

Third party intervention by the Commissioner for Human Rights of the Council of Europe

under Article 36, paragraph 3, of the European Convention on Human Rights

**Application no. 31069/24
Georgian Young Lawyers' Association and Others v. Georgia**

Introduction

1. On 4 July 2025, the Council of Europe Commissioner for Human Rights (hereinafter the Commissioner) informed the European Court of Human Rights (hereinafter the Court) of his decision to intervene as a third party in the Court's proceedings, in accordance with Article 36, paragraph 3 of the European Convention on Human Rights (hereinafter the Convention), and to submit written observations concerning the case of *Georgian Young Lawyers' Association and Others v. Georgia*. This case was lodged by 120 civil society organisations and 16 media outlets, as well as by four individual applicants. It concerns alleged interference with the applicants' rights under Articles 8, 10, and 11 of the Convention, considered alone and in conjunction with Articles 13, 14, and 18, following the adoption on 28 May 2024 of the Law on Transparency of Foreign Influence ("the TFI Act"), which entered into force on 3 August 2024.
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 Convention; 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.¹ As stated by the Explanatory Report to Protocol No. 14 to the Convention, the Commissioner's experience may help enlighten the Court on certain questions, particularly in cases that highlight structural or systemic weaknesses in the respondent or other High Contracting Parties.²
3. The present intervention is based on the Commissioner's memorandum on the human rights situation in Georgia following his country visit in January 2025³ and his observations on relevant developments since then.⁴ The Commissioner sees this case against the background of measures restricting the rights to freedom of expression and freedom of association, which have resulted in a shrinking space for civil society organisations and human rights defenders in Georgia.
4. Section I of the present written submission explores the restrictions affecting civil society organisations in Georgia. Section II reviews the nature of the restrictions to freedom of expression and freedom of association of organisations contained in the TFI Act, such as with respect to the quality and proportionality of the law. Section III adds observations related to the purpose of introducing the TFI Act. These sections are followed by the Commissioner's conclusions.

I. Restrictions to freedom of expression and freedom of association in Georgia

5. The Commissioner notes that the enactment of the TFI Act on 28 May 2024 constitutes a component of broad restrictions to freedom of expression and freedom of association of civil society.
6. The TFI Act, which was submitted to Parliament in April 2024, is similar⁵ to a bill which had been proposed in early 2023 before being rescinded in March 2023. The Commissioner's predecessor, among others, raised concern about the 2023 bill's compatibility with applicable human rights standards, notably Article 11 of the Convention.⁶ Under the TFI Act, civil society organisations (CSO), including media outlets, receiving more than 20% of their funding from abroad are required to register with the Ministry of Justice as "organisations serving the interests of a foreign power."⁷ The law provides for fines of up to 25000 GEL (approx. 8430 euros) for failing to register.
7. In December 2023 Georgia was granted the status of EU candidate country on the condition that the authorities implement nine recommendations, including improving the protection of human rights and ensuring freedom of assembly and expression, as well as allowing for the meaningful

¹ [Resolution \(99\)50](#) on the Council of Europe Commissioner for Human Rights, adopted by the Committee of Ministers on 7 May 1999.

² [Explanatory Report to Protocol No. 14](#) to the Convention, 13 May 2004, para. 87.

³ [Memorandum](#) of the Commissioner on the human rights situation in Georgia, 10 March 2025.

⁴ See country work by the Commissioner regarding [Georgia](#).

⁵ The draft TFI Act was identical except for replacing the term "agent of foreign influence" with "organisation pursuing the interests of a foreign power," see Civil Georgia, <https://civil.ge/archives/589747>, 3 April 2024.

⁶ Commissioner for Human Rights of the Council of Europe, [Letter](#) to the Chairman of the Parliament of Georgia, 22 February 2023.

⁷ An English translation of the law is accessible [here](#).

involvement of civil society organisations in legislative and policymaking processes and ensuring they can operate freely.⁸

8. After the TFI Act was tabled in Parliament in April 2024, the Commissioner reiterated his predecessor's concern about compatibility with the human rights standards in the field of freedom of association and expression, and the chilling effect its adoption may have on the work of media outlets and civil society organisations, including those working on human rights, democracy and the rule of law.⁹ The bill was also criticised by the Public Defender of Georgia,¹⁰ the Secretary General of the Council of Europe,¹¹ the High Representative of the European Union for Foreign Affairs and Security Policy¹² and the European Commission for Democracy Through Law (Venice Commission).¹³ It triggered widespread protests in April and May 2024, which were violently dispersed by the authorities.¹⁴ The crackdown against protesters was criticised by, among others, the Public Defender of Georgia¹⁵ and the UN High Commissioner for Human Rights.¹⁶ The TFI Act was enacted on 28 May 2024 after Parliament overruled the Georgian President's veto against it.
9. The Commissioner observes that, following a visit to Georgia by the Council of Europe Secretary General in mid-December 2024, the authorities committed to amending the TFI Act through a joint working group with Council of Europe experts.¹⁷ However, on 7 February 2025 the Secretary General stated that "due to changed circumstances", the Georgian authorities declined to participate in a joint working group or to amend the TFI Act.¹⁸
10. Additional restrictions on freedom of expression and freedom of association have been introduced since the adoption of the TFI Act. On 1 April 2025, Parliament adopted the Foreign Agents Registration Act (GEOFARA), requiring legal and natural persons acting on behalf of a foreign principal to register as 'agents of a foreign principal.' GEOFARA gives the Anti-Corruption Bureau (ACB) broad inspection powers to oversee compliance with it and establishes criminal liability of up to five years imprisonment for failure to comply with its provisions.¹⁹ The Commissioner observes that, whereas initially GEOFARA was announced to replace the TFI Act,²⁰ both laws continue to apply simultaneously.
11. On 1 April 2025, Parliament also amended provisions in 14 different laws abolishing mandatory participation of civil society organisations in public decision-making processes. Moreover, on the same day, Parliament amended the Law on Broadcasting prohibiting audio-visual broadcasters from receiving direct or indirect funding from foreign entities, setting standards for accuracy, fairness, privacy, covert information gathering and coverage of emergencies, and expanding 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.²¹

⁸ [2023 Communication on EU Enlargement Policy \(extract about Georgia\) | EEAS](#). Pursuant to Article 78 of the Constitution of Georgia authorities shall take all measures within the scope of their competencies to ensure the country's full integration into the EU and NATO. On 28 November 2024 the authorities announced the postponement of Georgia's bid to join the EU until the end of 2028, see Imedi, <https://info.imedi.ge/en/politics/3892/georgian-pm-says-ruling-party-has-decided-not-to-put-issue-of-opening-accession-talks-with-eu-on-agenda-until-end-of-2028>.

⁹ Commissioner for Human Rights of the Council of Europe, [Letter](#) to the Chairman of the Parliament of Georgia, 11 April 2024.

¹⁰ Public Defender of Georgia, [statement](#) of 14 May 2024.

¹¹ Secretary General of the Council of Europe, [statement](#) of 2 May 2024

¹² EU High Representative for Foreign Affairs and Security Policy, [statement](#) of 15 May 2024

¹³ Venice Commission, [Urgent opinion on the law on transparency of foreign influence](#), 21 May 2024.

¹⁴ Human Rights Watch (HRW), [Georgia: 'Foreign Influence' Bill Threatens Rights | Human Rights Watch](#), 9 May 2024 ; GYLA, [Georgia: Human Rights Amidst the Russian Law – Human Rights 60 Days Following the Revival of the Foreign Influence Transparency Bill](#) (2024)

¹⁵ Public Defender of Georgia, [statement](#) of 13 May 2024

¹⁶ UN High Commissioner for Human Rights, [statement](#) of 2 May 2024.

¹⁷ Council of Europe, ["Secretary General concludes visit to Georgia," press release of](#) 20 December 2024.

¹⁸ Secretary General of the Council of Europe, [statement](#) of 7 February 2025

¹⁹ Expert Council on NGO Law of the CoE Conference of INGOs, [Opinion on the Law of Georgia "Foreign Agents Registration Act,"](#) 25 August 2025.

²⁰ ["Ruling party official announces bill mirroring US Foreign Agents Registration Act"](#), Imedi, 5 February 2025.

²¹ Council of Europe Safety of Journalists Platform, [Alert No. 31/2025 Draft Amendments to Restrict Foreign Funding and Tighten Administrative Control Over Broadcasting](#), updated 13 June 2025.

12. 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.²² The Law on Grants was further amended in June 2025, extending the definition of a grant to include technical assistance provided to a grant recipient in the form of a transfer of technology, specialised knowledge, skills, expertise, and/or other forms of support.²³
13. 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.²⁴
14. Furthermore, the freedom of expression and freedom of association of LGBTI people, civil society organisations and human rights defenders is 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.²⁵
15. The Commissioner notes that the imposition of the above-mentioned restrictions on civil society organisations, including the obligation to register as ‘organisations pursuing the interest of a foreign power’ (under the TFI) and/or ‘agents of a foreign principal’ (under GEOFARA) limit human rights defenders’ ability to exercise their rights to freedom of expression and freedom of association. This is particularly the case when the measures are accompanied by a virulent campaign by the authorities and pro-government groups to discredit civil society organisations and exclude them from decision-making processes – including by portraying them as “enemies of the state” (or enemies of the Georgian people) and constantly referring to their funding sources as an obstacle to their impartial watchdog role in society.²⁶
16. The Commissioner further observes that, according to the Committee of Ministers Recommendation to member states CM/Rec(2007)14 on the legal status of non-governmental organisations in Europe, activities of civil society organisations should be presumed to be lawful in the absence of contrary evidence.²⁷ In view of the contribution made by NGOs to the development and realisation of democracy and human rights, they should be assisted in the pursuit of their objectives through the creation of a favourable environment, in which they are free to solicit and receive funding from both public bodies and private institutional or individual donors, including from abroad, subject only to the generally applicable laws.²⁸

II. Observations on the nature of the restrictions contained in the TFI Act

17. While the objective of increasing transparency with regard to the funding of civil society organisations may represent a legitimate concern, the Commissioner considers that the restrictions on the rights to freedom of expression and freedom of association imposed by the TFI Act raise serious questions regarding their compatibility with the criteria of legality, legitimacy, necessity and proportionality, as well as with the principle of non-discrimination, enshrined in Article 10(2) and Article 11(2) of the Convention. The aim pursued by the TFI Act is addressed in Section III.

²² International Center for Not-for-Profit Law, [Georgia: Amendments to the Law on Grants](#), April 2025.

²³ Council of Europe Safety of Journalists Platform, [Alert No. 62/2025 Draft Amendments to the Law on Grants Require Prior Executive Approval for Foreign Grants](#), updated 17 July 2025.

²⁴ 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 GYLA, [Laws against speech: an analysis of legislative restrictions on freedom of expression and media activity in Georgia](#), pages 16 to 18.

²⁵ Commissioner for Human Rights of the Council of Europe, [Letter](#) to the Chairman of the Parliament of Georgia, 6 September 2024.

²⁶ Commissioner for Human Rights of the Council of Europe, [Memorandum](#) on the human rights situation in Georgia, 10 March 2025, paragraphs 45 to 47.

²⁷ Committee of Ministers of the Council of Europe, Recommendation to member states [CM/Rec\(2007\)14](#), adopted on 10 October 2007 at the 1006th meeting of the Ministers’ Deputies, paragraph 67.

²⁸ *Ibid.*, paragraph 50.

18. First, the Commissioner notes the vague formulation of some provisions of the TFI Act and the wide discretion accorded to state organs, especially the Ministry of Justice, to adopt implementing legislation. According to the Venice Commission, the category of 'organisations pursuing the interest of a foreign power' is potentially very large and undetermined because of the combination of broad and vague terms, making it difficult for civil society organisations to know whether the TFI Act applies to them.²⁹
19. Second, as indicated in the Venice Commission and OSCE Office for Democratic Institutions and Human Rights (ODIHR) Joint Guidelines on Freedom of Association, civil society activity shall be presumed to be lawful, and restrictions should always be a measure of last resort, such as when their conduct creates an imminent threat of violence or other grave violation of the law.³⁰ In his reply to the Commissioner's letter of 11 April 2024 concerning the draft TFI Act the Chairman of the Georgian Parliament argued that the law is essential for increasing transparency in civil society.³¹ The Commissioner acknowledges that the objective of increasing transparency with regard to the funding of civil society organisations may correspond to the legitimate aim of the prevention of disorder in paragraph 2 of Articles 10 and 11 of the Convention.³² However, as the Venice Commission stated, existing Georgian law already contains provisions requiring organisations concerned by the TFI Act to register and report, including on their sources of funding, and no convincing explanation has been given on why these provisions would be insufficient for the purpose of ensuring transparency.³³ This, in the Commissioner's view, questions the necessity of regulating civil society organisations receiving more than 20% of their funding from abroad through the TFI Act. He refers to the Committee of Ministers Recommendation to member states CM/Rec(2007)14 on the legal status of non-governmental organisations in Europe, stating that civil society organisations should be free to solicit and receive funding – cash or in-kind donations – not only from public bodies in their own state but also from institutional or individual donors, another state or multilateral agencies, subject only to the laws generally applicable to customs, foreign exchange and money laundering and those on the funding of elections and political parties.³⁴
20. Third, the Commissioner recalls that restrictions on freedom of expression and freedom of association call for heightened levels of scrutiny in terms of proportionality. The Commissioner notes that the TFI Act establishes a specific category of civil society organisations, receiving more than 20% of their funding from abroad. This classification involves burdensome registration, disclosure and reporting requirements, subject to special monitoring by the authorities and liable to severe administrative fines in case of non-compliance. The Venice Commission noted that the threshold of 20% seems low and arbitrary, as the TFI presupposes that anyone receiving foreign funding will act in pursuit of the interests of a foreign power, by triggering an automatic, unevidenced and irrebuttable presumption of some form of influence or control of the work of the recipient by the donor.³⁵ The Commissioner also refers to the judgment of the Court of Justice of the EU concerning the Hungarian law on the transparency of organisations receiving support from abroad, holding that the objective of increasing the transparency of the financing of associations, although legitimate, cannot justify legislation of a member state which is based on a presumption made on principle and applied indiscriminately that any financial support paid by a natural or legal person established in another member state or in a third country and any civil society organisation receiving such financial support are intrinsically liable to jeopardise the political and economic interests of the former member state and the ability of its institutions to operate free from interference.³⁶

²⁹ Venice Commission, [Urgent opinion on the law on transparency of foreign influence](#), 21 May 2024, paragraph 53.

³⁰ Venice Commission and OSCE ODIHR [Joint Guidelines on Freedom of Association](#), Principle 10 on proportionality of restrictions.

³¹ [Reply by the Chairman of the Georgian Parliament to the Commissioner's letter](#), 16 April 2024.

³² ECtHR, [Ecodefence and Others v. Russia](#), judgment of 14 June 2022, paragraph 122.

³³ Venice Commission, [Urgent opinion on the law on transparency of foreign influence](#), 21 May 2024, paragraphs 19-26 and 69.

³⁴ Committee of Ministers Recommendation to member states [CM/Rec\(2007\)14](#), paragraph 50.

³⁵ Venice Commission, [Urgent opinion on the law on transparency of foreign influence](#), 21 May 2024, paragraphs 40 and 71 to 73. See also Commissioner for Human Rights of the Council of Europe, [Memorandum](#) on the human rights situation in Georgia, 10 March 2025, paragraph 49.

³⁶ Court of Justice of the European Union, [C-78/18 - Commission v Hungary \(Transparency of associations\)](#), judgment of 18 June 2020, paragraph 86.

21. Concerning the necessity of the TFI Act in a democratic society, the Commissioner notes the strong deterrent and misleading impact of the label ‘organisations pursuing the interest of a foreign power,’ which is similar to the ‘foreign agent’ label used in Russia, which the Court has found to be in breach of the Convention.³⁷ Moreover, as stated in paragraph 15, the Commissioner considers that the negative labelling through the TFI Act is exacerbated by branding, including by the authorities, civil society organisations and human rights defenders as “enemies of the state” and more recently as members of the “Global War Party” and “Deep State”. Accordingly, the Commissioner is of the view that the enactment of the TFI Act itself, despite none of the TFI Act’s requirements having yet been enforced against the applicant organisations, has a significant stigmatising effect on the reputation of civil society organisations in Georgia.
22. Fourth, the Commissioner notes that the TFI Act targets specific types of legal entities, namely certain non-commercial organisations and media, and not other entities (non-commercial organisations receiving less than 20% of their funding from abroad, as well as other (commercial) legal entities). The Commissioner considers that there is no justification for this difference in treatment.³⁸
23. In this context, for the Commissioner, the TFI Act is at variance with the criteria of legality, legitimacy, necessity and proportionality, as well as with the principle of non-discrimination.

III. Observations on the purpose of enacting the TFI Act

24. In relation to the broader limitation of the use of restrictions on rights and freedoms enshrined in the European Convention, notably with respect to the prohibitions of the misuse of power prescribed in Article 18 of the Convention, the Commissioner submits that there are three aspects which raise issues regarding the declared purpose behind the TFI Act requiring civil society organisations receiving more than 20% of their funding from abroad to register as ‘organisations pursuing the interest of a foreign power’.
25. First, the Commissioner refers to additional laws containing restrictions on freedom of expression and freedom of association which have been adopted since the adoption of the TFI Act (see paragraphs 10 to 14 above). During the same period, several laws severely curtailing related human rights, in particular the right to freedom of assembly, were adopted following widespread anti-government protests in November and December 2024, which were dispersed by the authorities with an unprecedented scale of violence against protesters and journalists covering the protests.³⁹ The Commissioner notes that all these laws were adopted by Parliament in an expedited manner, 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 undermines their legitimacy, particularly considering the broader political context of mass political rallies after controversial elections and the impact which they have on such political protests.⁴⁰
26. Second, the Commissioner draws the Court’s attention to the sustained level of intimidation inflicted upon civil society organisations and human rights defenders by the Georgian authorities through attacks and smear campaigns.⁴¹ According to the UN Special Rapporteur on human rights defenders, who visited Georgia in November 2023, “systematic efforts were being undertaken by the State to undermine human rights defenders and their vital, necessary work. Human rights

³⁷ [Kobaliya and Others v. Russia](#), applications nos. 39446/16 and 106 others, judgment of 22 October 2024, paragraphs 75 & 76 and [Ecodefence and Others v. Russia](#), applications nos. 9988/13 and 60 others, judgment of 14 June 2022, paragraphs 131 to 136. See also the [Third party intervention](#) by the then Commissioner for Human Rights in the case of *Ecodefence and Others v. Russia*, 5 July 2017.

³⁸ Commissioner for Human Rights of the Council of Europe, [Letter](#) to the Chairman of the Parliament of Georgia, 11 April 2024.

³⁹ Commissioner for Human Rights of the Council of Europe, [Memorandum](#) on the human rights situation in Georgia, 10 March 2025, paragraphs 45 to 47.

⁴⁰ Venice Commission, [Urgent Opinion on amendments to the Code of administrative offences and the Law on assemblies and demonstrations](#), March 2025, paragraph 52. See also Commissioner for Human Rights of the Council of Europe, [Memorandum](#) on the human rights situation in Georgia, 10 March 2025, paragraph 37.

⁴¹ Commissioner for Human Rights of the Council of Europe, [Memorandum](#) on the human rights situation in Georgia, 10 March 2025, paragraphs 31 to 37.

defenders do not feel that the State is working to support them and to ensure that they are secure. They do not believe an enabling environment is being created for their work. Rather, the contrary is true: human rights defenders fear for their physical integrity and feel that the State is actively undermining them and putting them at risk.”⁴² Despite numerous calls by the Commissioner and other international stakeholders, this human rights issue remains unaddressed to date.

27. The Commissioner notes with concern the rhetoric employed by senior members of the ruling party in Georgia, including the Prime Minister, who argued in favour of the TFI Act by referring to repeated attempts of non-transparent NGOs to make a revolution in Georgia.⁴³ He also accused “wealthy” NGOs of organising violent demonstrations in late 2024,⁴⁴ sowing hatred and dividing society,⁴⁵ and being aligned with radical opposition parties and using foreign financing for political purposes.⁴⁶ The founder of the ruling party justified the adoption of the TFI Act by alleging that “the non-transparent funding of NGOs is the main tool with which you can appoint the authorities of Georgia from abroad. The funding of NGOs, which they often begrudge us and count as aid, is used almost exclusively to strengthen the agents and bring them to power... Accordingly, these funds have nothing to do with aid, and, on the contrary, their only goal is to deprive Georgia of its state sovereignty.”⁴⁷
28. The Commissioner further observes the references made by senior members of the ruling party in Georgia to the need to ban or dissolve civil society organisations. On 14 December 2024, the Prime Minister declared the eradication of “liberal fascism” a national mission and to achieve this called to end opposition parties and “wealthy” NGOs which promote “liberal fascism”.⁴⁸
29. Third, the Commissioner notes that restriction of the space for civil society organisations continues. For example, in March 2025 the Prosecutor’s Office of Georgia (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.⁴⁹ 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.⁵⁰ According to the POG, the funds of these organisations were used to purchase gas masks, face masks, pepper spray and other items used by protesters against law enforcement officers. The Commissioner was informed that, because of the frozen accounts, the organisations are forced to halt almost all their activities.
30. The Commissioner was furthermore informed that, in June 2025, at least eight organisations were ordered to provide expeditiously a wide range of information, including sensitive personal data, to the ACB, as part of an inquiry into possible violations of GEOFARA, the amended Law on Grants and other legislation. The Commissioner stated that the scope and urgency of the inquiries into these organisations raises a range of serious human rights concerns.⁵¹ In August 2025 the organisations received follow-up letters from the ACB, stating that financial information obtained

⁴² UN Special Rapporteur on the situation of human rights defenders, [Georgia country visit report](#), 19 March 2024, paragraphs 80 and 81. The feeling of insecurity is heightened among human rights defenders who face intersecting risks, notably based on gender, sexual orientation, ethnicity or religion, disability or residence in rural areas (paragraph 38).

⁴³ Imedi, <https://info.imedi.ge/en/politics/1494/georgian-pm-highlights-attempts-of-nontransparent-ngos-to-make-revolution-in-country>, 26 April 2024.

⁴⁴ Imedi, [Georgian PM says politicians, NGO leaders cannot escape responsibility for organising violence over recent days | imedinews](#), 3 December 2024.

⁴⁵ Imedi, <https://info.imedi.ge/en/politics/5218/georgian-pm-says-certain-groups-seeking-to-sow-hatred-in-society-using-sovietstyle-methods-with-support-of-grants-ngos>, 9 April 2025.

⁴⁶ Imedi, <https://info.imedi.ge/en/politics/6665/georgian-pm-political-activities-in-georgia-cannot-be-funded-from-abroad>, 5 September 2025

⁴⁷ Civil Georgia, <https://civil.ge/archives/602348>, 29 April 2024.

⁴⁸ Imedi, <https://info.imedi.ge/en/politics/4080/georgian-pm-says-liberal-fascism-has-no-chance-of-victory-in-country>, 14 December 2024; see also Civil Georgia, <https://civil.ge/archives/644922>, 14 December 2024.

⁴⁹ Prosecutor’s Office of Georgia, [statement](#) of 17 March 2025.

⁵⁰ Prosecutor’s Office of Georgia, [statement](#) of 27 August 2025 (in Georgian).

⁵¹ [Statement](#) of the Commissioner, 1 July 2025.

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” in accordance with GEOFARA. The NGOs have replied to the ACB stating that they are not involved in political activity on behalf of a foreign principal and therefore not obliged to register.

31. The Commissioner observes that these latest actions appear to target some of the applicant organisations in the case before the Court.
32. Against this background, the Court may consider that the enactment of the TFI Act in May 2024 constitutes a component of broad restrictive measures intended to intimidate civil society organisations who are perceived as critical of the government. The Court may consider that the aim of the TFI Act may have been to discredit civil society activists.

Conclusion

33. The Commissioner is of the view that it is vital in a healthy democracy that the role and functioning of civil society organisations and the rights to freedom of expression and freedom of association be effectively facilitated and protected in member states’ laws and practice. Indeed, the commitment to supporting and maintaining a safe and enabling environment in which civil society and human rights defenders can operate free from hindrance was reasserted at the highest level in the Reykjavík Declaration of May 2023.⁵²
34. In the present written submission, the Commissioner puts before the Court information on the basis of which it may consider that:
 - the adoption of the TFI Act on 28 May 2024 constitutes a component of broad restrictions to freedom of expression and freedom of association of civil society in Georgia, which have a chilling effect on the work of media outlets and civil society organisations, including those working on human rights, democracy and the rule of law.
 - the provisions of the TFI Act are inconsistent with the criteria of legality, legitimacy, necessity and proportionality, within the meaning of Article 10(2) and Article 11(2) of the Convention, as well as with the principle of non-discrimination.
 - there are several aspects which call into question the TFI Act’s declared purpose of ensuring the transparency of foreign influence regarding the funding of civil society organisations.

⁵² See [United around our values](#), Reykjavik Declaration, Reykjavík Summit, 4th Summit of Heads of State and Government of the Council of Europe, 16-17 May 2023.