (an application for registration, the applicant's identification documents, the decision of members on establishing the NNLE/statute, the appointment of a director and a related consent, official email and address information (including confirmation from the property owner), and a payment confirmation). The procedure can be completed in person or online. However, the Registering Body mostly directs people to

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<sup>16</sup> Law of Georgia on Conflict of Interest and Corruption in Public Service, Arts 13(2) and 13(9), <https://matsne.gov.ge/en/document/view/33550?publication=72>.

<sup>17</sup> Civil Code of Georgia, Art. 15, *op. cit.*

<sup>18</sup> Some exceptions apply to membership-based organisations with specific goals. For example, at least five people are required to form a creative union. Law of Georgia on Creative Workers and Creative Unions, Arts 16 and 17, <https://matsne.gov.ge/en/document/view/19222?publication=6>.

<sup>19</sup> Unregistered unions have the legal capacity to engage in any civic relationship independently. The financial transactions and activities of such unions are also monitored by the tax authorities according to the Tax Code of Georgia, Arts 21 and 66, <https://matsne.gov.ge/en/document/view/1043717?publication=175> and the Civil Code of Georgia, Art. 39, *op. cit.*

<sup>20</sup> Law of Georgia on Entrepreneurs, <https://matsne.gov.ge/en/document/view/5230186?publication=6> (In English) <https://matsne.gov.ge/ka/document/view/5230186?publication=12> (In Georgian).

<sup>21</sup> Order of the Minister of Justice of Georgia on Approval of the Instruction on Registration of Entrepreneurs and Non-Entrepreneurial (Non-Commercial) Legal Entities, 31 December 2009 (in Georgian), <https://matsne.gov.ge/ka/document/view/88696?publication=0>.



attend their offices in person; therefore, online registration is not frequently used.<sup>22</sup> In practice, the Registering Body follows the law and interested parties can find information about the necessary requirements for registration on its official website, available in both Georgian and English.<sup>23</sup> Furthermore, the Registering Body publishes information about the progress of the registration procedure (including whether registration is successful, postponed, or refused) on a regular basis to make the process transparent.<sup>24</sup> The Registering Body collects data on NNLEs without distinguishing CSOs from other non-commercial legal entities. As a result, accurately tracking the number of active CSOs in Georgia and obtaining relevant information about their activities — essential for networking, policy planning, and monitoring — remains challenging.

The rejection of applications for registration is allowed only via a justified decision if the application does not comply with the registration rules and the law.<sup>25</sup> The Registering Body must act independently and impartially and is not entitled to set any additional registration requirements. In the decision-making process, the Registering Body has the obligation to process an application based on a full, accurate, and comprehensive investigation of the circumstances and their mutual reconciliation and to publish its decision within one working day.<sup>26</sup> Any decision must include a full explanation,<sup>27</sup> so that any deficiencies in the registration documents are communicated in a clear and timely manner to the applicant. When registration is rejected for reasons that can be rectified by submitting missing or modified documentation, the Registering Body allows the applicant one month in which to supply the necessary information and restart the procedure. A negative decision can be appealed by the applicant within one month to the relevant higher administrative body (the Georgian Ministry of Justice). If this appeal is unsuccessful, the case can be taken to court, so that independent and impartial judicial review can be provided within a reasonable timeframe.

Common reasons for rejecting an application for registration include: (i) when required documents are missing or the registration fee is not paid in full and on time;<sup>28</sup> (ii) the proposed entity name for registration is already in use by another organisation;<sup>29</sup> (iii) the statute does not include all relevant information that must be visible in the extract; (iv) information in the founders' decision contradicts the information in the statute (for example, if the founders state in their establishment decision that the CSO is not membership-based, but the statute includes procedural rules for admitting

<sup>22</sup> The procedure is carried out via the online platform [My.gov.ge](https://my.gov.ge) according to the Order of the Minister of Justice of Georgia on Approval of the Instruction on Registration of Entrepreneurs and Non-Entrepreneurial (Non-Commercial) Legal Entities, Art. 10(4), *op. cit.*

<sup>23</sup> National Agency of Public Registry <https://napr.gov.ge/en/page/legal-acts/subordinate-normative-acts?q=%E1%83%90%E1%83%A0%E1%83%90%E1%83%A1%E1%83%90%E1%83%9B%E1%83%94%E1%83%AC%E1%83%90%E1%83%A0%E1%83%9B%E1%83%94%E1%83%9D>.

<sup>24</sup> National Agency of Public Registry, [https://enreg.reestri.gov.ge/main.php?m=new\\_index](https://enreg.reestri.gov.ge/main.php?m=new_index).

<sup>25</sup> Order of the Minister of Justice of Georgia on Approval of the Instruction on Registration of Entrepreneurs and Non-Entrepreneurial (Non-Commercial) Legal Entities, Arts 14 and 15, *op. cit.*

<sup>26</sup> *Ibid.*

<sup>27</sup> *Ibid.*, Arts 16, 17 and 18.

<sup>28</sup> Civil Code of Georgia, Arts 28 and 29, *op. cit.*; Order of the Minister of Justice of Georgia on Approval of the Instruction on Registration of Entrepreneurs and Non-Entrepreneurial (Non-Commercial) Legal Entities, Arts 14, 15 and 16, *op. cit.*

<sup>29</sup> Civil Code of Georgia, Art. 27, *op. cit.*

members to the organisation);<sup>30</sup> and (v) documents delivered from a foreign country are not properly notarised and/or apostilled.<sup>31</sup>

The registration period may differ depending on the service selected by the applicant. If the procedure is standard, it takes one working day to establish and register the CSO (this is the maximum registration period) and the registration fee is 200 GEL (around 69 EUR). For a faster procedure, registration can be completed on the same day that the application is made for a fee of 400 GEL (around 138 EUR). Any changes to the registered information (such as the name or residential address of a CSO's directors or board members) must be officially updated and re-registered, typically with the board's approval. The process and fee for amending registered information are the same as those for initial registration.

### **Standard III. CSOs are free to determine their objectives and activities and operate both within and outside the country in which they were established.**

CSOs are free to determine their own objectives, management and operational principles, organisational structure and serve a variety of goals simultaneously. Given that no legal restrictions apply to CSOs' management, operating principles, or structure, CSOs are free to make their own rules in this regard. CSOs are allowed to serve desired non-profit goals (even if they are not expressly stated in the statute),<sup>32</sup> unless they contradict applicable laws, recognised moral standards, or Georgia's constitutional and legal principles. If an activity requires licensing according to the Law of Georgia on Licences and Permits<sup>33</sup> (for example, if the activities are related to private or community broadcasting, electricity generation or transmission, etc.),<sup>34</sup> the activity can only be carried out after the licence is obtained.<sup>35</sup> However, there is no evidence that licensing regulations impede the free establishment and operation of CSOs. Most activities that need prior licensing are connected to the use of public resources, and these typically fall outside of the operating scope of CSOs. No practical obstacles have been observed by CSOs engaging in any of the legally allowed areas.

CSOs in Georgia are legally permitted to operate at the local, national, and international levels. They can collaborate with or become members of associations and federations, both domestically and internationally. This legal provision facilitates their participation in global networks and initiatives, enhancing their capacity to achieve their objectives. In practice, Georgian CSOs actively engage in international cooperation. For instance, many are members of global networks such as CIVICUS and the International Federation for Human Rights (FIDH).<sup>36</sup> These affiliations enable them to participate in international forums, contribute to global advocacy efforts, and exchange best practices with partner organisations worldwide.

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<sup>30</sup> Information about the similar case was provided by the lawyer working on the case. For the purposes of confidentiality, the identities of involved persons (including identification details of an applicant) are not available.

<sup>31</sup> Civil Code of Georgia, Art. 28(3), *op. cit.* Recent cases of refusal of registration can be found on the following website: [https://enreg.reestri.gov.ge/main.php?m=new\\_index&l=en](https://enreg.reestri.gov.ge/main.php?m=new_index&l=en).

<sup>32</sup> Civil Code of Georgia, Art. 25(2), *op. cit.*

<sup>33</sup> Law of Georgia on Licences and Permits, <https://matsne.gov.ge/en/document/view/26824?publication=62>.

<sup>34</sup> *Ibid.*, Art. 6.

<sup>35</sup> Civil Code of Georgia, Art. 25(3), *op. cit.*

<sup>36</sup> FIDH, 'Georgia: International solidarity with Georgian civil society', 6 May 2024, <https://www.fidh.org/en/region/europe-central-asia/georgia/georgia-international-solidarity-with-georgian-civil-society>; CIVICUS, 'Georgia: "The foreign agents law poses a threat to the vibrancy and autonomy of civil society"', 19 May 2024, <https://www.civicus.org/index.php/media-resources/news/interviews/7039-georgia-the-foreign-agents-law-poses-a-threat-to-the-vibrancy-and-autonomy-of-civil-society>.

#### **Standard IV. Any sanctions imposed are clear and consistent with the principle of proportionality and are the least intrusive means to achieve the desired objective.**

The Organic Law of Georgia on the Suspension and Prohibition of Activities of Public Associations defines the competent authorities, outlines the applicable sanctions for public associations, and specifies the grounds for imposing them, ensuring that the legal consequences of a breach are foreseeable and clear. They are assessed by the independent authority in compliance with the principle of proportionality.<sup>37</sup> Only the courts are authorised to ban or temporarily suspend the activities of a CSO.<sup>38</sup> According to the law, an NNLE may not engage in substantially commercial activities, while non-essential commercial activities that serve non-commercial goals are allowed, which means that its operations may not be used to generate profits that members or founders will later divide and distribute between themselves.<sup>39</sup> In such cases, the court has the authority to suspend the public association for up to three months. After the expiry of the term, the public association shall resume its activities on condition that essential commercial activities are ceased.<sup>40</sup>

Political activity is not on the list of prohibited activities. However, there are certain limitations. CSOs may help political parties for the purposes of institutional development (for example, by organising or participating in educational programmes, seminars, public conferences, and so on), but they may not promote or support a specific political party.<sup>41</sup> Preconditions leading to the suspension or prohibition of activities for public associations are clear and legally determined. It is directly indicated in the Organic Law on Political Associations of Citizens<sup>42</sup> that, aside from CSOs engaged in primarily commercial activities, the court has the authority to prohibit organisations that seek to overthrow or forcibly change the constitutional order of Georgia, to infringe on the independence and territorial integrity of the country, to propagandise war or violence, to incite national, ethnic, religious, or social strife, or that are forming or have formed an armed group. A public association may also be stripped of its right to operate and dissolved if a final criminal conviction (for specified conduct that is expressly prohibited by the relevant article of Georgia's Criminal Code) is issued against it.<sup>43</sup> The decision of a court to suspend or ban a public association may be appealed in compliance with the procedures determined by Georgian legislation.<sup>44</sup> Although these mechanisms exist, there is no recent data showing that the activities of any CSO have been suspended or banned in practice.

#### **Standard V. The state does not interfere in the internal affairs or operation of CSOs.**

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<sup>37</sup> Organic Law of Georgia on the Suspension and Prohibition of Activities of Public Associations, <https://matsne.gov.ge/en/document/view/29950?publication=2>.

<sup>38</sup> Ibid.

<sup>39</sup> Only minor, non-commercial activities that serve non-commercial goals are permitted (with no opportunity for members and founders to share income).

<sup>40</sup> Organic Law of Georgia on the Suspension and Prohibition of Activities of Public Associations, Arts 3 and 4, *op. cit.*

<sup>41</sup> Organic Law of Georgia on Political Associations of Citizens, Arts 25, 25<sup>1</sup>(5) and 26(1), <https://matsne.gov.ge/en/document/view/28324?publication=32>.

<sup>42</sup> Organic Law of Georgia on the Suspension and Prohibition of Activities of Public Associations, *op. cit.*

<sup>43</sup> Criminal Code of Georgia, Arts 157, 186, 192(1), 195(1) and 221, <https://matsne.gov.ge/en/document/view/16426?publication=235>.

<sup>44</sup> Organic Law of Georgia on the Suspension and Prohibition of Activities of Public Associations, *op. cit.*

According to the Civil Code of Georgia, CSOs are free to determine their internal governance and operations.<sup>45</sup> The newly-enacted Law on Transparency of Foreign Influence mandates that CSOs and media outlets receiving over 20 per cent of their funding from foreign sources must register as organisations ‘pursuing the interests of a foreign power’. This requirement significantly expands the state’s authority to monitor and inspect these organisations, but the law fails to provide explicit, transparent criteria or clear limitations on such oversight activities. This lack of specificity raises concerns about potential state overreach, suggesting that inspections may become intrusive and arbitrary. Furthermore, statements<sup>46</sup> from government officials indicate an intention to target specific groups, particularly those that challenge government policies or advocate for the rights of marginalised communities, such as LGBTQ+ groups.

In line with this rhetoric, the Georgian Parliament enacted the Law on Family Values and the Protection of Minors,<sup>47</sup> which imposes significant restrictions on LGBTQ+ rights. This legislation prohibits activities that promote ‘non-traditional’ relationships and restricts public expressions related to LGBTQ+ issues. Consequently, CSOs focusing on LGBTQ+ advocacy face substantial limitations on their operations. The law effectively curtails their ability to conduct awareness campaigns, organise events, and engage in public discourse concerning LGBTQ+ rights. This suggests that the law may be selectively enforced, which conflicts with established democratic principles of fairness, transparency, and equal treatment under the law.

The reporting requirements of the relevant legislation — specifically, the Law on Transparency of Foreign Influence — oblige all affected organisations, regardless of their size or capacity, to provide detailed financial information, including the sources of their funding. This regulation is applied uniformly, without consideration for an organisation’s scale, scope, or capacity, thereby imposing a disproportionate administrative burden on smaller organisations. Many of these organisations are already required to submit monthly financial reports to the tax authorities, making this additional requirement redundant and excessively burdensome. The government has created an electronic platform for reporting, where information and documentation are submitted and made accessible to all interested parties.

Despite the availability of online reporting, concerns persist among smaller CSOs regarding the administrative load. The uniform application of reporting requirements does not account for varying organisational capacities, leading to challenges in compliance. While the online system provides a more accessible means of submission, the core issue of the disproportionate burden on smaller organisations remains unaddressed. Furthermore, the penalties for non-compliance are severe, with fines reaching 8,990 EUR, which could be particularly damaging for smaller CSOs with limited resources. The rigid and non-scalable nature of these requirements fails to be proportionate or to clearly describe reporting obligations relative to the organisation’s size or the nature of its activities. This inflexibility could significantly impair the operational capabilities of smaller

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<sup>45</sup> Civil Code of Georgia, Art. 25(2), *op. cit.*

<sup>46</sup> Georgian Public Broadcaster, Marika Kartoza, ‘Speaker: Transparency law should be adopted in interest of Georgian people; Natural that foreign countries do not have interest in having their influence transparent’, 12 May 2024, <https://1tv.ge/lang/en/news/speaker-transparency-law-should-be-adopted-in-interest-of-georgian-people-natural-that-foreign-countries-do-not-have-interest-in-having-their-influence-transparent/>; Agenda.ge, ‘Georgian PM’s statement regarding Draft Law on Transparency of Foreign Influence’, 14 April 2024, [https://www.gov.ge/index.php?info\\_id=88443&lang\\_id=ENG&sec\\_id=603](https://www.gov.ge/index.php?info_id=88443&lang_id=ENG&sec_id=603).

<sup>47</sup> Law of Georgia on Family Values and the Protection of Minors, <https://matsne.gov.ge/en/document/view/6283110?publication=0>.

organisations, ultimately undermining the vibrancy and effectiveness of civil society. The legislation introduces elements of ambiguity, the potential for arbitrary enforcement, and disproportionate administrative burdens, which could stifle the activities of CSOs in Georgia. How the new legislation will work in practice is yet to be monitored.

### Specific recommendations under Area 1:

- Repeal all discriminatory and stigmatising legislation restricting freedom of expression and freedom of association for CSOs, media representatives, and vulnerable groups including the Law on Transparency of Foreign Influence.

*Once all discriminatory and stigmatising legislation restricting the freedoms of expression and association for CSOs, media representatives, and vulnerable groups is repealed:*

- The Ministry of Justice should develop mechanisms for the Registering Body to identify and differentiate CSOs from other NNLEs and therefore enable the creation of precise statistical information about active CSOs;
- The government should introduce amendments to termination procedures to enable simplified and faster liquidation for CSOs; and
- The Registering Body should promote online registration procedures and resources for CSOs.

## 3.2 Equal Treatment

Overall score per area: **4.7 / 7**

Legislation: **4.1 / 7**

Practice: **5.3 / 7**

The registration and establishment procedures for CSOs and businesses are straightforward, transparent, cost-effective, and time-efficient. However, disparities exist in VAT refund procedures, with business entities benefiting from faster processing times compared to CSOs. As a result, businesses are placed in a more advantageous position. The overall score in this area decreased from 5.6 in 2023 to 4.7 in 2024, due to a decrease in the score for Legislation from 5.8 in 2023 to 4.1 in 2024. The newly-adopted Law on Transparency of Foreign Influence imposes stricter declaration deadlines on CSOs than on business entities, significantly disadvantaging them. While CSOs have not yet experienced direct inequality or unfair treatment in practice, this will be closely monitored in the next reporting period as implementation of the law progresses. Additionally, the enactment of the Law on Family Values and the Protection of Minors in September 2024 has introduced severe restrictions on organisations that advocate for LGBTQ+ issues, highlighting the unequal and discriminatory treatment of organisations and individuals working on these issues.

### Standard I. The state treats all CSOs equitably with business entities.

The new Law on Transparency of Foreign Influence subjects CSOs to significantly more stringent administrative and operational requirements than those applied to business entities.<sup>48</sup> While businesses are required to follow standard financial reporting regulations, CSOs that receive more than 20 per cent of their funding from foreign sources must not only disclose these sources but also register as entities ‘acting in the interests of foreign powers’. This additional administrative burden does not apply to business entities, creating a discrepancy in how these two sectors are regulated. Moreover, the deadlines for CSOs to submit financial declarations under this law are considerably stricter than those imposed on businesses. As for financial procedures, the registration and voluntary termination of CSOs are no more expensive, time-consuming, or burdensome than for business entities.

The ‘foreign agents law’ also creates unequal conditions for CSOs in accessing public procurement opportunities. Being labelled as an ‘organisation pursuing the interests of a foreign power’ can stigmatise CSOs, making them appear less credible in the eyes of public institutions when competing for procurement contracts. This burden does not exist for business entities, which can access public tenders without facing similar reputational risks. Additionally, the increased administrative scrutiny and reporting obligations imposed on CSOs may lead to delays or difficulties in meeting the requirements for public contracts, further weakening their competitive standing compared to businesses. In terms of accessing foreign funding, CSOs face more restrictive regulations than business entities. While businesses are generally required to report foreign investments through standard tax filings, CSOs must provide detailed information about all foreign contributions that exceed the 20 per cent threshold, along with justification for how these funds are used. This heightened scrutiny and administrative burden acts as a deterrent, potentially limiting the inflow of foreign funding, which is crucial for the survival of many CSOs. In contrast,

<sup>48</sup> Law of Georgia on Transparency of Foreign Influence, *op. cit.*



businesses do not face such stringent disclosure requirements, allowing them more flexibility in securing foreign investment without the risk of being stigmatised or subjected to excessive government oversight.

### **Standard II. The state treats all CSOs equally with regard to their establishment, registration, and activities.**

The general legislative framework treats all CSOs equally regarding their establishment, registration, and activities. However, the adoption of the Law on Transparency of Foreign Influence imposes specific demands on CSOs receiving significant foreign funding, necessitating their registration as ‘organisations pursuing the interests of a foreign power’. This requirement introduces a significant administrative burden that is based solely on the source of funding, rather than on operational goals or the nature of activities. Such differentiation raises concerns about the transparency and objectivity of the criteria used, potentially leading to biased treatment of CSOs with similar operational structures but different funding sources.

Moreover, although the legislation technically applies uniformly to all CSOs that meet the defined funding thresholds, in practice, it might disproportionately impact those established by foreign entities or individuals. This is because such organisations are more likely to depend on international funding, potentially subjecting them to stricter scrutiny compared to their locally founded counterparts. This disparity could lead to a perceived inequality in treatment based on funding origin rather than on a CSO’s contributions or activities within the community. Discussions among stakeholders highlight concerns about state partiality, especially noting different treatment between CSOs collaborating with the government and those that challenge its decisions.

The enactment of the Law on Family Values and the Protection of Minors in September 2024 has also introduced severe restrictions on organisations that advocate on LGBTQ+ issues. Such organisations now face significant operational challenges, including restrictions on their ability to conduct awareness campaigns, organise events, or engage in public discourse. This legal environment not only hampers their activities but also threatens their existence.

### **Specific recommendations under Area 2:**

- Repeal all discriminatory and stigmatising legislation restricting freedom of expression and freedom of association for CSOs, media representatives, and vulnerable groups including the Law on Transparency of Foreign Influence.

*Once all discriminatory and stigmatising legislation restricting the freedoms of expression and association for CSOs, media representatives, and vulnerable groups is repealed:*

- The Ministry of Finance should align financial declaration deadlines for CSOs with those for business entities; and
- The state should adopt institutional regulations and control mechanisms to eliminate preferential treatment for particular government-affiliated CSOs.

## **3.3 Access to Funding**



Overall score per area: **4.1/7**

Legislation: **4.3/7**

Practice: **3.8/7**

Under the new Law on Transparency of Foreign Influence, the funding environment for CSOs in Georgia has experienced significant deterioration. The overall score in this area has decreased from 5.6 in 2023 to 4.1 in 2024, with decreases in the scores for Legislation (from 6.0 in 2023 to 4.3 in 2024) and Practice (from 5.1 in 2023 to 3.8 in 2024). While CSOs can still access funding from various sources such as donations, grants, fundraising initiatives, and charity incomes, the 'foreign agents law' introduces an onerous requirement for CSOs receiving significant foreign funding. These organisations must now register as organisations 'pursuing the interests of a foreign power'. This requirement could potentially have a severe impact, limiting organisations' access to foreign funds due to increased monitoring and administrative burden, while also increasing stigmatisation and negatively affecting public perception of organisations seeking to fulfil their missions.

Despite these regulatory changes, international funding remains a primary source of income for many CSOs, highlighting their ongoing dependence on external support. This is particularly notable given that state support often remains inadequate and lacks transparency. The new legal requirements pose a challenge for CSOs in maintaining a balance between securing necessary foreign funding while also adhering to a new legal framework that may negatively impact their operations and public image.

**Standard I. CSOs are free to seek, receive, and use financial and material resources for the pursuit of their objectives.**

Georgian CSOs are free to seek, receive, and use a variety of financial and material sources from private, public, international and national donors while following the provisions stipulated in the Civil Code, the Law on Grants,<sup>49</sup> the Law on Public Procurement,<sup>50</sup> and the Tax Code.<sup>51</sup> Grants, sub-grants, municipal programme funding, fundraising, private donations, and non-essential entrepreneurial activities are examples of funding instruments. Organisations that operate on a membership basis can also accept membership fees (which can be optional or mandatory). From those previously mentioned, grants from international donors continue to be the main source of income for many CSOs.<sup>52</sup> In contrast to private sources of funding, the legislation related to state grants remains fragmented and insufficiently regulated, creating room for arbitrary decisions.<sup>53</sup>

The Law on Transparency of Foreign Influence sets out specific mandates for CSOs receiving international funding that could be viewed as restrictive. In contravention of international standards, according to which the state should not apply any special restrictions or procedures for CSOs to receive and use foreign and international funding or in-kind support, the legislation, which came into effect on 1 August 2024, requires CSOs that receive more than 20 per cent of their funding from foreign sources to register as organisations 'pursuing the interests of a foreign power'. This registration could potentially deter international donors due to the stigma and bureaucratic hurdles

<sup>49</sup> Law of Georgia on Grants, <https://www.lexadin.nl/wlg/legis/nofr/oeur/arch/geo/LAWONGRANTS.pdf>.

<sup>50</sup> Law of Georgia on Public Procurement, <https://matsne.gov.ge/en/document/view/31252?publication=58>.

<sup>51</sup> Tax Code of Georgia, *op. cit.*

<sup>52</sup> This tendency remains unchanged since the last report and was once again confirmed by members of the Focus Group during their discussions.

<sup>53</sup> See Section 3.9 (State Support).

associated with the label. However, once registered, there are no additional procedural restrictions on how such funds are used.

Regarding the tax treatment of foreign and international grants, donations, and membership fees, the Tax Code of Georgia does not distinguish between foreign and domestic sources in terms of taxation. All contributions received by CSOs are subject to the same tax regulations, ensuring that international grants and donations are treated with the same considerations as those from domestic sources. CSOs are exempt from income tax on grants and donations, regardless of whether the funding is foreign or domestic. Certain activities conducted by CSOs may be exempt from VAT, depending on the nature of the services provided and in accordance with Georgian tax legislation. These exemptions apply regardless of whether the funding is foreign or domestic. This parity in tax treatment helps maintain financial attractiveness for foreign donors and simplifies the tax compliance process for CSOs.

## **Standard II. There is no distinction in the treatment of financial and material resources from foreign and international sources compared to domestic ones.**

Since 2024, specific restrictions or procedures have been introduced for CSOs to receive and use foreign and international funding. However, foreign and international grants, donations, and membership fees have the same tax treatment as domestic ones.

In a recent development, the Georgian Prime Minister announced a new grant programme aimed at supporting CSOs listed in the Ministry of Justice's registry under the new 'foreign agents law'.<sup>54</sup> This initiative promises to allocate funds from the state budget to projects that align with national interests, such as strengthening democratic institutions, combating corruption, and supporting various social initiatives. The government pledges that high-performing CSOs that align with these objectives may receive state funding up to twice the amount they previously obtained from foreign donors.

This grant programme could be seen as an attempt to replace or supplement foreign funding with domestic resources, potentially aligning CSOs' activities more closely with government-defined objectives. There are therefore concerns about the autonomy of CSOs and the potential for increased government oversight and influence over their activities. The dependence on government funding, rather than the state investing in diversified sources of income for organisations, could compromise the sustainability and perceived neutrality of CSOs, especially those involved in policy advocacy and oversight.

While the new 'foreign agents law' and the accompanying government grant programme aim to increase transparency and reduce foreign dependency, they raise significant concerns about the freedom and independence of CSOs. The legislation and the new funding mechanisms may restrict the ability of CSOs to operate freely, especially those that might criticise government policies or advocate for issues that are viewed as controversial.

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<sup>54</sup> Law of Georgia on Transparency of Foreign Influence, *op. cit.*; <https://civil.ge/archives/623114>

### Specific recommendations under Area 3:

- The Parliament of Georgia should revoke the Law on Transparency of Foreign Influence in line with international standards, to ensure everyone is able to seek, receive and use funding from diverse sources; and
- *Once all discriminatory and stigmatising legislation restricting the freedoms of expression and association for CSOs, media representatives, and vulnerable groups is repealed*, the state should recognise and support diversification of funding sources for CSOs and unregistered unions, including by promoting philanthropy, acknowledging the concept of social entrepreneurship, and establishing necessary legislative guarantees.

## 3.4 Freedom of Peaceful Assembly

Overall score per area: **2.9 / 7**

Legislation: **3.1 / 7**

Practice: **2.7 / 7**

Freedom of peaceful assembly is guaranteed by the Constitution of Georgia and other legislation. However, during the reporting period, the ruling party of Georgia initiated and adopted the Russian-style Law on Foreign Transparency of Foreign Influence (the so-called 'Russian law'), which had far-reaching consequences for the protection of all rights in Georgia. During the protests against the new law, which took place primarily in April and May 2024, there were widespread violations of freedom of assembly and systematic violence by law enforcement officers. High-ranking political officials encouraged violence, while criminal and administrative legal mechanisms were instrumentalised to intimidate protest participants. Protesters, civil activists, journalists, politicians, and their families — including children and elderly relatives — were subjected to various forms of psychological and physical violence, as well as targeted intimidation. As a result, the overall score in this area has decreased from 4.5 in 2023 to 2.9 in 2024, with decreases in the scores for Legislation (from 5.2 in 2023 to 3.1 in 2024) and for Practice (from 3.8 in 2023 to 2.7 in 2024).

**Standard I. Everyone can freely enjoy the right to freedom of peaceful assembly by organising and participating in assemblies.**

The Constitution of Georgia guarantees everyone's right to peacefully assemble in public.<sup>55</sup> The Law of Georgia on Assemblies and Demonstrations, as well as other normative acts, also guarantees freedom of assembly. The Constitution protects both planned and spontaneous assemblies and demonstrations, and the law specifies that it protects assemblies both indoors and outdoors.<sup>56</sup> There is also a restriction on demonstrating within a twenty-metre radius of certain government and

<sup>55</sup> Constitution of Georgia, Art. 21, *op. cit.*

<sup>56</sup> Law of Georgia on Assemblies and Demonstrations, Art. 3(a), <https://matsne.gov.ge/en/document/view/31678?publication=10>.

military buildings, as well as railway stations, airports and ports.<sup>57</sup> The law does not specifically regulate spontaneous assemblies, and, as a result, general procedural rules are applied, including prior notice to be given if an assembly is held on a public highway or hinders the movement of transport. Despite the recommendations made by the Council of Europe's Venice Commission in 2009,<sup>58</sup> amendments regarding the notification of spontaneous assemblies have not yet been introduced into the Law on Assemblies and Demonstrations.

On 17 September 2024, the Georgian Parliament adopted the Law on Family Values and the Protection of Minors (and a related package of amendments) on its third reading. This law contradicts both national and international human rights standards, resulting in the unjustified restriction of fundamental rights, including freedom and assembly, as it bans any sort of manifestation that 'popularises nontraditional relationships'. The legislative amendments include administrative and criminal sanctions which will effectively prohibit assemblies by LGBTQ+ individuals.<sup>59</sup>

In practice, significant obstacles hinder the realisation of freedom of assembly in Georgia. These shortcomings were starkly evident during the mass protests against the Law on Transparency of Foreign Influence,<sup>60</sup> during which the authorities dispersed entire gatherings in response to isolated incidents<sup>61</sup> and repeatedly violated both Georgian law and Georgia's international legal commitments on the use of active special means against peaceful demonstrators. These violations included deploying special means — such as water cannon, tear gas, and pepper spray — without prior warning, the targeted use of special means, the simultaneous use of multiple special means and obstructing demonstrators from leaving protest sites.<sup>62</sup> Furthermore, the existence of the Law on Transparency of Foreign Influence<sup>63</sup> poses a fundamental threat to civil society's existence, creating a chilling effect on freedom of assembly and other fundamental rights.

Since 28 November 2024 (when the EU stated that it did not recognise the results of the Georgian parliamentary election), a series of alarming developments in Georgia have revealed a systematic effort to stifle civil engagement and the right of peaceful assembly. These include the widespread torture and inhumane treatment of demonstrators and media representatives, with the majority of detainees subjected to physical violence. Informal criminal groups have been permitted to attack demonstrators and media personnel, while media representatives have faced targeted harassment, leading to injuries and hospitalisations. Over 500 individuals have been unlawfully detained on administrative charges, prompting the Council of Europe's Commissioner for Human Rights to advocate for their release. Additionally, search and seizure operations have been conducted in

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<sup>57</sup> Ibid., Art. 9.

<sup>58</sup> Venice Commission, 'Comments on the Law on Assembly and Manifestations of the Republic of Georgia by Mr Bogdan Aurescu (Substitute Member, Romania)', Opinion no. 547/2009, CDL(2009)153, Council of Europe, 1 October 2009, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL\(2009\)153-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL(2009)153-e); 'the 5 day time limit within which a notification has to be submitted, provided by article 8, should be made more flexible: a modification of the provision regarding the deadline within which a notification may be submitted should be included in the sense that a notification shall be submitted "as a rule" "five working days before the assembly". Also, notifications can not be required for spontaneous assemblies,' (p. 4).

<sup>59</sup> Georgian Young Lawyers' Association (GYLA), 'The Georgian Young Lawyers' Association responds to the legislative changes that undermine human rights, democracy, and protections against discrimination', 20 September 2024, <https://gyla.ge/en/post/saqartvelos-akhalgazrda-iuristta-asociacia-diskriminaciul-adamianis-uflebebis-da-demokratiis-tsinaaghmddeg-mimartul-sakanonmdablo-cvilebebs-ekhmaureba>.

<sup>60</sup> GYLA, 'Georgia: Human Rights Amidst the Russian Law', June 2024, <https://gyla.ge/files/Human%20rights%20Amidst%20the%20russian%20law.pdf>.

<sup>61</sup> Ibid., p. 10.

<sup>62</sup> Ibid., p. 11.

<sup>63</sup> Ibid.

private homes and offices, and criminal law mechanisms have been employed against demonstrators, resulting in the arrest of over 30 individuals. Public servants have also been subjected to physical threats and intimidation concerning their job security, as the government seeks to curtail their freedom of expression and compel their resignation.<sup>64</sup>

## **Standard II. The state facilitates and protects peaceful assemblies.**

In general, prior notification is not required to hold an assembly. In exceptional cases, the law requires the submission of advance notice to the local government if an assembly is held on a public highway or hinders the movement of transport. Submitting the notice is free of charge.<sup>65</sup> The local municipality must be notified five days in advance of the proposed assembly.<sup>66</sup> The local self-government body is not authorised to issue or deny the right to hold an assembly without first receiving a notice. The law empowers the responsible persons to consider the feasibility of changing the location and time of the demonstration. The issue should be considered by the local self-government body within three days.<sup>67</sup> Legislation does not specifically indicate the protection of the right to use any electronic means of communication to organise peaceful assemblies. However, the Constitution declares access to the internet as a fundamental right of Georgian citizens.<sup>68</sup> The five days' notice requirement does not apply to spontaneous assemblies, as notification is not feasible in such instances.<sup>69</sup>

In practice, the state does not facilitate peaceful assemblies; instead, it actively tries to discourage individuals from protesting and organising rallies. During the anti-‘Russian law’ protests (April - May 2024), it was identified that, in some cases, specific individuals had physically abused opponents of the law, protest organisers and their family members, in a manner similar to so-called ‘Titushky’ raids (groups of government-affiliated enforcers, often in civilian clothing, who intimidate, assault, and suppress anti-government demonstrators using extra-legal violence, frequently operating with the tacit approval or cooperation of law enforcement).<sup>70</sup> In addition to physical violence, numerous cases of intimidation and threats have been reported against demonstrators, civil society representatives, and activists critical of the ‘Russian law’. These include telephone threats, damage to private property, and other forms of state-organised persecution.<sup>71</sup>

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<sup>64</sup> For detailed information, see the following: GYLA, ‘The ongoing protest on Rustaveli Avenue is being dispersed with unlawful and disproportionate use of force’, 29 November 2024, <https://gyla.ge/en/post/%20Darebva-kvlav-araprprciuli-zaliat-da-ukanonod-mimdinareobs>; GYLA, ‘The Ministry of Internal Affairs continues to suppress legitimate protests through demonstrative violence in Tbilisi and Batumi’, 29 November 2024, <https://gyla.ge/en/post/Gyla-gancxadeba-aqciis-dzaladobit-darebva>; GYLA, ‘Situation on Rustaveli Avenue’, 29 November 2024, <https://gyla.ge/en/post/29-30octomberi>; GYLA, ‘Throughout the night, riot police repeatedly used special forces against peaceful demonstrators in over a dozen incidents, employing water cannons and tear gas’, 2 December 2024, <https://gyla.ge/en/post/2dekemberigancxadeba>; Public Defender (Ombudsman) of Georgia, ‘Public Defender Calls on Ministry of Internal Affairs not to Use Special Equipment against Participants in Peaceful Assembly’, 2 December 2024, <https://ombudsman.ge/eng/akhali-ambebi/sakhalkho-damtsveli-moutsodebs-shss-s-ar-gamoigenos-spetsialuri-sashualebebi-mshvidobiani-shekrebis-monatsileta-mimart>; GYLA, ‘On December 3-4, the sixth consecutive day of peaceful protests, the Ministry of Internal Affairs once again resorted to violent measures to disperse demonstrators’, 4 December 2024, <https://gyla.ge/en/post/3-4-dekembris-darbevis-Sefaseba-GYLA>.

<sup>65</sup> Law of Georgia on Assemblies and Demonstrations, Arts 2 and 5, *op. cit.*

<sup>66</sup> *Ibid.*, Art. 6.

<sup>67</sup> *Ibid.*

<sup>68</sup> Constitution of Georgia, Art. 17, *op. cit.*

<sup>69</sup> *The Public Defender of Georgia v. The Parliament of Georgia* (Constitutional Court of Georgia, Judgment of 14 December 2023, Case No. 3/3/1635) (in Georgian), II, 47, <https://constcourt.ge/ka/judicial-acts?legal=16052>.

<sup>70</sup> GYLA, ‘Georgia: Human Rights Amidst the Russian Law’, p. 8, *op. cit.*

<sup>71</sup> *Ibid.*, p. 17.

Since the start of widespread protests on 28 November, special forces have repeatedly used tear gas and water cannons without justification, despite the peaceful nature of the demonstrations and the unlawful nature of their dispersal.<sup>74</sup> These measures are often deployed simultaneously, in a disproportionate manner, and in violation of safety protocols. Tear gas canisters are launched into densely packed crowds, heightening the risk of injury, with some thrown from the rooftops of nearby buildings. Cold-water cannons are disproportionately used in cold temperatures, and the Ministry of Internal Affairs continues to mix the water with chemical irritants, leading to severe health effects.<sup>75</sup> Despite calls for transparency from GYLA, the Ministry of Internal Affairs has refused to disclose the chemicals used. Special forces also employ encirclement tactics, using force and arrests from multiple directions. These tactics, combined with other special means, violate the right to peaceful assembly, act as psychological intimidation, and pose an undetermined threat to the health of all participants, including minors.<sup>76</sup>

In general, organisers are not held liable for maintaining public order or for the actions of others during an assembly. However, according to the Code of Administrative Offences, a violation of the rules for organising or holding an assembly or demonstration will result in a fine of 500 GEL (around 172 EUR).<sup>77</sup> The broader issue stems from the outdated Administrative Offences Code, a remnant of the Soviet era, which continues to enable unjustified interference with human rights.<sup>78</sup> For many years, the Code has been used as a tool to suppress demonstrations, imposing blanket penalties on

<sup>73</sup> Ibid.

<sup>75</sup> GYLA, 'On December 3-4, the sixth consecutive day of peaceful protests, the Ministry of Internal Affairs once again resorted to violent measures to disperse demonstrators', *op. cit.*

<sup>76</sup> Ibid.

<sup>78</sup> GYLA, 'Legislation on Administrative Offenses: Endless Reform Attempts and Successful Strategic Litigation', 2021, <https://gyla.ge/files/news/%E1%83%A4%E1%83%9D%E1%83%9C%E1%83%93%E1%83%98/2021/Legislation%20on%20Administrative%20Offenses.pdf>.



participants and creating a chilling effect on civic activism. This pattern was once again evident during the protests against the ‘Russian law’.<sup>79</sup>

The persecution of organisers and participants in peaceful assemblies, along with the imposition of heavy penalties, has also been documented. In the period from April to May 2024, about 200 people were detained and fined during the ongoing protests against the ‘Russian law’. The main charges included ‘disorderly conduct’ (Article 166 of the Administrative Offences Code) and ‘non-compliance with a lawful order or demand of a law enforcement officer’ (Article 173 of the Administrative Offences Code). Furthermore, an increasing number of peaceful demonstrators — around 50 — have faced administrative penalties under Article 125 of the Administrative Offences Code for organising or participating in group movements or gatherings, such as in urban or other populated areas, roadblocks, or group mobility where a section of the road is completely closed off. Additionally, charges under Articles 150, 150<sup>1</sup>, and 150<sup>2</sup> (which pertain to self-expression through posters, drawings, symbols, banners, and markings on pillars or trees, as well as the placement and removal of municipal advertising) and Article 174<sup>1</sup> (violating the rules for organising or holding assemblies or demonstrations) have been frequently used against various rally participants, including motorcycle owners.<sup>80</sup>

Several individuals were also charged under the Criminal Code of Georgia,<sup>81</sup> notably civil activists Saba Mefarishvili and Omar Okribelashvili. The state indictment accuses them of committing the crime outlined in Article 187(2)(c) of the Criminal Code, which pertains to the damaging or destruction of property by a group of people. This offence is punishable by three to six years of imprisonment. According to the factual circumstances of the case, Mefarishvili and Okribelashvili were charged with damaging an iron protective barrier near Parliament, valued at 400 GEL (around 138 EUR). During the court proceedings, it was revealed that the damage had already been compensated.<sup>82</sup> Despite this, the courts continued the tendency to use the most severe preventive measures against participants in assemblies,<sup>83</sup> and failed to adequately assess the appropriateness and proportionality of Mefarishvili and Okribelashvili being detained in custody during the ongoing trial.<sup>84</sup> Prolonged pretrial detention, as in this instance, should only be applied when incarceration is the sole way to mitigate the long-term risks posed by the accused, but such risks did not exist in this case.<sup>85</sup>

#### **Standard IV. Law enforcement supports peaceful assemblies and is accountable for the actions of its representatives.**

The Law on Assemblies and Demonstrations and the Police Law regulate the use of force during peaceful assemblies. Any interference with the exercise of the right to assemble and demonstrate must serve a legitimate constitutional aim and be necessary in a democratic society. The police are required to follow the proportionality principle, which means that a police measure must be useful,

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<sup>79</sup> GYLA, ‘Georgia in 2023: Assessment of the Rule of Law and Human Rights’, 2024, p. 22, [https://admin.gyla.ge/uploads\\_script/publications/pdf/GEORGIA%20IN%202023.pdf](https://admin.gyla.ge/uploads_script/publications/pdf/GEORGIA%20IN%202023.pdf).

<sup>80</sup> Ibid, p. 16.

<sup>81</sup> Ibid.

<sup>82</sup> GYLA, ‘GYLA’s assessment on the case of Saba Mefarishvili and Omar Okribelashvili, who were arrested during the protest against the Russian law’, 25 September 2024, <http://nodiscrimination.gyla.ge/en/post/gylas-assessment-on-the-case-of-saba-mefarishvili-and-omar-okribelashvili-who-were-arrested-during-the-protest-against-the-russian-law>.

<sup>83</sup> GYLA, ‘Results of the Four-Year Monitoring of Criminal Justice Processes, Trends and Current Challenges’, 2021, p. 19 <https://gyla.ge/files/Court%20Monitoring%2017.pdf>

<sup>84</sup> GYLA, ‘GYLA’s assessment on the case of Saba Mefarishvili and Omar Okribelashvili, who were arrested during the protest against the Russian law’, *op. cit.*

<sup>85</sup> Ibid.



necessary, and proportionate.<sup>86</sup> Nonetheless, the legislation lacks clear regulations on various aspects of public gatherings (including spontaneous and simultaneous assemblies). Neither Georgian law nor established practice provides a specific coordination mechanism in relation to pre-warning or negotiation procedures with demonstration organisers, the division of responsibilities between self-governing bodies and the police, or the unified legal regulation of using special means.<sup>87</sup>

The investigation of crimes committed by law enforcement officials is highly problematic. As a rule, where an investigation commences into alleged beatings or other violence perpetrated by law enforcement, it does not yield specific legal outcomes. There have been multiple instances of physical violence and verbal abuse by law enforcement officers.<sup>88</sup> In footage distributed<sup>89</sup> through public sources, it is evident that, in some cases, police violence against activists and politicians has reached the level of degrading and inhumane treatment. Despite this, the Special Investigation Service<sup>90</sup> only prosecutes such cases under Article 333(3)(b) of the Criminal Code, which pertains to exceeding official authority through violence or the use of weapons.<sup>91</sup> Even when potential perpetrators have been identified through publicly available sources, neither the Special Investigation Service nor the Prosecutor's Office of Georgia has provided information on their identification or prosecution. This raises serious concerns about whether these agencies lack the capability — or the political will — to hold violent officers accountable.

Since the beginning of the 28 November protests, more than 30 citizens have been arrested under criminal law in connection with them. However, at the time of writing, no law enforcement officers responsible for brutal crimes against protest participants have been held criminally accountable. At the same time, the use of criminal law instruments against activists is increasing, one of the goals of which is to suppress dissent. Activists are charged with crimes such as 'participation in group violence' (Article 225(2) of the Criminal Code), 'preparation of a crime' or 'placement of an explosion' (Articles 18 and 229 of the Criminal Code), and 'harming the health of a police officer' (Article 353<sup>1</sup>(2) of the Criminal Code).<sup>92</sup> The defence lawyers of activists facing such charges have highlighted the prosecution's failure to provide evidence meeting the standard of reasonable suspicion required for criminal charges under Article 225 ('organisation, management, or

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<sup>86</sup> Police Law of Georgia, Art. 12, <https://matsne.gov.ge/en/document/view/2047533?publication=28>.

<sup>87</sup> Public Defender (Ombudsman) of Georgia, 'Special Report of the Public Defender of Georgia: Freedom of Peaceful Assembly (Sphere of Rights and the Standard of Assembly Management)', 2020, p. 44 (in Georgian), <https://ombudsman.ge/res/docs/2020061620213679437.pdf>.

<sup>88</sup> GYLA, 'Georgia: Human Rights Amidst the Russian Law', p. 7, *op. cit.*

<sup>89</sup> Georgian News, 'Katsarava Recalls Details of Beating: I Heard the Scream of One of the Executioners - Kill Him!', 21 May 2024, <https://sakartvelosambebi.ge/en/news/katsarava-recalls-details-of-beating-i-heard-the-scream-of-one-of-the-executioners-kill-him>; TV Pirveli Facebook page, 'Special forces swear at and threaten a participant of the rally', <https://www.facebook.com/reel/458302933544634>; TV Pirveli Facebook page, 'The riot police brutally beat the protestors', 30 April 2024, <https://www.facebook.com/watch/?v=1146153023242337&ref=sharing>; Publika, 'Police clash with protestors on Chavchavadze Avenue', 9 May 2024, <https://www.facebook.com/watch/?v=905554984678827>; Note: the footage shows how a special forces officer is pulling on the child and tries to drag him to other law enforcement officers. See: <https://www.facebook.com/publika.ge/videos/905554984678827/>; Georgia Today, 'Aleko Elisashvili: Police beat me, my rib is broken', 18 April 2024, <https://georgiatoday.ge/aleko-elisashvili-police-beat-me-my-rib-is-broken/>; Georgian Public Broadcaster, 'UNM reported severe beating of chair Khabeishvili', 1 May 2024, <https://1tv.ge/lang/en/news/unm-reported-severe-beating-of-chair-khabeishvili/>.

<sup>90</sup> The Special Investigation Service is the institution responsible for investigating police misconduct (see <https://sis.gov.ge/history?lng=eng>).

<sup>91</sup> GYLA, 'Georgia: Human Rights Amidst the Russian Law', p. 8, *op. cit.*

<sup>92</sup> GYLA, 'Results of monitoring criminal cases against demonstrators', 10 December 2024, <https://gyla.ge/en/post/siskhlis-saqmeebis-montoringi-demonstratnebi-gyla>.

participation in group violence’). They have argued that the prosecution has failed to demonstrate any coordination or collective intent among the accused, instead attributing isolated acts — such as throwing objects like sticks or bottles — without linking them to collective violence or showing that specific harm was caused. Defence lawyers have also questioned the distinction between such actions and administrative violations, as similar conduct had previously been addressed under administrative law. The charges not only lack a clear basis but also raise concerns about the potential misuse of legal mechanisms to suppress freedom of expression and peaceful protest.<sup>93</sup>

#### Specific recommendations under Area 4:

- Repeal the Law on Transparency of Foreign Influence;
- Repeal the Law on Family Values and the Protection of Minors;

*Once all discriminatory and stigmatising legislation restricting the freedoms of expression and association for CSOs, media representatives, and vulnerable groups is repealed:*

- The state shall unwaveringly protect the right to peaceful assembly, manage public protests peacefully, use negotiation as a method of interaction with protestors, and minimise 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 Special Investigation Service, the Ministry of Internal Affairs and the Prosecutor’s Office;
- 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 requiring early warning to local self-government bodies and participants in peaceful assemblies and demonstrations should be allowed to block roadways when the giving of prior notice to the relevant authorities is not possible;
- Law enforcement officers shall not use administrative offences against peaceful demonstrators; and
- The Parliament of Georgia should fundamentally revise the Code of Administrative Offences to eliminate unjustified interference with the right to peaceful assembly and expression (for example, detaining individuals to prevent them from participating in demonstrations or placing them under administrative imprisonment without proper safeguards).

## 3.5 Right to Participation in Decision-Making

<sup>93</sup> Ibid.

Overall score per area: **4.3 /7**

Legislation: **5.3/7**

Practice: **3.3 /7**

There has been significant deterioration in ensuring public consultation and public participation in decision-making processes in Georgia. The overall score in this area has decreased from 4.8 in 2023 to 4.3 in 2024, with a decrease in the score for Practice from 4.2 in 2023 to 3.3 in 2024. This is due to the poor practical implementation of the procedural guarantees for CSO participation that exist, such as the OGP framework, owing to a lack of political will to ensure meaningful engagement at both the national and local levels. Participation in decision-making is especially lacking on crucial topics of public interest, such as restrictive laws and anti-corruption measures. The Government of Georgia has failed to address most of the recommendations from previous CSO Meter reports; consequently, the issues identified in previous reports persist.

### **Standard I. Everyone has the right to participation in decision-making.**

Even though Georgian legislation<sup>94</sup> provides some mechanisms for CSO involvement in decision-making — such as participation through the OGP Georgia Forum and the Open Government Interagency Coordinating Council — public consultations are not mandatory for any types of legal or policy drafts. For instance, the co-creation process for Georgia's Fifth OGP Action Plan stalled multiple times, and many proposals from CSOs were excluded or reduced in scope. There is no legal requirement to organise public consultations on any type of draft law or government normative act before these are put before Parliament or adopted.

In some cases where the government does hold public consultations, announcements are limited, and final documents are not shared with CSOs in advance, preventing broad and meaningful public participation. For example, CSOs were not provided with the final version of the OGP Action Plan<sup>95</sup> prior to its approval meeting on 20 December 2023, undermining transparency and inclusive participation.

Public participation worsened in practice after the government reintroduced and passed the Law on Transparency of Foreign Influence in May 2024. This negatively impacted the relationship between the government and civil society, putting Georgia's continued participation in the OGP at risk.

Despite some participatory platforms existing, such as advisory boards and working groups, these are often created on an ad hoc basis. Not every interested party receives information about these participation opportunities and CSOs claim that state agencies tend to discriminate when deciding

<sup>94</sup> Organic Law of Georgia Local Self-Government Code, <https://matsne.gov.ge/en/document/view/2244429?publication=72> (consolidated version in Georgian <https://matsne.gov.ge/ka/document/view/2244429?publication=73>); Law of Georgia General Administrative Code of Georgia, <https://matsne.gov.ge/en/document/view/16270?publication=43>.

<sup>95</sup> OGP Georgia, 'Open Government Georgia Action Plan for 2024 – 2025', [www.ogpgeorgia.gov.ge/upload/pages/24/OGP%20Georgia%20Action%20Plan%20for%202024-2025.pdf](http://www.ogpgeorgia.gov.ge/upload/pages/24/OGP%20Georgia%20Action%20Plan%20for%202024-2025.pdf).

on cooperation. As discussed in focus groups, regional CSOs have limited access to participation possibilities compared to those based in Tbilisi.

There are no clearly prescribed mechanisms to address or remedy non-compliance with the rules governing civil participation and transparency in decision-making. The government's disregard for many CSO proposals, coupled with the lack of legal recourse to enforce their participation, underscores this gap, as highlighted during focus group discussions. Consequently, existing rules are often only declaratory in practice.

In contrast to public participation at the central level, Georgian legislation establishes a more diverse basis for participation in decision-making at the local level. The Organic Law of Georgia Local Self-Government Code<sup>96</sup> sets out key guarantees for civic engagement at the local level.

Participation platforms with multisectoral involvement, such as the OGP Georgia Forum, have been undermined by the government's actions. In response to the new 'foreign agents law' and the government's refusal to consider their proposals, CSOs have suspended their membership in the Forum. On 16 October 2024, the OGP Steering Committee officially suspended the Government of Georgia from the partnership, citing concerns over legislative actions that undermine civic freedoms and fundamental rights.<sup>97</sup>

## **Standard II. There is regular, open and effective participation of CSOs in developing, implementing and monitoring public policies.**

Georgian legislation envisages the creation of public and advisory councils, working groups, consultative bodies, thematic review groups, and other forums for participation at almost all levels of decision-making, both at the elaboration and implementation stages. Additionally, the law allows the prime minister and government ministers to establish consultative bodies (for example, commissions and advisory councils) on any issue within their mandate.<sup>98</sup> However, despite these legislative guarantees, there are not always clear or transparent rules specifying the membership composition of such bodies which creates room for arbitrary decisions. They do not always include CSO representatives in their membership and, even when they do, CSOs note that they are able to have only incremental influence limited to non-essential decisions. Additionally, the law does not clearly set out procedures and timelines for public consultations, leaving this to the discretion of state bodies. As a result, in 2024, the implementation of meaningful public participation has remained weak and has only worsened with the passing of the 'foreign agents law'.

In 2024, the government continued to use online platforms (such as *data.gov.ge* and *my.gov.ge*) as the primary method of communication and public participation. However, this disregards certain groups, such as those with limited access to the internet and technology (for instance, people located in remote areas and the elderly), and prevents them from participating.

The existing consultation formats do not always guarantee effective participation. CSOs are not always invited to provide input into the decision-making process at the earliest stages, are not given

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<sup>96</sup> Organic Law of Georgia Local Self-Government Code, *op. cit.*

<sup>97</sup> OGP, 'Georgia Temporarily Suspended from the Open Government Partnership', 16 October 2024, <https://www.opengovpartnership.org/news/georgia-temporarily-suspended-from-the-open-government-partnership/>.

<sup>98</sup> Law of Georgia on the Structure, Powers and Rules of Operation of the Government of Georgia, Arts 20 and 29, <https://matsne.gov.ge/en/document/view/2062?publication=41>.

sufficient time to do so and are not selected through a transparent procedure. For instance, in August 2024, two leading Georgian CSOs — TI Georgia and the International Society for Fair Elections and Democracy (ISFED) — had to leave the process<sup>99</sup> of forming the Advisory Group of the Central Election Commission (CEC), a consultative body that issues recommendations regarding the election dispute review process. According to the Election Code, the Advisory Group should be composed of a representative of the Public Defender's Office of Georgia and international and/or local experts selected by the election observer organisations, including CSOs. However, TI Georgia and ISFED note that the decision-making procedure for selecting CSO representatives designed by the CEC did not ensure the selection of qualified and reliable candidates and made their presence in this group nominal.<sup>100</sup>

Furthermore, during focus group discussions, CSOs have shared their observation that government authorities do not usually provide effective participatory opportunities when it comes to controversial decisions that could raise criticism from citizens and CSOs. Even within the strictly institutionalised CSO participatory instruments, where CSOs are officially considered part of the advisory body, their criticism is sometimes met with hostility. The state authorities do not usually provide any feedback about the suggestions provided by CSOs either in person or publicly.

### **Standard III. CSOs have access to information necessary for their effective participation.**

Georgian legislation establishes necessary guarantees to ensure access to public information free of charge and within a reasonable timeframe (immediately, or within not later than ten days).<sup>101</sup> The General Administrative Code of Georgia stipulates the oversight mechanism and creates the obligation of public institutions to submit an annual 'Freedom of Information Report' to the Parliament of Georgia, which should include information including the number of decisions of refusal to provide public information, the number of violations of the Code, the imposition of disciplinary sanctions on those responsible, and information on appeals against refusal decisions.<sup>102</sup> CSOs also have an opportunity to engage and contribute to this oversight process through parliamentary proceedings in law.<sup>103</sup> There are also a number of online government platforms and normative acts that ensure the proactive publication of relevant information (*matsne.gov.ge*; *parliament.ge*).<sup>104</sup>

Notwithstanding these guarantees, the Government of Georgia remains fairly closed when it comes to publishing information. Except for in rare cases, the government does not publish information about draft laws and government decrees (or the related proceedings) and CSOs do not have the possibility to familiarise themselves with or engage in the elaboration procedures. In practice, since 2022, there has been a sharp decline in the responsiveness of state agencies to freedom of

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<sup>99</sup> TI Georgia, 'TI Georgia and ISFED are leaving the process of staffing the CEC Advisory Group', 8 August 2021, <https://www.transparency.ge/en/post/ti-georgia-and-isfed-are-leaving-process-staffing-cec-advisory-group>.

<sup>100</sup> Ibid.

<sup>101</sup> General Administrative Code of Georgia, Chapter III, *op. cit.*

<sup>102</sup> Ibid., Art. 49.

<sup>103</sup> Parliament of Georgia, Human Rights And Civil Integration Committee Reviewing Reports On Public Information, 29 June 2021, <https://bit.ly/3A4x54o>.

<sup>104</sup> All normative acts including laws, government resolutions, international agreements, and Constitutional Court decisions are regularly published on the legislative herald ([www.matsne.gov.ge](http://www.matsne.gov.ge)). Information about all draft laws, subsequent documents, and hearing schedules are usually available on the webpage of the Parliament of Georgia ([www.parliament.ge](http://www.parliament.ge)) and CSOs have the possibility to participate and comment on draft laws during parliamentary committee hearings.

information requests, with 42 per cent of such requests going unanswered — the lowest level since 2010<sup>105</sup>.

Government institutions fail to apply transparency practices in relation to access to information. A study by IDFI<sup>106</sup> of 14 key public institutions, including the Parliament, Government Administration, and Ministries, revealed that none had fully complied with the mandatory disclosure requirements across seven categories of public information for 2023 and the first quarter of 2024. Specific instances included the Government Administration not publishing any financial information since 2014 and the Ministry of Culture, Sport and Youth lacking a website for more than three years despite managing a significant budget.

#### **Standard IV. Participation in decision-making is distinct from political activities and lobbying.**

Georgia has a dedicated law on lobbying activities<sup>107</sup> which regulates lobbying, establishes registration procedures for lobbyists, and specifies consequent rights and obligations. Everyone has a right to register as a lobbyist except when the person's occupation is incompatible with lobbying activities (persons who hold certain public positions, for instance members of parliament) or the person has been convicted of a crime against the state or official misconduct.<sup>108</sup>

After registration, lobbyists have certain benefits and reporting obligations. For instance, they can freely enter the administrative building for the legislative and executive branches, may participate in both open and closed discussions on draft laws (with certain exceptions, as defined by the law), have the right to speak at committee sessions, and can meet in person with legislative and executive body representatives.<sup>109</sup>

There are currently thirty-five persons registered in the register of lobbyists. Since 2018, only six persons have applied to the Parliament of Georgia to register as a lobbyist,<sup>110</sup> and only three of those applications have been granted. CSO representatives are largely not registering as lobbyists, instead preferring traditional legislative advocacy. Information about the registered lobbyists and their activities is available on the website of the Parliament of Georgia.<sup>111</sup>

Despite legislative incentives, lobbying remains largely inactive in Georgia, since Georgian legislation provides alternative avenues for engagement — such as participation in working groups, parliamentary hearings, and access to information — that enable similar engagement levels without requiring formal registration as a lobbyist.

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<sup>105</sup> Sharp Decline in Access to Public Information, IDFI

[https://idfi.ge/en/sharp\\_decline\\_in\\_access\\_to\\_public\\_information?fbclid=IwAR32zuu5eQ7FM6ZW2WPd4i\\_ihcLa4IbE3NCa25que4Py8nUptWaWR9eYvt8](https://idfi.ge/en/sharp_decline_in_access_to_public_information?fbclid=IwAR32zuu5eQ7FM6ZW2WPd4i_ihcLa4IbE3NCa25que4Py8nUptWaWR9eYvt8)

<sup>106</sup> Transparency of the Government Preoccupied with the "Transparency" of Civil Society and Media Organizations <https://idfi.ge/en/transparency-of-the-government-preoccupied-with-the-transparency-of-civil-society-and-media-organizations>

<sup>107</sup> Law of Georgia on Lobbying, <https://matsne.gov.ge/en/document/view/13552?publication=7>.

<sup>108</sup> Ibid.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

<sup>111</sup> Parliament of Georgia, List of registered lobbyists and reports about their activities,

[https://web-api.parliament.ge/storage/files/shares/OGP/lobistta\\_reestri.pdf](https://web-api.parliament.ge/storage/files/shares/OGP/lobistta_reestri.pdf);

<https://parliament.ge/search?q=%E1%83%9A%E1%83%9D%E1%83%91%E1%83%98%E1%83%A1%E1%83%A2%E1%83%97%E1%83%90>



Recently, the Anti-Corruption Bureau took action against TI Georgia, classifying both the organisation and its executive director as ‘entities with electoral goals’. The Tbilisi City Court subsequently denied TI Georgia’s request to suspend this decision,<sup>112</sup> raising concerns that the organisation was not afforded a fair opportunity for meaningful input or consultation regarding a decision that affects its activities and public role. This move can be considered a form of harassment or undue pressure, especially given TI Georgia’s prominent role in monitoring government actions and ensuring electoral transparency. TI Georgia claims that its classification as an organisation with electoral goals is an attempt to stifle its election monitoring efforts, specifically in the context of the upcoming elections. The government’s broader initiatives — such as, restricting foreign funding, and imposing other illiberal political party-style restrictive regulations — appear punitive, particularly because TI Georgia has consistently stated that it does not engage in any political party activities.

The context of these actions points to an attempt by the authorities to pressure TI Georgia and limit its capacity to scrutinise and report on government and electoral processes. The organisation has stated that, for the first time in 24 years, it will not be able to observe elections, underscoring the unprecedented and targeted nature of the pressure it is experiencing.<sup>113</sup> The Anti-Corruption Bureau changed its decision — regarding recognizing the entity as one with electoral purposes and consequently prohibiting it from registering as an election observer — shortly after a request from Prime Minister Irakli Kobakhidze.

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<sup>112</sup> TI Georgia, ‘TI Georgia: We are no longer able to observe elections as an organization, but individual struggle to protect votes continues’, 30 September 2024, <https://transparency.ge/en/post/ti-georgia-we-are-no-longer-able-observe-elections-organization-individual-struggle-protect>.

<sup>113</sup> Institute for Development of Freedom of Information (IDFI), ‘Prime Minister uses Anti-Corruption Bureau to attack Georgian non-governmental organizations’, 24 September 2024, [https://idfi.ge/en/acb\\_an\\_instrument\\_of\\_the\\_gd](https://idfi.ge/en/acb_an_instrument_of_the_gd).



## Specific recommendations under Area 5:

*Once all discriminatory and stigmatising legislation restricting the freedoms of expression and association for CSOs, media representatives, and vulnerable groups is repealed:*

- State institutions should respect the right of individuals to participate in the decision-making process and ensure their meaningful engagement in developing draft laws and policies, including on politically sensitive topics;
- The government should design and adopt unified legislative standards on public consultations of draft laws and policies 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 CSOs are provided with comprehensive feedback on their input;
- The government should eliminate legislative and practical hurdles restricting meaningful participation at the local level (for example, decreasing the twenty per cent constituency threshold for a general assembly of a locality) and support local governments in advancing electronic tools for participation and publishing information;
- 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; and
- The government should publish draft laws and draft normative acts for public comment, before their introduction to the Parliament/their adoption. To this end, the government should establish an online platform that will ensure transparent and open policy-making procedures.

## 3.6 Freedom of Expression

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

Legislation: **4.7/7**

Practice: **3.6 /7**

Freedom of expression is guaranteed in Georgia, yet the adoption of the Law on Transparency of Foreign Influence has put many CSOs and media organisations at risk of closure or of having to suspend their activities. During the protests against the law, violent

attacks on journalists, aggressive rhetoric and damage to property, as well as general intimidation tactics, have been common. Furthermore, the adoption of the Law on Family Values and the Protection of Minors has undermined freedom of expression for LGBTQ+ individuals even further and has created a mechanism of state censorship. As a result, the overall score in this area has decreased from 4.9 in 2023 to 4.2 in 2024, with decreases in the scores for Legislation (from 5.6 in 2023 to 4.7 in 2024) and Practice (from 4.1 in 2023 to 3.6 in 2024).

### **Standard I. Everyone has the right to freedom of opinion and expression.**

Freedom of expression is guaranteed by Georgian legislation. Therefore, individuals generally enjoy this fundamental right, including in their online communications.<sup>114</sup> Along with the relevant laws, the Constitutional Court of Georgia has significantly contributed to setting this high standard.<sup>115</sup> The Court has 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>116</sup>

Article 17 of the Constitution of Georgia protects the right to freedom of opinion, information, mass media and the internet. The Law on Freedom of Speech and Expression states that other ‘generally accepted rights’ related to freedom of expression are also protected, even if they are not specifically mentioned in the law.<sup>117</sup> No one has the right to a monopoly of the mass media or the means of dissemination of information.<sup>118</sup> Censorship is prohibited.<sup>119</sup> Under the law, everyone, including CSOs, can enjoy freedom of expression both online and offline.

Despite this, following the adoption of the Law on Family Values and the Protection of Minors and a related package of amendments in September 2024, many individuals’ and CSOs’ rights are now at stake. The law prohibits the dissemination of information that relates to LGBTQ+ issues. This applies to activism, as well as to creative, scientific and academic activities.<sup>120</sup> This restriction violates international standards and will have a chilling effect on activists, artists, scientists, law enforcement, and academics. A similar provision in the Russian Federation has already resulted in the removal of books, films, and other works of art from circulation, further restricting the freedom of expression for artists and the media. The law has also led to widespread self-censorship among publishing houses and artists, driven by fear of sanctions. This stifling environment undermines creativity, academic freedom, and open discourse, which are essential to a democratic society.<sup>121</sup>

Advocacy of hatred that constitutes incitement to discrimination, hostility, or violence is prohibited in Georgia. The Criminal Code criminalises ‘public calls to violent actions’ aimed at ‘causing discord

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<sup>114</sup> Freedom House, Freedom on the Net 2024: Georgia, <https://freedomhouse.org/country/georgia>.

<sup>115</sup> *The Citizen of Georgia Yuri Vazagashvili v. The Parliament of Georgia* (Constitutional Court of Georgia, Judgment of 30 September 2016, Case No. 1/6/561,568) (in Georgian), <https://www.constcourt.ge/ka/judicial-acts?legal=1053>.

<sup>116</sup> *The Citizen of Georgia Mrs. Maia Natadze and others v. The Parliament and the President of Georgia* (Constitutional Court of Georgia, Judgment of 26 October 2007, Case No. 2/2/389) II, 13, <https://www.constcourt.ge/en/judicial-acts?legal=301>.

<sup>117</sup> Law of Georgia on Freedom of Speech and Expression, Para. 3 of Art. 3, <https://matsne.gov.ge/en/document/view/33208?publication=5>.

<sup>118</sup> Constitution of Georgia, Para. 3 of Art. 17, *op. cit.*

<sup>119</sup> *Ibid.*

<sup>120</sup> GYLA, ‘The Georgian Young Lawyers’ Association responds to the legislative changes that undermine human rights, democracy, and protections against discrimination’, 20 September 2024, <https://gyla.ge/en/post/saqartvelos-akhalgazrda-iuristta-asociacia-diskriminaciul-adamianis-uflebebis-da-demokratiis-tsinaaghmdeg-mimartul-sakanonmdblo-cvilebebs-ekhmaureba>.

<sup>121</sup> *Ibid.*

between religious, racial, ethnic, social, linguistic, or other groups'.<sup>122</sup> Violations of this provision are punishable by fines and community service.<sup>123</sup> Repeated offences resulting in injury or death are punishable by up to five years in prison.<sup>124</sup>

The practice of abusing the press accreditation rules, which are vague and risk restricting expression and media freedom,<sup>125</sup> led to the discriminatory suspension of critical members of the press in 2023.<sup>126</sup> The practice has continued in 2024 and, as in 2023,<sup>127</sup> access to the committee and plenary sessions of parliamentary discussions on the 'foreign agents law' in April/May 2024 was restricted to accredited journalists only.<sup>128</sup>

Even though the legal framework for media provides a solid foundation for ensuring freedom of expression, cases of threats and assaults on journalists,<sup>129</sup> ineffective and late responses to such occurrences and a lack of appropriate investigations into these cases have raised serious concerns about the state of freedom of expression in the country, especially during the 'Russian law' protests.<sup>130</sup> Aggressive rhetoric from high-ranking government officials in public media against critical civil society<sup>131</sup> and damage to the property of critics, including civil society groups, has occurred in 2024. This situation is directly related to the inactivity or infrequent action of the Special Investigation Service in effectively investigating such incidents.<sup>132</sup>

## **Standard II. The state facilitates and protects freedom of opinion and expression.**

The Constitution declares access to the internet as a fundamental right of Georgian citizens.<sup>133</sup> Users do not face restrictions in accessing websites, uploading or downloading content, hosting their own websites, and communicating with other users via forums, social media platforms, and messaging apps.<sup>134</sup> In general, online content is not subject to deletion.<sup>135</sup>

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<sup>122</sup> Criminal Code of Georgia, Art. 239, *op. cit.*

<sup>123</sup> *Ibid.*

<sup>124</sup> *Ibid.*

<sup>125</sup> GYLA, 'Georgia in 2023: Assessment of the Rule of Law and Human Rights', p. 32, *op. cit.*

<sup>126</sup> Order of the Chairperson of the Parliament of Georgia on Approval of the Accreditation Procedure of Mass Media Representatives in the Parliament of Georgia, No. 31/23 dated 6 February 2023, <https://web-api.parliament.ge/storage/files/11/akreditacia-2023.pdf>. Note: This link may only be accessible from within Georgia, specifically for Georgian IP addresses.

<sup>127</sup> See: GYLA, 'People against the Russian Law: The Assessment of the 7-9 March Assembly Dispersal and Related Facts of Human Rights Violations', 2023, p. 29, [https://gyla.ge/files/2020/%E1%83%99%E1%83%95%E1%83%9A%E1%83%94%E1%83%95%E1%83%94%E1%83%91%E1%83%98/untitled%20folder/%E1%83%9C%E1%83%98%E1%83%A3%E1%83%A1%E1%83%9A%E1%83%94%E1%83%97%E1%83%94%E1%83%A0%E1%83%98/People%20Against%20the%20Russian%20Law\\_eng-2.pdf](https://gyla.ge/files/2020/%E1%83%99%E1%83%95%E1%83%9A%E1%83%94%E1%83%95%E1%83%94%E1%83%91%E1%83%98/untitled%20folder/%E1%83%9C%E1%83%98%E1%83%A3%E1%83%A1%E1%83%9A%E1%83%94%E1%83%97%E1%83%94%E1%83%A0%E1%83%98/People%20Against%20the%20Russian%20Law_eng-2.pdf).

<sup>128</sup> According to media reports, on 8 April 2024, law enforcement officers barred several media representatives from entering the Parliament of Georgia. Despite holding valid accreditation or passes, they were denied access to the legislative building and waited for several hours without receiving a response from the Parliament's press office. See: Media Advocacy Coalition, 'Coalition responds to the non-admission of journalists to the Parliament', 10 April 2024 (in Georgian), <https://mediacoalition.ge/koalicia-parlamentshi-djurnalistebis-arsheshvebas-ekhmianebe/>.

<sup>129</sup> *Ibid.*

<sup>130</sup> GYLA, 'Georgia: Human Rights Amidst the Russian Law', p. 14, *op. cit.*

<sup>131</sup> *Ibid.* See also: Mapping Media Freedom, 'Speaker of parliament discredits prominent journalist', 20 February 2024, <https://www.mapmf.org/alert/31223>; *Ibid.*, 'Georgian PM attempts to discredit fact-checkers', 8 April 2024, <https://www.mapmf.org/alert/31414>; *Ibid.*, 'Tbilisi Mayor insults a reporter of Formula TV', 2 May 2024, <https://www.mapmf.org/alert/31493>.

<sup>132</sup> *Ibid.*

<sup>133</sup> Constitution of Georgia, Art. 17, *op. cit.*

<sup>134</sup> Freedom House, 'Freedom on the Net 2024: Georgia', <https://freedomhouse.org/country/georgia/freedom-net/2024>.

<sup>135</sup> *Ibid.*

The adoption of the ‘Russian law’ has placed many media organisations under threat, as the majority of Georgian media do not intend to register according to the law’s provisions and do not intend to suspend their work. Since most independent media in Georgia receives more than 20 per cent of its funding from foreign sources, closures could result from fines issued by the authorities which media organisations are unable to pay.<sup>136</sup>

Legal guarantees in Georgian legislation on freedom of expression and defamation are largely based on the relevant legislation and court practice in the United States.<sup>137</sup> Journalists and activists can be sued for defamation. The Law on Freedom of Speech and Expression provides for civil penalties for those found guilty of making defamatory statements.<sup>138</sup> The same law provides for the most important legal guarantee for freedom of expression, namely the placing of the burden of proof on the initiator of the restriction. Any doubt that cannot be proven is resolved against the restriction on freedom of speech. In practice, it is particularly worrying that the court is placing the burden of proof on accused media, which has a significant impact on the final decision. This trend is particularly noticeable in strategic litigation against public participation (SLAPPs), especially in defamation cases against media representatives.<sup>139</sup>

#### Specific recommendations under Area 6:

- Repeal the Law on Transparency of Foreign Influence;
- Repeal the Law on Family Values and the Protection of Minors;

*Once all discriminatory and stigmatising legislation restricting the freedoms of expression and association for CSOs, media representatives, and vulnerable groups is repealed:*

- The Parliament of Georgia shall respect freedom of expression and avoid initiatives that aim to limit this right, including the initiative to prohibit political advertisements during election campaigns that could entail creating ‘negative attitudes’ towards a rival political party;
- The relevant authorities, the Special Investigation Service, the Ministry of Internal Affairs and the Prosecutor’s Office must prevent, respond to, and investigate the facts of unlawful interference in the professional activities of members of the media and the excessive use of force against them in a timely and effective manner; and
- The Special Investigation Service, the Ministry of Internal Affairs and the Prosecutor’s Office shall investigate promptly, impartially and objectively all cases involving the abuse of power by law enforcement officers during demonstrations.

<sup>136</sup> Publika, ‘Georgian media under the “Russian law” and before the elections’, 25 July 2024 (in Georgian), <https://publika.ge/article/qartuli-media-rusuli-kanonis-qvesh-da-archevnebis-win/>.

<sup>137</sup> TI Georgia, ‘Why Freedom of Expression Must Not Be Restricted’, 6 June 2019, <https://www.transparency.ge/en/blog/why-freedom-expression-must-not-be-restricted>.

<sup>138</sup> Law of Georgia on Freedom of Speech and Expression, Arts 13 and 19, *op. cit.*

<sup>139</sup> GYLA, ‘GYLA Responds to the Events Surrounding “TV First”’, 30 July 2024, <https://gyla.ge/en/post/saia-ekhmaineba-tv-pirveli-is-irgvliv-ganvitarebul-movlenebs#sthash.47JliXtU.ABow3GJY.dpbs>; TI Georgia, ‘Three Trends Revealed in Hearings against Media’, 27 June 2023, <https://transparency.ge/en/blog/three-trends-revealed-hearings-against-media>.

## 3.7 Right to Privacy

Overall score per area: **3.4/7**

Legislation: **4.0/7**

Practice: **2.8/7**

Georgian legislation encompasses basic guarantees against interference or attacks on privacy, regardless of whether they are committed by state bodies, physical persons or legal entities, or whether they are carried out online or offline. However, these guarantees are still fragile and the practical implementation of the state's duty to respect the right to privacy shows worrying trends, with leaked documents illustrating the illegal surveillance of CSOs and associated individuals. The implementation of the Law on Transparency of Foreign Influence introduces reporting requirements that significantly infringe on the privacy of CSO members, donors, board members, and employees. The overall score in this area decreased from 3.9 in 2023 to 3.4 in 2024, with decreases in the scores for Legislation (from 4.7 in 2023 to 4.0 in 2024) and Practice (from 3.0 in 2023 to 2.8 in 2024).

### Standard I. Everyone enjoys the right to privacy and data protection.

The Georgian Constitution and international treaties ratified by Georgia guarantee that everyone has the right to privacy and that there may be no arbitrary or unlawful interference with this right without court approval or legal necessity. The police are prohibited from searching a residence or conducting non-consensual electronic surveillance or monitoring operations without a warrant.

Georgia's Law on Personal Data Protection establishes the main legal framework for the state's positive obligation to protect the right to privacy.<sup>140</sup> Georgia also has an independent state authority, the State Inspector's Service, that is responsible for monitoring the lawfulness of personal data processing, covert investigative actions and activities performed within the central databank of electronic communications identification data.<sup>141</sup>

Even with these legislative and institutional safeguards, Georgia is still far from meeting the necessary legislative threshold that would firmly guarantee the right to privacy, as was established in a study conducted in 2023 by IDFI which still applies.<sup>142</sup> The main finding is that, while the right to privacy is constitutionally protected in Georgia, its implementation remains inconsistent and discriminatory. Individuals associated with CSOs or those critical of the government are particularly vulnerable to privacy infringements, largely due to the extensive use of covert surveillance measures. The study found that although Georgian law provides nominal guarantees against unauthorised interference or attacks on privacy, there are significant gaps in enforcement

<sup>140</sup> Law of Georgia on Personal Data Protection, <https://matsne.gov.ge/en/document/view/1561437?publication=9>.

<sup>141</sup> Website of the Personal Data Protection Service, <https://pdps.ge/en/content/953/ABOUT-US>.

<sup>142</sup> IDFI, 'Oversight of Covert Surveillance: Law and Practice', 2024, [https://idfi.ge/public/upload/02.%20gdavituri/CSReport-2021-2023/IDFI\\_Oversight%20of%20Covert%20Surveillance\\_ENG-1.pdf](https://idfi.ge/public/upload/02.%20gdavituri/CSReport-2021-2023/IDFI_Oversight%20of%20Covert%20Surveillance_ENG-1.pdf).

and judicial oversight. Agencies such as the State Security Service and its Operative–Technical Agency are granted broad surveillance powers, often executed without adequate judicial scrutiny. The approval rate for covert surveillance requests by courts exceeds 91.7 per cent, and these approvals are rarely accompanied by public justification, raising concerns about the impartiality and transparency of the process.

Furthermore, the regulatory framework governing the collection, processing, and storage of personal data by government authorities is insufficient. The IDFI study highlights the State Security Service’s direct access to telecommunications networks, which allows for the collection of potentially invasive personal data without effective oversight. Judicial oversight in these matters is often inadequate, leading to a lack of accountability for abuses. The study also found a concerning absence of effective investigations or prosecutions of privacy violations committed by state authorities, resulting in a lack of recourse for those affected. These practices collectively undermine the fundamental right to privacy and highlight the need for stronger legal protections and more rigorous oversight mechanisms to prevent abuse.

On 1 August 2024, the Minister of Justice of Georgia approved the Order on Approval of the Rules for Registration, Financial Declaration Submission, and Monitoring of Organisations Pursuing the Interests of Foreign Powers (Order No. 1019) in relation to the ‘foreign agents law’.<sup>143</sup> Order No. 1019 introduces a detailed financial declaration form consisting of 12 sections, which organisations that will be registered as ‘entities of foreign influence’ are required to complete. The submitted information, containing extensive financial details, will be made publicly available in a registry intended to stigmatise and discredit these organisations, specifically media entities and CSOs. Additionally, the declaration form demands the disclosure of personal data, not only from the organisation’s employees but also from individuals who have financial ties to the organisation.

On 20 September 2024, Order No. 1019 was amended with an updated annex to the implementing rules. While these amendments were introduced swiftly, they did not substantially address the concerns raised by civil society and international observers. Key issues, such as the excessive scope of data collection and potential risks to privacy, remain unaddressed. The changes have been criticised for failing to align with international standards, particularly those concerning the proportionality and necessity of such measures.<sup>144</sup>

## **Standard II. The state protects the right to privacy of CSOs and associated individuals.**

The law protects CSOs from state authorities entering their premises or accessing their documents without court approval or legal necessity and prohibits the conducting of non-consensual electronic surveillance or monitoring operations without a warrant.<sup>145</sup> There have been no recorded cases of unlawful searching of CSOs’ offices or the seizing of documents. However, surveillance and unauthorised monitoring of CSO representatives remains a prevalent and concerning issue.

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<sup>143</sup> Order No. 1019 of the Minister of Justice of Georgia on Approval of the Rules for Registration, Financial Declaration Submission, and Monitoring of Organisations Pursuing the Interests of Foreign Powers, 01/08/2024 (in Georgian), <https://matsne.gov.ge/ka/document/view/6238278?publication=0>.

<sup>144</sup> ECNL, ‘Georgia: Amendment to the Implementing Regulation to the Law of Georgia on Transparency of Foreign Influence’, 12 October 2024, [EWMI\\_ICNL-ECNL\\_Brief-Georgia Amendment of Annex to Implementing Regulation.pdf](https://ewmi-ecnl-brief-georgia-amendment-of-annex-to-implementing-regulation.pdf).

<sup>145</sup> Constitution of Georgia, Art. 15, *op. cit*; Criminal Procedure Code of Georgia, <https://matsne.gov.ge/en/document/view/90034?publication=162>.



The Law on Transparency of Foreign Influence and its implementing regulations<sup>146</sup> have significant implications for the privacy of members, donors, board members, and employees of NNLEs. Under the requirements of the law, NNLEs must submit the aforementioned detailed financial declarations that include sensitive information such as identification data, financial transactions, and donor information. The regulation governing this process does not provide specific measures to ensure the confidentiality of this information, which is concerning for the privacy of individuals and organisations involved.

While Georgian legislation, including the Constitution of Georgia and the Law on Personal Data Protection, aims to protect personal information, the requirements of the ‘foreign agents law’ directly contradict these protections. The related financial declarations and other information required by the law are publicly accessible, meaning personal data and Corporately sensitive information could be exposed without appropriate safeguards. This lack of confidentiality effectively constitutes unauthorised interference with privacy, particularly since individuals are not given the opportunity to refuse consent or challenge the disclosure of their data. Public disclosure of such data could significantly discourage donors and beneficiaries from participating in CSO activities, which undermines the principle of privacy protection for CSO members and associates.

While Order No. 1019 does not explicitly mention any new provisions for accessing CSOs’ premises based on objective grounds and appropriate judicial authorisation. However, the general expansion of the National Agency of Public Registry’s authority to monitor and verify compliance with the law — including the ability to inspect financial and operational records — raises concerns about potential overreach into the operations of CSOs without proper legal oversight. It remains critical that any physical access to CSOs’ premises is based on transparent and objective criteria, supported by judicial authorisation, to avoid arbitrary interference in CSOs’ activities. The situation is severe since IDFI’s findings<sup>147</sup> in this regard reveal an alarming absence of accountability for state violations of privacy. Despite numerous documented incidents of unlawful surveillance over the years, in 2024, state authorities still have not faced any repercussions and investigations rarely lead to prosecutions.

Order No. 1019 grants broad monitoring powers to the National Agency of Public Registry, including requesting information from NNLEs and related individuals to verify compliance. This broad authority raises questions about the proportionality and legitimacy of surveillance activities, especially in the absence of judicial oversight. Order No. 1019 does not mention any requirement for preliminary authorisation issued by an independent judicial authority, which would be a critical safeguard to ensure that any surveillance activities are legitimate and proportionate. Order No. 1019 also grants the National Agency of Public Registry broad authority to monitor compliance with the law, which includes inspecting income, revenue, and assets of NNLEs. This authority is not limited by clearly defined criteria and lacks specific requirements for obtaining judicial authorisation before

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<sup>146</sup> Order No. 1019 of the Minister of Justice of Georgia on Approval of the Rules for Registration, Financial Declaration Submission, and Monitoring of Organisations Representing the Interests of Foreign Powers, *op. cit*; See also: Order No. 1016 of the Minister of Justice of Georgia Regarding the Amendment to the Order No. 134 of the Minister of Justice of Georgia (dated 3 May 2016) on Approving the Bylaw of the Legal Entity of Public Law - National Agency of Public Registry, 29 July 2024 (in Georgian), <https://matsne.gov.ge/ka/document/view/6234258?publication=0>. Order No. 1016 governs the establishment of a new department within the National Agency of Public Registry: the Department of Financial Declarations. The new Department is responsible for overseeing the enforcement of the requirements stipulated by the Law on Transparency of Foreign Influence.

<sup>147</sup> IDFI, ‘Oversight of Covert Surveillance: Law and Practice’, 2024, *op. cit*.



accessing sensitive documents or information. As such, there is an increased risk of unauthorised access to CSO offices or documentation without appropriate legal procedures, which would infringe on the operational independence of CSOs and potentially deter them from conducting their activities freely and effectively.

This environment of impunity exacerbates the already existing challenges faced by CSOs, leading to self-censorship and a diminished capacity to fulfil their roles as watchdogs of government activities. CSOs lack adequate protection against the illegitimate collection, processing, and storage of their data, whether conducted online or offline.

### Specific recommendations under Area 7:

- The state should revoke the Law on Transparency of Foreign Influence to safeguard the privacy of individuals and CSOs, ensure compliance with international democratic standards, and foster an environment in which CSOs can operate without undue surveillance or stigmatisation.

*Once all discriminatory and stigmatising legislation restricting the freedoms of expression and association for CSOs, media representatives, and vulnerable groups is repealed:*

- The government should urgently introduce necessary legal amendments to create comprehensive safeguards for personal data processing and covert investigative actions, including by reforming and increasing oversight of the State Security Service. The Government should also ensure that CSOs are consulted and engaged in the reform process from the 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 all relevant actors are granted victim status and have access to case files, at the same time updating the public on the progress of investigations.

## 3.8 State Duty to Protect

Overall score per area: **3.8/7**

Legislation: **4.4 /7**

Practice: **3.2 /7**

The relevant legislation mandates the state to defend the rights of CSOs and those affiliated with them. In the event of a violation, CSOs have the constitutional right to file an appeal with the competent administrative authorities or the court and seek adequate remedies. However, recent occurrences involving violations of CSO rights, especially the physical well-being of affiliated persons, and restrictions imposed by the Law on Transparency of Foreign Influence, demonstrate that the state continues to fall short in fulfilling its obligation to safeguard these rights. The failure to provide effective judicial oversight and accountability

for abuses has led to ongoing challenges for CSOs, including threats to the physical and psychological well-being of affiliated individuals, as well as significant operational constraints. The overall score in this area has decreased from 4.4 in 2023 to 3.8 in 2024, with decreases in the scores for Legislation (from 5.0 in 2023 to 4.4 in 2024) and practice (from 3.8 in 2023 to 3.2 in 2024).

### **Standard I. The state protects CSOs and individuals associated with CSOs from interference and attacks.**

The main legislative source imposing the state duty to protect civil society is the Constitution of Georgia. Those obligations and rights are further augmented by relevant organic and regular laws<sup>148</sup> and strengthened and guaranteed by international treaties.<sup>149</sup> Theoretically, Georgia is a democratic republic and a legal and social state<sup>150</sup> which acknowledges and protects universally recognised human rights and freedoms. Accordingly, every individual or CSO is entitled to be protected. In the event of a violation or infringement of their rights, CSOs are entitled to a fair hearing before an administrative body or court within a reasonable timeframe,<sup>151</sup> as well as full compensation for any unlawfully inflicted damages. However, the country's political context often produces different outcomes. The state often fails to protect CSOs and there is the risk of unpredictable harm to civil society representatives, activists, journalists, and other stakeholders who attempt to protect the interests of vulnerable groups and values that are not fully accepted by other segments of society.

Throughout 2024, the state continued to fail to fulfil its positive obligation to protect CSOs and individuals associated with them from intimidation, violence, and harassment. The adoption of the Law on Transparency of Foreign Influence, and the ensuing increase in hostile rhetoric, exacerbated the threats faced by civil society actors. Rather than offering protection, the state's actions and rhetoric have intensified these risks. The legislation has fuelled hostility toward CSOs, journalists, and activists, creating an environment in which violence against civil society actors has become more frequent and is increasingly organised.<sup>152</sup> CSO representatives, particularly those advocating for transparency and human rights, experienced numerous incidents of threats, physical violence, and attacks, including at their homes or offices.

One of the most significant incidents involved a coordinated campaign of intimidation against those protesting the adoption of the 'foreign agents law'. Thousands of citizens received threatening phone calls<sup>153</sup> and messages, while civil society actors and journalists faced hate speech and vandalism on their properties, allegedly by groups with links to the government. Despite the obvious dangers, law enforcement authorities failed to provide adequate protection or an effective response. Investigations into these incidents were often delayed or resulted in no meaningful

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<sup>148</sup> Including the Civil Code of Georgia, which mainly stipulates rights associated with freedom of operation, freedom in civic relationship building, and the protection of personal rights (including ones effective for legal persons, such as reputation).

<sup>149</sup> International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social and Cultural Rights (ICESCR).

<sup>150</sup> Constitution of Georgia, Arts 3, 4 and 5., <https://matsne.gov.ge/en/document/view/30346?publication=36>

<sup>151</sup> Under Article 42 of the Constitution of Georgia Claims related to criminal activities, such as physical harm or property damage, are not subject to time limits and can be raised at any time. The timeframes for other legal proceedings vary, typically ranging from one month to between three and ten years, depending on the specifics of the case, but are generally considered reasonable. *op. cit*

action. During protests against the adoption of the law, law enforcement also used excessive force, leading to injuries among participants, including CSO representatives.

The state's failure to respond effectively to these incidents reflects a consistent pattern of neglect towards its duty to protect civil society actors. This lack of action leaves CSOs vulnerable to harm and sends a message of impunity to perpetrators. Additionally, government rhetoric labelling CSOs as 'foreign agents' and accusing them of undermining national interests has significantly increased the stigma and risks faced by civil society. Such rhetoric not only encourages public hostility but also signals that the state itself is perpetuating an unsafe environment for CSOs.

**Standard II. Measures used to fight extremism, terrorism, money laundering or corruption are targeted and proportionate, in line with the risk-based approach, and respect human rights standards on association, assembly, and expression.**

Measures used to fight extremism, terrorism, money laundering, and corruption are stipulated by the Law of Georgia on Facilitating the Prevention of Money Laundering and the Financing of Terrorism.<sup>154</sup> The Financial Monitoring Service of Georgia, a Legal Entity of Public Law (LEPL), has been in place since 2004 and is in charge of promoting anti-money laundering (AML) and counter-terrorist financing (CTF), and combatting corruption according to legislative and sub-legislative normative acts.

The latest detailed evaluation related to these issues was presented by MONEYVAL, the Council of Europe's AML body, in a follow-up report released in October 2024.<sup>155</sup> MONEYVAL noted that Georgia has made progress in addressing many technical compliance shortcomings identified in the 2020 Mutual Evaluation Report.<sup>156</sup> Specifically, Georgia improved its compliance with Recommendation 12 of the Financial Action Task Force (FATF) concerning politically exposed persons (PEPs). The measures introduced in 2023 fully addressed the previously noted deficiencies, resulting in Georgia's rating for Recommendation 12 being upgraded from 'partially compliant' to 'compliant'.<sup>157</sup>

The Georgian government did not request a re-assessment of Recommendation 8, which specifically pertains to non-profit organisations (NPOs). As a result, this area has not been analysed in subsequent evaluations, leaving potential vulnerabilities in the regulatory and supervisory framework for NPOs unaddressed. This omission suggests a gap in the government's efforts to ensure comprehensive compliance with FATF standards as they relate to civil society, particularly in preventing the misuse of NPOs for terrorist financing while maintaining operational freedoms for legitimate organisations.

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<sup>154</sup> Law of Georgia on Facilitating the Prevention of Money Laundering and the Financing of Terrorism, <https://matsne.gov.ge/en/document/view/4690334?publication=0>.

<sup>155</sup> Anti-money laundering and counter-terrorist financing measures 3rd Enhanced follow-up report & technical compliance re-rating Georgia, October 2024 <https://rm.coe.int/moneyval-2024-22-ge-5thround-3rdenhfur/1680b2c262>

<sup>156</sup> Council of Europe, MONEYVAL, 'Anti-money laundering and counter-terrorist financing measures: Georgia Fifth Round Mutual Evaluation Report', September 2020, <https://rm.coe.int/moneyval-2020-20-5th-round-mer-georgia/1680a03271>.

<sup>157</sup> Council of Europe, 'Council of Europe anti-money laundering body: Georgia strengthened preventive measures applicable to politically exposed persons, further progress needed', 7 May 2024, <https://www.coe.int/en/web/moneyval/-/council-of-europe-anti-money-laundering-body-georgia-strengthened-preventive-measures-applicable-to-politically-exposed-persons-further-progress-needed>.

Key deficiencies remain, particularly in sectors such as real estate, trade-based money laundering, and high-risk non-financial sectors like casinos. MONEYVAL has emphasised the need for further improvements, especially in the effective use of financial intelligence and the supervision of non-financial businesses, which pose considerable risks of money laundering.

Georgia is expected to report back to MONEYVAL in December 2024 on further progress made towards strengthening its AML and CTF systems.

### Specific recommendations under Area 8:

*Once all discriminatory and stigmatising legislation restricting the freedoms of expression and association for CSOs, media representatives, and vulnerable groups is repealed:*

- The state should use all necessary measures to protect CSO representatives, journalists, and vulnerable groups in need from violence and physical harm;
- The state should assess how emergency measures might affect human rights and ensure that they are temporary, necessary, and proportionate; and
- The government, in active collaboration with CSOs, should ensure that a comprehensive review is conducted of Georgia's adherence to FATF Recommendation 8 to ensure that NPOs are not unduly burdened by AML and CTF measures.

## 3.9 State Support

Overall score per area: **4.1 /7**

Legislation: **4.4 /7**

Practice: **3.7 /7**

Georgia's state funding model remains decentralised and state support mechanisms are diverse. Public entities defined by effective legislation make budgetary grants based on their areas of expertise. However, state municipalities (self-governing entities) are not able to issue grants. No progress has been shown in making granting procedures clearer and more transparent. Although Georgia has introduced a new draft of the Public Procurement Law, included a focus on volunteerism in its 2030 development strategy, and made some changes to VAT-refund mechanisms that have increased procedural complexity, none of these amendments are considered significant to support the development of the civil society sector. There have been no observed changes in taxation or tax benefits for sector representatives or stakeholders. As a result, Georgia's model for state funding remains unchanged from previous years. The overall score in this area has decreased from 4.2 in 2023 to 4.1 in 2024, with a decrease in the score for Practice (from 4.0 in 2023 to 3.7 in 2024). This is due to the government's announcement to create a centralised fund, which is not in line with best practices and may result in further control over funding of the CSO sector. These factors contribute to an environment of uncertainty and reduced operational flexibility for CSOs, which, in turn, negatively impact their ability to function effectively.

## Standard I. There are a number of different and effective mechanisms for financial and in-kind state support to CSOs.

There are various state-funding mechanisms available to CSOs such as grants, subsidies, state procurement, a voucher system and so-called ‘programme financing’.<sup>158</sup> While mechanisms such as the voucher system and programme financing are available for use by municipalities, they are unable to issue state grants. Despite overwhelming efforts both from local CSOs and local authorities to grant municipal bodies the mandate to issue funding, the central government has not taken any specific steps to address this impediment for funding local CSOs.<sup>159</sup> Considering that CSOs are often key partners for municipal authorities in addressing local issues, because of the abovementioned legislative impediments, they must rely on less transparent, purely regulated and unsystematic methods of financing (for example, programme financing). In-kind support is not prohibited, but there are no recent examples of such support in practice, making it clear that it is rarely available for CSOs.

The Georgian Parliament adopted a new Law on Public Procurement in February 2023, aimed at enhancing transparency and aligning with EU standards. However, as of November 2024, there is no detailed public reporting on the amounts distributed to CSOs through procurement processes, making it difficult to evaluate the impact of the law on CSO financing.

In 2024, the government proposed the creation of a centralised fund for CSOs receiving foreign funding. Public statements, primarily from members of the ruling Georgian Dream party, suggest that this fund would provide state funding exclusively to organisations registered as foreign-funded entities under the Law on Transparency of Foreign Influence. While this idea has been publicly discussed, it remains a proposal, with no legislative framework or implementation plan introduced as of November 2024.

In this reporting period there have been no changes to the legal framework governing state support for CSOs in Georgia. The law continues to provide for the establishment of diverse state funding mechanisms through various national and local government bodies, theoretically allowing CSOs to access financial support for their activities. Additionally, the legal provisions for the state to provide in-kind support, such as access to office spaces and other logistical resources, remain unchanged.

In practice, however, the relationship between CSOs and the state has significantly deteriorated. The hostile rhetoric directed towards CSOs has created an environment that makes it challenging for organisations to engage with the state, especially in matters of funding and support. Even CSOs that act as service providers, whose operations rely heavily on collaboration with government agencies, have struggled to maintain these relationships. This has led to a practical disconnect between what the law provides and the actual accessibility of state support for CSOs during this period. Focus group discussions revealed the numerous challenges faced by CSOs attempting to engage with the state. Despite the existence of legal provisions for state support, several CSOs reported being asked to vacate state premises in 2024 that they had been using for many years. These premises, in many cases, had been renovated and improved by the CSOs themselves, representing significant investment and dedication. CSOs’ forced removal from these facilities

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<sup>158</sup> CSOs are eligible to receive state funding through grants, subsidies, state procurement and so-called ‘programme financing’.

<sup>159</sup> Under objective 2.1 of the Decentralisation Strategy for 2020-2025, the government undertook a commitment to simplify the legislative framework related to issuing municipal grants. However, this objective has not yet been translated into specific activities.

illustrates not only a lack of practical support but also a direct withdrawal of the in-kind assistance that the law theoretically allows.

## **Standard II. State support for CSOs is governed by clear and objective criteria and allocated through a transparent and competitive procedure.**

As of November 2024, Georgia's state support for CSOs continues to face significant challenges related to transparency and standardisation. Despite commitments outlined in the OGP Action Plan, particularly Commitment 12 aimed at reforming the public grant funding system to enhance transparency, there has been minimal progress. The absence of a unified regulatory framework allows grantors to modify requirements based on specific needs, leading to inconsistencies and potential biases in the allocation process.

Government ministries are required to justify the necessity of grant issuance and secure approval for the grant's purpose and amount from the Prime Minister for grants of up to 50,000 GEL (around 17,175 EUR)<sup>160</sup> or from the Ministry of Finance for larger amounts. However, there are no standardised guidelines governing the announcement of calls, application processes, or decision-making criteria. This lack of uniformity undermines the transparency and accountability of the grant allocation system.

To address this challenge, an open data portal, *data.gov.ge*, was established as part of Georgia's OGP Action Plan for 2014-2015. This portal provides information from various government agencies, including data on procurement and government expenses, in an open format. The portal is administered by the LEPL Digital Governance Agency of the Ministry of Justice of Georgia.

However, publication of data on the platform is voluntary, resulting in incomplete coverage across government agencies. Moreover, there is a low level of awareness regarding data publishing within government agencies and among the general public about the platform's use. Additionally, the growth in the volume of data published on the portal is impeded by outdated technical and systemic infrastructure that needs to be addressed.<sup>161</sup>

According to IDFI's latest research from 2023, 71 per cent of public agencies failed to publish complete information on grants received and issued, reflecting serious gaps in adherence to transparency obligations.<sup>162</sup> Since 2013, Georgian public institutions have been required by law to proactively publish information on their activities and finances. However, compliance with these obligations has steadily declined, with proactive publication rates falling from 71 per cent in 2014 to between 50–60 per cent from 2019 to 2023.

## **Standard III. CSOs enjoy a favourable tax environment.**

CSOs are eligible to develop non-essential economic activities and invest their incomes in idealistic (immaterial) purposes (stipulated in their statutes), without being obliged to pay profit taxes.<sup>163</sup> The availability of VAT exemptions and the mechanism for VAT refunds under grant programmes are

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<sup>160</sup> This process is regulated by Ordinance 126 of 14 March 2011 of the Government of Georgia on Measures to be Implemented Regarding Grants by Relevant Institutions of the Executive Authority and Legal Entities under Public Law Subject to State Control (in Georgian),

<https://matsne.gov.ge/ka/document/view/1239471?publication=0>.

<sup>161</sup> OGP Georgia, 'Open Government Georgia Action Plan for 2024 – 2025', *op. cit.*

<sup>162</sup> Business Media, Natiko Taktakishvili, '71% Of Agencies Didn't Publish Complete Information On Grants Received In 2023 - IDFI', 18 July 2024, <https://bm.ge/en/news/71-of-agencies-didnt-publish-complete-information-on-grants-received-in-2023-idfi>.

<sup>163</sup> Tax Code of Georgia, Art. 97(2), *op. cit.*



beneficial to CSOs. Existing legislation allows for the refund of VAT while implementing projects under grants, or exempts CSOs from paying VAT when projects are carried out under grant agreements with donors listed on the Revenue Service's website as 'beneficiaries of tax exemptions'. International donors are eligible for such benefits under international agreements between the Georgian government and the country of the donor's residence (for example, such agreements exist between Georgia and the EU and between Georgia and the United States).<sup>164</sup> In all other cases, when an organisation implements a project using sources other than grants, VAT must be paid.<sup>165</sup> In the case of co-financing, VAT shall be deducted only for activities performed outside of the sources received through co-financing.

#### **Standard IV. Businesses and individuals enjoy tax benefits for their donations to CSOs.**

While no benefits exist for individuals, businesses can receive tax benefits for charity only while providing donations to registered charities.<sup>166</sup> Companies supporting charity organisations are allowed to exclude the amount given for charity purposes from their net profit and keep it from taxation. The maximum amount which might be deducted from the net income for that reason is ten per cent of the joint net income. The cost of donated goods and services (except the cost of real estate and/or services)<sup>167</sup> is also deductible together with the donations.<sup>168</sup> The goal of the regulation is to support charitable organisations; however, no practical data shows positive results. According to the World Giving Index 2024, Georgia is ranked among the lowest ten countries worldwide by participation in donating money.<sup>169</sup> Moreover, there is a lack of precise internal data on the volume of charitable contributions, particularly in recent years. There have also been no notable cases of major endowments during this period. Although the law requires that information on the finances of charity organisations is to be made available, it does not specify the form in which this should be done.<sup>170</sup>

#### **Standard V. Legislation and policies stimulate volunteering.**

Despite the adoption of the Law on Volunteering in 2015,<sup>171</sup> the field of volunteering has seen no further progress since. Despite the fact that volunteering is legal and well defined, no state support mechanisms exist to develop the environment, to ensure proper conditions for volunteers, or to motivate people to engage in volunteering. Though tax incentive measures were neither included in the original law nor pursued in subsequent further discussions. As a result, Georgia's Tax Code does not define volunteerism and treats volunteers in the same way as any other natural person in terms of tax obligations. Though the importance of volunteering has been acknowledged by various institutions, such as universities and by employers, and especially highlighted in response to the

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<sup>164</sup> The list of privileged beneficiaries is published by the Revenue Service: <https://www.rs.ge/TaxPrivileges>.

<sup>165</sup> If the organisation's project is financed by membership fees, donations, or profits from ancillary economic activities.

<sup>166</sup> Tax Code of Georgia, Arts 10 and 32, *op. cit*; The list of registered charities is published by the Revenue Service: <https://www.rs.ge/CharityOrganization>.

<sup>167</sup> An exception to this rule applies when real estate is donated to a charity organisation that employs individuals with special needs, in accordance with legal requirements. In such cases, the value of the real estate is also eligible for tax incentives.

<sup>168</sup> Tax Code of Georgia, Art. 32, *op. cit*.

<sup>169</sup> Charities Aid Foundation (CAF), World Giving Index 2024: Global Trends in Generosity, p. 7, [https://www.cafonline.org/docs/default-source/inside-giving/wgi/wgi\\_2024\\_report.pdf](https://www.cafonline.org/docs/default-source/inside-giving/wgi/wgi_2024_report.pdf).

<sup>170</sup> Tax Code of Georgia, Arts 10, 30 and 32, *op. cit*.

<sup>171</sup> Law of Georgia on Volunteering, <https://matsne.gov.ge/en/document/view/3132612?publication=1>.

challenges posed by the Covid-19 pandemic<sup>172</sup> during which many CSOs relied on volunteers for assistance,<sup>173</sup> no real incentives are available for volunteers.

### Specific recommendations under Area 9:

*Once all discriminatory and stigmatising legislation restricting the freedoms of expression and association for CSOs, media representatives, and vulnerable groups is repealed:*

- Government authorities should develop unified legislative standards for state funding, encompassing clear guidelines for the awarding process (participatory decision-making, preliminary identification of selection criteria, avoidance of conflict of interest, transparency, etc.), preventing discriminatory and arbitrary decisions, and further institutionalising transparency and accountability standards;
- The state institutions should develop a unified e-system for managing state grants, enabling the participants to access information and submit applications online;
- 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;
- The tax authorities should process and proactively publish general data about donations and charity activities within the country to comply with the transparency standards applicable for charity work;
- The government should encourage philanthropy by providing tax benefits to individual donors, and not just to businesses; and
- The government should adopt a strategy on the development of volunteerism in Georgia to enable the development of relevant terms and potential benefits related to the field.

## 3.10 State–CSO Cooperation

Overall score per area: **2.8/7**

Legislation: **3.1 /7**

Practice: **2.5 /7**

There has been significant regression in Georgia regarding state policies that facilitate cooperation with CSOs and promote their development. The overall score in this area has decreased from 4.0 in 2023 to 2.8 in 2024, with decreases in the scores for Legislation (from

<sup>172</sup> See, for instance, Helping Hand, <https://www.youthvolunteering.ge/>

<sup>173</sup> See, for instance, the Georgia Red Cross, <https://redcross.ge/en>.

4.2 in 2023 to 3.1 in 2024) and Practice (from 3.7 in 2023 to 2.5 in 2024). While there have been attempts in the past to establish frameworks for collaboration, recent legislative action — particularly the adoption of the Law on Transparency of Foreign Influence in May 2024 — have effectively hindered meaningful engagement between the state and CSOs. The government has not addressed most of the recommendations from previous years' CSO Meter reports, and the issues identified in prior reports persist or have worsened. The State Concept for Supporting the Development of CSOs that has been developed since 2014 through government-CSO collaboration has still not been adopted. The OGP remains the main framework for government-CSO collaboration, yet state institutions are poor at implementing the action plans. Most significantly, in light of developments in 2024, the OGP Action Plan is now no longer being implemented in Georgia.

### **Standard I. State policies facilitate cooperation with CSOs and promote their development.**

Georgia lacks uniform policy documents that lay out a clear basis for collaboration and facilitate ongoing dialogue and understanding between CSOs and public authorities. Although a Memorandum for Cooperation<sup>174</sup> was signed in 2013 by the Parliament of Georgia and more than 145 CSOs, it remains largely symbolic and has not led to substantial policy development. The Memorandum called for the elaboration of a State Concept for Supporting the Development of CSOs. The development of the State Concept started in 2014 and its adoption was planned as part of the Parliament's OGP Action Plan 2015-2016.<sup>175</sup> A broad range of CSOs were involved in developing the document. The State Concept envisions state support to CSOs and the establishment of a policy dialogue between Parliament and CSOs. In February 2021, the new convocation of the Parliament of Georgia decided to extend consideration of the State Concept.<sup>176</sup> However, as of 2024, the State Concept is still pending review in Parliament and there has been no significant progress in institutionalising state–CSO cooperation.

### **Standard II. The state has special mechanisms in place for supporting cooperation with CSOs.**

Recent developments in Georgia have further strained relations between the government and CSOs. The passage of the Law on Transparency of Foreign Influence has raised serious concerns among CSOs about stigmatisation and restrictions on their operations. As a result, many CSOs have withdrawn from government-led platforms, such as the OGP Georgia Forum, effectively halting collaborative efforts.

Georgian legislation envisages different instruments to support state cooperation with CSOs, in the form of their engagement in advisory bodies, committees, and working groups. These consultative bodies are usually created in relation to specific issues and invite the collaboration of CSOs for their expertise in specific fields. However, these instruments are not systematically codified, and CSO participation in consultative bodies is not always governed by clear selection criteria, which allows for arbitrary decisions.

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<sup>174</sup> Memorandum of Understanding between the Parliament of Georgia and CSOs, 12 December 2013, <https://csogeorgia.org/storage/app/uploads/public/5d6/92c/744/5d692c7445d4e962122596.pdf>.

<sup>175</sup> Open Parliament Georgia Action Plan 2015-2016, [https://idfi.ge/public/upload/Open%20Parliament%20Georgia%20Action%20Plan%20\(2015-2016\).pdf](https://idfi.ge/public/upload/Open%20Parliament%20Georgia%20Action%20Plan%20(2015-2016).pdf).

<sup>176</sup> Draft on Approval of the State Concept for Supporting the Development of Public Organisations, <https://parliament.ge/legislation/20546>.

CSOs report that they are not invited to large events relevant to them (such as those organised by local or central government), indicating a near-total breakdown in communication and collaboration. Since the formation of most consultative bodies is not clearly institutionalised, and with the current breakdown in relations, CSOs are often excluded from participating in these bodies. When member CSOs are included, they are selected in a non-transparent and non-inclusive manner, often through individual invitations from state authorities.

The lack of open channels for communication and cooperation has effectively marginalised CSOs from the policy-making process in Georgia and the relationship between the CSO sector and the state is practically non-existent. Engagement and policy impact have been severely compromised, irrespective of how contentious specific issues might be. CSOs often provide written submissions or attempt to participate in decision-making processes without receiving any feedback from state authorities, further diminishing their ability to consolidate their positions. Some CSOs have remarked that previous examples of state–CSO cooperation were largely donor-driven and lacked long-term viability outside of specific projects.

### Specific recommendations under Area 10:

*Once all discriminatory and stigmatising legislation restricting the freedoms of expression and association for CSOs, media representatives, and vulnerable groups is repealed:*

- The government should develop and adopt a systemic vision for state–CSO cooperation on all levels of the decision-making process and further institutionalise these standards;
- The Parliament of Georgia should adopt the State Concept for Supporting the Development of CSOs and ensure its effective implementation;
- The state institutions, especially the government, should respect and affirm its obligations within the OGP framework and allocate sufficient financial and administrative resources for implementing necessary policy steps for efficient CSO–state cooperation; and
- The state agencies should be open to cooperation and establish public councils and/or other consultative bodies for dialogue and cooperation in a transparent and accountable manner.

## 3.11 Digital Rights

Overall score per area: **4.7 /7**

Legislation: **5.1 /7**

Practice: **4.3 /7**

In Georgia's digital sphere, users are free to express themselves and utilise online platforms to advocate for various public policy issues. However, this achievement has been overshadowed by recent incidents of online harassment, intimidation and physical attacks on opposition leaders, civil society actors and government opponents in relation to political developments on the controversial Law on Transparency of Foreign Influence. In addition, the spread of disinformation on social media by government-affiliated groups and individuals to sway public opinion has intensified.

In relation to the use of new technologies, artificial intelligence (AI) systems, including facial recognition systems, are used by law enforcement agencies without any legal framework or ethical and accountability standards for their use. At the same time, the government is progressing in terms of the development of internet infrastructure in remote areas of the country. The overall score in this area has decreased from 4.9 in 2023 to 4.7 in 2024, with a decrease in the score for Practice from 4.7 in 2023 to 4.3 in 2024.

### **Standard I. Digital rights are protected and digital technologies are compliant with human rights standards.**

Digital rights encompass all fundamental human rights in the digital realm. Under the Georgian Constitution, citizens are guaranteed the right to access and freely use the internet.<sup>177</sup> These rights are also safeguarded by the Law of Georgia on Freedom of Speech and Expression, which extends legal protections for freedom of expression to the online sphere.<sup>178</sup> Any restriction on these rights is permissible only in accordance with the law and must be necessary for a democratic society, whether for safeguarding national security, public safety, or territorial integrity, protecting the rights of others, preventing the disclosure of confidential information, or maintaining the independence and impartiality of the judiciary.<sup>179</sup> Furthermore, the government may exercise control over the domestic internet during martial law or a state of emergency.<sup>180</sup>

The Law of Georgia on Information Security is also significant in this area.<sup>181</sup> The law determines the role of the Operational–Technical Agency (OTA) under the State Security Service. The OTA is the primary coordinating and supervisory authority for information and cybersecurity, with the power to directly access the information systems of executive and legislative bodies, as well as the telecommunications sector, and to indirectly access personal and commercial data. To prevent the unlawful or excessive handling of personal data and ensure the law aligns with EU directives,

<sup>177</sup> Art. 17 of the Constitution of Georgia (amended in 2018) regulates 'Rights to freedom of opinion, information, mass media and the internet', *op. cit.*

<sup>178</sup> The Law defines media 'as print or electronic means of mass communication, including the internet'. Law of Georgia on Freedom of Speech and Expression, *op. cit.*

<sup>179</sup> Constitution of Georgia, *op. cit.*

<sup>180</sup> Law of Georgia on Martial Law, <https://matsne.gov.ge/document/view/28336?publication=3>.

<sup>181</sup> Law of Georgia on Information Security, <https://matsne.gov.ge/document/view/1679424?publication=7>.

including the General Data Protection Regulation (GDPR) and the Directive on Security of Network and Information Systems, civil society representatives proposed several recommendations.<sup>182</sup> These included codifying stronger safeguards for personal data protection from critical information system operators and oversight bodies, as well as introducing legal mechanisms to enhance cooperation and information-sharing between the cybersecurity authority and the public body responsible for data protection, particularly in cases of cyber incidents or potential data breaches.

During the alignment of Georgian legislation with EU directives, controversial amendments to the Law on Broadcasting regarding media content and advertisements containing hate speech, incitement to terrorism, and obscenity were adopted in October 2023, despite criticism from local CSOs and media outlets. Under the revised regulations, decisions made by the self-regulatory mechanism can now be appealed to the major telecommunications sector regulator, the Georgian National Communications Commission (ComCom), and further contested in court. Additionally, ComCom has been granted direct authority over issues related to ‘obscene’ content, a responsibility previously held by media self-regulation bodies.<sup>183</sup> However, the amendments have not yet been implemented, as ComCom is expected to release guidelines for their enforcement. The amended regulations will apply not only to traditional broadcasters but also to online media outlets that host video catalogues on their own platforms.

Digital freedoms are largely upheld in Georgia, where users face no significant barriers to expressing themselves online or utilising digital communication tools and platforms to share information and advocate for various public policy issues. However, this achievement was overshadowed by intimidation and online harassment of participants in demonstrations against the ‘foreign agents law’.<sup>184</sup> In 2024, there have been no instances of the government restricting or cutting off internet access, nor have there been reports of blocking of social media platforms or websites belonging to opposition parties, activists, or CSOs. Several reported cases of cyberattacks highlight the increased vulnerability of the country’s digital ecosystem. In January 2024, the websites of the Presidential Administration, as well as of two opposition TV channels, were taken down by Russian hackers.<sup>185</sup> In addition, during the protests in May 2024, an anonymous hacker briefly took down the websites of several public institutions, including those of the Ministry of Internal Affairs, the Ministry of Justice, the pro-government media outlet POS TV, and of the ruling party.

As mentioned above, during the protests against the ‘foreign agents law’, incidents of harassment, intimidation, and physical attacks, both online and offline, escalated against government critics, activists, and CSO leaders.<sup>186</sup> While these reported attacks were not directly tied to specific online content, the primary targets were outspoken opponents of the law and key figures who had actively participated in the online mobilisation of the protests. In addition, the spread of disinformation on

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<sup>182</sup> IDFI, ‘The Parliament of the X Convocation adopted the problematic “Law on Information Security” with the III reading’, 11 June 2021,

[https://idfi.ge/en/the\\_parliament\\_of\\_the\\_10\\_convocation\\_adopted\\_the\\_problematic\\_draft\\_law\\_on\\_information\\_security](https://idfi.ge/en/the_parliament_of_the_10_convocation_adopted_the_problematic_draft_law_on_information_security).

<sup>183</sup> Civil Georgia, ‘Parliament Adopts Controversial Amendments to Broadcasting Law’, 20 October 2023,

<https://civil.ge/archives/564535>.

<sup>184</sup> Freedom House, ‘Freedom on the Net 2024: Georgia’, *op. cit.*

<sup>185</sup> OC-Media, Tata Shoshiashvili, “Russian hackers” take down websites of Georgian media and president’, 26 January 2024, <https://oc-media.org/russian-hackers-take-down-websites-of-georgian-media-and-president/>.

<sup>186</sup> Civil Georgia, ‘Orchestrated Intimidation of Protesters Against Agents’ Bill’, 11 May 2024, <https://civil.ge/archives/604767>.



social media by government-affiliated groups and individuals to sway public opinion has intensified over the past year during mass demonstrations and the parliamentary election campaign.<sup>187</sup> According to Meta, the Strategic Communications Department of the Government Administration of Georgia (StratCom) has been involved in online manipulation and the spread of false information about opposition parties, activists, and demonstrations, while promoting pro-government narratives.<sup>188</sup> Similarly, as the Digital Forensic Research Lab (DFRLab) at the Atlantic Council has reported, the ruling party and pro-government Facebook pages have sponsored advertisements criticising demonstrations against the 'foreign agents law'.<sup>189</sup> Overall, Georgia has witnessed a rise in disinformation campaigns and efforts by various internal and external actors to sway public opinion on sensitive policy issues.

Several cases have been reported in recent years in which online users have been interrogated for content they have posted on social media. For instance, in June 2023, the Tbilisi City Court imposed a fine of 2,000 GEL (around 687 EUR) on an individual for using offensive language against Tbilisi Mayor Kakha Kaladze and the police in a TikTok video concerning traffic management. The Court of Appeals affirmed this decision, leading GYLA to submit an appeal to the European Court of Human Rights.<sup>190</sup>

In 2024, as in recent years, alleged violations of the right to privacy by security services have posed a significant challenge in Georgia. The most recent leaked files from the State Security Service reveal<sup>191</sup> that journalists, opposition leaders, civil society representatives, activists, members of the clergy, and even diplomats have had their communications monitored.<sup>192</sup> CSOs have repeatedly expressed concerns that the regulatory and institutional framework surrounding covert surveillance does not provide sufficient privacy protections or sufficient transparency and accountability mechanisms.<sup>193</sup> Although the leaked data primarily pertained to mobile communications, these incidents underscored that violations of the right to privacy remain a critical issue for the country.<sup>194</sup>

ComCom, the main telecommunications regulatory body, has also been criticised for a lack of transparency and accountability,<sup>195</sup> and controversial decisions with regard to critical media.<sup>196</sup>

The online media environment in Georgia is increasingly diverse, and content on a wide range of topics is available. However, the newly-enacted Law on Transparency of Foreign Influence is

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<sup>187</sup> DFRLab, Sopo Gelava, 'Pro-government Facebook ads target protests against foreign agents bill in Georgia', 2 May 2024, <https://dfrlab.org/2024/05/02/pro-government-facebook-ads-target-protests-against-foreign-agents-bill-in-georgia/>.

<sup>188</sup> Georgian News, 'Facebook Exposes the Georgian Government's Stratcom in Connection with Fake Accounts', 3 May 2023, <https://bit.ly/3sNz4KX>.

<sup>189</sup> DFRLab, Sopo Gelava, *op. cit.*

<sup>190</sup> GYLA, 'Georgia in 2023: Assessment of the Rule of Law and Human Rights', *op. cit.*

<sup>191</sup> IDFI, 'IDFI responds to the Leak of surveillance files', 17 September 2021, [https://idfi.ge/en/idfi\\_responds\\_to\\_the\\_leak\\_of\\_secret\\_surveillance\\_documents](https://idfi.ge/en/idfi_responds_to_the_leak_of_secret_surveillance_documents).

<sup>192</sup> Civil Georgia, 'Alleged Security Service Files on Clergy Leaked', 13 September 2021, <https://civil.ge/archives/440008>; Ibid., 'In Quotes: Political Reactions to Alleged Spying on Diplomats', 16 September 2021, <https://civil.ge/archives/440783>.

<sup>193</sup> IDFI, 'Oversight of Covert Surveillance: Law and Practice', 2024, *op. cit.*

<sup>194</sup> Ibid.

<sup>195</sup> IDFI, 'Shortcomings in the Transparency of the Activities of the Georgian National Communications Commission', 9 July 2020, [https://idfi.ge/en/communication\\_commission-transparency\\_gaps](https://idfi.ge/en/communication_commission-transparency_gaps).

<sup>196</sup> Media Advocacy Coalition, 'Interim Monitoring Report of ComCom Activities', 3 October 2024, <https://mediacoalition.ge/en/interim-monitoring-report-of-comcom-activities/>.

anticipated to have significant repercussions for online independent media and websites that receive foreign funding or grants. Despite these challenges, digital mobilisation has become a consistent aspect of political life. Political parties and CSOs are actively leveraging social media to share information and rally support for common causes. However, certain groups, most notably LGBTQ+ activists, continue to face online harassment and bullying. This situation could be further exacerbated by the enforcement of recent amendments to the Broadcasting Law, which expand the regulatory authority of the National Communications Commission (ComCom) to include oversight of “obscene” or “inappropriate” online content. These changes raise concerns about potential censorship and the disproportionate targeting of independent or minority voices in the digital space.

While there are examples of agencies already using AI systems (for instance, the Ministry of Internal Affairs), the state has not adopted any normative acts regulating AI systems or documents that define its ethical use in relevant agencies. This means that the impact of AI technologies on citizens is unknown and it is currently unclear if these technologies are compatible with human rights standards. However, it is noteworthy that Georgia has signed the Council of Europe Framework Convention on AI and the Ministry of Justice has announced plans to develop regulations on AI use in public services.<sup>197</sup>

## **Standard II. The state creates conditions for the enjoyment of digital rights.**

The government’s efforts to expand internet infrastructure have progressed over recent years. According to the Strategy for the Development of Broadband Networks 2020–2025, which aims to ‘develop infrastructure and transform the country into a digital and information hub in the region’, 4G networks should cover 99 percent of the country’s territory by 2025.<sup>198</sup>

A significant majority (91.5 per cent) of Georgian households have internet access<sup>199</sup> and it is estimated that 81.9 per cent of individuals are internet users.<sup>200</sup> There is no gender gap among Georgians who use the internet regularly, but there are differences based on age and geographic location.<sup>201</sup> The internet is not equally accessible in all regions of the country, especially in rural or underdeveloped areas. Georgia’s internet market is concentrated among only two or three internet service providers, which results in a minimal level of competition. There are also concerns regarding the quality of the provided services, especially regarding internet speed.<sup>202</sup>

Several agencies have established mechanisms to protect digital rights. For example, the Public Defender of Georgia oversees the safeguarding of human rights and freedoms in the country,<sup>203</sup> the

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<sup>197</sup> IDFI, ‘The Council of Europe Framework Convention on Artificial Intelligence: Core Content and Obligations for Georgia’, 30 September 2024, <https://idfi.ge/en/council-of-europe-framework-convention-on-ai>.

<sup>198</sup> Open net state program: <https://opennet.ge/eng/static/3/sakhelmtsifo-programa>

<sup>199</sup> National Statistics Office of Georgia, ‘Information and Communication Technologies Usage in Households: Share of households with internet access’, <https://www.geostat.ge/en/modules/categories/106/information-and-communication-technologies-usage-in-households>.

<sup>200</sup> International Telecommunication Union (ITU), DataHub: Georgia, <https://datahub.itu.int/data/?e=GEO>.

<sup>201</sup> As of June 2024, data highlights a noticeable digital gap. Around 57.3% of people aged 60 and over had used the internet in the past three months, compared to 83% to 99% across other age groups. Similarly, 77.7% of the rural population reported internet use within the same period, while the figure for the urban population was significantly higher at 98.2%. National Statistics Office of Georgia, ‘Information and Communication Technologies Usage in Households’, *op. cit.*

<sup>202</sup> Freedom House, ‘Freedom on the Net 2024: Georgia’, <https://freedomhouse.org/country/georgia/freedom-net/2024>.

<sup>203</sup> More details about the mandate of the Public Defender (Ombudsman) of Georgia can be found here: <https://www.ombudsman.ge/eng/mandati>.

Personal Data Protection Service monitors the legality of personal data processing,<sup>204</sup> and the Public Defender of Consumers' Interests under ComCom is tasked with protecting the rights and legitimate interests of consumers in electronic communications and broadcasting.<sup>205</sup> However, these protection mechanisms are rarely utilised by users of digital technologies, primarily due to a lack of public awareness about the available rights and avenues for protection.

There are several examples of the state using digital tools to provide particular public services. Hundreds of public and private services are accessible for Georgia's citizens through the Unified Portal of Electronic Services (*my.gov.ge*) and the number of services accessible on the portal is gradually increasing. There have not been any reported cases stating that the deployment of these digital tools endangers the exercise of human rights, the safety of activists, CSOs, or the protection of their sensitive data.

### Specific recommendations under Area 11:

- The government and the Parliament of Georgia have to ensure that newly-adopted and implemented provisions regarding information security are in line with EU standards and directives.

*Once all discriminatory and stigmatising legislation restricting the freedoms of expression and association for CSOs, media representatives, and vulnerable groups is repealed:*

- The government should design and implement effective oversight mechanisms to ensure proper accountability and transparency of law enforcement agencies in regard to digital rights and privacy;
- The government should elaborate a legislative framework, ethical and transparency standards, and guidelines on AI design, deployment, and use. When elaborating these guiding principles and laws, the process should be open, inclusive and diverse stakeholders should be engaged;
- To ensure accountability, the government should also outline procedures for auditing the operations of AI systems and publish the results of such inspections; and
- The government should prioritise increasing digital resilience and awareness of the general public, as well as refraining from using disinformation tactics and ensuring transparency in the work of its StratCom unit(s).

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<sup>204</sup> More details about the Personal Data Protection Service can be found here: <https://pdps.ge/en>.

<sup>205</sup> More information about the Communications Commission (ComCom) Public Defender can be found here: <https://comcom.ge/en/momxmareblis-uflebebi>.

## IV. KEY PRIORITIES

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The civil society environment in Georgia has significantly deteriorated in 2024 due to restrictive legislative changes, diminished state–CSO cooperation, and widespread violations of democratic principles. The adoption of the Law on Transparency of Foreign Influence and other restrictive laws has strained the operational space for CSOs, while the absence of open dialogue and collaborative platforms underscores a concerning regression in democratic governance. International condemnation and repercussions further illustrate the severity of the situation. While some legislative frameworks for CSO participation remain, their practical implementation is hindered, leaving civil society increasingly marginalised.

Despite repeated calls for legal reforms and improved cooperation mechanisms in past CSO Meter reports, most recommendations remain unimplemented. For example, the recommendations to enhance transparency in state–CSO collaboration through the OGP framework and to ensure unrestricted access to resources have been disregarded. Instead, the government has adopted restrictive laws, such as the ‘foreign agents law’, and ceased meaningful implementation of the OGP Action Plan. Furthermore, the recommendation to protect the rights to peaceful assembly and expression has seen no progress, as evidenced by numerous violations during protests. Overall, the government's actions have deepened the divide with civil society, leaving previous recommendations largely unaddressed.

In light of this, the following six recommendations out of total number of 47 recommendations in 11 areas are identified as key priorities:

1. Repeal all discriminatory and stigmatising legislation restricting freedom of expression and freedom of association for CSOs, media representatives, and vulnerable groups including the Law on Transparency of Foreign Influence.

***Once all discriminatory and stigmatising legislation restricting the freedoms of expression and association for CSOs, media representatives, and vulnerable groups is repealed:***

2. Conduct a comprehensive revision of the Code of Administrative Offences to remove unjustified restrictions on the rights to freedom of peaceful assembly and expression (for example, detaining individuals to prevent their participation or imposing administrative imprisonment without proper safeguards);
3. Implement measures to protect CSOs and individuals associated with them from interference and attacks, ensuring accountability for any acts of violence or intimidation against them;
4. Strengthen the regulatory framework governing the collection, processing and storage of personal data by government authorities, ensuring it meets international standards for privacy protection;
5. Ensure that CSOs are free to seek, receive and use financial and material resources for the pursuit of their objectives, without undue restrictions and regardless of their source (domestic or foreign); and

6. The government should design and implement effective oversight mechanisms to ensure accountability and transparency in law enforcement agencies' handling of digital rights and privacy.

# V. METHODOLOGY

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The CSO Meter supports regular and consistent qualitative and quantitative 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 areas to measure both Legislation 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.

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 Advisory Boards in each country, composed of expert representatives from key local stakeholders. The members of the boards have two main tasks: to review the narrative reports and to assign scores for every standard based on the narrative reports.

This country report covers the period from January to November 2024.

## Monitoring process

The report was prepared by the leading Georgian 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, including the Parliament of Georgia and the National Agency of Public Registry.

In order to obtain data on the amounts of grants issued by state entities to participating NNLEs during the fiscal year 2023-2024, a request letter was sent to 15 different authorities, including ministers and 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 public authorities. These helped to identify 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 via the Zoom platform in September 2024. Eighteen CSOs from 13 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 individual interviews with the following field experts:



**Irma Pavliashvili**, Chairperson of Caucasus Open Space. Irma has provided valuable insights into how state–CSO cooperation has deteriorated, observing the gradual and methodical shift towards increased repression and diminishing funding opportunities. Faced with these challenges, Caucasus Open Space is now charting a path forward, devising strategies to remain active and resilient while continuing to address critical issues that affect society. Its commitment to adapting and persisting in a hostile environment underscores the vital role it plays in safeguarding democratic principles and advocating for meaningful change.

**Tatia Koniashvili**, Researcher at Democracy Research Institute. Tatia shared her knowledge and experience on organisational policies and how everyday working has become challenging. She provided information on the main issues that Democracy Research Institute comes across at the operational level and how it plans to operate in the immediate future.

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 assessed each standard across the 11 areas of the CSO Meter tool in Legislation and in Practice. For the scoring procedure, a 7-point scale was used. The final score of 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 of each area is then calculated as the average value of the final scores of each standard and calculated and rounded with one decimal for presentation purposes. The extreme values of the scale are defined as the extreme/ideal situation or environment. For example, (1) is an extremely unfavourable (authoritarian) environment for civil society, while (7) is an extremely favourable (ideal democratic) environment for CSOs. For more information on the CSO Meter tool, the scoring process and its calculation, please visit: <https://csometer.info/>.

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