

Ref: CommHR/DM/sf 006-2023

**Mr Shalva Papuashvili**  
Chairman of the Parliament of Georgia

Strasbourg, 22 February 2023

Dear Chairman,

I am writing to you in connection with the draft law “On transparency of foreign influence” (N 07-3/293/10, registered on 14 February 2023). If adopted, the law would provide for the registration of non-commercial legal entities and media outlets as “agents of foreign influence” if they receive some of their funding from abroad. The draft law appears to set a separate legal regime for such entities, subjecting them to additional reporting requirements, inspections and sanctions. 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.

While transparency may represent a legitimate concern, it should not be achieved to the detriment of the effective enjoyment by non-commercial organisations and media outlets of their rights and freedoms and of the exercise of their legitimate activities. Reporting requirements should be set up on an equal and non-biased basis regardless of the sources of income. Any interference in this field must respect the principles of necessity and proportionality as established by the case-law of the European Court of Human Rights. I would also like to draw your attention to the Committee of Minister’s [Recommendation](#) on the legal status of non-governmental organisations in Europe, establishing the right of NGOs to solicit and receive funding, including from foreign sources, for the exercise of their legitimate activities.

Against this background, I am concerned about the compatibility of the draft law “On transparency of foreign influence” with applicable human rights standards. I would like to underline in this context that the European Court of Human Rights has [found](#) a violation of Article 11 of the European Convention of Human Rights in connection with the legislation of the Russian Federation on so-called “foreign agents”. In particular, the Court established that creating a special status and a legal regime for the organisations receiving foreign funding was not justified and that such initiatives placed a significant chilling effect on NGOs and their ability to perform their legitimate civil society functions.

I therefore encourage the members of the Parliament to unequivocally commit to fostering a diverse and vibrant civic participation in public affairs and a conducive environment for the functioning of civil society organisations and human rights defenders in Georgia.

I would be grateful if you could ensure that all members of the Parliament receive a copy of this letter and I stand ready to discuss these matters further with you in the framework of my constructive dialogue with Georgian authorities.

Your sincerely,



Dunja Mijatović