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Review of Civil Space in Georgia:

May 2024-July 2024

Volume 3

ძლიერი სამოქალაქო საზოგადოება
დემოკრატიის განვითარებისთვის საქართველოში

Strong and resilient civil society
serving to democratic development in Georgia

Civic Space Review

May 2024-July 2024

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Executive Summery

The adoption of the law on transparency of foreign influence, commonly known as the "Russian law," severely restricted civil space and created significant challenges for civil society organizations. The law was found to be damaging not only due to its requirements to discredit and stigmatize civil society organizations but also because of the process through which it was drafted and approved.

Simultaneously with the adoption of the law, hostile rhetoric targeting civil society intensified, claiming that these organizations serve the interests of foreign countries rather than their own. During the reporting period, several premeditated incidents involving threats, insults, and physical violence

were recorded. In many significant cases, investigations remain incomplete and have yet to yield tangible results. It is also important to note that during the protests against the adoption of the law, there were numerous instances of excessive force and mistreatment by the police and special forces, leading to harm to citizens' health.

It is also noteworthy that with the adoption of the law and its accompanying measures, the space for cooperation between civil society and the state was nearly completely eradicated.

During the reporting period, it is important to highlight the critical statements made by members of the Georgian government, parliament, or ruling party against representatives of Western states or organizations. Despite numerous domestic and international appeals urging the Parliament of Georgia to repeal the law—arguing that it violated the Georgian Constitution, international legal norms, and the will of the Georgian people—the law was still enacted. As a result of the law's implementation, Georgia's process of European and Euro-Atlantic integration was significantly harmed.

It is noteworthy that, in parallel with the upcoming elections in the country, there is a high level of political polarization and the continued use of hostile rhetoric, both of which negatively impact civil space.

Finally, with the adoption and implementation of the "Russian Law," along with the accompanying processes and the suspension of Georgia's European integration, the functioning of civil space and the activities of individual actors within it have been significantly hindered. This impact is likely to persist, affecting the ability of these organizations to carry out advocacy campaigns or provide services. In addition to efforts to damage the reputation of civil society organizations, their financial stability has also been undermined. The resulting conditions effectively eliminate any meaningful space for cooperation between civil society and the state.

Methodology

The "Civic Space Review" is a tool for ongoing monitoring and analysis of the current situation. It not only examines the de jure reality in the country but also focuses on current trends, official rhetoric, and anticipated future challenges. The review is prepared by the Civil Society Institute (CSI) with support from the German Foundation "Bread for the World" as part of the project "Strong and Resilient Civil Society Serving to Democratic Development in Georgia".

The reporting period of the review typically spans three months and analyzes the facts and trends that occurred during this time in the following main areas:

- Disrupting the work of civil space or individual actors within it and interfering with their activities;
- Hostile rhetoric and discredit campaigns;
- Financial stability and access to funding;

- Space for cooperation between the state and civil society organizations;
- Opportunities for advocacy and service delivery by civil society organizations.

In addition to the mentioned areas, the review may also address other relevant issues that do not fit into the predetermined themes at the time.

The review involves monitoring and in-depth qualitative analysis of each significant issue and event. As such, it possesses both a descriptive and explanatory character.

When preparing the review, the subject of observation is the state of civil society. This involves analyzing variables and indicators such as empirical practices established by the state that affect the living environment of civil society, legislative initiatives and other legal documents, the actions of central and local legislative and executive authorities, public statements and assessments by representatives of the ruling party(ies), and information disseminated in the media.

During the monitoring process, the project team also examines secondary sources, including studies, reports, and evaluations prepared by local and international organizations.

When collecting data, depending on the importance and sensitivity of a specific issue, additional research may be conducted using qualitative methods, including in-depth interviews with targeted samples and several focus groups. During the preparation of this publication, three additional in-depth interviews were conducted and analyzed.

The review is published in both Georgian and English to reach local and international audiences. It is distributed through all of the Civil Society Institute's communication channels, including CSOGorgia.org, and is accessible to all interested parties.

Adoption of the "Russian Law"

Amid mass protests, on May 14, the Parliament of Georgia adopted the law on transparency of foreign influence, known as the 'Russian Law,' in its third reading¹². 84 MPs voted in favor of the law, while 30 members of the parliamentary opposition were against it.

The adoption of the draft law by the parliamentary majority was preceded by mass protests in the country, as well as appeals from Georgia's foreign partners, urging the governing team not to proceed with this decision. The law was seen as contradicting the will of the Georgian people and posing an obstacle to Georgia's European integration. During a visit to Georgia on May 13, the Chairman of the Foreign Affairs Committee of the German Bundestag, Mikhail Roth, stated that he 'could not see a chance for a bright future for Georgia if the government did not withdraw this law,' referring to the

¹ Le Monde 2024 "Georgia's parliament adopts Russia-style 'foreign influence' law despite protests" available at: <https://shorturl.at/qprD3>

² The law of Georgia on transparency of foreign influence. available at the link: <https://matsne.gov.ge/ka/document/view/6171895?publication=0>

country's European integration efforts³. Before that, on May 12, more than 120 Georgian civil society organizations issued a joint statement requesting the recall of the draft law⁴.

It should be noted that on May 10, a few days before the law's adoption, Georgian Prime Minister Irakli Kobakhidze announced that he had informed foreign partners it was possible to negotiate positions within the veto procedures⁵. Later, in a statement made on May 12, he specified that he had communicated with representatives of the European Union and the OSCE on this issue and noted that in the past presidential vetoes “were prepared by NGOs or from outside”⁶. In response, on May 12, President of Georgia Salome Zourabichvili stated that she 'would use her veto power but would not engage in any manipulation, as that would only serve to create confusion among the people’⁷.

Finally, shortly after the third reading of the law, on May 18, the President vetoed the Russian law, which entailed sending motivated remarks on the law to Parliament. The President returned the law to Parliament unchanged but added one article stating that 'the law would be effective only for one day after its enactment’⁸. Additionally, she included notes indicating that the law violated Article 22 (freedom of association), Article 15 (personal and family life, privacy, and communication), Article 11 (right to equality), and Article 78 (integration into European and Euro-Atlantic structures).

Despite numerous international and local calls for Parliament not to overturn the President's veto, the ruling party voted on the issue on May 28 and ultimately approved the version of the law that had been passed in three readings⁹. First, Parliament overrode the President's veto with 66 votes. Following this procedure, they then voted on the version of the law adopted in three readings, which passed with 84 votes in favor. Finally, the law was published with the signature of the chairman of Parliament¹⁰, as the president had not signed it. Following this, the law was officially enacted.

³ Civil Georgia. 2024. “Chairmen of the foreign affairs committees of the EU member states are visiting Georgia” available in Georgian at the link: <https://civil.ge/ka/archives/606202>

⁴ csf.ge. 2024 “Russian law must be recalled unconditionally”. Available in Georgian at the link: <https://csf.ge/rusul-kanoni-upirobod-unda-ignas-gawveuli/>

⁵ Public Broadcaster. 2024. "Irakli Kobakhidze - I explained to our partners that it is possible to reconcile positions within the veto procedure". Available in Georgian at the link: <https://shorturl.at/96ePR>

⁶ Public Broadcaster. 2024. Statement of Irakli Kobakhidze. Available in Georgian at the link: <https://shorturl.at/mGSIJ>

⁷ Public Broadcaster. 2024. Salome Zourabichvili – “I will introduce a veto, but I will not engage in any manipulation or start games, because there is only one reason for this, to introduce misunderstanding among the people.” available in Georgian at the link: <https://shorturl.at/Eu5pj>

⁸ Radio Liberty. 2024. “"Repeal of the law is the only option" - what else does the president's veto say?." Available in Georgian at the link: <https://www.radiotavisupleba.ge/a/32953743.html>

⁹ Publika. 2024. "Parliament overcame the veto and finally adopted the Russian law." Available in Georgian at the link: <https://publika.ge/parlamentma-veto-dadzlia-da/>

¹⁰ The parliament of Georgia. 2024. Shalva Papuashvili: Today I signed the law "On transparency of foreign influence", the main goal of which is to strengthen the resilience of Georgia's political, economic and social systems against external interference. Available in Georgian at the link: <https://shorturl.at/dAoXt>

Excessive force and mistreatment

The parliamentary discussion, voting, and eventual adoption of the Russian law were accompanied by mass protests in Tbilisi and other cities in Georgia. According to independent assessments by civil society organizations operating in Georgia, international organizations, and the Office of the Public Defender of Georgia, there was excessive use of force and improper treatment by the police and investigative agencies.

According to some local human rights organizations, many of those arrested during the protests reported instances of physical and verbal abuse by law enforcement officers¹¹. They also noted that most of the detainees had injuries of varying degrees, which they claimed were inflicted during the arrest.

In addition to excessive force and mistreatment, civil society organizations also highlighted the following issues:

- Difficulty in obtaining timely information about the whereabouts of detainees during the demonstrations, with many not having adequate opportunities to communicate with family members or lawyers;
- Unjustified extension of detention periods;
- Consideration of cases in court and the imposition of particularly severe sanctions.

According to the assessment of the Public Defender of Georgia, instances of excessive force and mistreatment reveal signs of political, professional, and opinion-based persecution of individuals.¹²

Particularly noteworthy are the cases of politicians Levan Khabeishvili¹³ and Aleko Elisashvili¹⁴, as well as anti-occupation movement leader Davit Katsarava¹⁵ and others, who sustained severe injuries during their arrests, requiring immediate medical intervention.

An investigation has been initiated by the Special Investigation Service of Georgia into these and other cases, however, no one has been detained so far¹⁶.

¹¹ GYLA.GE. 2024 "Georgian non-governmental organizations continue to protect the rights of detainees at peaceful demonstrations". is available in Georgian at the link: <https://gyla.ge/ge/post/qartuli-arasamtavrobo-organizaciebi-vagrdzelebt-mshvidobian-aqciebze-dakavebulebis-uflebebis-dacvas#sthash.OlrUvVl1.dpbs>

¹² Ombudsman.Ge "The Public Defender calls on the investigative agencies to take legal measures regarding the alleged excessive use of force and improper treatment" Available in Georgian at the link: <https://shorturl.at/Nt7Eg>

¹³ Radio Liberty. 2024. Levan Khabeishvili was brutally beaten. Available in Georgian at the link: <https://shorturl.at/8W2ks>

¹⁴ Radio Liberty. 2024. "Special forces beat Aleko Elisashvili". Available in Georgian at the link: <https://www.radiotavisupleba.ge/a/32928236.html>

¹⁵ Interpressnews. 2024. "Davit Katsarava talks about the details of his beating by the special forces". Available in Georgian at the link: <https://www.interpressnews.ge/ka/article/800210-davit-kacarava-specrazmelebis-mier-misi-cemis-detalebze-saubros/>

¹⁶ Statement of the Special Investigation Service. Available at the link: <https://shorturl.at/Ui60Y>

According to the human rights organization Amnesty International, the authorities should have promptly stopped using unlawful force against demonstrators, as it infringes upon the right to peaceful assembly¹⁷.

A campaign of violence and intimidation alongside the adoption of the law

Simultaneously with the adoption of the Russian law, a campaign of threats and violence targeting representatives of civil society organizations, the media, and political parties was initiated.

In May, thousands of citizens participating in protests against the law received phone calls that seemed to come from foreign countries or foreign-registered numbers, during which they were verbally abused and threatened in relation to their participation in the protests¹⁸. Threatening calls were received by civil activists, prominent vloggers, journalists, ordinary citizens, and their family members. In some instances, calls were even made to the young children of those involved in the protests¹⁹. According to the Union of Investigative Journalists “iFact”, the calls were not actually made from abroad but were instead a 'fraudulent method' known as CLI spoofing, where the information displayed on the recipient's device is deliberately falsified.²⁰

These calls, which contained obvious signs of criminal activity such as threats and insults, also raise reasonable suspicions about the illegal acquisition and use of personal data and possible involvement of state structures. The Personal Data Protection Service forwarded the case to the Prosecutor's Office,²¹ however, the perpetrators of the crime have not yet been identified.

In addition to phone calls, protest participants also received messages containing insults and threats in the form of graffiti on their homes, offices, or private vehicles²².

Alongside the organized threats and insults, it is important to note the instances of violence, which, according to opposition parties, some media outlets, and civil society organizations, were perpetrated by individuals or groups affiliated with the government.

It is important to note that many instances of violence were well-organized, as evidenced by surveillance cameras at the scene. Notably, the perpetrators seemed to be aware of the time and route

¹⁷ Amnesty International. 2024. “Georgia: authorities must stop using unlawful force against peaceful protesters and ensure accountability”. Available at the link: <https://www.amnesty.org/en/documents/eur56/8015/2024/en/>

¹⁸ Radio Liberty. 2024. Opponents of the "Agents' Law" are called on the phone and cursed. Available in Georgian at the link :<https://www.radiotavisupleba.ge/a/32936788.html>

¹⁹ Radio Liberty. 2024. "A call to 11-year-old Lile, 16-year-old Keso, a 13-year-old girl, a 10-year-old boy - why do they call children?" Available in Georgian at the link: <https://shorturl.at/RubEn>

²⁰ iFact. 2024. “At what cost did we get "Russian law" - interrogations, beatings, threatening calls”. Available in Georgian at the link: <https://shorturl.at/xmIBz>

²¹ Interpressnews. 2024. Personal Data Protection Service - threatening calls were made to citizens from inactive phone numbers, for which a spoofing system was used - the case was forwarded to the Prosecutor's Office. Available in Georgian at the link: <https://shorturl.at/n25pW>

²²Radio Liberty. 2024. “Posters on the walls of offices and houses, inscriptions on cars - a new hate campaign has started in Tbilisi”. Available in Georgian at the link: <https://www.radiotavisupleba.ge/a/32939391.html>

of specific victims, setting up ambushes accordingly. Violence was directed at civil activists, media representatives, members of civil society organizations, politicians, and their family members in Tbilisi and other cities in Georgia²³²⁴²⁵.

"Database" - an attempt to limit the right to expression

On May 8, the Speaker of the Parliament of Georgia and one of the leaders of the "Georgian Dream" party, Shalva Papuashvili, said that the ruling party was planning to create a kind of public base, where "persons involved in violence, other illegal actions, threats and blackmail or such actions in public, including Likers on the social network" would be included²⁶. According to him, this database would be hosted on a special website and made public and transparent for the citizens of Georgia. He also mentioned that there were instances of pressure and blackmail against citizens and their families that, while not fitting within the criminal dimension, still warranted moral scrutiny.

Although the database has not yet been created, the potential implementation of similar initiatives in the future—where the creators decide, based on their personal views, who should be included—poses a clear risk of restricting freedom of expression. Such initiatives could be used against opposition groups, as well as citizens, media, civil society organizations, and other interested parties.

The implementation of similar initiatives, where people are included in a database based on their reactions on social networks, also poses the risk of attempts to discredit and stigmatize citizens for having and expressing differing opinions.

The international legal assessment of the “Russian law”

The Venice Commission (officially known as the European Commission for Democracy through Law) has issued an urgent legal assessment (*urgent opinion*) of the Russian law drafted and supported by the ruling party.²⁷ According to this assessment, the commission "strongly recommends" the authorities to repeal the adopted law "On transparency of foreign influence" because it has fundamental flaws.

"According to the conclusion, the proposed law violates four articles of the European Convention on Human Rights, including:

- The right to privacy;
- Freedom of expression;

²³ Tabula. 2024. "Dmitry Chikovani was attacked and beaten". Available in Georgian at the link: <https://tabula.ge/ge/news/717845-dimitri-chikovans-tavs-daeskhnen-stsemes>

²⁴ Radio Liberty. 2024. "The civil activist Zuka Berdenishvili was attacked". Available in Georgian at the link: <https://www.radiotavisupleba.ge/a/32987723.html>

²⁵Formula. 2024. "Teacher Lado Abkhazava was attacked" Available in Georgian at the link: <https://formulanews.ge/News/110677>

²⁶ Public Broadcaster. 2024. "Shalva Papuashvili - we are starting to create a database, where information will be gathered about all the persons who are involved in violence and other illegal actions." Available in Georgian at the link: <https://shorturl.at/OWOVI>

²⁷ Venice Commission's Urgent Opinion. Available at the link: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2024\)020-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2024)020-e)

- Freedom of assembly and association;
- The right to protection from discrimination.

Additionally, the conclusion states that the law contradicts articles of the UN Covenant on Civil and Political Rights, including those related to privacy and the freedoms of expression and association. The assessment also notes that the law fails to meet the requirements of legality, legitimacy, proportionality, and necessity.

The assessment also highlighted that there are a number of significant differences between the Georgian law and the United States' FARA, as well as similar legislation in Australia and Israel.

The ruling party did not heed the Venice Commission's comments and responded by stating that the conclusion is filled with political messages, lacks legal justification, and contains several factual inaccuracies²⁸.

Similar to the Venice Commission, the legal assessment prepared by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) emphasizes the need to repeal the law²⁹. According to the assessment, the law contains serious flaws that make it incompatible with international human rights standards.

According to the assessment, the primary justification for the law focuses on "foreign influence" and "transparency." The document suggests that, in response to "foreign influence," it would have been possible to use less intrusive measures, such as professional lobbying or clearly defined regulations on expressing foreign interests that impact the public decision-making process. These measures would be distinctly different from the daily activities of civil society organizations. The document also notes that "transparency" is and has been the main justification for the adoption or initiation of similar laws in countries such as the Russian Federation, Hungary and Kyrgyzstan, as well as the Republika Srpska within Bosnia and Herzegovina.

According to the assessment, general guidelines on the public interest regarding the legality of civil sector financing, without an analysis of the risks of the non-governmental sector's involvement in crimes such as corruption and money laundering, as well as specific, well-founded threats to national security, cannot serve as a legitimate basis for limiting the right to association.

The assessment highlights that the explanatory note of the law does not clarify whether the authors conducted a thorough review of existing legislation to determine if their objectives could be met through current laws or by enhancing them, including financial or tax regulations. Additionally, ODIHR's evaluation points out that the explanatory note lacks an impact assessment, particularly failing to analyze the potential effects on the rights of association, press, and expression.

²⁸ Radio Liberty. 2024. "How they "wrote" the Venice Commission's critical report on the "Law of Agents"" Available in Georgian at the link: <https://shorturl.at/BLCP1>

²⁹ Legal assessment prepared by OSCE/ODIHR. Available at the link: <https://www.osce.org/files/f/documents/b/d/569922.pdf>

The assessment emphasizes that the examples cited in the explanatory note such as the US Foreign Agents Registration Act (FARA) and Australia's Foreign Influence Transparency Scheme Act, differ fundamentally from the objectives and scope of the Georgian law. According to the analysis, while these laws mandate public registration for organizations directly involved in advocacy and lobbying on behalf of foreign governments, they do not categorize civil society or media organizations as foreign representatives merely because they receive funding from abroad.

The analysis focuses on the existence of a discriminatory approach to organizations based on the origin of their funding. According to the document, discriminatory treatment against specific categories of organizations or associations based on their funding sources should be considered from the perspective of sectoral equity. This means that the regulations applied to these associations should not be more stringent than those applied to commercial establishments or businesses in general. ODIHR suggests that because the law fails to adequately justify differing treatment based on funding sources, it may be considered discriminatory.

The assessment also asserts that imposing new obligations on organizations receiving funding from foreign sources imposes certain restrictions on the exercise of the right to association. Moreover, disclosing foreign funding poses the risk of stigmatization for these organizations.

Furthermore, the analysis highlights that the term "foreign power," given its broad definition, encompasses international and intergovernmental organizations, including those of which Georgia is a member and contributor. Hence, under the mentioned law, these organizations may also be classified as foreign powers. As a result, organizations receiving funding from them, such as the United Nations, would be regarded as representatives of foreign interests.

According to the document, the state's authority to request any personal or confidential information from any private or legal entity within the monitoring framework, including details about ethnic origin, political, religious, or other beliefs, is deemed excessive and violates the right to privacy. The ruling party did not consider the conclusion prepared by the OSCE Office for Democratic Institutions and Human Rights. According to the Chairman of the Parliament, Shalva Papuashvili, the conclusion was prepared by Jeremy McBride, a lawyer for former President Mikheil Saakashvili³⁰. However, ODIHR clarified that the assessment was prepared by the organization's internal experts and that Jeremy McBride was not involved³¹.

³⁰Public Broadcaster. 2024. "Shalva Papuashvili - I assume that the main author of the OSCE/ODIR report is the person who was Saakashvili's lawyer at the Strasbourg court, can there be so many coincidences?!" Available in Georgian at the link: <https://shorturl.at/uMpF3>

³¹Netgazeti. 2024. "Jeremy McBride did not write an opinion on the law - ODIHR's response to "Georgian Dream" Available in Georgian at the link: <https://netgazeti.ge/life/725026/>

Possible suspension from the Open Government Partnership (OGP)

On May 7, the Open Government Partnership (OGP) called³² on the Georgian government to present a concrete plan and a six-month timetable for addressing the current challenges, including:

- **Withdrawal of Discriminatory Legislation:** Immediate review and withdrawal of any legislation impeding the freedom of expression and association of civil society organizations, media representatives, and vulnerable groups, such as the Law on Transparency of Foreign Influence.
- **Protection of Association and Press Freedom:** Ensuring an environment where civil society organizations and journalists can work without fear of intimidation or violence, especially during election periods.
- **Enhanced Access to Information:** Strengthening existing frameworks to ensure unfettered access to public information and reviewing the overall legal framework to align with international standards.

The government was given a one-month deadline to submit the plan and timetable, which expired on June 6.

The OGP has stated that the Georgian government should also consider recommendations from third parties, including those issued by the European Commission as part of Georgia's EU accession process.

According to the OGP, 'Failure to develop and implement the recommended work plan could lead to Georgia being suspended from the OGP until the concerns are resolved. Continued disregard for the values and principles of the OGP could also result in the termination of membership in the Partnership.

Given that the Georgian authorities have ruled out canceling the 'Russian law,' the potential suspension or termination of Georgia's membership in the OGP can be considered a significant threat.

It should be noted that, due to the incompatibility of the 'Russian Law' with the core values and principles of open governance, member civil society organizations have already withdrawn from the Interagency Coordination Council for Open Governance of Georgia³³.

OGP is an international partnership format where representatives from both the state and civil society collaborate to develop and implement action plans, aiming to make the government more inclusive and accountable. This format enhances transparency, involves citizens in processes to empower them, combats corruption, and strengthens governance. Consequently, rejecting this format would significantly diminish the opportunities for cooperation between the state and civil society organizations.

³² OGP. 2024. government of Georgia Urged to Follow Open Government Recommendations to Address Legislation Restricting Civil Society. Available at the link: <https://shorturl.at/RfNNX>

³³ IDFI. 2024. " Joint Statement by Civil Society Organizations on Withdrawal from the Open Government Partnership (OGP) Council of Georgia". Available at the link: [https://idfi.ge/ge/joint-statement-by-civil-society-organizations-on-withdrawal-from-the-open-government-partnership-\(ogp\)-council-of-georgia](https://idfi.ge/ge/joint-statement-by-civil-society-organizations-on-withdrawal-from-the-open-government-partnership-(ogp)-council-of-georgia)

Anticipation of sanctions and suspension of the European integration process

Parallel to the adoption process of the Russian law, US Assistant Secretary of State for European and Eurasian Affairs, Jim O'Brien, visited Georgia in May. Speaking to Georgian media, he stated that if the strategic partnership shifts and the US is perceived as an adversary rather than an ally, then relations would be reevaluated, and the US aid provided to Georgia could be questioned.

According to his statement, if the law were to proceed—contrary to European Union norms—and if 'undermining democracy' continued and violence was committed against peaceful demonstrators, the US would impose restrictions targeting those responsible for these actions and their family members³⁴.

Following the adoption of the law by the Parliament of Georgia, the US State Department imposed visa restrictions on several dozen Georgian citizens, though their names were not disclosed. According to State Department spokesperson Matthew Miller, the restrictions were applied to members of the 'Georgian Dream' party, parliamentarians, representatives of law enforcement agencies, and private citizens³⁵.

At the same time, the so-called Megobari Act was registered in the US Congress and was supported by the Foreign Relations Committee of the House of Representatives³⁶. According to the act, individuals responsible for adopting or potentially enacting the Russian-style foreign agents law in Georgia would face consequences. Conversely, if Georgia strengthens its democratic and Western orientation, it could receive increased support, including additional financial aid, simplified trade agreements, and relaxed visa requirements. Consideration of the act is expected to resume in September, after Congress returns from its summer recess.

It is noteworthy that in a letter dated July 26, members of the Commission on Security and Cooperation in Europe, also known as the Helsinki Commission (an independent agency created by Congress), called on U.S. Secretary of State Antony Blinken to impose individual financial sanctions on Bidzina Ivanishvili and his close associates³⁷.

It is important to mention that the USA has already suspended the "Noble Partner" military exercises in Georgia indefinitely³⁸, and the European Union has suspended a 30-million-euro aid package to the

³⁴ Radio Liberty. 2024. "Washington's 4 main messages from Jim O'Brien's visit". Available in Georgian at the link: <https://shorturl.at/qUeUU>

³⁵ Netgazeti. 2024. "Washington imposed visa sanctions on several dozen people in Georgia". Available in Georgian at the link: <https://netgazeti.ge/life/726022/>

³⁶ Publika. 2024. "House Committee Endorses MEGOBARI Act" available in Georgian at the link: <https://publika.ge/warmomadgenelta-palatis-komitetma-megobari-aqts-mkhari-dauchira/>

³⁷ Mtavari TV. "'Helsinki Commission urges Blinken to impose individual financial sanctions against Ivanishvili". Available at the link: <https://shorturl.at/N4YbX>

³⁸ Netgazeti. 2024. "US Suspends Military Exercises "Noble Partner" Indefinitely" Available in Georgian at the link: <https://netgazeti.ge/life/730470/>

Georgian Defense Forces³⁹. Denmark has also halted military cooperation with Georgia, which had a budget of 28 million GEL⁴⁰. According to Peter Fischer, the German ambassador, Germany, as one of the leading states in the European Union, has initiated a comprehensive review of its relations with Tbilisi⁴¹.

According to his statement, the European Council, comprising 27 heads of state and government, decided on June 27 to suspend Georgia's EU accession process due to the Georgian government's policies⁴². This process is currently suspended.

The suspension of European and Euro-Atlantic integration, for which the Georgian government is responsible, further deteriorates the environment for civil society organizations. The sustainability of this environment relies on adhering to the principles associated with European and Euro-Atlantic integration.

Obligation to Register: What the Sector Plans

According to the Law on Transparency of Foreign Influence, commonly known as the "Russian Law," civil society and media organizations that receive 20 percent or more of their funding from foreign sources must be registered in a special register as "Organizations Pursuing the Interests of a Foreign Power".

Even before the adoption of the law, approximately 150 organizations publicly declared that they would not register in the "Defamation Register"⁴³. The list of organizations includes both large entities working at the central level and relatively small, service-providing organizations operating at the local level.

According to the organizations that do not plan to register, the law contradicts the Constitution of Georgia, international agreements, and is incompatible with a democratic, legal, and social state.

"Registration in the register, which labels activities carried out for the benefit of Georgia and its society as pursuing the interests of a foreign power, and leads to the stigmatization of the organization, is incompatible with the mission, goals, and principles of GYLA and constitutes an action that damages the organization," states the text from the general assembly of the Association of Young Lawyers of Georgia, by which the organization decided it will not register in the aforementioned register. This

³⁹ Netgazeti. 2024. „The European Union suspended the aid to the Georgian Defense Forces from the EPF" Available in Georgian at the link: <https://netgazeti.ge/life/730738/>

⁴⁰ Netgazeti. 2024. "Denmark suspended military cooperation with Georgia - the budget was 28 million GEL". Available in Georgian at the link: <https://netgazeti.ge/life/733423/>

⁴¹ Netgazeti. 2024 "Germany is in the mode of comprehensive review of relations with Georgia". Available in Georgian at the link: <https://netgazeti.ge/news/730902/>

⁴² German Ambassador Peter Fischer's comment. Available at the link: <https://www.facebook.com/photo/?fbid=887067973454997&set=a.643439887817808>

⁴³ Netgazeti. 2024. "We will not be registered in the defamation register - non-governmental organizations and media". Available in Georgian at the link: <https://netgazeti.ge/life/719770/>

decision was supported by the absolute majority of the members present at the general assembly of the organization⁴⁴.

As part of preparing the 3rd volume of the Civil Space Review, the authors conducted additional in-depth, semi-structured interviews with civil society organizations, including those at the local level, as well as organizations focused on issues affecting vulnerable groups and those providing services.

Although the data obtained during the interviews are not fully representative by nature, this information remains crucial for understanding the challenges the law has created in the daily operations of organizations. It also provides insight into their attitudes, plans, and strategies for working under the obligation to register as "Pursuing the Interests of a Foreign Power."

At the stage of the interviews, it was revealed that most of the organizations consider the obligation of such registration as an action aimed at degrading and stigmatizing. In addition, the obligation to register as "Pursuing the Interests of a Foreign Power," regardless of whether the organization plans to register or not, has created a number of difficulties that negatively impact their operations. This effect is especially pronounced for organizations that provide various services while also assuming responsibilities for the state.

"We have a contract with the Ministry [for the provision of services], with terms that are 'coercive.' This means we face significant penalties for any unmet conditions. This creates a severe and stagnant situation that affects both the organization and its employees. It would be easiest if we didn't have these responsibilities and could express our protest [by not registering]," - says a representative of an organization that provides services to citizens in various regions of Georgia.

During the interviews, it was also revealed that for organizations that do not intend to register but plan to continue their activities, the question of mobilizing funds for potential fines has been a significant challenge.

"The organization [currently] does not have the resources to pay the fine, unless the founders or board members decide to donate their personal funds. We plan to apply for emergency grants and have already identified several potential sources," - said a representative of one of the research organizations during an interview.

In some cases, some organizations believe that voluntarily complying with the conditions of the Russian law fundamentally changes the work values of civil society organizations.

"Articles defined in the law, including those related to the provision of personal information, do not align with the values we uphold. If we are forced to change our activities at the level of values and completely stop what we were doing before, I don't see the point of having the civil sector under such conditions. We are unique because our approaches are much more flexible, and if we can't maintain that, what's the point of our existence?" - says a representative of one of the service providers.

⁴⁴ GYLA. 2024. „Statement on registration“. Available in Georgian at the link: <https://shorturl.at/p2ikY>

It is significant that the overwhelming majority of the interviewed respondents believe that these changes will have a negative impact on the living environment of civil society organizations.

The law's requirements also apply to "in exile" organizations, which include Belarusian, Azerbaijani, and Russian groups, as they are registered in Georgia. Some representatives of these organizations have expressed concerns that they may need to relocate their activities to another country due to these regulations.

Constitutional Lawsuits

After the law was adopted, discussions about filing a lawsuit with the Constitutional Court became more active among political circles and civil society. On May 30, Georgian civil society organizations announced that they were preparing a constitutional lawsuit to be submitted to the court⁴⁵. Finally, in July, three different lawsuits were filed with the court. The first was President Salome Zourabichvili's lawsuit, submitted on July 15. This was followed by a general lawsuit from civil society organizations, announced on July 17, and a joint lawsuit signed by 38 opposition MPs.

In the lawsuit submitted by the President, which the court has accepted, it is argued that the law is unconstitutional and in violation of Article 78 of the Georgian Constitution.

The lawsuit also challenges a number of norms of the law that infringe upon fundamental rights guaranteed by the Constitution. Through this action, the President is seeking both a suspension of the law and its ultimate repeal⁴⁶.

The President's lawsuit is precedential because:

- It marks the first instance in which the President has brought a case before the Constitutional Court.
- To date, the Constitutional Court has not yet adjudicated a case concerning the violation of Article 78 of the Constitution, which pertains to integration into European and Euro-Atlantic structures.

On the other hand, the lawsuits brought by civil society and media organizations highlight that the law infringes upon the right of individuals to associate with like-minded people to engage in beneficial activities and assist others. These lawsuits argue that by enacting the Russian law, the government is fostering a hostile and demeaning environment, thereby threatening the exercise of rights and freedoms related to association, expression, and other fundamental liberties.

Civil society and media organizations, in conjunction with their lawsuit, are also calling for a temporary suspension of the implementation of the unconstitutional norms of the law until the court reaches a final decision.

⁴⁵ Statement of civil society organizations. Available in Georgian at the link: <https://shorturl.at/YUZTN>

⁴⁶ Administration of the President. 2024. The President applies a lawsuit to the Constitutional Court of Georgia. Available in Georgian at the link: <https://shorturl.at/aKgEQ>

The lawsuit filed by the opposition MPs became known on July 29. The deputies are requesting the Constitutional Court to analyze the Law "On Transparency of Foreign Influence" in relation to Articles 22 (freedom of association) and 78 (integration into European and Euro-Atlantic structures) of the Constitution and to annul it. They also request that the court implement a temporary mechanism to suspend the enforcement of the law until a final decision is reached⁴⁷.

Under the legislation, the review period for a constitutional claim or submission should not exceed 9 months, beginning from the date the claim or submission is registered with the Constitutional Court. Additionally, the Chairman of the Constitutional Court may extend this period by up to 2 months in special cases. It's important to note that the expiration of this period does not automatically result in a court decision on the claim or submission, as the law does not specify a deadline for the court to issue a final decision.

Upcoming parliamentary elections and political polarization

High political polarization and hostile rhetoric persist in the country, which especially deepened and intensified after the second introduction of the "Russian law."

The ruling party and most of the opposition parties have already started their election campaigns. Speaking at the official opening ceremony of the campaign, the founder of the "Georgian Dream" party and current honorary chairman, Bidzina Ivanishvili, once again accused political opponents, including President Salome Zourabichvili, of collaborating with the "Global War Party."

According to him, the political opponents effectively represent the "network of spies," "stateless people," and the "collective national movement (*The former ruling party, which is now in opposition*)."
Earlier, he stated that the "network of spies" and "liberal fascism" should end with these elections.⁴⁸

A few days before the event, Prime Minister Irakli Kobakhidze, talking about the incident related to Mikheil Sarjveladze, said that "liberal fascism" will be defeated in the country with these elections, and the next year, 2025, should be the year of complete liberation of the country and society⁴⁹.

In parallel with the upcoming elections scheduled for October 26, the high level of polarization and hostile rhetoric continues to prevail, further damaging the environment for civil society organizations. In such a contentious and polarized atmosphere, there is a risk that any dissenting or critical opinions from CSOs could be labeled as coming from the "foreign agents" by the government. This is particularly concerning because a similar term is legally defined in the "Russian law" as an organization pursuing the interests of a foreign power. In a politically polarized environment, portraying civil society

⁴⁷ Publika. 2024. "Part of the parliamentary opposition filed a lawsuit against the Russian law in the Constitutional Court." Available in Georgian at the link: <https://shorturl.at/eVSyq>

⁴⁸ Civil.Ge 2024. Bidzina Ivanishvili opened the pre-election campaign of "Georgian Dream" by talking about the conspiracy of "Global War Party". Available at the link: <https://civil.ge/ka/archives/616554>

⁴⁹ Public Broadcaster. 2024. "Irakli Kobakhidze - Liberal fascism will be defeated in Georgia on October 26, 2024, 2025 should be the year of complete liberation from liberal fascism". Available in Georgian at the link: <https://shorturl.at/rlox>

organizations as representatives of specific political camps poses a significant threat. This could ultimately undermine the space for cooperation between the state and the civil sector, hinder the ability of these organizations to operate independently, and lead to their stigmatization.

The intense polarization and hostile rhetoric further complicate the process of observation missions for the parliamentary elections. Nevertheless, it should be noted that a significant part of civil society organizations is planning to observe the upcoming elections.

Other significant legislative changes

Parallel to the adoption of the 'Russian Law,' 'Georgian Dream' expedited amendments to the tax code in April with the aim of economic benefits. According to these changes, if assets of a foreign enterprise, including shares, are transferred to a Georgian enterprise, the company will be exempt from income, profit, and import taxes. These changes will be in effect until 2028.

The president vetoed the changes, commonly referred to as the 'offshore law,' on May 3, citing serious political and economic risks and the unsuitability of fast-tracking the legislation. Notably, some economic experts have expressed concerns that the removal of taxes for offshore companies could increase the risk of 'money laundering' during financial transfers. The Parliament overrode the president's veto on May 29, just one day after the Russian law was vetoed⁵⁰.

In May, the Parliament overrode another presidential veto concerning the removal of gender quotas for female MPs, a result of changes to the Election Code⁵¹. The president argued that eliminating the women's quota system 'conflicted with Georgia's European path,' as gender quotas were part of the 9th point of the 12-point plan set by the European Commission, which the Commission had deemed fulfilled⁵². Following an appeal from the Public Defender, OSCE/ODIHR prepared a legal report on the organic laws related to the removal of gender quotas. The report negatively assessed the changes, deeming them inconsistent with international human rights standards aimed at eliminating discrimination against women in political and public life⁵³.

Later, on June 27, the Parliament of Georgia passed the legislative package 'On Family Values and Protection of Minors,' along with the accompanying draft law, in the first reading⁵⁴. A day earlier, the Venice Commission released its opinion on the draft constitutional law "On Family Values and

⁵⁰ Radio Liberty . 2024 "Parliament Overcame the President's Veto on the Offshore Law". Available in Georgian at the link: <https://www.radiotavisupleba.ge/a/32970607.html>

⁵¹ Civil.ge. 2024. "Parliament overcame the president's veto on canceling gender quotas" Available in Georgian at the link: <https://civil.ge/ka/archives/607551>

⁵² Civil.ge. 2024 "President Vetoes Laws to Abolish Women's Quotas". Available in Georgian at the link: <https://civil.ge/ka/archives/600100>

⁵³ Public defender of Georgia. 2024. "OSCE/ODIR publishes conclusion on abolition of gender quotas". Available in Georgian at the link: <https://ombudsman.ge/geo/akhali-ambebi/eutoodirma-genderuli-kvotebis-gaukmebastian-dakavshirebit-daskvna-gamoakveqna>

⁵⁴ Civilin.ge. 2024. "Parliament passed the anti-LGBT legislation in the first reading". Available in Georgian at the link: <https://civilin.ge/ka/archives/614520>

Protection of Minors.⁵⁵, urging the Georgian authorities to "completely review this legislative proposal and not continue to adopt it," or, if they choose to proceed, to remove or amend certain articles to ensure the elimination of discrimination against LGBT people and compliance with the European Convention on Human Rights.

⁵⁵ Venice Commission. 2024. "Georgia - Opinion on the draft constitutional law on Protecting Family Values and Minors, adopted by the Venice Commission at its 139th Plenary Session (Venice, 21-22 June 2024). Available at the link: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2024\)021-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2024)021-e)