

## **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. 15763/25  
Georgian Young Lawyers' Association and Others v. Georgia (no. 2)**

## Introduction

1. On 3 July 2026, 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* (no. 2). This case was lodged by three civil society organisations (CSOs) and three 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 1 April 2025 of the Foreign Agents Registration Act ("the Georgian FARA"), which entered into force on 31 May 2025.
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.<sup>1</sup> 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.<sup>2</sup>
3. The present intervention is based on the Commissioner's memorandum on accountability of law enforcement and freedoms of assembly, association and expression in Georgia following his visit in April 2026<sup>3</sup> and his earlier observations in this regard.<sup>4</sup>
4. Section I of the present written submission explores the restrictions to freedom of association and freedom of expression affecting civil society in Georgia. Section II reviews the nature of the restrictions contained in the Georgian FARA, such as with respect to the quality and proportionality of the law. Section III adds observations related to the purpose of introducing the Georgian FARA. These sections are followed by the Commissioner's conclusions.

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

5. The Commissioner observes that the enactment of the Georgian FARA on 1 April 2025 forms part of a series of restrictions on the rights to freedom of association and freedom of expression affecting civil society in Georgia.
6. The Georgian FARA was tabled in Parliament around six months after the entry into force of the Transparency of Foreign Influence (TFI) Act, which requires CSOs, including media outlets, who receive more than 20% of their funding from abroad to register as 'organisations pursuing the interests of a foreign power.' Initially it was reported that the Georgian FARA would replace the TFI Act,<sup>5</sup> but both acts continue to apply simultaneously. The TFI Act is the subject of another case before the Court, in which the Commissioner also submitted a third-party intervention outlining how the TFI Act 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 Convention.<sup>6</sup>
7. Under the Georgian FARA natural and legal persons engaging in 'political activities' on behalf of a foreign principal are required 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

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

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

<sup>3</sup> Commissioner, [Memorandum](#) on accountability of law enforcement and freedoms of assembly, association and expression in Georgia, 19 June 2026.

<sup>4</sup> See country work by the Commissioner regarding [Georgia](#).

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

<sup>6</sup> Commissioner, [Third party intervention](#) in the case of *Georgian Lawyers Association and Others v. Georgia* (application no. 31069/24), 10 October 2025.

'foreign agent' label.<sup>7</sup> The Anti-Corruption Bureau (ACB) – replaced by the State Audit Office (SAO) since 1 March 2026 – is given broad powers to oversee compliance with the Georgian FARA. Article 8 of the Georgian FARA introduces criminal liability for up to five years imprisonment for failure to comply with the provisions of the Georgian FARA (see Article 355<sup>2</sup> of the Criminal Code (CC)).

8. Additional restrictions on the rights to freedom of association and freedom of expression have been introduced since the adoption of the Georgian FARA. On 1 April 2025, Parliament amended provisions in 14 different laws abolishing the mandatory participation of CSOs in public decision-making processes. On the same day, it also 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.<sup>8</sup>
9. 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 the Georgian FARA, the ACB – replaced by the SAO since 1 March 2026 – is entrusted with overseeing compliance. In addition, a State Grants Management Agency was established to distribute domestic state grants to CSOs. 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.
10. Further amendments adopted on 4 March 2026 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 the transfer of funds by a foreign entity to its local office in Georgia. In practice these amendments prevent Georgian CSOs 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 core commercial activity (Article 153<sup>13</sup> of the Administrative Offences Code (AOC)) as well as criminal liability for committing such offences repeatedly (Article 353<sup>3</sup> of the CC). In practice these amendments prevent organisations from setting up commercial entities not subject to CSO legislation. Further amendments to the CC establish criminal liability for up to six years imprisonment for violations of the Law on Grants, increasing to 12 years imprisonment for money laundering for the purpose of carrying out 'political activity.' Parliament amended the Organic Law on Political Association of Citizens, prohibiting persons employed by an organisation whose annual income derives for more than 20% from foreign sources from joining a political party until eight years after the termination of their employment contract.
11. 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. These amendments' cumulative effect may result in requiring from journalists and others complete guarantee of accuracy instead of reasonable due diligence, and accordingly contribute to self-censorship.<sup>9</sup>
12. The imposition of the above-mentioned restrictions, including the obligation to register as 'organisations pursuing the interests of a foreign power' (under the TFI Act) and/or 'agents of a foreign principal' (under the Georgian FARA) limit civil society participants' ability to exercise their rights to freedom of association and freedom of expression. This is particularly the case when the measures continue to be accompanied by a campaign by the authorities and pro-government

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

<sup>8</sup> See also Council of Europe Safety of Journalists Platform, [Alert No. 31/2025 Draft Amendments to Restrict Foreign Funding and Tighten Administrative Control Over Broadcasting](#), updated 19 June 2026.

<sup>9</sup> See also Council of Europe Safety of Journalists Platform, [Alert No. 126/2025 Ruling Party Proposes Amendments Weakening Protections for Freedom of Expression and Journalists](#), updated 19 June 2026; ARTICLE 19, [Georgia: Scrap defamation law changes and uphold freedom of expression](#), 10 November 2025.

groups branding CSOs and human rights defenders (HRDs) as 'enemies of the state' and more recently as members of the 'Global War Party' and the 'Deep State,' and referring to their foreign funding as an obstacle to their impartial watchdog role in society.<sup>10</sup>

13. 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.<sup>11</sup> 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 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.<sup>12</sup>

## **II. Observations on the nature of the restrictions contained in the Georgian FARA**

14. While the objective of increasing transparency with regard to the funding of CSOs may represent a legitimate concern, the Commissioner considers that the restrictions on the rights to freedom of association and freedom of expression imposed by the Georgian FARA raise questions regarding their compatibility with the criteria of legality, legitimacy, necessity and proportionality, enshrined in Article 10(2) and Article 11(2) of the Convention, as well as with the principle of non-discrimination in accordance with Article 14 of the Convention. The aim pursued by the Georgian FARA is addressed in Section III.
15. First, the Commissioner notes the vague formulation of some provisions of the Georgian FARA and the wide discretion accorded to the ACB, replaced by the SAO since 1 March 2026, to issue implementing regulations (Article 9 of the Georgian FARA). According to the Venice Commission, Georgian FARA applies regardless of funding levels (the TFI Act has a 20% threshold) and defines 'political activity' expansively to cover virtually any activity aimed at shaping domestic or foreign policy or political attitudes, blurring any meaningful distinction between legitimate international cooperation and covert foreign interference and contributing to making it difficult for anyone to know whether Georgian FARA applies to them.<sup>13</sup>
16. Second, as indicated in the Venice Commission and OSCE Office for Democratic Institutions and Human Rights (ODIHR) Joint Guidelines on Freedom of Association, restrictions to civil society activity 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.<sup>14</sup> Georgian officials have repeatedly stated that legislation related to foreign influence is necessary to counter repeated attempts of non-transparent organisations to produce a revolution in Georgia.<sup>15</sup> The Commissioner acknowledges that the objective of increasing transparency with regard to the funding of CSOs may correspond to the legitimate aim of the prevention of disorder in paragraph 2 of Articles 10 and 11 of the Convention.<sup>16</sup> However, as the Venice Commission stated, increasing transparency does not in itself constitute a legitimate aim and would need to be clearly linked to specific public interests and interpreted

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<sup>10</sup> Commissioner, [Memorandum](#) on accountability of law enforcement and freedoms of assembly, association and expression in Georgia, 19 June 2026, paragraph 42.

<sup>11</sup> Committee of Ministers of the Council of Europe, Recommendation to member states [CM/Rec\(2007\)14](#), adopted on 10 October 2007 at the 1006<sup>th</sup> meeting of the Ministers' Deputies, paragraph 67.

<sup>12</sup> *Ibid.*, paragraph 50.

<sup>13</sup> 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 58 to 65.

<sup>14</sup> Venice Commission and OSCE ODIHR [Joint Guidelines on Freedom of Association](#), Principle 10 on proportionality of restrictions.

<sup>15</sup> See, for instance, Imedi, <https://info.imedi.ge/en/politics/10407/pm-kobakhidze-says-georgia-has-faced-constant-political-terror-and-foreignbacked-destabilisation-efforts>, 17 July 2026; Imedi, [Georgian PM: Georgia has faced five revolution attempts - names change, but forces behind them remain the same | imedinews](#), 17 April 2026; Imedi, <https://info.imedi.ge/en/politics/1494/georgian-pm-highlights-attempts-of-nontransparent-ngos-to-make-revolution-in-country>, 26 April 2024.

<sup>16</sup> ECtHR, [Ecodefence and Others v. Russia](#), judgment of 14 June 2022, paragraph 122.

narrowly. In this regard, the Georgian FARA “appears to target broad categories of legitimate actors for ulterior purpose of discouraging civil society activity.”<sup>17</sup>

17. Third, the Commissioner recalls that restrictions on freedoms of association and expression call for heightened levels of scrutiny in terms of proportionality. According to the Venice Commission, the Georgian FARA creates a regime of pervasive administrative control that is comparable in intrusiveness to the Russian ‘foreign agent’ laws criticised by the Court.<sup>18</sup> The Commissioner further observes that penalties for non-compliance with the Georgian FARA are broader and harsher than under the TFI Act, which only includes administrative fines. Meanwhile Article 8 of the Georgian FARA stipulates that any wilful violation of any provision of the Act gives rise to criminal liability for up to five years imprisonment (see also Article 355<sup>2</sup> of the CC).
18. Concerning the necessity of the Georgian FARA in a democratic society, the Commissioner notes that according to the Court’s case-law labelling natural and legal persons as acting in the interests of foreign powers is misleading, suggesting the existence of foreign control where no evidence of such a relationship has been put forward, and stigmatising, implying disloyalty or subversive intent.<sup>19</sup> The Venice Commission has stated 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.”<sup>20</sup> Moreover, as stated in paragraph 12, the Commissioner considers that the negative labelling through the Georgian FARA is exacerbated by the branding of CSOs and HRDs as “enemies of the state”. Accordingly, the Commissioner is of the view that the enactment of the Georgian FARA itself has had a significant stigmatising effect on the reputation of CSOs in Georgia, despite none of its requirements having yet been enforced against the applicant organisations.
19. Fourth, the Commissioner notes that the Georgian FARA specifically targets certain individuals and organisations and not others (natural or legal persons not receiving any foreign funding). He does not observe a justification for this difference in treatment.

### **III. Observations on the purpose of enacting the Georgian FARA**

20. 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 prohibition 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 Georgian FARA requiring natural and legal persons engaging in ‘political activities’ on behalf of a foreign principal to register as ‘agents of a foreign principal.’
21. First, the Commissioner draws the Court’s attention to other legislation restricting the freedoms of association and expression which have been adopted before and after the Georgian FARA (see paragraphs 6 and 8 to 1011). 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 excessive use of force against protesters and journalists covering the protests.<sup>21</sup> The Commissioner notes that these laws were enacted by Parliament 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 of Georgia and other relevant stakeholders.

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<sup>17</sup> 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 67.

<sup>18</sup> 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 72.

<sup>19</sup> ECtHR, [Ecodefence and Others v. Russia](#), applications nos. 9988/13 and 60 others, judgment of 14 June 2022, paragraph 132 and [Kobaliya and Others v. Russia](#), applications nos. 39446/16 and 106 others, judgment of 22 October 2024, paragraphs 71 to 78.

<sup>20</sup> 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 69.

<sup>21</sup> Commissioner, [Memorandum](#) on accountability of law enforcement and freedoms of assembly, association and expression in Georgia, 19 June 2026, paragraphs 17 to 22; see also Commissioner, [Memorandum](#) on the human rights situation in Georgia, 10 March 2025, paragraphs 32 to 36.



According to the Venice Commission, this is problematic from a democratic perspective, raising the question of the legitimacy and acceptability of the amendments.<sup>22</sup>

22. Second, the Commissioner refers to the continuing pattern of intimidation against CSOs and HRDs, including through rhetoric employed by senior members of the ruling party in Georgia.<sup>23</sup> For example, the Prime Minister has repeatedly stated that foreign funded CSOs were implicated in five attempted revolutions over the past few years, four of which were violent.<sup>24</sup> The OSCE Moscow Mechanism Rapporteur noted “an atmosphere of hostility towards actors independent of the government (...) driven by the fierce, stigmatising rhetoric of government-affiliated individuals.”<sup>25</sup>
23. Third, the Commissioner was informed about administrative and/or criminal inquiries involving dozens of CSOs 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 the Georgian FARA, the Law on Grants and other legislation. The Commissioner considers that the scope and urgency of the inquiries into these organisations raises a range of serious human rights concerns.<sup>26</sup> 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 the Georgian FARA. During his visit to Georgia in April 2026, the Commissioner was informed that up to 137 organisations were being checked. The SAO, which took over from the ACB following the latter’s abolition on 1 March 2026, justified the inquiries, none of which have been completed yet, by pointing to foreign financed attempts to undermine the security of the state.<sup>27</sup>
24. 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.<sup>28</sup> 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 CSO actor 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.<sup>29</sup> According to the POG, items used by violent protesters against law enforcement officers were purchased from these accounts.<sup>30</sup> The Commissioner was informed that, because of the frozen accounts, the organisations were forced to halt almost all their activities. including pro bono legal representation in hundreds of cases.
25. The Commissioner also notes that several CSO actors have been summoned for questioning by the State Security Service of Georgia for contributing to an international media report revealing the

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<sup>22</sup> 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. See also Commissioner, [Memorandum](#) on accountability of law enforcement and freedoms of assembly, association and expression in Georgia, 19 June 2026, paragraph 32.

<sup>23</sup> Commissioner, [Third party intervention](#) in the case of Georgian Lawyers Association and Others v. Georgia (application no. 31069/24), 10 October 2025, paragraphs 26 to 28; See also Commissioner, [Memorandum](#) on the human rights situation in Georgia, 10 March 2025, paragraphs 45 to 47.

<sup>24</sup> See footnote 15.

<sup>25</sup> 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.

<sup>26</sup> Commissioner, [statement](#), 1 July 2025.

<sup>27</sup> Commissioner, [Memorandum](#) on accountability of law enforcement and freedoms of assembly, association and expression in Georgia, 19 June 2026, paragraph 39.

<sup>28</sup> Prosecutor’s Office of Georgia, [statement](#) of 17 March 2025.

<sup>29</sup> Prosecutor’s Office of Georgia, [statement](#) of 27 August 2025.

<sup>30</sup> The POG statement of 27 August 2025 refers to gas masks, face masks, pepper spray and other items.

use of water cannons containing chemical irritants<sup>31</sup> and meeting with the OSCE Moscow Mechanism Rapporteur.<sup>32</sup>

26. Against this background, the Court may consider that the enactment of the Georgian FARA on 1 April 2025 forms part of a broader pattern of restrictive measures intended to intimidate CSOs who are perceived as critical of the government. The Court may consider that the aim of the Georgian FARA may have been to discredit civil society activists.

## Conclusion

27. The Commissioner is of the view that in a healthy democracy it is vital to effectively facilitate the role and functioning of CSOs. Their rights to freedom of association and freedom of expression should be protected in member states' laws and practice. Indeed, the commitment to supporting and maintaining a safe and enabling environment in which civil society and HRDs can operate free from hindrance was reasserted at the highest level in the Reykjavik Declaration of May 2023.<sup>33</sup>
28. 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 Georgian FARA on 1 April 2025 forms part of a broader pattern of restrictions on the rights to freedom of association and freedom of expression affecting civil society in Georgia, which have a chilling effect on the work of media outlets and CSOs, including those working on human rights, democracy and the rule of law.
  - the provisions of the Georgian FARA 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 in accordance with Article 14 of the Convention.
  - there are several aspects which call into question the Georgian FARA's declared purpose of ensuring the transparency of foreign influence regarding the funding of civil society organisations.

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<sup>31</sup> 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.

<sup>32</sup> See Civil Georgia, <https://civil.ge/archives/725520>, 17 March 2026.

<sup>33</sup> See [United around our values](#), Reykjavik Declaration, Reykjavik Summit, 4th Summit of Heads of State and Government of the Council of Europe, 16-17 May 2023.