

Assessment Report

On the Recommendations for Stage One Actions by the Criteria and Standards (C&S) Subcommittee

as part of the Response Policy case concerning the Government of Georgia

September 10, 2024

Summary: On July 25, 2024, the C&S Subcommittee requested that the Support Unit assess if compliance with its Stage One recommendations was still viable in light of political developments in Georgia since the recommendations were issued on May 6, 2024, and to meet with the Georgian government to discuss how it plans to address the issues raised in the letter of concern in light of these developments. This assessment concludes that compliance with Stage One Recommendations is no longer viable by the originally proposed November 6, 2024 deadline.

Background: The Stage One [Recommendations](#) issued by the C&S Subcommittee on May 6, 2024, stipulate that “[a]n environment conducive to civic participation necessitates the preservation of freedoms such as expression, association, opinion, and privacy. Engaging in verbal or physical attacks, or introducing legislation that threaten these freedoms, the safety, or otherwise hinder the ability of CSOs and journalists to operate, contradicts the principles of open government, erodes trust in governmental bodies among citizens, and jeopardises the safety of these individuals and their vital societal contributions”.

The Recommendations invited the Government of Georgia to develop a work plan aimed at addressing the issues raised in the Response Policy concern, including:

- The withdrawal of current or proposed legislation that discriminates, stigmatises, or hinders the freedom of expression and association of civil society organisations, media representatives and vulnerable groups.
- Safeguard freedoms of expression and assembly, the space for civil society and their ability to operate without physical and verbal attacks, including in election periods.

In developing this work plan, the Government of Georgia was encouraged to consider other third party recommendations relevant to the concerns raised and to the values of the Open Gov Declaration. The C&S Subcommittee requested for this work plan to be developed by June 6, 2024, and to include milestones and a timeline for its implementation during a six month period (by November 6, 2024).

On July 5, 2024, the Government of Georgia sent a [letter](#) to the C&S Subcommittee expressing its commitment to implement international recommendations focused on the country’s advancement of human rights protections, as well as to actively participate in the Response Policy procedures outlined in the Stage One recommendations, but requested an extension of the deadline to addressing these recommendations.

At its [July 25, 2024 meeting](#), the C&S Subcommittee welcomed the high-level commitment and acknowledged the extension request. C&S also discussed the developments since the recommendations were issued and their implications on the Response Policy process, including the adoption of the Law on Transparency of Foreign Influence and the EU’s decision

to halt Georgia's accession to the bloc, both of which are central to the Stage One recommendations. Considering the changing circumstances surrounding the Stage One recommendations, the C&S Subcommittee requested that the Support Unit assess if compliance with its Stage One recommendations was still viable by the initial deadline of November 6, 2024, and to meet with the Georgian government to discuss how it plans to address the issues raised in the letter of concern in light of these developments.

On September 4, 2024, the SU met with the Administration of the Government of Georgia. The government reasserted its commitment to open government principles and its focus on combating corruption as a priority of the current administration. Regarding the adoption of the Law on Transparency of Foreign Influence, the Administration of the Government of Georgia noted that withdrawing the law was out of their mandate, but assured due oversight of its implementation, including through the Ministry of Justice and a newly created agency. The adoption of the Law was defended based on the assertion of a legitimate need for greater transparency of funding to civil society, likened to government efforts on budget transparency. Additionally, the Administration of the Government of Georgia cited several actions taken, including the [resumption of publishing government decrees](#), purported enhancements to the freedom of information regime (such as making comprehensive statistics on FOIA requests publicly available), the adoption of the National Human Rights Strategy in 2023, and asserted that existing laws adequately protect fundamental freedoms, enabling civil society to monitor elections and operate without fear of physical or verbal aggression. They shared additional information with statistics on status of freedom of information requests and unofficial translations of the human rights strategy. The government also noted their position that activities of some civil society could be deemed as political and unconstitutional. That said, they noted that platforms for cooperation with civil society remain open from their end.

While expressing readiness to implement C&S recommendations, the government highlighted the complexities associated with their execution, including comprehensive inter-agency coordination, which prove challenging in a busy pre-election period. However, it expressed its intent to implement them after the October parliamentary elections and to maintain existing communication channels with CSOs in the meantime.

Developments since Stage One actions were issued and their implications:

On May 14, 2024, the Georgian Parliament, led by the Georgia Dream coalition, passed the "Law on Transparency of Foreign Influence", despite significant domestic opposition and mass protests. The bill was signed into law on June 3, 2024, after the presidential veto was overridden. The law requires organizations, including civil society organizations (CSOs), media outlets, and potentially other entities, to register as "agents of foreign influence" if they receive more than 20% of their funding from foreign sources. The Law entered into force on August 1, 2024 and organizations must register by September 1, 2024. Organizations found non-compliant risk facing heavy fines until registration is completed. As of the deadline, the Deputy Minister of Justice [reported](#) that 469 organizations had voluntarily registered under



the Law, representing less than 2% of the total number of CSOs in the country.¹ This indicates a significant non-compliance rate among Georgian non-governmental and media organizations. As of September 3, the Ministry of Justice assumes authority to forcibly register organizations under the stipulations of the transparency law, impose fines, or initiate monitoring of the affected entities².

Additionally, on June 27, 2024, the Georgian Parliament [adopted](#) a set of bills containing sweeping curbs on rights of sexual minorities, including a ban on “LGBT propaganda”. On September 4, Parliament [passed the legislative package on “family values and protection of minors” in its second reading](#).

The Government of Georgia’s recent actions have also restricted CSO involvement in electoral processes. On May 30, 2024, Parliament passed [legislative amendments to the Electoral Code](#), abolishing the Central Electoral Commission advisory group, which included national and international experts selected by observer organizations. These amendments eliminate formal opportunity for election observation CSOs to participate in critical decision-making processes on electoral disputes. On September 4, the International Society for Fair Elections and Democracy (ISFED) published [a pre-election monitoring report](#), highlighting “polarization, violence, bribery, the misuse of administrative resources, and more in Georgia”.

These legislative efforts, as assessed by respected international bodies, demonstrate intentions that are fundamentally misaligned with the principles of safeguarding civic space and fundamental freedoms:

- In its [Urgent Opinion on the Law on Transparency of Foreign Influence](#) (May 2024) the Venice Commission stated that the Law's "fundamental flaws will involve significant negative consequences for the freedoms of association and expression, the right to privacy, the right to participate in public affairs as well as the prohibition of discrimination. Ultimately, this will affect open, informed public debate, pluralism and democracy". Additionally, the Commission established that “being designated as an entity pursuing the interests of a foreign power under the Law has serious implications as it undermines both the financial stability and credibility of the organisations targeted as well as their operations...The persistent and stigmatising obstacles concentrated in the hands of the state create a chilling effect”.
- The [Urgent Opinion](#) of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR - May 2024) on the same Law stated that "that the "proposed registry of “organisations pursuing the interests of a foreign power” will likely have an indirect discriminatory impact ... and infringe excessively into the right to privacy.", concluding that "that the Law “On the Transparency of Foreign Influence” contains serious

¹[CSO Meter](#) puts the number of registered organizations at 30258; active organizations at 1,286 (2023). Many media outlets, also required to register are private, for-profit entities, however.

² See comprehensive overview of the implications of the Implementing Regulation to the Law of Georgia on Transparency of Foreign Influence here:

<https://www.icnl.org/wp-content/uploads/09.05.2024-Georgia-Implications-of-Implementing-FA-Law.pdf>



deficiencies that renders it incompatible with international human rights standards and OSCE human dimension commitments and should be rescinded."

- Experts of the United Nations' Office of the High Commissioner for Human Rights (OHCHR) [concluded](#) that the Law "will have a chilling effect on civil society, journalists and human rights defenders and sends an extremely negative signal about the country's commitment to human rights".³
- In its [Opinion on the Draft Constitutional Law on Protecting Family Values and Minors](#) (June 2024), the Venice Commission criticised the bill's broad restrictions of the right to freedom of expression and assembly, which would be "incompatible with international standards" and would violate applicable international human rights norms. In sum, the Commission concluded that "the compliance of the provisions at stake with European and international standards cannot be established". Following its passing by the Parliament on September 4, the EU [reacted](#) noting: "This package undermines the fundamental rights of Georgian people and risks further stigmatisation and discrimination of part of the population."
- In its [Opinion on Amendments to the Election Code](#) (June 2024), the Venice Commission stated it being "highly concerned that the amendments have been adopted in an accelerated procedure, without prior public consultations, and without taking into account any of the concerns raised by the President of Georgia, the Public Defender of Georgia, several representatives of the opposition and of the civil society, and by international organisations. Moreover, the amendments relating to political parties' candidate lists are relevant for the outcome of elections, and their adoption much less than one year before the next parliamentary elections – scheduled for October 2024 – gives rise to serious concerns regarding stability of electoral law. The Venice Commission stresses again, as it did in a series of previous opinions, that the practice in Georgia of frequently amending the electoral legislation risks undermining the integrity of the electoral process and the state's ongoing efforts to consolidate democracy."

In addition to the legislative measures, the continued public intimidation and vilification of critics, including CSOs and media representatives, further undermine the conditions necessary for a free and open civic space. Cases of intimidation, violence and threats have been [extensively chronicled](#) by Georgian civil society and independent media sources. Georgian human rights groups have [documented](#) and highlighted up to 12 cases of attacks on activists since mid-April 2024. According to a Human Rights Watch [report](#) published on August 20, investigations of these cases are being conducted ineffectively.

Conclusion:

Given the government's continued advancement of restrictive legislation that undermines fundamental freedoms and civic space, as well as the ongoing repression of critics of such

³ The Support Unit could also verify these claims on the ground through direct conversations with civil society partners, who reiterated that the regulations could incapacitate civil society organisations through onerous reporting requirements, excessive fines and a politically-motivated, selective application. It could also violate privacy laws not only in Georgia but for international experts and organisations who work with Georgian CSOs. Many civil society organisations already began registering abroad to avoid the consequences of the legislation.



legislation, the assessment concludes that compliance with Stage One Recommendations is not viable within the originally proposed November 6, 2024 deadline. Inability to meet this deadline has also been confirmed by the Georgian government.

