

**Open Government Partnership
1100 13th Street, NW, Suite 800
Washington, DC 20005**

April 13, 2023

Letter of Concern

Dear Steering Committee members,

We, the Open Government Interagency Coordination Council of Georgia (and OGP Georgia's Forum) member civil society organizations (CSOs), **are deeply concerned that the Government of Georgia over the years continues to blatantly disregard values and principles expressed in the [Open Government Declaration](#) and [Articles of Governance](#).**

In the period of the last several years, the Government of Georgia has openly demonstrated profound incongruences with regard to the OGP's fundamental documents by reducing space for civil society organizations, human rights activists, and critical media, infringing on fundamental freedoms, notably freedom of association and expression, and the right to privacy, restricting access to information, undermining the independence judiciary, and stalling the national OGP process and hindering open governance reforms at the central government level withal.

All these key challenges repeatedly emphasized to the government by local and international organizations are reflected in the [12 conditions](#) defined by the European Commission as a prerequisite for Georgia to be granted EU candidate status.

The Commission calls for "de-oligarchization" noting that "fighting high-level corruption and eliminating vested interests, including that of oligarchs, require further decisive actions." Moreover, the condition with regard to judicial reform emphasizes that independence, accountability, and impartiality of the entire judicial institutional chain need to be ensured. The recent decision by **the U.S. State Department to publicly [designate](#) four Georgian judges under visa restriction authorities, "due to their involvement in significant corruption"** confirms the severe problems that persist within the country's judicial system.

We note with regret, that the government's actions described in this letter are of the highest concern for the Georgian civil society organizations and beyond, as they are against democratic principles and would certainly represent a reputational risk to OGP. The latest and flagrant violations of the OGP values and principles articulated in the Open Government Declaration and Articles of Governance, are as follows: **the government openly attacking civil society, attempting to silence critical media, and limiting fundamental freedoms, notably freedom of expression and peaceful assembly, and association.**

The initiation and adoption in the first reading of the Russian-inspired "Foreign Agent's" draft law was the culmination of a series of undemocratic steps taken by the government in recent years. On February 14 and 22, 2023, respectively, draft laws "[On Transparency of Foreign Influence](#)" and "[On Registration of the Foreign Agents](#)" were initiated by the [Majority members](#)¹ of the

¹ The draft law was initiated by 9 members of the parliamentary majority forming the „[People's Power](#)“ movement (no legal status) with a primary [function](#) to voice everything that the ruling party refrains from

Parliament of Georgia. The Georgian Dream [leadership](#) promptly endorsed² both draft laws, including Prime-minister [Irakli Garibashvili](#).

The draft laws have been widely condemned domestically and internationally as they mirrored the foreign agent's law adopted by the Russian Federation, which has been used to stifle civil society organizations and free media, and silence voices that criticize the government.

Despite dropping the bill on March 10 on account of three nights of protests and international pressure, the ruling party has shown [no intention](#) of abandoning its efforts to introduce regulations that would restrict the activities of critical voices, namely CSOs and media outlets. In a [statement](#) released on March 9th, the majority party vowed to engage with the public and provide a detailed explanation of the law, planning to commence campaigns with the purpose of clarifying the bill and stressing the importance of ensuring transparency of foreign influence, “as soon as the emotions subside.”

On March 12, 2023 in a lengthy televised [interview](#) at Imedi TV Prime Minister Garibashvili delivered the messages. He amplified that rhetoric and laid out plans for further crack down on those who went out to protest against the draft law. During the interview, PM [Garibashvili](#) [follow the link for an extended interview with subtitles] personally attacked Georgian civil society, including OGP Council/Forum member CSOs, calling them non-transparent, destructive, and provocative. Moreover, he has also made bizarre allegations that the objective of the [petition](#) signatory CSOs, along with political groups, was the destabilization of the country by opening the second front and “helping Ukraine.” Garibashvili also censured the European Parliament for purportedly “dictating to Georgia.” As a result of this remark, he was subsequently subjected to reproach from both [international](#) partners and the [opposition](#).

Openly expressing support for the Russian-style law is not only contrary to the will of the Georgian people and the country's European and Euro-Atlantic aspirations, which include the [fulfillment](#) of the 12 EU candidacy recommendations, but it also constitutes a flagrant disregard for the principles enshrined in the Open Government Declaration and Articles of Governance.

The Government of Georgia's attempts to significantly reduce the space for non-governmental organizations to work, voice criticism, and receive funding from international sources, threaten media freedom, media ownership, and independence, and infringe on fundamental freedoms, notably freedom of association and expression, and the right to privacy are a clear demonstration of egregious and blatant noncompliance with the OGP community values.

In addition to the above, questions regarding the independence of Georgia's judicial and prosecutorial systems, politically motivated cases, allegations of large-scale illegal wiretapping of diplomats, journalists, civil activists, and representatives of non-governmental organizations and others by the security service, as well as disclosed voter mobilization unlawful schemes in favor of the ruling party by the former deputy head of the State Security Service, problems with high-level corruption and state capture further indicate the country's democratic decline (see the relevant sub-chapters of the letter below).

saying publicly. Evidently, the Georgian Dream has set up People's Power to [express](#) anti-western sentiments with greater freedom.

² See the Statements/commentary: speaker of the Parliament of Georgia [Shalva Papuashvili](#), chairman of the Georgian Dream faction [Mamuka Mdinardze](#), chairman of the Parliamentary Committee for the Protection of Human Rights and Civil Integration [Mikheil Sarjveladze](#).

As for the OGP's national process, the Government [acted contrary to the OGP process](#) for two consecutive cycles. **Georgia does not have a valid OGP National Action Plan since December 2019 and thus did not implement a single commitment at the central government level for more than three years. Throughout these years the government failed to resume a meaningful and inclusive co-creation process that would lead to ambitious commitments.** Moreover, at the beginning of 2023, the Parliament of Georgia revoked the permanent entry passes of 2 OGP council member CSOs, unilaterally breached the terms of the Memorandum of Understanding, and instructed them to vacate their offices at the parliament. Following the PM's [interview](#) and his attacks on CSOs involved in the OGP process, we have addressed the OGP Georgia's Secretariat to inquire about their stance on the matter. Specifically, we wanted to know if the Secretariat and the chair of the OGP Council, Mr. Revaz Javelidze, share the PM's sentiments. However, as of this day, we have not received a respective response.

In view of the all above, especially taking into account the Prime Minister's personal attacks on OGP Council member non-governmental organizations, his involvement in a large-scale campaign aimed at suppressing the activities of the non-governmental sector and the free media, labeling and damaging their reputation – which generally serves to limit civic space – **there is no room left to establish a true and equal co-creation OGP process in the country. Besides, the Government made it evident that there is no genuine political will to undertake commitments, as part of the new Action Plan, that are ambitious and go beyond the government's current practice, as it is prescribed in the OGP Articles of Governance.**

We, Georgia's Open Government Interagency Coordination Council (and Forum) member CSOs, hereby trigger the Policy on Upholding the Values and Principles of OGP, as articulated in the Open Government Declaration (Response Policy).

Therefore, we urge the Steering Committee to act under the Response Policy, Safeguard the Open Government Declaration and mitigate reputational risks to OGP, and call on the Georgian government to:

1. Halt the public attacks and smear campaigns on civil society organizations, cease attacks on media representatives, including cases of instrumentalizing judiciary against critical media outlets (media managers, owners and/or their family members); Ensure that press freedom and the right to receive and impart information is fully realized; Thoroughly investigate and prosecute the organizers of July 2021 mass violence;
2. Remove barriers to accessing public data to the degree that this fundamental right can be enjoyed and advances civil society in fulfilling its watchdog role;
3. Restore the OGP co-creation process wherein a meaningful dialogue between state institutions and CSOs is secured, and commitments in action plans are ambitious in nature and beyond a government's general practice;
4. Uphold OGP values and principles expressed in the Open Government Declaration and Articles of Governance.

I. Russia-inspired "Foreign Agent's" draft laws

The draft law on Transparency of Foreign Influence [aimed](#) at establishing a registry of "foreign agents." According to it, all non-governmental and media organizations that receive more than 20% of their income from foreign sources must have registered themselves in the register of "agents of foreign influence" or face hefty fines and other measures.

The Ministry of Justice was authorized to conduct monitoring to identify "foreign agents", and examine financial declarations, while requesting and processing any relevant information, including personal data. The wording of the draft law allowed for the disclosure of personal information in full. The Ministry was also entitled to commence monitoring at its initiative or

based on a submitted application by any individual, including anonymous notice, which remarkably resembles Georgia's Soviet past when anonymously written complaints became the bases for persecution. Failure to register or submit a financial declaration would result in a monthly recurring fine of 25,000 GEL (approximately 9,800 USD), that were unreasonably excessive and non-proportional, especially if compared to other practices under Georgian legislation. The state would be authorized to forcibly register the entity, after which the latter would be obliged to fill in the special application and submit a financial declaration. Failing to do so would result in an additional fine of 10,000 GEL (approximately 3,700 USD) and if an entity further refused to comply with the registration and financial declaration submission requirements, additional fines amounting to 20,000 GEL (approximately 7,400 USD) per month would be applicable.

Blatantly, the parliamentary majority and the government also, still continue to utilize the Russian scenario and emphasize the need for enhanced "transparency and accountability" as their primary motive for the need for such a law. The foreign agent's law in Russia resulted in near total suppression of civil society organizations and media. After several amendments since 2012, currently, Russian law [expands](#) the definition of "foreign agent" to a point at which almost any person or entity, regardless of nationality or location, who engages in civic activism or even expresses opinions about Russian policies or officials' conduct, could be designated a foreign agent, so long as the authorities claim they are under "foreign influence."

The initiation of the draft law has sent shockwaves through Georgian society and has elicited overwhelming condemnation:

- **The Russian law is not the will of Georgia** - a joint [statement from 400 non-governmental organizations and media outlets](#), declares that the proposed draft law responds to the substantial incidents of violence, corruption, lawbreaking, and arbitrary application of laws that civil society and critical media are investigating and disclosing.
- **More than 60 media organizations** signed a [statement](#) declaring that adopting the Russian law is unacceptable. Media outlets state that the aim of the law is to stifle critical voices and hinder the exposure of corruption, injustice, and poverty within the country.
- The Georgian National Platform of the Eastern Partnership Civil Society Forum ([up to 200 CSOs](#)) [expressed](#) a protest against the draft law.
- **Georgian and international businesses and investors** represented by the American Chamber of Commerce, the European Business Association, the EU Georgia Business Council, and the German Business Association [addressed](#) a letter to the Parliament Speaker regarding the Russian-inspired law on "foreign agents" saying that if adopted, the law "will create a negative perception of foreign support-programs, will harm Georgia's prospects for EU membership and will damage the investment environment."
- The **Georgian Public Defender's Office (PDO)** also took a stand against the draft law, [saying](#) that it "does not comply with international and domestic national human rights standards and is incompatible with the basic principles of a modern democratic state." PDO also stated that based on the assessments of international organizations, defining organizations as "foreign agents" creates "an atmosphere of mistrust, fear, and hostility towards them", "stigmatizes civil society, damages their reputation and seriously hinders their activities".
- **The President of Georgia** has also [vowed](#) to veto the foreign influence law.
- Georgian professionals, opinion-makers, civil society organizations, and professional associations [reacted](#) to the proposed law on "foreign agents" and discussed the unfavorable consequences that will result from its adoption.

On February 22, 2023 the very same group of MPs, belonging to the parliamentary majority (self-identifying as People's Power) registered another draft law [On Registration of Foreign Agents](#), which came out an even [more severe version](#) than the first draft, as it applied to natural

persons and legal entities and envisaged criminal liability. In particular, non-fulfillment or improper fulfillment of the obligations stipulated in the law would be punishable by a fine or **imprisonment for a term of up to 5 years.**

The proposed draft laws [failed to comply with](#) fundamental human rights standards, violating rights to freedom of association, expression, and privacy rights. Similar regulations reflected in the legislation of the Russian Federation and Hungary have been criticized by the [European Court of Human Rights](#), the [Court of Justice of the European Union](#), the [OSCE Office for Democratic Institutions and Human Rights](#) (ODIHR), the [Council of Europe Commissioner for Human Rights](#), the [Venice Commission](#) and the [UN Special Rapporteur](#). The term ‘foreign agent’ stigmatizes civil society, tarnishing its reputation and seriously hampering its activity, since it creates the impression that civil society organizations are either ‘spies’, ‘traitors’, or ‘under foreign control’. Moreover, registering organizations as foreign agents without their consent amounts to a disproportionate interference with the right to freedom of association and expression.

On March 7, the 76 deputies of the Majority voted in favor, thus [adopting](#) the Russian draft law in the first reading at the Plenary Session, despite the overwhelming and universal condemnation of the draft law by all key actors both on the local and international level.

On March 7-9, tens of thousands gathered outside the Parliament to protest a Russian-style law that threatens Georgia’s democracy. The ruling party cracked down on peaceful protests on March 7-8 using tear gas, pepper spray, and water cannons. Pursuant to the civil society [joint statement](#), on March 7-8, 2023, the police used illegal and disproportionate force against peaceful civil protesters. Mass arrests were made, and according to information from the Ministry of Internal Affairs, 133 individuals were detained for the charges of administrative offences. In some cases, physical harm was inflicted, and instances of inhuman/degrading treatment have also been identified. One protester lost an [eye](#) during the riot police crackdown, the opposition leader Zurab (Girchi) Japaridze who, according to his lawyer, was [beaten](#). **The public defender (Ombudsman) [concluded](#) that the rally overall was peaceful and the use of force by the police was unjustified and in specific cases – clearly excessive.**

On March 7, while the debates were still ongoing at the Parliament’s Plenary Session, **the U.S. Embassy in Tbilisi issued a [statement](#) calling the day dark for Georgian Democracy.** In addition, EU High Representative for Foreign Affairs and Security Policy Josep Borrell has also responded to the adoption decision, [stating](#) that it “is a very bad development for Georgia and its people. This law is incompatible with EU values and standards. It goes against Georgia’s stated objective of joining the European Union, as supported by a large majority of Georgian citizens. Its final adoption may have serious repercussions on our relations.”

Despite dropping the bills, as described above, the ruling party still continues to attacks CSOs and media representatives.

- **Statements of concern and condemnation by international partners and diplomatic corps on the initiation of the draft laws**

[Ned Price \(U.S. Department of State Spokesperson\)](#): We are aware of the draft legislation in the Georgian parliament and are deeply concerned about its implications for freedom of speech and democracy in Georgia. We have expressed these concerns [directly] to [our interlocutors in] the Government of Georgia. The proposed law would stigmatize and silence the independent voices of citizens of Georgia who are dedicated to building a better future for their communities. We believe such a law could potentially undermine Georgia’s Euro-Atlantic integration. Statements that this legislation is based on the Foreign Agents Registration Act (FARA) in the United States are patently false. In fact, this draft legislation appears to be based on similar Russian and Hungarian legislation [not on FARA or any other American legislation]. (Feb. 16)

Ned Price (U.S. Department of State Spokesperson): The law is still going through the process within the Georgian system. But nevertheless, we remain deeply troubled by the introduced foreign agents law, precisely because it would stigmatize and silence independent voices and citizens of Georgia who are dedicated to building a better country for their fellow citizens, for their communities. We are deeply concerned about the potential implications of this law for freedom of speech and democracy in Georgia. Anyone voting for this draft legislation would be responsible for potentially jeopardizing Georgia's Euro-Atlantic future. (Mar. 3)

Ned Price (U.S. Department of State Spokesperson): I don't speak to specific individuals or entities who may be subject to US or other sanctions, but we have a number of tools within our purview that would allow us to hold accountable anyone in any country around the world who is responsible for the suppression of what would otherwise be a universal human right. (Mar. 7)

Samantha Power (USAID Administrator): Georgia's proposed foreign agent laws gravely threaten Georgia's Euro-Atlantic future and the ability of Georgians to fulfill their own economic, social, and other aspirations. I call upon the Georgian Parliament to drop these proposed laws.

Helsinki Committee Leadership: The antidemocratic, Russian-style foreign agent law would be, if enacted, a rebuke to the Georgian people's EU and NATO aspirations and underscore the rapid decline of Georgian democracy. It would also demonstrate the present government's increasing embrace of Russia. This bill as well as the ongoing democratic decline, including the jailing of political opponents, is an attack on our strategic partnership and the Georgian people's Western choice. We call on the Georgian government to reject the proposed legislation and renew its commitment to democracy.

Todd Robinson, US Assistant Secretary of State for INL: Obviously, this is a law based on Russia's interests, not Georgia's interests to work more closely towards Euro-Atlantic integration. This law does not do that. We do not think it is the right thing for Georgia, more importantly, Georgians do not think it is the right thing for them.

Joseph Borrell (EU's High Representative of the European Union for Foreign Affairs and Security Policy): The proposed draft law on "transparency of foreign influence" raises serious concerns. Creating and maintaining an enabling environment for civil society organisations and ensuring media freedom is at the core of democracy. It is also key to the EU accession process and part of the 12 priorities, notably priority 7 on media freedom and priority 10 on the involvement of civil society. The draft law's adoption would be inconsistent with Georgia's European aspirations and with EU norms and values.

NATO: NATO is concerned about the draft legislation. The need to have proper legal and institutional frameworks in place to ensure freedom of the media and to foster participation of civil society in policy debates is key in this regard. In this respect the proposed legislation represents a step backwards.

Dunja Mijatović (Commissioner for Human Rights of the Council of Europe): I am concerned that such a legislative initiative presents a number of human rights issues in the light of the Council of Europe standards in the field of freedom of association and expression. In addition it could have a serious chilling effect on the work of civil society organisations active in the field of human rights, democracy and the rule of law in Georgia and I therefore call on the Parliament to reject this or any similar draft laws.

The Parliamentary Assembly of the Council of Europe (PACE) Rapporteurs: The draft law "On Transparency of Foreign Influence" that was tabled by the People's Power Faction raises several concerns with regard to its compatibility with democratic and Human Rights standards.

We urge all other political factions in Georgia not to support this draft law that would have a chilling effect if adopted, they underlined.

United Nations in Georgia: The United Nations in Georgia expresses profound concern that adoption of the draft Law on Transparency of Foreign Influence would risk impeding the work of civil society and media and the essential contributions they make to Georgian democracy. The draft law poses risks to full respect of freedoms of association and expression, the right to participate in public affairs, the right to privacy and prohibition of discrimination. If adopted, such a law is likely to impede the work of the UN to implement the Sustainable Development Cooperation Framework, the country strategy that we have co-signed with the Government of Georgia.

Ministry of Foreign Affairs of Norway: Disturbed by Georgian draft law defining CSOs as “foreign agents”. Against Georgian people’s steadfast European aspirations and international Human Rights obligations. Will negatively affect Norwegian-Georgian cooperation. Norway urges lawmakers to act in the interest of Georgian democracy.

Foreign Ministers of Estonia, Latvia, and Lithuania: The first reading of the law on foreign agents passed by the Georgian parliament raises serious questions about prospects of democracy in Georgia.

Kelly C. Degnan, U.S. Ambassador to Georgia: Let’s be clear about what this law is not about. It is not about transparency. There is already ample transparency provided. This draft legislation would stop Georgians who are helping other Georgians work in the best interests of Georgia. It would be important to be clear about what this legislation is really aimed at. It looks like the Russian legislation that was aimed at stigmatizing and silencing civil society, silencing dissenting voices, and the Russian law was very effective at doing that.

Pawel Herczynski, Ambassador of the European Union to Georgia: This initiative does not correspond to the norms and values of the European Union, and we said once again that this initiative contradicts at least 2 priorities - on civil society and media freedoms, which were handed over to Georgia in June of the previous year.

Ulrik Tideström, Ambassador of Sweden to Georgia: We are concerned about this initiative. We believe, as we said in the comments already made, that the law of this kind would be inconsistent with EU norms and values and inconsistent with Georgia's European integration.

Peter Fischer, Ambassador of Germany to Georgia: As friends of Georgia, the EU position on the draft law on “transparency of foreign influence” remains the same: “The draft law's adoption would be inconsistent with ...Georgia's EU...aspirations and with EU norms and values.” Saying this as a friend.

Imamura Akira, Ambassador of Japan to Georgia: I am afraid that if the draft law is adopted, it may have a negative impact on the positive role of non-governmental organizations. If so, it goes against the Georgian people's Euro-Atlantic aspirations, which Japan strongly supports.

Reporters Without Borders: Proposed ‘foreign agents’ law poses a threat to press freedom in Georgia. Far removed from international standards, it targets only media and NGOs in what is a clear attempt to stigmatize and intimidate them. The Russian precedent has shown us the dramatic consequences of such a law.

European Federation of Journalists (EFJ): The draft law is similar to the foreign agent law first adopted by Russia in 2012, which was then extended in 2019 to individuals, including journalists. President of the EFJ: It is a bad signal for Georgian media and civil society organisations. Under

the guise of transparency, this law would put financial and administrative pressure on those who contribute to the democratic life of Georgian society, while it is perfectly legal to receive money from abroad. In view of the many criticisms, we hope that it will be withdrawn quickly.

International Press Institute (IPI): IPI calls on Georgian MPs to scrap plans for “foreign agent” legislation that echoes similar laws in authoritarian states, such as that in neighboring Russia. While the bill’s authors have claimed that the law would be based on “principles of openness and transparency”, the measures risk being used as a weapon to discredit media and non-governmental organizations.

Committee to Protect Journalists (CPI): Tarnishing journalists as ‘foreign agents’ is a trick straight out of every authoritarian regime’s playbook and has no place on the democratic path which Georgia’s government claims to be taking. Georgia’s parliament should reject any legislation that would brand media as foreign agents, and its government should take concrete steps to demonstrate a commitment to media diversity.

The Observatory: The Observatory expresses great concern over the negative impact the “foreign agents” bill will have on Georgia’s civic space should it be enacted into law, and condemns the stigmatisation of independent media outlets and NGOs. Using “foreign agents”-related terminology to label civil society organisations and media pollutes the public discourse and has a chilling effect on their activities.

PEN America: The proposed law runs counter to domestic and international human rights standards. In the name of ‘transparency,’ the Ministry of Justice would be given seemingly unfettered power to investigate and monitor organizations, codifying government intimidation of writers, activists, journalists, and other civil society members—an especially worrying prospect for those who express opinions and policy positions that are critical of the ruling party.

European Network of Election Monitoring Organizations (ENEMO): ENEMO joins other international and domestic voices in condemning such draft legislation, which would pave the way for undue pressure on Georgian civil society organizations, media, and human rights activists. This can substantially worsen the state of democracy in the country and the rights of citizens by hindering freedom of speech, stifling independent monitors, and infringing fundamental human and political rights.

On top of the statements above, **strong disapproval of the proposed draft laws was made by US Senators [Jeanne Shaheen](#) and [Richard J. Durbin](#), Members of the European Parliament [Thijs Reuten](#), [Miriam M. Lexmann](#), [Nacho Sánchez Amor](#), [Viola von Cramon](#), [Urmaz Paet](#), [Rasa Juknevičienė](#), President of the European Council [Charles Michel](#), Senior Vice President of the German Marshall Fund [Laura Thornton](#), [The Netherlands Helsinki Committee](#), [Civil Rights Defenders](#), [Freedom House](#).**

Shortly after the events above, prior to the official visit of Annalena Baerbock to Tbilisi, the German Foreign Ministry [stated](#) that “We see attempts to deviate the country from the pro-European course advocated by the overwhelming majority of Georgians.” French President Emmanuel Macron's [tweet](#) shared a similar viewpoint when stating that Georgia “has turned towards Europe.”

II. Democratic backsliding in Georgia

Georgia has been experiencing a clear democratic decline in recent years.

In June 2022, the European Commission granted the EU candidate status to Ukraine and Moldova, but a “perspective” to Georgia. [12 key priorities](#) (Recommendations to fulfill) set by the

Commission in order for Georgia to attain the EU candidate status point to all the major challenges that the country is currently facing.

A. Stalled Anti-corruption Reforms

The current situation vis-à-vis corruption in Georgia is characterized by impressively low levels of petty corruption combined with near total impunity for high-level corruption.

The [European Parliament](#) resolution adopted in November 2018 stated **that high-level, elite corruption remains a serious issue in Georgia** and called on the government to ensure that “the Anti-Corruption Agency is independent, free of any political interference and separated from the State Security Service.” Moreover, EU Parliament pointed out that an independent judiciary and a solid track record of investigations into high-level corruption cases are required to curb corruption. In the 2020 [resolution](#), the EU directly called on the government to strengthen the rule of law, continue judicial reform, and fight against corruption and **state capture**. In the 2022 resolution, the [EU parliament](#) **“expresses concern about continued state capture and the stagnation of the fight against corruption.”**

Despite the fact that according to Transparency International’s Corruption Perception Index (CPI) 2022 Georgia ranks 41 among 180 countries and leads the region with 56 points, this is due to previous gains in eliminating low-level bribery. The CPI [Analysis](#) argues that **“the nature, scope and increasing number of alleged high-level corruption cases point to an alarming conclusion that high-level corruption in Georgia is taking the form of kleptocracy**, where officials systematically use political power to appropriate the country’s wealth and undermine all critical voices, including political opposition, media, and civil society.”

According to the public opinion poll by the [International Republican Institute](#) (IRI) published in 2021, 44% of respondents thought that there had been a backslide with regard to combating corruption, while only 8% thought that there had been progress in this direction. IRI’s other [survey](#) published in March 2022, shows that 39% of respondents see the problem of systemic high-level corruption in Georgia, where high-level state officials misuse their position for personal gains.

U.S. State Department’s Country Reports³ on Human Rights also underscores the challenges that Georgia is facing in terms of democratic development, and the need for the implementation of bold anti-corruption reforms, including within the judicial and prosecution systems.

The 5th Pilot Monitoring [Report](#) of the OECD’s Anti-Corruption Network for Eastern Europe and Central Asia (ACN), revealed all the key problems that exist in the country in the fight against corruption, including the enforcement of conflict of interest legislation, protection of whistleblowers, investigation of corruption offenses, problems in judicial and prosecutorial systems. For that reason, the government of Georgia first tried to [hinder the adoption](#) and public disclosure of the OECD/ACN’s 5th pilot Monitoring Report and now is the only country from the region [not yet commenced](#) the 2023 monitoring process.

Noting with regret that Georgia does not have valid National Anti-corruption policy documents (Strategy and Action Plan) since December 2020, the last time the Anti-corruption interagency coordination Council met was in 2019.

B. State Institutions in the Service of the Ruling Party

³ See the Country Reports on Human Rights Practices: Georgia [2022](#), [2021](#), [2020](#).

Notwithstanding several waves of judiciary reform, the court administration [remains](#) in the hands of a small group of influential judges, who use their authority to advance their personal as well as political interests of the ruling party.

The fact that the allegations of corruption in the judiciary were actually true is confirmed by the **U.S. State Department's recent decision on [designating](#) four high-ranking Georgian judges (Mikheil Chinchaladze, Levan Murusidze, Irakli Shengelia, and former judge Valerian Tsertsvadze) "due to their involvement in significant corruption." "Their actions undercut judicial and public processes by offering benefits to or coercing judges to decide cases in favor of political allies and manipulating judicial appointments to their benefit.** Their corruption undermined the rule of law and democratic processes, damaging the Georgian public's faith in the independence of one of the most important democratic institutions," – explained U.S. Ambassador Kelly Degnan in a recorded [statement](#).

Noting with deep regret that the judicial appointment decisions in Georgia are not made solely on the basis of merit or objective criteria, neither does the process contain legal and procedural safeguards to prevent undue influences.⁴

Venice Commission's latest [opinion](#) states that the draft legislative initiative delivered by the Parliament of Georgia aiming at the fulfillment of the EU [recommendation](#), is of limited scope and does not provide for a holistic reform of the judiciary, including the High Council of Justice. **The Commission reiterates that persistent and widespread allegations of corporatism and vested interests made against the Council undermine public trust in the judiciary and must be taken seriously by the authorities.** The document states that corporatism, which promotes the interests of one group of judges to the detriment of other judges, is impermissible. Public trust in the justice system will be damaged if the Council is perceived as a body acting based on self-interest and cronyism. Furthermore, as concluded by the [Venice Commission](#), the adoption of amendments on December 21, 2021 "was done with excessive haste, lacked transparency as to its motives and aims and was conducted without inclusive and effective consultations," and "the combined effect of a rushed adoption of the 2021 Amendments and their introduction of an increase in the powers of the HCoJ to second/transfer judges without their consent, and the new and vague grounds for disciplinary misconduct and the suspension of a judge's salary in the case of a disciplinary investigation – may in the specific context of Georgia create a chilling effect on judges' freedom of expression and internal judicial independence."

Generally, the Prosecution Service (and the court) acts in agreement with the ruling party, and their aim is to discredit or remove individuals critical of the authorities from political processes rather than to administer justice. Examples include the case of [Gvaramia](#), the so-called [Cartographers' Case](#), the case of [Khazaradze-Japaridze](#), and other high-profile cases.

Noting with deep regret, Georgian civil society sees clear signs that the government [uses](#) the State Security Service as a mechanism of total control. In August and September of 2021, thousands of files were [released](#) indicating a massive illegal wiretapping and spying operation likely conducted by the State Security Service. This included information about the personal conversations and private lives of journalists, religious figures, politicians, civil activists, [diplomats](#), and other individuals.

Moreover, a former high-ranking official of the State Security Service, who acted as a whistleblower, [disclosed](#) information regarding large-scale illegal voter mobilization schemes allegedly orchestrated by the ruling party, with involvement from the State Security Service, Ministry of

⁴ OSCE/ODIHR reports on the Nomination and Appointment of Supreme Court Judges in Georgia: [Final](#) (fourth), [third](#), [second](#), [first](#); U.S. Embassy Statement On Supreme Court Appointments, find [here](#); U.S. Embassy's Judicial Reform [Recommendations](#) for Parliament;

Justice, and Ministry of Internal Affairs. Although investigations have been launched into the matter, the state officials responsible for the alleged crimes have not yet been held accountable.

C. Attacks on Journalists, Media Ownership, and Independence

In recent years, press freedom in Georgia has suffered considerable setbacks.

This decline became especially [visible](#) in July 2021, when more than 50 media workers (along with civic activists) were subject to large-scale pre-organized violence while covering anti-Pride protests in Georgia's capital, Tbilisi. Despite [credible evidence](#), none of the organizers of the mass violence had been arrested and law enforcement officials lacked the will to hold the organizers accountable. The Public Defender [has expressed](#) concern about the ineffectiveness of the investigation into the July 5th case and has referred various factors to support this assessment. Both the [Committee of Ministers of the Council of Europe](#) and the [European Parliament](#) have urged state agencies to conduct a thorough and effective investigation into the events of July 5. In particular, a resolution passed on June 09, 2022 emphasized that impunity for the perpetrators of such acts cannot be tolerated under any circumstances, as they are in breach of both Georgia's national legislation and its international obligations.

The imprisonment of the director of the popular TV channel Mtavari Arkhi, Nika Gvaramia, in May 2022, was another [sign of this decline](#). Gvaramia was sentenced to three-and-a-half years in prison for corruption in what was widely considered a politically motivated trial both on the [local](#) and [international](#) level.⁵ There are [ongoing lawsuits](#) against the owners (or their family members) of other critical TV channels Formula and TV Pirveli.

In a 2022 resolution the [European Parliament](#) expressed its concern over “the significant deterioration of the media situation and the safety of journalists in Georgia in recent years,” and condemned “the increasing number of cases of intimidation, threats and violence against and the persecution of journalists, including an increasing number of criminal investigations into media workers and owners.”

The European Parliament called on the Georgian government to ensure media freedom, which should entail editorial independence, transparent media ownership, and pluralistic, impartial, and non-discriminatory coverage of political views in programming by private and, in particular, public broadcasters, especially during electoral campaigns; also, **to guarantee unhindered access to information that is supposed to be publicly available and to ensure the safety, protection, and empowerment of journalists and other media professionals.** EU Condemned the sentencing of Nika Gvaramia, the director of the main pro-opposition TV channel Mtavari, on 16 May 2022, which has highlighted the persistent mistrust in Georgia's judiciary system. **EU Parliament reiterated its call on the Georgian authorities to refrain from interfering in media freedom or pursuing politically motivated judicial cases against media owners or representatives.**

According to [Reporters Without Borders](#) (RWB), verbal attacks and physical assaults on journalists are common⁶ in Georgia. **Aggressors include senior government officials, especially during election campaigns.** RWB calls for a [review](#) of opposition TV channel director Nika Gvaramia's unprecedented and probably politically motivated conviction.

Illegal [surveillance](#) of journalists, [disinformation campaigns](#) aimed at journalists, and [inadequate investigations](#) into violent incidents against journalists continue to be major problems in the

⁵ Georgian lawmakers should scrap plans for 'foreign agent' bill, International Press Institute, <https://ipi.media/georgian-lawmakers-should-scrap-plans-for-foreign-agent-bill/>

⁶ Two attacks on journalists in two days in Georgia, find [here](#); Public Defender's Statement on Violence against Journalists, find [here](#); Severe criticism by international partners, p.12, find [here](#).

media field. Additionally, there has been an increasing number of [defamation lawsuits](#) against critical journalists and TV channels, filed by government representatives or individuals related to them, with the intention of pressuring the media and creating a chilling effect.

The parliament [suspended](#) the accreditation of three journalists and camera operators from three critical TV channels – Mtavari Arkhi, Formula, and TV Pirveli. A letter by the Parliament's office reads that they had violated the new accreditation rules, which state that a journalist must stop an interview if an MP, staff member, or guest objects. Journalists from TV Pirveli and Mtavari Arkhi had their accreditation suspended after they attempted to get Georgian Dream MP Eliso Bolkbadze to comment on the US sanctions against four Georgian judges. As for Formula TV, a journalist tried to get a comment from a lawmaker about Shalva Ramishvili, founder and presenter of pro-government PosTV, who has been accused of sexual harassment by several women. The [Media Advocacy Coalition](#) noted that such a decision "is dangerous for journalists and can be used as a mechanism to limit critical questions for the media or to put pressure on editorial policy." [According to the Public Defender](#), the rule on the accreditation of journalists in the Parliament is problematic as it does not specify the issue of appealing the decision; in contrast, the decision to suspend the accreditation of journalists does not specify the time limits and procedure for appealing it, which is a necessary requirement of the legislation. Public Defender calls for changing the rule so that it "does not cause unjustified interference in the activities of media representatives."

D. Limited Access to Information

On April 3, 2023, the Public Defender's [report](#) reviewed the current environment in terms of freedom of information in the country. **According to the report, the main obstacle to the proper realization of the right to access public information is the existing outdated legislation, which cannot meet the needs at this stage.**

A significant number of journalists reported that government officials either prevented them from covering public events or did not provide them with key public information when requested. For example, on March 19, TV Pirveli journalist Natalia Kajaia was not allowed to enter Parliament soon after having posed critical questions to Speaker of the Parliament Shalva Papuashvili. On March 22, opposition-leaning media were not allowed to enter the National Gallery during Minister of Culture Tea Tsulukiani's official visit. In September Business Media Group journalist [Telara Gelantia](#) was not allowed to cover a government meeting.⁷

According to IDFI's Access to Public Information in Georgia 2022 [report](#):

- The response rates of public institutions decreased by 24% compared to the previous year and amounted to 58%, **the lowest result since 2010**;
- The rate of complete answers in 2022 is 33%, **the lowest recorded result since 2010**;
- The rate of providing public information on time decreased by 19% and amounted to 35%, **the lowest since 2010**;
- In 2022, the rate of timely disclosure of public information decreased by 19%, amounting to 35%, **the lowest since 2010**.

The Government of Georgia does not fulfill the obligation stipulated by the Rules of Procedure of the Government of Georgia and does not publish its decrees. It must be noted

⁷ 2022 Country Reports on Human Rights Practices: Georgia, find [here](#); 2022 Special Report on Combating and Preventing Discrimination and the Situation of Equality, Public Defender's Office, find [here](#).

that IDFI opened a case against the government for 2 years about the accessibility of decrees, but the main hearing of the case has not been scheduled so far.

In 2022, the Government of Georgia discussed the 372 draft decrees at 47 cabinet meetings. None of these decrees are public. It has been impossible to obtain these documents through the FOI requests as well – the Government Administration [did not respond to any](#) of TI Georgia’s FOI requests (47 letters) in 2022.

The Administration of the Government (AoG) wherein the OGP coordination and Secretariat is placed, is responsible to disclose decrees and resolutions of the Cabinet and Prime-minister’s orders as well. The head of the AoG, and chair of the OGP Georgia’s Council, Mr. Revaz Javelidze gave the following [commentary](#) on the issue: “Well, we do not publish and that is it. There are certain reasons,” advising the journalist to apply to the court when the response is not received. The court cases last up to 3-4 years, thus it is not a proper tool to use for receiving public information.

III. Stalled OGP Process in Georgia

Georgia is currently placed under review by the OGP Criteria & Standards Subcommittee (C&S) since the Government acted [contrary to the OGP process](#) for two consecutive cycles.

Once a prominent country in the OGP community, Georgia has not been able to resume a strong and inclusive co-creation process that leads to ambitious commitments and could not deliver a new Action Plan since 2019. CSOs involved in the OGP process repeatedly brought up the issue of the pro forma process to the Support Unit [openly](#) as well.

Despite CSOs’ numerous attempts, unfortunately, the OGP process in Georgia could not develop into a platform for innovative and transformative reforms. The government’s latest response to the suggested commitments illustrates that, unfortunately, the **Georgian government continues its efforts to keep the OGP process at the national level as a mere formality and [rejects](#) implementing commitments with a transformational impact.**

Starting in 2014, CSOs have actively cooperated with the Parliament, leading to Georgia becoming the first country to create and adopt an Open Parliament Action Plan in 2015 and sign the Declaration on Parliamentary Openness. It is important to note that the parliamentary teams of Transparency International Georgia and the Institute for Development of Freedom of Information operated from dedicated offices within the Parliament. **However, at the beginning of 2023, the Parliament of Georgia unilaterally breached the terms of the Memorandum of Understanding, resulting in the parliamentary teams of TI and IDFI being instructed to vacate their offices. Compounding the situation, the parliament has also revoked their permanent entry passes.**

On March 10, civil society organizations made a decision to [suspend](#) their membership in the Consultative Group of the Parliament of Georgia. Signatory CSOs do not perceive any possibility of cooperation with the parliamentary majority because of supporting the Russian-style law, remaining righteous to its principles, and intending to undertake the information campaigns aiming at the initiative.

While the serious flaws in the OGP process outlined above are not new, the initiation of the foreign agents law, the ruling party’s declared strategy to pursue this process is a problem of a whole other level that threatens to end Georgia’s democratic development altogether. Our primary focus must now be on safeguarding Georgian democracy, civic space, and free media - a goal that supersedes all other considerations.

In light of all the above-mentioned, we, the Open Government Interagency Coordination Council of Georgia (and Forum) member civil society organizations, urge the Steering Committee to start the Response Policy procedures.

Sincerely,

The Open Government Interagency Coordination Council of Georgia (and Forum) member civil society organizations:

Civil Society Institute

Economic Policy Research Center

Georgian Democracy Initiative

Georgian Young Lawyers' Association

Green Alternative

Institute for Development of Freedom of Information

Partnership for Road Safety

Social Justice Center

Transparency International Georgia

Annex

1) Additional Information requested under the Response Policy Procedures and Protocols

1.1) A description of the organizations filing the Concern, their activities and involvement in Georgia

Civil Society Institute - Civil Society Institute (CSI) is one of the leading NGOs in Georgia, known for high performance and wide scope of activities. Established in 1996 CSI facilitates the formation and development of civil society and a democratic state by promoting democratic values and the rule of law, facilitating the formation of sustainable institutions and accountability of state institutions, creating an enabling environment for civil society organizations, building the capacity of civil society organizations, educating of civil society actors and increasing their civic activism (see [more](#)).

Economic Policy Research Center - EPRC founded in 2002 is a leading economic think tank in Georgia, striving to improve prosperity through rigorous economic policymaking, advancement of security and Euro-Atlantic Integration, and by promoting public engagement through education. EPRC's researchers and their analytical outputs serve as reliable sources of information on the state of Georgia's economy for the national community of practitioners, various international organizations, students and academia (see [more](#)).

Georgian Democracy Initiative - since 2012 GDI is committed to defending human rights, expanding inclusive society and promoting tolerance, strengthening democratic reforms and advancing the rule of law, and enhancing transparency and accountability of public institutions. GDI pursues these ideals through monitoring, open debate, fact-based research and analysis of policy options to address the challenges facing Georgia. The organization brings together high-level professionals with an extensive record of research, advocacy and monitoring work in the key areas of GDI operation (see [more](#)).

Georgian Young Lawyers' Association - GYLA is a watchdog/think tank type organization mainly focused on human rights. Organization's activities cover five strategic fields: legal aid, strategic litigation, good governance, human rights and legal education. GYLA has more than 25 years of experience of human rights activism, research, strategic litigation (on local and international levels), awareness and advocacy campaigns, monitoring of elections and various governmental projects (including reforms in law enforcing and security apparatus), (see [more](#)).

Green Alternative - Green Alternative is an environmental advocacy group formed in 2000 with the mission to protect the environment, biological and cultural heritage of Georgia through promoting economically sound and socially acceptable alternatives, establishing the principles of environmental and social justice and upholding public access to information and decision-making processes. GA organizes its work around four thematic areas - energy, extractive industry, transport sectors and environmental governance, and six cross-cutting priority areas - environmental pollution, biodiversity protection, access to information and decision-making, social and gender aspects of development, the EU approximation, lending of international financial institutions and international financial flow in Georgia (see [more](#)).

Institute for Development of Freedom of Information - IDFI is a watchdog/think-tank organization, combining monitoring and analytical skills with evidence based advocacy, strategic litigation, awareness raising and consulting activities as well as growing international impact. Since 2009 IDFI has been conducting high-quality, independent research and, based on this research, provides innovative, practical recommendations that strengthen democracy in Georgia and neighboring countries and foster economy and social welfare. IDFI is known internationally as an organization specializing in promoting open and democratic governance (see [more](#)).

Partnership for Road Safety - Georgia's leading road safety organization. It strives to make Georgia's roads safe for all road users and to drastically reduce Georgia's high number of traffic injuries and casualties. Its mission is to mobilize the joint efforts of the state, private, and NGO sectors in order to reduce traffic accidents, to advocate and inform the society and media about road safety issues of importance, to promote road safety culture, and to support youth road safety education. Through numerous projects, the organization has built a network of supporting government institutions, NGOs, media, private sector organizations, and high-profile individuals (see [more](#)).

Social Justice Center - Social Justice Center is a left-wing organization working on human rights and social justice, which aims to identify the structural reasons for economic, social, and political inequality, and to share critical knowledge while contributing to the transformation of the existing order via democratic means. The Social Justice Center works on the issues of social and equality policies, judicial matters, and democracy (see [more](#)).

Transparency International Georgia - TIG is a national chapter of Transparency International (TI). TIG was established in 2000 as a local non-governmental organization committed to combating corruption in Georgia through the promotion of transparency and accountability. The organization serves as the primary source of information on corruption reform in Georgia, to assist the Georgian government and the broader public in facilitating reform in sectors where corruption exists, to build and strengthen institutions, and to promote good governance. In recent years, TI Georgia has become Georgia's leading advocacy-based think tank (see [more](#)).

1.2) Activities and involvement in OGP at the national or international level of the organizations filing the Concern.

All the signatory organizations are CSO members of the national MSF of OGP Georgia. The filing organizations are also members and contributors of the parliamentary and sub-national tracks of OGP in Georgia.

In 2022, TI Georgia's executive director Ms. Eka Gigauri was elected as the OGP Steering Committee member. TI Georgia's deputy executive director Mr. Giorgi Oniani serves as a co-chair of the national OGP process in Georgia (co-chair of the OGP Georgia's intergovernmental coordination Council).

IDFI's executive director Mr. Giorgi Kldiashvili served as the OGP Steering Committee member in 2017-2020.