

Memorandum on accountability of law enforcement and freedoms of assembly, association and expression in Georgia

Introduction

1. The Council of Europe Commissioner for Human Rights (hereinafter the Commissioner) carried out a visit to Georgia on 14 and 15 April 2026. The visit focused, among other topics, on the continued lack of accountability of state agents for the disproportionate use of force during protests in 2024 and early 2025, and the increasing restrictions on the rights to freedom of peaceful assembly, association and expression.¹ This Memorandum should be read in conjunction with the Memorandum on the Commissioner's first visit to Georgia from 21 to 23 January 2025.²
2. According to his mandate, the Commissioner fosters the effective observance of human rights; assists member states in the implementation of Council of Europe human rights instruments, in particular the European Convention on Human Rights (ECHR); identifies possible shortcomings in the law and practice concerning human rights; and provides advice and information regarding the protection of human rights across the region.³
3. During the visit, the Commissioner met with the Prime Minister, Irakli Kobakhidze; the Minister of Foreign Affairs, Maka Botchorishvili; the Minister of Internal Affairs, Gela Geladze;⁴ the Minister of Internally Displaced Persons (IDPs) from the Occupied Territories, Labour, Health and Social Affairs, Mikheil Sarjveladze; the State Minister for Reconciliation and Civic Equality, Tea Akhvlediani; the Prosecutor General, Giorgi Gvarakidze; the Auditor General, Giorgi Gabitashvili; and the Public Defender of Georgia, Levan Ioseliani. He also met the UN Resident Coordinator in Georgia, Didier Trebucq, as well as representatives of Georgian civil society organisations. He visited the occupation line in Odzisi and met IDPs in the Tserovani settlement. On 5 May 2026 the Commissioner held an online meeting with Paata Salia, the Minister of Justice.
4. The Commissioner thanks the Georgian authorities for their assistance in organising this visit and for the availability of high-level interlocutors. He is also grateful to all organisations and individuals for their insights.
5. Section I of this Memorandum focuses on the accountability of state agents for the disproportionate use of force during protests in 2024 and early 2025. Section II addresses the restrictions on democratic freedoms.⁵

I. Accountability of law enforcement officers

6. In March 2025 the Commissioner recommended that the Georgian authorities investigate the disproportionate use of force during protests in 2024 and early 2025 in line with the European Court of Human Rights' (Court) standards on effective investigations, including by strengthening the independence of the Special Investigative Service (SIS) and providing comprehensive reparation to survivors. The Commissioner also recommended requiring that all law enforcement personnel wear visible and

¹ The Commissioner's visit also provided an opportunity for his first engagement on human rights issues faced by people in and displaced from the Georgian territories of Abkhazia and Tskhinvali region/South Ossetia. This issue is not part of the present Memorandum, for more information see the end-of-visit [statement](#) of 21 April 2026.

² Commissioner, [Memorandum on the human rights situation in Georgia](#) of 10 March 2025.

³ [Resolution \(99\)50](#) on the Council of Europe Commissioner for Human Rights, adopted by the Committee of Ministers on 7 May 1999.

⁴ On 22 April 2026 Sulkhan Tamazashvili replaced Gela Geladze as Minister of Internal Affairs.

⁵ This Memorandum was finalised on 1 June 2026.

individually distinguishable identification to enhance accountability.⁶ Following official acknowledgment in December 2025 that water cannons containing chemical substances had been used against protesters in 2024, the Commissioner wrote to the Prosecutor General emphasising the need to assess the legality and proportionality of their use.⁷

7. The Commissioner was informed by the authorities that a legislative proposal was under preparation, requiring all law enforcement personnel to wear visible identification numbers. The Commissioner welcomes the proposal as a positive step, which responds to a recommendation he made and to long-standing calls by the Public Defender, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), and in line with the case-law of the Court.
8. The Commissioner takes note of the authorities' indication that the policing of public assemblies has improved compared to 2024 and early 2025, including through changes in the leadership of the Ministry of Internal Affairs and its Special Tasks Department. He underlines the importance of ensuring that all public assemblies are policed in a manner consistent with human rights standards, including the principles of legality, necessity and proportionality, and that allegations of misconduct by law enforcement officials are effectively investigated. However, the Commissioner observes that there has been only limited progress in investigations concerning allegations against law enforcement personnel and groups associated with the authorities, whereas criminal proceedings against protesters have continued to advance and, in several cases, have resulted in convictions. Regarding the changes in the leadership of the Ministry of Internal Affairs, the Commissioner notes that, on 22 April 2026, the former head of the Tbilisi Police Department (from July 2021 to April 2025) was appointed Minister of Internal Affairs, notwithstanding the serious concerns related to the policing of protests during that period.
9. During the visit the Prosecutor General stated that the criminal investigations into the disproportionate use of force by law enforcement and groups of unidentified masked men against protesters and journalists in November and December 2024, which were initiated by the SIS and transferred to the Prosecutor's Office of Georgia (POG) following the abolition of the SIS on 1 July 2025 (see paragraph 11), were ongoing. On 7 May 2026 the Prosecutor General announced the arrest of five (former) officers of the Special Tasks Department for alleged involvement in the ill-treatment of three individuals (a protester, a politician and a journalist) during protests in April and November 2024. All five suspects have been charged under Article 333(3)(b) of the Criminal Code (CC) (exceeding official authority with the use of violence). The suspect in the journalist case is also charged under Article 154(2) of the CC (unlawfully obstructing a journalist's professional activities through violence).⁸
10. The Commissioner notes that this is the first publicly known case of police officers being indicted for the use of disproportionate force against protesters and journalists in 2024 and early 2025. However, he observes that between April 2024 and March 2025 the Public Defender received reports of ill-treatment from 360 persons, including reports of torture and alleged threats of sexual violence against women protesters. According to information provided by the POG, 181 persons have been granted victim status, out of which 149 persons were recognised as victims of ill treatment; 48 journalists/camera operators were recognised as victims for crimes committed against them during the protest rallies held in 2024 and 2025, out of which 45 journalists were granted victim status under Article 154 of the CC and three under Article 333(3)(b) of the CC; and prosecution had been initiated against nine individuals for illegal interference in the professional activities of journalists. The Commissioner is concerned about the substantial delays and the lack of more tangible progress in these cases.
11. In the context of the criminal investigations against law enforcement personnel the Commissioner notes the abolition of the SIS on 1 July 2025 and the transfer of its function to the POG. He had previously recommended strengthening the SIS's independence and effectiveness.⁹ He recalls that the Court has found several violations of the ECHR by Georgia in relation to the lack of effective and independent

⁶ Commissioner, [Memorandum on the human rights situation in Georgia](#) of 10 March 2025, paragraphs 42 and 43.

⁷ Commissioner, [Letter to the Prosecutor General](#) of 10 December 2025.

⁸ Prosecutor's Office of Georgia, [Statement](#) of 7 May 2026.

⁹ Commissioner, [Memorandum on the human rights situation in Georgia](#) of 10 March 2025, paragraph 29.

investigations into allegations of violations of the right to life and of ill-treatment.¹⁰ He refers also to the Grand Chamber judgment of 11 December 2025 in *Tsaava and Others v. Georgia* concerning the use of disproportionate force by law enforcement during a protest in June 2019.¹¹ The Commissioner draws the authorities' attention to the importance of implementing this judgment and ensuring that the policing of assemblies aligns with the ECHR. He further notes the CPT's concern about the abolition of the SIS, recalling that dismantling rather than strengthening an independent investigative body runs counter to longstanding CPT recommendations.¹² The Commissioner notes that transferring such investigations to the POG may raise questions regarding independence and public confidence, particularly in cases involving allegations against law enforcement with whom prosecutors work closely on other investigations.

12. In his communication to the Committee of Ministers of the Council of Europe in the context of the supervision of the execution of the *Tsintsabadze* group of cases, the Commissioner observed both a failure to act with due expedition and a lack of thoroughness in relation to the investigations into reported violations of protesters' rights. He further noted the classification of the cases under Articles 333 (exceeding official powers) and 154 (unlawful interference with the journalist's professional activities) of the CC, rather than under Articles 141¹ (torture), 141² (threat of torture) or 141³ (degrading or inhuman treatment), despite the evidence collected by the Public Defender, journalists and human rights NGOs appearing to justify the more serious charges.¹³ The Commissioner also notes that the OSCE Moscow Mechanism Rapporteur¹⁴ concluded that it was highly likely that Georgia was in systemic violation of the procedural limb of Article 3 of the ECHR on account of defective investigations into the mistreatment of protesters and government critics.¹⁵
13. Concerning the use of water cannons containing chemical substances against protesters in 2024 the Commissioner recalls that during his January 2025 visit he had been assured by the Deputy Minister of Internal Affairs that no water cannons containing chemical irritants had been deployed against protesters.¹⁶ In his letter to the Prosecutor General the Commissioner noted that following the publication on 1 December 2025 of a media report on the alleged use of a toxic compound known as "camite" against protesters, several officials, including the Prime Minister, the Minister of Internal Affairs and the Deputy Head of the State Security Service, had acknowledged that chemical substances were mixed into the water used in water cannons, albeit denying that the substance in question was the toxic compound referenced in the recent media report.¹⁷ The investigation by the State Security Service rapidly concluded that the substance used was a mix of chlorobenzylidene malononitrile (CS gas) and propylene glycol, neither of which it described as prohibited.
14. During his April 2026 visit, the Commissioner reiterated his call for an independent and thorough inquiry into the use of water cannons containing chemical substances against protesters. He drew the authorities' attention to the 2020 UN Human Rights Guidance on Less-Lethal Weapons in Law Enforcement and encouraged them to integrate this guidance into their instructions to law enforcement officers. The Commissioner notes that the UN guidance addresses in detail the conditions under which less-lethal weapons, including chemical irritants, may lawfully be used in the context of assemblies, and underlines the requirements of legality, necessity, proportionality and precaution that must govern any such use¹⁸. The mixing of chemical substances into water cannons raises issues under all four of these requirements.

¹⁰ For example, ECtHR, *Gharibashvili v. Georgia*, application no. 11830/03, judgment of 29 July 2008, *Tsintsabadze v. Georgia*, application no. 35403/06, judgment of 15 February 2011, *Identoba and Others v. Georgia*, application no. 73235/12, judgment of 12 May 2015.

¹¹ ECtHR [GC], *Tsaava and Others v. Georgia*, applications nos. 13186/20, 16757/20, 20129/21, 20175/21 and 39382/21, judgment of 11 December 2025.

¹² European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [report on its periodic visit to Georgia, carried out from 18 to 29 November 2024 and from 21 to 22 January 2025](#), 18 February 2026.

¹³ Commissioner, [Communication](#) under Rule 9.4 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements in the case of *Tsintsabadze v. Georgia*, 27 May 2025, paragraphs 18 and 20.

¹⁴ On 29 January 2026 23 OSCE member states invoked the [Moscow Mechanism](#) with respect to developments in Georgia since spring 2024.

¹⁵ OSCE, [Report on developments in Georgia in respect of human rights and fundamental freedoms since Spring 2024 | OSCE Office for Democratic Institutions and Human Rights](#), 24 February 2026, paragraph 188.

¹⁶ Commissioner, [Memorandum on the human rights situation in Georgia](#) of 10 March 2025, paragraph 19.

¹⁷ Commissioner, [Letter to the Prosecutor General](#) of 10 December 2025.

¹⁸ [UN Human Rights Guidance on Less-Lethal Weapons in Law Enforcement](#), 2020.

Recommendations

15. The Commissioner recalls that the recommendations contained in his Memorandum of March 2025 remain applicable. In particular, he reiterates the need to ensure effective investigations into allegations of ill-treatment and excessive use of force by law enforcement officials, accountability for perpetrators, and full reparation for victims. In addition, the Commissioner recommends that the Georgian authorities:
- ensure prompt adoption of, and effective implementation in practice of the legislative proposal requiring all law enforcement personnel to wear visible individually distinguishable identification numbers;
 - ensure that investigations conducted by the Prosecutor's Office into violence against protesters and journalists are thorough, prompt and genuinely independent, addressing not only individual perpetrators but also issues of command responsibility;
 - extend the scope of investigations to all credible allegations of ill-treatment during the protests of March 2023, March-May 2024, and November 2024 to early 2025, and reclassify cases where appropriate under Articles 141¹, 141² or 141³ of the Criminal Code;
 - ensure a thorough, independent and transparent inquiry into the use of water cannons containing chemical substances against protesters, in line with the 2020 UN Human Rights Guidance on Less-Lethal Weapons in Law Enforcement, with the participation of victims and civil society and public disclosure of the findings without further delay;
 - adopt the 2020 UN Human Rights Guidance on Less-Lethal Weapons in Law Enforcement;
 - implement the measures required to fully execute the Court's judgments in the *Tsintsabadze* group of cases and *Tsaava and Others*, in line with the decisions of the Committee of Ministers of the Council of Europe.

II. Increasing restrictions on democratic freedoms

The right to freedom of peaceful assembly

16. As noted by the Commissioner in his March 2025 Memorandum the legislative framework governing assemblies in Georgia had already become increasingly restrictive following successive amendments adopted since October 2023.¹⁹ The Commissioner recommended that the authorities review and amend these provisions in line with Georgia's obligations under the ECHR and other international human rights standards. The Commissioner regrets that these recommendations have not been implemented. On the contrary, further legislative amendments adopted in October and December 2025 have introduced additional restrictions on the exercise of the right to peaceful assembly.
17. In October 2025, Parliament adopted amendments to the Administrative Offences Code (AOC) and the CC which significantly increased penalties for protest-related conduct. Administrative fines were raised to a maximum of GEL 15,000 (approximately 4,800 Euros). Such sanctions are liable to have a considerable chilling effect on participation in peaceful assemblies. The amendments also extended the possibility of administrative detention for up to 60 days to first-time offences such as wearing a mask, blocking roads, or erecting temporary structures during demonstrations. The Commissioner reiterates that deprivation of liberty in the context of assemblies should remain a measure of last resort. He notes that extending lengthy administrative detention to first-time protest-related offences raises serious questions of necessity and proportionality under international human rights standards. He is concerned by the introduction of criminal liability for repeated protest-related administrative offences. Under the changes, a person found responsible for committing the same protest-related administrative offence a second time may face up to one year of imprisonment, rising to up to two years for a third or subsequent offence.
18. The Commissioner notes the urgent opinion by OSCE/ODIHR, expressing concern about the October 2025 amendments' compliance with international human rights standards, particularly Articles 5, 10 and 11 of the ECHR and stating that they should be repealed altogether.²⁰ He also notes that the Public Defender has challenged the amendments before the Constitutional Court.²¹ No ruling has been issued yet.

¹⁹ Commissioner, [Memorandum on the human rights situation in Georgia](#) of 10 March 2025, paragraphs 31 to 37.

²⁰ OSCE/Office For Democratic Institutions And Human Rights (ODIHR), [Urgent Opinion on the Amendments to the Code of Administrative Offences and the Criminal Code of Georgia \(as adopted on 16 October 2025\)](#), page 4.

²¹ Public Defender of Georgia, [Statement](#), 20 January 2026.

19. The Commissioner recalls that the Venice Commission/ODIHR Guidelines on Freedom of Peaceful Assembly state that unnecessary or disproportionately harsh sanctions for behaviour during assemblies could inhibit the holding of such events and have a chilling effect that may prevent participants from attending.²² In this regard, he notes testimonies received by the OSCE Moscow Mechanism Rapporteur indicating that individuals who had previously been fined or arrested for participating in protests were warned that renewed participation could result in imprisonment of up to one year.²³
20. In December 2025, Parliament adopted a further package of amendments, introducing additional restrictions affecting notification requirements, spontaneous assemblies, and criminal liability in the context of protests. These amendments introduced prior notification from the Ministry of Internal Affairs where a gathering or demonstration, including a spontaneous protest, takes place in a location where people or transport are moving, or where it may obstruct such movement. The amendments further empower the Ministry to issue binding instructions requiring organisers to change the place and/or time of an assembly on broadly formulated grounds, including threats to the unhindered movement of vehicles or persons. The Commissioner notes that appeals against such instructions do not have suspensive effect, meaning that assemblies may be displaced before judicial review has taken place. The Commissioner recalls that the right to peaceful assembly includes the right to hold spontaneous assemblies, particularly where assemblies arise in immediate response to events and where prior notification would deprive them of their purpose. Measures that effectively eliminate the possibility of spontaneous protest are inconsistent with international human rights standards including the case law of the Court.²⁴ In this regard the Commissioner notes that in 2023 the Constitutional Court of Georgia declared unconstitutional the obligation of the organizers of spontaneous assemblies to notify municipal authorities about the organisation of a spontaneous assembly five days before it is held.²⁵
21. The Commissioner observes that the amendments further restrict the use of pavements during assemblies. Under the new provisions, where the police determine that the number of participants does not justify blocking part of a pavement, such blocking is prohibited. Read together with the documented practice of fining and detaining protesters for standing on pavements²⁶, these measures raise doubts as to whether sufficient practical space remains for the effective exercise of freedom of peaceful assembly in urban locations.
22. The December amendments also provide that organisers who fail to comply with binding instructions issued by the Ministry of Internal Affairs, or who fail to provide prior notification where required, may be subjected to administrative detention of up to 15 days (20 days for organisers) for a first violation, and criminal penalties of up to one year of imprisonment for repeat offences. The Commissioner notes reports that, following the adoption of these amendments, more than a dozen protesters received administrative detention sentences and at least one person has been prosecuted as a repeat offender.²⁷
23. The Commissioner is concerned not only by the content of these legislative amendments, but also by the manner in which they are being applied in practice. Official sources indicate that the increasingly restrictive legislative framework has been accompanied by the extensive use of administrative detention, repeated imposition of heavy fines, and the initiation of criminal proceedings in connection with repeated protest-related administrative offences. The Public Defender pointed out that according to official data from the Ministry of Internal Affairs of Georgia, between 1 November 2024 and 31 October 2025, there were 8,200 cases of offences under Article 174¹ of the AOC.²⁸ The Public Defender also referred to data from Tbilisi City Court that indicate that between 13 December 2024 and 1 January 2026, out of cases received under the rule of direct jurisdiction for offences under Article 174¹ (either independently or in conjunction with other articles), 1,732 cases have been completed. At the same time, according to information provided

²² European Commission For Democracy Through Law (Venice Commission) and OSCE/ODIHR, [Guidelines On Freedom Of Peaceful Assembly \(3rd Edition\)](#), July 2020.

²³ OSCE, [Report on developments in Georgia in respect of human rights and fundamental freedoms since Spring 2024 | OSCE Office for Democratic Institutions and Human Rights](#), 24 February 2026, page 157.

²⁴ ECtHR, *Éva Molnár v. Hungary*, application no. 10346/05, judgment of 7 October 2008, para 38.

²⁵ Constitutional Court of Georgia [judgment no. 3/3/1635](#) of 14 December 2023 (in Georgian).

²⁶ OSCE, [Report on developments in Georgia in respect of human rights and fundamental freedoms since Spring 2024 | OSCE Office for Democratic Institutions and Human Rights](#), 24 February 2026, paragraph 146.

²⁷ Civil Georgia, <https://civil.ge/archives/716868>, 9 January 2026.

²⁸ Public Defender of Georgia, [Communication](#) under Rule 9.2 of the Rules of the Committee of Ministers for the Supervision of the Execution of Judgments and of the terms of Friendly Settlements in *Makarashvili and Others v. Georgia*.

by the Tbilisi Court of Appeals, between 13 December 2024 and 30 November 2025, a total of 555 cases related to this provision were examined. In addition, following the amendments made on 16 October 2025 to the CC, by the end of 2025, one individual had been charged under Article 347(1) for violating the rules governing the conduct of an assembly or demonstration.²⁹ On 29 May 2026 that individual was sentenced to nine months of imprisonment.³⁰

24. The Commissioner observed in his Communication to the Committee of Ministers in the case of *Makarashvili and Others v. Georgia* that the increasingly restrictive legal measures imposed on the right to freedom of peaceful assembly by the AOC appear to be inconsistent with Georgia's obligations under international human rights law, and are likely to have a chilling effect on the exercise of the rights to freedom of assembly and expression.³¹ He further questioned the proportionality of the increase in the maximum period of administrative detention. Similar concerns related to disproportionate sanctions have been raised by the Public Defender in his Communication in the *Makarashvili and Others* group of cases. The Commissioner underlined that the existing case-law of the Court indicates that peaceful protesters should not, in principle, be rendered subject to the threat of deprivation of liberty.³²
25. The Commissioner notes the continued practice of using police reports as legally established facts in administrative proceedings, thereby compromising the presumption of innocence and effective judicial scrutiny. In this context he draws attention to the recent Communication by the Public Defender in the *Makarashvili and Others* group which underlines the existing systemic deficiencies when it comes to fair trial in administrative proceedings.³³
26. The Commissioner is concerned by the expansion of criminal liability in connection with repeated protest-related administrative offences. The cumulative effect of these provisions is that conduct which is not criminal in itself may, through repetition, lead to imprisonment. He considers that such an approach risks disproportionately restricting the exercise of the right to peaceful assembly and creating a deterrent against continued civic participation.³⁴
27. Taken as a whole, the Commissioner considers that successive legislative amendments since October 2023 have resulted in a cumulative pattern of restrictions on freedom of peaceful assembly, raising serious compatibility issues under Article 11 of the ECHR. He regrets that repeated recommendations by the Venice Commission, OSCE/ODIHR, the Public Defender, as well as the Commissioner have not been reflected in the legislative approach pursued by the authorities.
28. The Commissioner recalls that freedom of peaceful assembly is one of the foundations of a democratic society and that states have not only a negative obligation to refrain from unjustified interference, but also a positive obligation to facilitate peaceful assemblies and ensure that participants can exercise this right without fear of arbitrary sanctions or retaliation.

The right to freedom of association

29. In March 2025 the Commissioner recommended that the Georgian authorities cease all stigmatisation of human rights defenders and civil society and rescind the Transparency of Foreign Influence (TFI) Law.³⁵ Since then, the authorities have adopted more legislation relating to 'foreign influence,' initiated

²⁹ Public Defender of Georgia, [Communication](#) under Rule 9.2 of the Rules of the Committee of Ministers for the Supervision of the Execution of Judgments and of the terms of Friendly Settlements in *Makarashvili and Others v. Georgia*.

³⁰ Civil Georgia, <https://civil.ge/archives/736271>, 29 May 2026.

³¹ Commissioner, [Communication](#) under Rule 9.4 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements in the case of *Makarashvili and Others v. Georgia*, 27 May 2025.

³² See ECtHR, *Akgöl and Göğ v. Turkey*, application nos. 28495/06 and 28516/06, judgment of 17 May 2011, paragraph 43.

³³ Public Defender of Georgia, [Communication](#) under Rule 9.2 of the Rules of the Committee of Ministers for the Supervision of the Execution of Judgments and of the terms of Friendly Settlements in *Makarashvili and Others v. Georgia*.

³⁴ See also OSCE Moscow Mechanism Rapporteur, [Report on developments in Georgia in respect of human rights and fundamental freedoms since Spring 2024 | OSCE Office for Democratic Institutions and Human Rights](#), 24 February 2026, paragraph 251.

³⁵ Commissioner, [Memorandum on the human rights situation in Georgia](#) of 10 March 2025, paragraph 51.

administrative and/or criminal inquiries against dozens of civil society organisations for receiving foreign funding and/or for alleged involvement in aggravated sabotage, and continued a virulent campaign discrediting civil society organisations.

30. On 1 April 2025 Parliament adopted the Foreign Agents Registration Act (GEOFARA), requiring any legal and natural persons engaging in 'political activities' on behalf of a foreign principal to register as 'agents of a foreign principal'. Agents are obliged to do extensive reporting and disclosure on their funding and activities and mark any output with the 'foreign agent' label. The Anti-Corruption Bureau (ACB) was given broad powers to oversee compliance with GEOFARA. Article 355² of the Criminal Code creates criminal liability of up to five years imprisonment for failure to comply with the provisions of GEOFARA. Initially it was reported that GEOFARA would replace the TFI law,³⁶ but both laws continue to apply simultaneously.
31. The Commissioner notes that GEOFARA is broader and harsher than the Transparency of Foreign Influence Law, which, as he stated in his third-party intervention to the Court in a relevant case,³⁷ appears to be at variance with the criteria of legality, legitimacy, necessity and proportionality, as well as with the principle of non-discrimination, enshrined in the ECHR. The Court has recognised that labelling civil society organisations as acting in the interests of foreign powers is not only misleading, suggesting the existence of foreign control where no evidence of such a relationship has been put forward, but also stigmatising, implying disloyalty or subversive intent.³⁸ The Venice Commission has recommended that GEOFARA be repealed, stating that the use of the term 'agent' has an inherently negative meaning in both public perception and historical experience. Such automatic branding risks stigmatising and delegitimising civil society actors, media, and individuals, undermining trust and deterring participation in democratic life, as well as access to financial resources. GEOFARA also creates a regime of pervasive administrative control that is comparable in intrusiveness to the Russian 'foreign agent' laws criticised by the Court.³⁹
32. On 1 April 2025 Parliament also amended provisions in 14 different laws in effect abolishing mandatory participation of CSOs in public decision-making processes. The Commissioner notes that these amendments, as well as other legislative changes discussed in the present Memorandum, were adopted within a very short timeframe, without a comprehensive impact assessment and with no meaningful consultation process, neither with civil society, nor with the Public Defender and other relevant stakeholders. According to the Venice Commission, this is problematic from a democratic perspective, raising the question of the legitimacy and acceptability of the amendments.⁴⁰
33. On 16 April 2025 Parliament amended the Law on Grants requiring foreign donors to obtain the permission of the government before giving a grant. Receiving an unpermitted grant will result in a fine for the grant recipient equal to twice the amount of the grant. As with GEOFARA, the ACB was entrusted with overseeing compliance. In addition, a State Grants Management Agency was established to distribute domestic state grants to civil society organisations.⁴¹ An amendment of 12 June 2025 extends the definition of a grant to encompass technical assistance including the transfer of technology, specialised knowledge or expertise and other similar forms of support.
34. Amendments adopted on 4 March 2026 significantly broaden the definition of a grant to include any cash or in-kind transfer of funds that may be used for activities with the belief or intent of exerting any influence on the government or any part of society and require permission for grants to legal entities in a foreign state whose activities involve substantive engagement with issues related to Georgia and for transfer of funds by a foreign entity to its local office in Georgia. These amendments aim to prevent Georgian organisations from setting up legal entities abroad to receive foreign grants. On 4 March 2026 Parliament also created administrative liability for commercial entities engaging in political activity unrelated to their

³⁶ Imedi, "[Ruling party official announces bill mirroring US Foreign Agents Registration Act](#)", 5 February 2025.

³⁷ Commissioner, [Third party intervention](#) in the case of Georgian Lawyers Association and Others v. Georgia (application no. 31069/24) of 10 October 2025.

³⁸ ECtHR, [Ecodefence and Others v. Russia](#), applications nos. 9988/13 and 60 others, judgment of 14 June 2022, paragraphs 132 and [Kobaliya and Others v. Russia](#), applications nos. 39446/16 and 106 others, judgment of 22 October 2024, paragraphs 71 to 78.

³⁹ Venice Commission, [Opinion on the law on the registration of foreign agents, the amendments to the law on grants and other laws relating to "foreign influence"](#), October 2025, paragraphs 69, 72 and 79.

⁴⁰ Venice Commission, [Opinion on the law on the registration of foreign agents, the amendments to the law on grants and other laws relating to "foreign influence"](#), October 2025, paragraphs 28 to 30.

⁴¹ Civil Georgia, <https://civil.ge/archives/677192>, 23 April 2025

core commercial activity (Article 153¹³ of the AOC) as well as criminal liability for committing such offences repeatedly (Article 353³ of the CC). These amendments aim to prevent organisations from setting up commercial entities not subject to NGO legislation. Finally, Parliament also amended the CC, establishing criminal liability of up to six years imprisonment for violations of the Law on Grants and increasing to 12 years imprisonment for money laundering for the purpose of carrying out political activity. On 15 April 2026 an exemption was included in Article 2(1⁴)(b) *in fine* of the Law on Grants for funds disbursed by diplomatic missions, consular offices and the representations of international organisations accredited in Georgia for the activities deriving from the political or public interests, approaches, or relations of the government of a foreign country or a foreign political party.

35. The Commissioner outlined his concern about the amendments to the Law on Grants in a statement issued in February 2026 stating that the definition of grant is too broad and risks subjecting the ordinary and legitimate activities of civil society to undue state scrutiny, effectively undermining public advocacy and participation in democratic life.⁴² He notes that the freedom to seek, receive and use financial, material and human resources, whether domestic, foreign or international belongs among the 11 guiding principles in the area of the right to freedom of association, and authorities shall not restrict access to foreign resources, nor stigmatise those who receive such resources.⁴³ According to the Venice Commission, the requirement of prior governmental consent for the receipt of foreign grants lacks foreseeability in its application, and is neither necessary, nor proportionate.⁴⁴
36. According to the Georgian authorities, legislation related to foreign influence is necessary to counter repeated attempts of non-transparent NGOs to produce a revolution in Georgia.⁴⁵ However, the Commissioner was informed that the Transparency of Foreign Influence Law and GEOFARA are not applied as nobody has been sanctioned for non-compliance with these laws. The authorities further stated that foreign grant applications are usually approved unless they are aimed at financing political activity, highlighting that almost all applications submitted to the government since April 2025 have been approved for a total amount of more than 11 million Euros.
37. Despite this, the Commissioner was informed that because of the amendments to the Law on Grants, numerous foreign donors decided to halt direct financial support to Georgian civil society organisations. As a result, multiple organisations were forced to significantly reduce their activities. For example, in March 2026 Georgian Young Lawyers' Association (GYLA) announced that it was suspending its long-running free legal aid services programme.⁴⁶ Regarding the possibility to apply for grants to the State Grants Management Agency (see paragraph 33) the Commissioner notes that the European Court of Human Rights has stated that "an enforced choice between accepting foreign funding and soliciting domestic State funding represents a false alternative. To ensure that NGOs are able to perform their role as the 'watchdogs of society', they should be free to solicit and receive funding from a variety of sources."⁴⁷
38. The Commissioner was furthermore informed about administrative and/or criminal inquiries against dozens of civil society organisations for receiving foreign funding and/or for alleged involvement in aggravated sabotage. In June 2025 at least eight organisations were ordered to rapidly provide a wide range of information, including sensitive personal data, to the ACB, as part of an inquiry into possible violations of GEOFARA, the Law on Grants and other legislation. The Commissioner has stated that the scope and urgency of the inquiries into these organisations raises a range of serious human rights concerns.⁴⁸ In August 2025 the organisations received follow-up letters from the ACB, stating that financial information obtained from banks and tax authorities showed that they are primarily foreign funded whilst publicly available information indicated that their activities may constitute 'political activity,' implying that they may be subject to criminal liability for failure to register as 'an agent of a foreign principal' under GEOFARA. The NGOs have replied to the ACB stating that they are not involved in political activity on

⁴² Commissioner, [statement](#) of 2 February 2025.

⁴³ Venice Commission and OSCE/ODIHR, [Joint Guidelines on freedom of association](#), Principle 7: Freedom to seek, receive and use resources.

⁴⁴ Venice Commission, [Opinion on the law on the registration of foreign agents, the amendments to the law on grants and other laws relating to "foreign influence"](#), October 2025, paragraph 93.

⁴⁵ Imedi, <https://info.imedi.ge/en/politics/1494/georgian-pm-highlights-attempts-of-nontransparent-ngos-to-make-revolution-in-country>, 26 April 2024.

⁴⁶ Civil Georgia, <https://civil.ge/archives/725187>, 14 March 2026.

⁴⁷ ECtHR, [Ecodefence and Others v. Russia](#), applications nos. 9988/13 and 60 others, judgment of 14 June 2022, paragraph 169.

⁴⁸ Commissioner, [statement](#), 1 July 2025.

behalf of a foreign principal and therefore not obliged to register. The Commissioner was informed that up to 137 organisations were being checked for compliance with the Law on Grants.

39. On 1 March 2026 the ACB was abolished and its competences to oversee compliance with GEOFARA and the Law on Grants were transferred to the State Audit Office (SAO).⁴⁹ During the visit the Auditor General explained that, although the SAO had recruited some former ACB staff, the inquiries it inherited from the ACB have not been completed. He stated that neither GEOFARA nor the Law on Grants envisage restricting lawful activities of civil society organisations but justified the inquiries initiated in June 2025 pointing to foreign financed attempts to undermine the security of the state.
40. In March 2025 the POG announced that, as part of a criminal investigation into aggravated sabotage and other serious crimes against the security of the state, it had requested a court to freeze the bank accounts of five organisations.⁵⁰ According to these organisations, their accounts were, among others, used to collect donations and to pay administrative fines imposed on protesters and journalists by way of bank transfer directly to the state treasury. On 29 April 2025 the POG and the State Security Service of Georgia searched the home of at least one human rights defender as part of the investigation. In late August 2025 the POG expanded its investigation to at least seven other organisations, which also had their bank accounts frozen, and several heads of organisations were summoned for interrogation.⁵¹ According to the POG items used by violent protesters against law enforcement officers were purchased from these accounts.⁵² The Commissioner was informed that, because of the frozen accounts, the organisations were forced to halt almost all their activities. For example, in January 2026 the NGO 'Rights Georgia' announced it was suspending all of its operations, which include legal representation in hundreds of cases.⁵³
41. The Commissioner also notes that human rights defenders have been summoned for questioning by the State Security Service of Georgia for contributing to an international media report revealing the use of water cannons containing chemical irritants⁵⁴ and meeting with the rapporteur of the Moscow Mechanism.⁵⁵
42. The Commissioner remains concerned by the continued virulent campaign by the authorities and pro-government groups branding civil society organisations and human rights defenders as 'enemies of the state' and more recently as members of the 'Global War Party' and the 'Deep State,' and constantly referring to their foreign funding as an obstacle to their impartial watchdog role in society.⁵⁶ The Prime Minister has stated that foreign funded NGOs were implicated in five attempted revolutions over the past few years, most of which were violent.⁵⁷ The OSCE Moscow Mechanism Rapporteur also noted an atmosphere of hostility towards actors independent of the government, driven by the fierce, stigmatising rhetoric of government-affiliated individuals.⁵⁸
43. The Commissioner considers that the different laws relating to foreign influence, the ongoing administrative and criminal inquiries against dozens of civil society organisations and the continued use of stigmatising rhetoric by the highest authorities intimidate civil society actors who are perceived as critical of the government and may constitute prohibited limitations on the use of restrictions on the rights and freedoms in accordance with Article 18 of the ECHR.⁵⁹

⁴⁹ Civil Georgia, <https://civil.ge/archives/710935>, 17 November 2025. In May 2026 the power of the National Agency of Public Registry – an entity under the Ministry of Justice – to manage the Foreign Influence Transparency Registry established under the Transparency of Foreign Influence Law was also transferred to the SAO.

⁵⁰ Prosecutor's Office of Georgia, [statement](#) of 17 March 2025.

⁵¹ Prosecutor's Office of Georgia, [statement](#) of 27 August 2025 (in Georgian).

⁵² The POG statement of 27 August 2025 refers to gas masks, face masks, pepper spray and other items.

⁵³ Civil Georgia, <https://civil.ge/archives/717053>, 12 January 2026.

⁵⁴ UN Special Rapporteur on the situation of human rights defenders, <https://www.facebook.com/MaryLawlorHRDs/posts/im-hearing-disturbing-news-that-tamar-oniani-the-human-rights-programme-director/1319689493509218/>, 4 December 2025.

⁵⁵ Civil Georgia, <https://civil.ge/archives/725520>, 17 March 2026.

⁵⁶ Commissioner, [Third party intervention](#) of 10 October 2025, paragraphs 27 and 28.

⁵⁷ See also Imedi, [Georgian PM: Georgia has faced five revolution attempts - names change, but forces behind them remain the same | imedinews](#), 17 April 2026.

⁵⁸ OSCE, [Report on developments in Georgia in respect of human rights and fundamental freedoms since Spring 2024 | OSCE Office for Democratic Institutions and Human Rights](#), 24 February 2026, page 4.

⁵⁹ Commissioner, [Third party intervention](#) of 10 October 2025, paragraphs 24 to 32.

44. In 2025 and 2026 Parliament repeatedly amended the Organic Law on Political Association of Citizens and the Organic Law on the Constitutional Court of Georgia. The amendments *inter alia* allow the annulment of a party's registration if its establishment or its activities are declared unconstitutional by the constitutional court. A party substantially identical to an already banned party can also be banned by the court within 14 days. Anyone associated with a banned party is not allowed to join another political party or donate to it, run for elected office or be employed by the state. In addition, persons employed by an organisation whose annual income derives for more than 20% from foreign sources cannot join a political party until eight years after the termination of their employment contract.
45. Following the September 2025 publication of the parliamentary Interim Fact-Finding Commission report examining "the activities of the regime and its political officials from 2003 to 2012",⁶⁰ the ruling Georgian Dream party applied to the Constitutional Court to ban three out of four main opposition parties/coalitions – United National Movement, Coalition for Change and Strong Georgia/Lelo.⁶¹ No ruling has been issued so far. Earlier, eight opposition politicians were convicted under Article 349 of the CC to between seven and eight months imprisonment for refusing to appear before the parliamentary commission. In addition, on 6 November 2025 the POG announced that it had launched criminal proceedings against eight opposition leaders for various crimes against the security of the state, including sabotage.⁶² On 24 March 2026 opposition politician Elene Khoshtaria was sentenced to 1,5 years of imprisonment for damaging a Georgian Dream election banner.⁶³
46. On 21 May 2026, the Monitoring Committee of the Parliamentary Assembly of the Council of Europe (PACE) adopted a draft resolution, calling on the authorities to repeal without delay their appeal to the Constitutional Court to ban the democratic opposition parties and to end the unjustified and politically motivated prosecution of their leadership.⁶⁴
47. The Commissioner notes that the amendments to the Organic Law on Political Association of Citizens and the Organic Law on the Constitutional Court of Georgia appear to be inconsistent with ECHR standards considering the authorities' efforts to place serious criminal charges and to seek harsh sentences against opposition politicians.

The right to freedom of expression

48. In March 2025 the Commissioner recommended that the Georgian authorities release all those detained for exercising their right to freedom of expression, including the journalist Mzia Amaghlobeli, and guarantee that journalists can work freely and safely.⁶⁵ He also recommended rescinding the Law on Protecting Family Values and Minors.⁶⁶
49. The Commissioner notes that people participating in peaceful assemblies or joining an association also seek to express their opinion. The correlation between the freedoms of assembly and association with freedom of expression is recognised in the case-law of the Court, which may examine a situation under both Articles 10 and 11 of the ECHR or under only one of them in light of the other.⁶⁷ Accordingly, the restrictions on the freedoms of assembly and association discussed above also negatively impact on the right to freedom of expression. This section will focus on measures specifically restricting freedom of expression and freedom of the media.

⁶⁰ Civil Georgia, <https://civil.ge/archives/698895>, 2 September 2025. The report (in Georgian) is available [here](#).

⁶¹ Imedi, [Georgian Parliament Speaker presents constitutional lawsuit to ban United National Movement, Coalition for Change, Lelo parties | imedinews](#), 28 October 2025

⁶² Prosecutor's Office of Georgia, [statement](#) of 6 November 2025

⁶³ Civil Georgia, <https://civil.ge/archives/726979>, 24 March 2026

⁶⁴ PACE, [Georgia: democratic backsliding and crackdown on opposition and civil society continue, says PACE committee](#), 21 May 2026; see also PACE, [PACE monitors for Georgia call for an immediate end to politically motivated legal actions against opposition parties and their leadership](#), 19 November 2025.

⁶⁵ Commissioner, [Memorandum on the human rights situation in Georgia](#) of 10 March 2025, paragraphs 43 and 44.

⁶⁶ Commissioner, [Memorandum on the human rights situation in Georgia](#) of 10 March 2025, paragraph 64.

⁶⁷ ECtHR, [Women on Waves and Others v. Portugal](#), application no. 31276/05, judgment of 3 February 2009, paragraph 28 and [Ecodefence and Others v. Russia](#), applications nos. 9988/13 and 60 others, judgment of 14 June 2022, paragraph 72.

50. On 1 April 2025 Parliament amended the Law on Broadcasting prohibiting 'foreign powers' from directly or indirectly funding audio-visual broadcasters for the production or transmission of programmes, or from procuring services from broadcasters. The amendments also set standards for accuracy, fairness, privacy, covert information gathering and coverage of emergencies, and expand the authority of the National Communications Commission to enforce these standards alongside self-regulation, allowing it to issue warnings, fines, and, in some cases, suspend or revoke licenses. The authorities have justified the ban on foreign funding as Georgia's regional geopolitical situation warrants immense attention to malevolent foreign influences in the media environment.⁶⁸ According to the Venice Commission the blanket prohibition does not meet the requirements of necessity and proportionality and should be repealed.⁶⁹ On 21 May 2026 the Communications Commission fined Formula TV 2500 GEL (approximately 800 Euros) for airing a story about children with Duchenne muscular dystrophy that presented the parents' position but no alternative explanation or comment from the Ministry of Health.⁷⁰
51. On 26 June 2025 Parliament adopted several amendments to the Law on Freedom of Speech and Expression, changing the definition of defamation and shifting the burden in defamation cases from the plaintiff to the defendant to prove that the statement does not contain substantially false facts. The Commissioner is concerned about the amendments' cumulative effect, which may result in requiring from journalists complete guarantee of accuracy instead of reasonable due diligence, and accordingly contribute to self-censorship.⁷¹
52. As regards the criminal proceedings against the journalist Mzia Amaghlobeli, who was sentenced on 6 August 2025 by the Batumi City Court to two years of imprisonment for slapping a police officer, the Commissioner refers to his previous call on the authorities to release her.⁷² He notes with concern that on 18 November 2025 the Kutaisi Court of Appeals upheld her conviction and in March 2026 her request for early release was reportedly refused.⁷³
53. Finally, the Commissioner notes that the freedom of expression of LGBTI people, civil society organisations and human rights defenders continues to be hindered by the Law on Protecting Family Values and Minors, including amendments to 18 other laws, adopted in September 2024, limiting, among others, certain activities that promote information about gender identity and same-sex relationships, and restricting the right to hold assemblies and manifestations for LGBTI people.⁷⁴

Recommendations:

54. In addition to the recommendations made in his Memorandum of March 2025, which remain valid, the Commissioner recommends that the Georgian authorities:
- review, repeal or substantially amend the changes to the Law on Assemblies and Demonstrations, the Administrative Offences Code and the Criminal Code, adopted in October and December 2025, to ensure compliance with Article 11 ECHR and relevant international standards, in particular by:
 - o protecting spontaneous assemblies and removing blanket restrictions on peaceful protest, while ensuring that any restrictions are strictly necessary, proportionate and subject to effective judicial review;
 - o repealing provisions introducing disproportionate administrative detention and criminal liability for repeated protest-related offences, and limiting deprivation of liberty in the context of assemblies to a last resort, applied on an individualised basis;

⁶⁸ Georgian authorities' [Reply](#) to Council of Europe Safety of Journalists Platform [Alert No. 31/2025 Draft Amendments to Restrict Foreign Funding and Tighten Administrative Control Over Broadcasting](#), 26 May 2025.

⁶⁹ Venice Commission, [Opinion on the law on the registration of foreign agents, the amendments to the law on grants and other laws relating to "foreign influence"](#), October 2025, paragraphs 105.

⁷⁰ National Communications Commission's [statement](#) of 21 May 2026 (in Georgian); see also Civil Georgia, <https://civil.ge/archives/735451>, 21 May 2026

⁷¹ Council of Europe Safety of Journalists Platform, [Alert No. 126/2025 Ruling Party Proposes Amendments Weakening Protections for Freedom of Expression and Journalists](#), 26 June 2025; see also ARTICLE 19, [Georgia: Scrap defamation law changes and uphold freedom of expression](#), 10 November 2025.

⁷² Commissioner, [social media post](#) of 6 August 2025

⁷³ OC Media, [Georgian state council rejects early release for journalist Mzia Amaghlobeli](#), 3 April 2026.

⁷⁴ Commissioner for Human Rights of the Council of Europe, [Letter](#) to the Chairman of the Parliament of Georgia, 6 September 2024.

- implement without delay the judgments of the European Court of Human Rights concerning violations of the right to peaceful assembly and ill-treatment by law enforcement, including by strengthening safeguards against arbitrary detention, ensuring effective accountability for unlawful policing practices, and addressing structural shortcomings identified in the submissions by the Commissioner and the Public Defender;
- cease inquiries into civil society organisations initiated under the GEOFARA and the Law on Grants;
- terminate criminal investigations against civil society organisations for alleged involvement in aggravated sabotage or at least immediately restore access to the organisations' bank accounts;
- rescind GEOFARA, all changes to the Law on Grants and the Law on Broadcasting adopted since 2024, and related amendments to the Administrative Offences Code and the Criminal Code;
- repeal or thoroughly revise other legislative changes affecting the right to freedom of association and freedom of expression, in particular the amendments to the Law on Freedom of Speech and Expression and the Organic Law on Political Association of Citizens, in accordance with Articles 10 and 11 of the ECHR and the case law of the European Court of Human Rights;
- refrain from any measures that arbitrarily restrict democratic freedoms, political pluralism and participation in public life.