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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
OF THE COUNCIL OF EUROPE
(VENICE COMMISSION)

GEORGIA

OPINION

ON

**THE AMENDMENTS OF 4 MARCH 2026
TO
THE LAW ON GRANTS,
THE ORGANIC LAW ON POLITICAL
ASSOCIATIONS OF CITIZENS,
THE CRIMINAL CODE
AND RELATED LEGISLATION**

**Adopted by the Venice Commission
at its 148th Plenary Session
(Venice, 9-10 October 2026)**

on the basis of comments by

Ms Herdis KJERULF THORGEIRSDOTTIR (Member, Iceland)
Mr Zlatko KNEŽEVIĆ (Member, Bosnia and Herzegovina)
Mr François SÉNERS (Member, France)

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I. Introduction

1. By letter of 23 March 2026, the Chairperson of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee of the Parliamentary Assembly -PACE-), Ms Elvira Kovács, requested an Opinion of the Venice Commission on the amendments of 4 March 2026 to the Law on Grants, the Organic Law on Political Associations of Citizens, the Criminal Code and related legislation ("the 4 March 2026 legislative package") ([CDL-REF\(2026\)037](#)).

2. Ms Herdís Kjerulf Thorgeirsdottir, Mr Zlatko Knežević and Mr François Sénors acted as rapporteurs for this opinion.

3. On 14, 17 and 29 September 2026, the rapporteurs assisted by Ms Carmen Morte Gómez, Mr Taras Pashuk and Mr Michael Janssen, from the Secretariat of the Venice Commission held a series of online meetings with representatives from the international community, the non-parliamentary political groups and civil society organisations. Representatives of the government and of the parliamentary majority declined to meet with the Venice Commission delegation and so did the State Grant Management Agency and the Audit State Office. The Commission is grateful to the Council of Europe Office in Georgia for the excellent organisation of the online meetings.

4. This opinion was prepared in reliance on the English translation of the legal amendments. Some translations may not accurately reflect the original version on all points.

5. This opinion was drafted on the basis of comments by the rapporteurs and the results of the online meetings on 14, 17 and 29 September 2026. *The draft opinion was examined at the joint meeting of the Sub-Commissions on Fundamental Rights and on the Protection of National Minorities on 8 October 2026. It was adopted by the Venice Commission at its 148th Plenary Session (Venice, 9-10 October 2026).*

II. Background and Scope of the opinion

6. The present opinion is limited to the amendments to the Law on Grants, the Law on the Political Association of Citizens and the Criminal Code, as well as related legislation, as adopted by the Georgian Parliament on 4 March 2026 and specified in the request of the Monitoring Committee. The March 2026 amendments build directly upon earlier legislative measures adopted since 2023. As a result, a meaningful assessment of the March 2026 amendments requires taking into account the cumulative and systemic impact of the legislative framework as a whole, having regard, to the extent that it will be necessary, in particular to legislative amendments to the Law on Grants adopted by the Georgian Parliament on 15 April and 25 June 2026. That said, this opinion does not constitute a full and comprehensive review of the entire legal framework regulating political parties and elections in Georgia. Moreover, the absence of comments on certain provisions of the 4 March 2026 legislative amendments should not be interpreted as an endorsement of these provisions. The opinion focuses on key issues and indicates main areas of concern.

7. The legislative amendments examined in this opinion form part of a broader series of legislative measures adopted by the Georgian authorities since 2023 to regulate foreign funding and activities perceived as involving foreign influence. These legislative measures have been assessed in previous opinions, to which the present opinion will refer.

8. Georgia had been granted EU candidate status in December 2023, though accession has been *de facto* halted by the EU since June 2024 due to democratic backsliding.¹

A. Law on Transparency of Foreign Influence

9. On 28 May 2024, the Parliament adopted the Law on Transparency of Foreign Influence (the “TFI Law”) after overriding the veto of the President. The law became the first in a series of legislative measures regulating foreign-funded organisations and media. The TFI Law introduced a new category of “organisation pursuing the interests of a foreign power,” requiring non-commercial entities, broadcasters, print and online media receiving over 20% of their annual income from foreign sources to register with the Ministry of Justice. The TFI Law mandates public disclosure of registration, founding documents, and annual financial statements, allowing the Ministry to conduct biannual monitoring and collect personal data. Failure to comply, including to register or submit reports, leads to significant administrative fines, with the Ministry empowered to register entities unilaterally and enforce penalties within a six-year limitation period.

10. The Venice Commission assessed the text of the TFI Law in an Urgent opinion issued in May 2024.² The Commission concluded that the TFI Law was incompatible with international and European standards protecting freedom of expression, association, and privacy and that it created a chilling effect on dissent and risked silencing critical voices, undermining pluralism and democratic debate.

B. Law on Foreign Agents Registration (GEOFARA) and Article 355² of the Criminal Code

11. Further legislative measures on the regulation of foreign influence were adopted in 2025.

12. For the Venice Commission, the legal regime established by GEOFARA in addition to the TFI law risks undermining the rule of law, civic space and democratic freedoms. Vague and imprecise definitions of key terms allow for an overly broad and arbitrary interpretation, creating a chilling effect and fostering an environment of self-censorship. Individually, and even more so when taken together, these measures impose extensive and overlapping obligations combined with harsh liability provisions that disproportionately burden and subject to control those engaged in democratic oversight and rights advocacy.

13. An amendment to the Criminal Code was examined and adopted together with GEOFARA and also entered into force on 31 May 2025. It introduced a criminal offence in new Article 355², entitled “*Violation of the Law of Georgia “On the Registration of Foreign Agents”*”, criminalising and sanctioning with fines and imprisonment failure to comply with specific requirements or to fulfil or improperly fulfil obligations under GEOFARA.³

C. Law on Grants, Organic Law on Political Associations of Citizens and Criminal Code and other related laws

14. Two sets of amendments to the Law on Grants, adopted on 16 April and 12 June 2025 respectively, ban the issuance of foreign grants in Georgia without governmental approval. Accepting a grant without authorisation is prohibited and constitutes an administrative offence

¹ See https://enlargement.ec.europa.eu/countries/georgia_en. In December 2024, the European Council regretted the Georgian government’s decision to suspend the EU accession process until 2028.

² Venice Commission - Urgent Opinion on the Law of Georgia on Transparency of Foreign Influence [CDL-AD\(2024\)020](#).

³ The Venice Commission adopted its Opinion on the Law on the Registration of Foreign Agents, the amendments to the Law on Grants and other Laws relating to “foreign influence” in October 2025 - [CDL-AD\(2025\)034](#).

punishable by a fine.⁴ The amendments were challenged before the Constitutional Court.⁵ Amendments to the Organic Law on Political Association of Citizens, adopted on 16 April 2025, enlarge the restrictions on financing political parties. In particular, they exclude the possibility for political parties and electoral candidates to receive any donations in the form of in-kind support from legal entities and associations of persons registered in Georgia or abroad.⁶

15. On 16 October 2025, Parliament adopted further amendments to the Organic law “On Political Associations of Citizens”, to Article 381 of the Criminal Code of Georgia, and to other related laws. These amendments were examined, in parallel, in a separate opinion of the Venice Commission, upon request by the Monitoring Committee of the Parliamentary Assembly of the Council of Europe.⁷ The amendments to the Law on Political Associations of Citizens examined in the other opinion bar establishing a party by a person in relation to whom a court has made a decision provided for by Article 23(3)(b) of the Organic Law of Georgia on the Constitutional Court of Georgia (prohibition of a political party). It shall also be inadmissible for that person to be a member of the party or a member of the body of a party and/or hold a position in a party.” (Article 21¹).

16. On 4 March 2026, the Georgian Parliament adopted a further package of legislative amendments affecting the regulation of foreign-funded activities, political participation and civil society. It included amendments to the Law on Grants, the Criminal Code, the Code of Administrative Offences, the Administrative Procedural Code, the Organic Law on Political Associations of Citizens and the Organic Law on the State Audit Office. The legislative package was registered on 21 January 2026 and adopted by Parliament on 4 March 2026. It entered into force upon its publication. On 15 April and 25 June 2026, Parliament adopted further amendments to the Law on Grants, introducing limited exemptions from the prior government approval requirement for certain categories of grants, including 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 (Article 2 § 1⁴ (b) *in fine*).

17. The 4 March 2026 legislative package examined in the present opinion prompted strong criticism⁸ from civil society organisations since the beginning of the legislative procedure – such as the Georgian Young Lawyers’ Association,⁹ ISFED,¹⁰ Transparency International

⁴ These amendments to the Law on Grants were assessed in the Venice Commission Opinion referred to in former footnote.

⁵ Civil.ge, [GYLA](#), 1 October 2025.

⁶ These amendments to the Organic Law on Political Associations of Citizens were also assessed in the 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”, ([CDL-AD\(2025\)034](#)).

⁷ See Venice Commission, [CDL-AD\(2026\)027](#), Opinion on the amendments of 16 October 2025 to the Organic Law on Political Associations of Citizens, Article 381 of the Criminal Code and related legislation (legal consequences for persons associated with prohibited political parties).

⁸ “The accelerated and aggressive process of autocratization in Georgia took alarming forms in 2025. “Georgian Dream,” in addition to fully capturing state institutions—including the systems of general courts and the Constitutional Court—has, through unconstitutional and unlawful mechanisms, significantly weakened the political opposition, institutionally dismantled civil society, pushed the media to the brink of financial crisis and collapse, and substantially restricted citizens’ civil and political rights. Through legislative changes adopted by a parliament suffering from a crisis of legitimacy, the depletion of the legal system from human rights standards and its growing degradation have assumed rapid and extremely arbitrary forms. on general human rights situation in 2025: [The Acute Human Rights Crisis in Georgia 2025](#)

⁹ [GYLA](#), “Personalized lawmaking in Georgia as a means of unjustly restricting rights: A review of restrictive legislative amendments adopted since 2024”, available for downloading, pp. 17-20.

¹⁰ [The Description and Assessment of the Amendments Envisaged by the New Draft Laws Restricting Civil and Political Rights in Georgia](#).

Georgia,¹¹ Civil Society Foundation, Democracy Research Institute or Social Justice Center,¹² among many others. The latter contended that restrictions imposed under the guise of law and used for the purposes of political repression are explicitly limited by the European Convention on Human Rights and constitute a violation of Article 18 of the Convention,¹³ which deems such aims incompatible with the Convention.

D. Constitutional and International legal framework

18. The 1995 Constitution of Georgia guarantees, *inter alia*, the principle of equality and non-discrimination (Article 11), the right to freedom of opinion and expression (Article 17) and the right to freedom of association (Article 22). The freedom of association and expression may be restricted only under the conditions set out in international human rights instruments and in the Constitution of the Republic of Georgia. These conditions are threefold and encompass the conditions of legality, legitimacy and necessity in a democratic society, including proportionality.

19. Georgia is a State Party to major international human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR). By means of Article 4(5) of the 1995 Constitution of Georgia, “an international treaty of Georgia shall take precedence over domestic normative acts unless it comes into conflict with the Constitution or the Constitutional Agreement of Georgia”.

20. The right to freedom of association, is a cornerstone of a vibrant, pluralistic and participatory democracy and underpins the exercise of a broad range of other civil and political rights.¹⁴ The Venice Commission has stressed in a number of previous opinions¹⁵ that civil society organisations play an important role in modern democratic societies. A dynamic and pluralistic civil society is essential for a well-functioning democracy. Civil society plays a pivotal role in a country’s democratic development and is a vital source of democratic expertise.¹⁶ Civil society organisations enable citizens to associate in order to promote certain goals and/or pursue certain agendas. As a form of public engagement parallel to that of participation in the formal political process, civil society organisations have to cooperate with public authorities while at the same time maintaining their independence. Members of non-governmental

¹¹ <https://transparency.ge/en/blog/ivanishvilis-law-against-georgia-how-critical-opinion-will-be-punished>; <https://isfed.ge/eng/gantskhadebebi/samogalago-da-politikuri-uflebebis-shemzghudveli-akhali-kanonproeqtebit-gatvalistsinebuli-tsvlilebebis-arsi-da-shefaseba>.

¹² On legal changes under review : <https://socialjustice.org.ge/en/products/kartuli-otsneba-praktikulad-anadgurebs-politikur-tavisuflebebs-grantebis-shesakheb-kanonisa-da-skhva-sakanonmdablo-aktebshi-dagegmili-tsvlilebebis-analizi>.

¹³ ECtHR, *Navalnyy v. Russia* [GC], 15.11.2018.

¹⁴ ODIHR and Venice Commission, [CDL-AD\(2023\)016](#), *Joint Opinion of the Venice Commission and the OSCE/ODIHR on the draft law of Republika Srpska on the Special Registry and Publicity of the Work of Non-Profit Organizations*, para. 16.

¹⁵ Venice Commission, [CDL-AD\(2013\)023](#), Interim Opinion on the Draft Law on Civic Work Organisations of Egypt; [CDL-AD\(2013\)030](#), Joint Interim Opinion on the Draft Law amending the Law on Non-commercial Organisations and other Legislative Acts of the Kyrgyz Republic; [CDL-AD\(2014\)043](#), Opinion on the Law on non-governmental Organisations (Public Associations and Funds) as amended of the Republic of Azerbaijan; [CDL-AD\(2014\)025](#), Opinion on Federal Law n. 121-fz on non-commercial organisations (“law on foreign agents”), on Federal Laws n. 18-fz and n. 147-fz and on Federal Law n. 190-fz on making amendments to the criminal code (“law on treason”) of the Russian Federation; [CDL-AD\(2016\)020](#), Russian Federation - Opinion on federal law no. 129-fz on amending certain legislative acts (Federal law on undesirable activities of foreign and international non-governmental organisations); [CDL-AD\(2017\)015](#), Hungary - Opinion on the Draft Law on the Transparency of Organisations receiving support from abroad; [CDL-AD\(2021\)027](#), Opinion on the Compatibility with international human rights standards of a series of Bills introduced to the Russian State Duma between 10 and 23 November 2020, to amend laws affecting “foreign agents”; [CDL-AD\(2023\)016](#), Joint Opinion on the draft law of Republika Srpska on the Special Registry and Publicity of the Work of Nonprofit Organizations; [CDL-AD\(2024\)001](#), Hungary - Opinion on Act LXXXVIII of 2023 on the Protection of National Sovereignty; [CDL-AD\(2024\)033](#), Kyrgyzstan - Opinion on Law No. 72 of 2 April 2024 amending the Law “On Nonprofit Organisations”.

¹⁶ PACE, [Res. 2664\(2026\)1](#) The functioning of democratic institutions in Georgia, 24 June 2026, § 8.

organisations and other civil society groups, along with the organisations themselves are endowed with human rights guaranteed by the respective treaties, including the right to freedom of association (Article 11 ECHR, Article 22 ICCPR), the right to freedom of expression (Article 10 ECHR, Article 19 ICCPR), the right to free elections which relates to the right to vote, and its passive aspect, namely the right to stand as a candidate for election¹⁷ (Article 3 of Protocol No. 1 to the ECHR¹⁸ and Article 25.b ICCPR), the right to a fair trial and to an effective remedy before and independent and impartial tribunal (Articles 6 and 13 ECHR, Article 14 ICCPR), the right to respect for private and family life (Article 8 ECHR, Article 17 ICCPR) and the prohibition of discrimination (Article 14 of the ECHR and Protocol 12 to the ECHR, Article 26 of the ICCPR). The ECHR also grants the right to property (Article 1 of Protocol 1). In addition, States are endowed with positive obligations related to these rights and are thus obliged to respect, protect and facilitate the exercise thereof.¹⁹

21. The right to freedom of association has been the object of specific studies, such as the 2022 Report on Access to Resources by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association.²⁰

22. The European Convention on Human Rights, for its part, interprets freedom of political expression in a democratic state particularly broadly and assesses its restriction with strict scrutiny. Articles 10 and 11 of the Convention, which protect freedom of expression and freedom of association, safeguard first and foremost individual freedoms alongside organizational actors—the right of every person freely to express opinions, to receive and impart information on matters of public interest. At the same time, the right of individuals to associate or self-organize with others for political purposes is protected, including through informal associations. The European Court not only prohibits the imposition of any negative label based on the fact that a civil organization is funded by foreign sources but places the very receipt of funding within the sphere protected by freedom of association.²¹

23. The Venice Commission has adopted several country-specific critical opinions on legislation concerning grants and “foreign influence”,²² also in respect of Georgia,²³ and in particular, the opinion which examined former versions of the Laws on Grants and on Political Associations of Citizens.²⁴ The Venice Commission has also issued general reports related to this topic, such as the 2014 Joint Guidelines on Freedom of Association²⁵ and the 2019 Report on funding of associations.²⁶

¹⁷ ECtHR, *Tănase v. Moldova* [GC], 27 April 2010, § 155.

¹⁸ Right to free elections: “The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.”

¹⁹ ECtHR, *Ouranio Toxo and Others v. Greece*, no. 74989/01, § 37, 20 October 2005

²⁰ UN Doc. [A/HRC/50/23](#), *Access to Resources. Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association*, Clément Nyaletsossi Voule, 10 May 2022.

²¹ ECtHR, *Ecodefence and Others v. Russia*, nos. 9988/13 and 60 others, §165, 14 June 2022.

²² Some of them mentioned above, in footnote 15.

²³ CDL-AD(2024)020, Urgent Opinion on the Law of Georgia on Transparency of Foreign Influence; [CDL-AD\(2025\)034](#), Opinion on the Law on the Registration of Foreign Agents, the amendments to the Law on Grants and other Laws relating to “foreign influence”.

²⁴ See §§ 14. and seq., above.

²⁵ Venice Commission and OSCE/ODIHR, [CDL-AD\(2014\)046](#), Joint Guidelines on Freedom of Association.

²⁶ Venice Commission, [CDL-AD\(2019\)002](#), Report on Funding of Associations.

III. Analysis

A. Legislative process and public consultation

24. The standards and best practices governing the legislative process are set out in the Venice Commission's updated Rule of Law Checklist²⁷ and its Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: A Checklist.²⁸ According to the Updated Rule of Law Checklist,²⁹ the procedure for enacting legal acts law-making process must be efficient, transparent, inclusive and democratic. To satisfy these requirements, proposals for draft laws should be available to the public in advance of, or at the very least at the time of, presentation to the legislature to allow for public debate and input.³⁰ The legislature should follow the standard legislative procedure and avoid resorting to expedited adoption of legal acts on a regular basis.³¹

25. The Commission observes that the Georgian Parliament adopted all of the legislative acts in a very short period of time. The 4 March 2026 legislative package, comprising amendments to the Law on Grants, the Organic Law on Political Associations of Citizens, the Criminal Code, the Code of Administrative Offences and related legislation, was registered on 21 January 2026, adopted in first reading on 3 February, in second reading on 18 February and in third reading on 4 March 2026, within approximately six weeks. Although the explanatory notes state that no expedited procedure was requested³² (except for recent amendments of the Law on Grants occurred after 4 March 2026), the legislative timetable indicates that the pace of examination was very swift, irrespective of whether it was formally considered to be an expedited procedure. Moreover, since the adoption of the amendments to the Law of Grants of 12 June 2025, assessed in the Venice Commission October 2025 opinion, two sets of amendments have been adopted before the 4 March 2026, and two sets after that date, as well as six sets of amendments of the Organic Law on Political Associations of Citizens after its amendments of 16 April 2025 assessed in that same opinion and before the actual consolidated version of the said Law of 4 March 2026.³³

26. In addition to the very fast pace of examination and adoption, the explanatory notes accompanying these draft laws expressly state that no State or non-State organisations, experts or working groups participated in the preparation of the draft laws. They further state that no assessment of the draft laws by any organisation, institution, working group or expert was undertaken, and that no comparative review of similar legislation or of the experience of other countries was prepared.

27. The Venice Commission has consistently emphasised the importance of meaningful public consultation where legislation affects fundamental rights, in particular creating extensive restrictions on foreign-funded activities, expanding State control over foreign funding and creating new criminal offences. Legislative measures that fundamentally affect political participation and civil society therefore require an inclusive and transparent law-making

²⁷ Venice Commission, The updated Rule of Law Checklist ([CDL-AD\(2025\)002](#)), adopted at its 145th Plenary Session (Venice, 12-13 December 2025).

²⁸ [CDL-AD\(2019\)015](#)

²⁹ Venice Commission, The updated Rule of Law Checklist ([CDL-AD\(2025\)002](#)), Benchmark II.A.6.

³⁰ Venice Commission, The updated Rule of Law Checklist ([CDL-AD\(2025\)002](#)), Benchmark II.A. 6.vi, § 34.

³¹ Venice Commission, The updated Rule of Law Checklist ([CDL-AD\(2025\)002](#)), Benchmark II.A.6.vi, § 34.

³² See Article 117 of the [Rules of Procedure of the Parliament of Georgia](#)

³³ [GYLA](#), "Personalized lawmaking in Georgia as a means of unjustly restricting rights: A review of restrictive legislative amendments adopted since 2024", cited above, p. 4: "Since 2024, the ruling political party has attempted to consolidate its power by repeatedly amending existing legislation. [...] Frequently, these changes were characterized by expedited lawmaking, which in Georgia means adopting legal amendments within a very tight timeframe specifically, within one week. The period from April 3, 2024, to February 20, 2026, is reviewed and analysed below. During this timeframe, 304 laws were initiated and adopted by the legislative body through the expedited procedure."

process capable of securing democratic legitimacy. Several civil society organisations informed the Commission that they had not been duly and publicly consulted, as it should be the case for a (formally) non-expedited procedure.³⁴

28. The Venice Commission is concerned that the legislation in question was adopted without necessary consultations with civil society and other relevant stakeholders which, from a democratic perspective, raises the question of the legitimacy and acceptability of the measures adopted. The effectiveness of legislative measures, irrespectively of their “coercive power”, depends *inter alia* on whether or not they are in conformity with justice and fairness in the eyes of the community whose behaviour such legislation is designed to determine.³⁵

29. In conclusion, the amendments of 4 March 2026 which form part of a set of numerous reforms some of which are referred to in paragraph 16 and seq. above and the Venice Commission opinions cited therein, and touching upon a wide range of human rights, were adopted through a seriously deficient process, lacking an appropriate inclusive approach which would have allowed a proper assessment of the necessity and proportionality of the measures introduced. The swift procedure that has been followed is not in line with the Venice Commission’s Updated Rule of Law Checklist,³⁶ nor did it ensure the broadest possible consensus after extensive public consultations with all relevant stakeholders, as the Commission had recommended in its aforementioned previous opinions on Georgia. The Commission wishes to reiterate that the legal framework under analysis should be based on as wide a consensus as possible amongst all the stakeholders and in particular civil society organisations and associations affected by the amendments of the legislative package and that every effort should be made to achieve this shared confidence in the process. The question of proportionality will be further addressed in the subsequent sections of this opinion.

B. Framework of the analysis of the Laws under consideration

30. Taken together, the 4 March 2026 legislative package has significantly increased State control over foreign funding, expanded restrictions on political and civil society activities, and introduced criminal liability for breaches of the new regulatory framework. Previous versions of these legislative acts, together with the aforementioned laws on TFI and GEOFARA have already been assessed by the Venice Commission³⁷ and often overlap with the new legislation, imposing similar requirements of registration and financial reporting. Moreover, they continue operating in parallel also with the legislative package adopted in 2026, introducing additional restrictions on foreign-funded activities and strengthening administrative and criminal sanctions.

31. The Venice Commission has already expressed the view that all legislation which is addressing the same concern (transparency of foreign influence) in respect of the same subjects (individuals or legal entities) should be examined through a systemic approach, in order to avoid that the test of necessity and proportionality misses to address the combined effect of simultaneously applicable laws on the same subject.³⁸

³⁴ See Article 102 § 9 of the [Rules of Procedure of the Parliament of Georgia](#)

³⁵ Venice Commission, [CDL-AD\(2025\)001](#), Georgia - Urgent Opinion on amendments to the Code of administrative offences and the Law on assemblies and demonstrations, § 25 and Venice Commission, [CDL-AD\(2024\)020](#), Urgent Opinion on the Law of Georgia on Transparency of Foreign Influence, § 28.

³⁶ Venice Commission, [CDL-AD\(2025\)002](#), The Updated Rule of Law Checklist.

³⁷ Venice Commission - Urgent Opinion on amendments to the Code of administrative offences and the Law on assemblies and demonstrations, [CDL-AD\(2025\)001](#), Urgent Opinion on the Law of Georgia on Transparency of Foreign Influence [CDL-AD\(2024\)020](#); Opinion on the Law on the Registration of Foreign Agents, the amendments to the Law on Grants and other Laws relating to “foreign influence” [CDL-AD\(2025\)034](#).

³⁸ Opinion on the Law on the Registration of Foreign Agents, the amendments to the Law on Grants and other Laws relating to “foreign influence” [CDL-AD\(2025\)034](#), § 33.

32. The obligations resulting from the application of the legislative acts under consideration interfere with the enjoyment of several human rights, as detailed in paragraph 18, above. In particular, the rights to freedom of association and expression may be restricted only under the conditions set out in international human rights instruments and in the Constitution of the Republic of Georgia and in accordance with the threefold test of legality, legitimacy and necessity/proportionality in a democratic society. At the same time, restrictive measures must not be discriminatory in nature or effect. The Venice Commission will assess the 4 March 2026 legislative package in accordance with these criteria, in point C, below.

1. Amendments to the Law on Grants

33. As the Venice Commission has observed in its former opinions,³⁹ the 2025 amendments to the Law on Grants substantively revised the legal framework on the provision of grants by foreign donors to recipients in Georgia. The amendments introduced by the legislative package of March 2026 not only broaden the definition of what constitutes a “grant” subject to prior governmental approval⁴⁰ but also introduce the possibility of criminal liability for the grant recipient in case of breach of the rules established in the Law of Grants. The State Audit Office will now monitor the lawfulness of issuance and receipt of grants.⁴¹

34. Article 2 § 1 of the Law defined grants as *“targeted resources in a monetary form or in kind, provided free of charge by a grant provider (donor) to a grant recipient, which are used to implement specific humanitarian, educational, scientific and research, healthcare, defence and security, cultural, sports, ecological, agricultural or social projects, or to carry out programs of the state or of public importance”*.

35. This definition has now been significantly expanded. New paragraphs 1⁴ to 1⁶ of Article 2 broaden the definition of grant to include

1⁴. *“Resources allocated in a monetary form or in kind by an entity referred to in Article 3(1)(a)⁴² of this Law, or by a citizen of another state, to a citizen of Georgia or a person having the right of residence in Georgia, a legal entity [of another state whose activities essentially include activity on the matters related to Georgia as] referred to in Article 4(d¹) of this Law, or a legal entity of Georgia, which are used or may be used for the activities carried out or to be carried out with the aim of exerting any influence on the government of Georgia, state institutions, or any part of the society, which are aimed at the formation, implementation or change of the domestic or foreign policy of Georgia, as well as which are used or may be used 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, shall also be considered a grant”*.

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” [CDL-AD\(2025\)034](#), § 81.

⁴⁰ The Venice Commission had already criticised the requirement of prior governmental consent to receive foreign funding in its Opinion on the Law on the Registration of Foreign Agents, the amendments to the Law on Grants and other Laws relating to “foreign influence”, [CDL-AD\(2025\)034](#). While States may regulate foreign funding to protect public interests, the measures must be foreseeable, necessary, proportionate, and accompanied by safeguards to prevent undue interference in civil society.⁴⁰

⁴¹ The Law of Georgia No. 1290 of 17 December 2025, which amended the Law of Georgia “On Conflict of Interest and Corruption in Public Service” abolished the Anti-Corruption Bureau. The amendments took effect on 2 March 2026. The matters previously handled by the Anti-Corruption Office (as in former versions of Article 6¹ of the Organic Law on State Audit Office) are taken over by the State Audit Office.

⁴² Article 3(1)(a) provides that

“Grant providers (donors) may include:

a) an international charity, a humanitarian or any other public organisation (including the International Sports Association, Federation, Committee), or other international organisation, financial and loan institutions, as well as foreign governments or their representative offices, a foreign entrepreneurial (if a grant recipient is the State or the Government of Georgia) or a non-entrepreneurial (non-commercial) entity.”

1⁵. For the purposes of carrying out the activities referred to in paragraph 1⁴ of this article, the following shall also be considered a grant provided by an entity referred to in Article 3(1)(a) of this Law, or by a citizen of another state, to a citizen of Georgia or a person having the right of residence in Georgia, a legal entity referred to in Article 4(d¹) of this Law, or a legal entity of Georgia:

- a) resources allocated in a monetary form or in kind, in exchange for which the recipient of such resources provides to the provider of the resources technical assistance in the form of sharing of technologies, specialised knowledge, skills, expertise, services, and/or other types of assistance (this paragraph shall not apply to the technical assistance provided by an employee employed in a foreign government referred to in Article 3(1)(a) of this Law, or in its or in its representation, or at an international organisation, to such employer, in exchange of the resources allocated in a monetary form or in kind);*
- b) technical assistance provided in the form of sharing of technologies, specialised knowledge, skills, expertise, services and/or other types of assistance;*
- c) technical assistance referred to in subparagraphs (a) and (b) of this paragraph, provided free of charge.*

1⁶. Resources allocated in a monetary form or in kind by a legal entity of another state to its representation, branch, or department registered in Georgia shall also be considered a grant (this paragraph shall not apply to the resources allocated for carrying out entrepreneurial activities)."

36. The concept of grant has been broadened to cover technical assistance, services, expertise, knowledge and technology-sharing by the grant recipient to the provider (Article 2(1⁵)), and monetary or in-kind resources by a legal entity of another State to its representation or branch registered in Georgia (Article 2(1⁶)).⁴³ A new procedure has been established requiring prior Government consent for the newly defined categories of grants under Article 2(1⁴–1⁶), including grants provided by foreign grant providers and grants to foreign legal entities active on Georgia-related matters. (Articles 5¹ and 5²).

⁴³ Article 2(1⁵)

"For the purposes of carrying out the activities referred to in paragraph 1⁴ of this article, the following shall also be considered a grant provided by an entity referred to in Article 3(1)(a) of this Law, or by a citizen of another state, to a citizen of Georgia or a person having the right of residence in Georgia, a legal entity referred to in Article 4(d¹) of this Law, or a legal entity of Georgia:

- a) resources allocated in a monetary form or in kind, in exchange for which the recipient of such resources provides to the provider of the resources technical assistance in the form of sharing of technologies, specialised knowledge, skills, expertise, services, and/or other types of assistance (this paragraph shall not apply to the technical assistance provided by an employee employed in a foreign government referred to in Article 3(1)(a) of this Law, or in its representation, or at an international organisation, to such employer, in exchange of the resources allocated in a monetary form or in kind);*
- b) technical assistance provided in the form of sharing of technologies, specialised knowledge, skills, expertise, services and/or other types of assistance;*
- c) technical assistance referred to in subparagraphs (a) and (b) of this paragraph, provided free of charge."*

Article 2(1⁶)

"Resources allocated in a monetary form or in kind by a legal entity of another state to its representation, branch, or department registered in Georgia shall also be considered a grant (this paragraph shall not apply to the resources allocated for carrying out entrepreneurial activities)."

37. The Government's powers to require additional documentation before deciding whether to grant consent are also broadened (Articles 5¹(2)⁴⁴ and 5²(4).⁴⁵ The transfer/issuance and/or receipt of grants on the basis of fraudulent or sham transactions designed to circumvent the grant regime give rise to criminal liability (Articles 5¹(4)⁴⁶ and 5²(5)⁴⁷) as well as the non-compliance with the requirements of the law on grants, replacing what had previously been an administrative regime (Article 6(3), read together with the new Articles 319¹ and 319² of the Criminal Code). Certain administrative sanctions are established in Article 6⁴ and administrative liability is extended to representations, branches and departments of foreign legal entities registered in Georgia that receive grants without the required consent (Article 6⁴). During proceedings, the State Office shall draw up a protocol of an administrative offence, that will be sent for consideration to a district (city) court (Article 6³(1). The district (city) court may order the seizure of the property of the alleged offender, with no suspensive effect of the appeal (Article 6³(5)).

38. The monitoring powers are transferred from the Anti-Corruption Bureau to the State Audit Office, which is empowered to monitor compliance, obtain information and refer suspected criminal offences to the investigative authorities (Articles 6¹–6³).

2. Amendments to the Organic Law of Georgia on the Political Associations of Citizens

39. The 2026 amendments to the Organic Law on Political Associations of Citizens have replaced the concept of a "person with a declared electoral aim" with the broader concept of a "person with a declared party-political aim" and extend the corresponding regulatory framework. In this regard,

“a person with a declared party-political aim shall be deemed to be an entity which is not registered as a party but which, by the substance of its activities and by its public conduct — including its participation in the formation and realisation of the political will of citizens — essentially resembles a party.” (Article 7¹)

⁴⁴ “In order to obtain consent to issue a grant, a grant provider (donor), or if a grant is received by an entity referred to in Article 4(c) or (e) of this Law, the grant recipient determined by the same subparagraph, as well as a legal entity determined by Article 20 of the Organic Law of Georgia Local Self-Government Code, shall submit to the Government of Georgia or an authorised entity/body thereof a draft written agreement provided for by Article 5 of this Law. For making a decision on issuing a grant, the Government of Georgia or an authorised entity/body thereof shall have the right to request from a grant provider (donor) or if a grant is received by an entity referred to in Article 4(c) or (e) of this Law, the grant recipient determined by the same subparagraph, as well as a legal entity determined by Article 20 of the Organic Law of Georgia Local Self-Government Code, that they submit additional documentation.”

⁴⁵ “A grant provider shall submit a written decision determined by this Article and a draft written agreement to the Government of Georgia or an authorised entity/body designated by the Government of Georgia for obtaining the consent. The Government of Georgia or an authorised entity/body designated by the Government of Georgia shall have the right to request the submission of additional documentation in order to make a decision on the issuance of a grant.”

⁴⁶ “The transfer/issuance and/or receipt of resources in a monetary form or in kind, which are grants by nature, but are transferred/issued and/or received on the basis of fraudulent or sham transactions which differ from those determined by Article 5 of this Law, shall result in the imposition of criminal liability. The procedure established by this Article and the effect of Articles 6¹ and 6² of this Law shall apply to such cases.”

⁴⁷ “The transfer/issuance and/or receipt of resources in a monetary form or in kind, which are grants by nature, but are transferred/issued and/or received on the basis of fraudulent or sham transactions which differ from those determined by this article, shall result in the imposition of criminal liability. The procedure established by this Article and the effect of Articles 6¹ and 6² of this Law shall apply to such cases.”

40. The amendments introduce a new ground of ineligibility for political party membership for persons employed by organisations financed by a foreign power (Article 10(3)):

“A person who has received income, in whole or in part, on the basis of an employment contract concluded with an organisation pursuing the interests of a foreign power may not be a member of a party. Such a person shall be prohibited from membership of a party for a period of 8 years running from the calendar year in which he or she last received income from an organisation pursuing the interests of a foreign power.”

41. The definition of an "organisation pursuing the interests of a foreign power" corresponds to that contained in the Law on Transparency of Foreign Influence,⁴⁸ and "shall be:

- (a) a non-entrepreneurial (non-commercial) legal person which has not been established by an administrative body, which is neither a national sports federation of Georgia provided for by the Law of Georgia 'On Sport' nor a blood establishment provided for by the Law of Georgia 'On the Quality and Safety of Human Blood and Blood Components', and more than 20% of whose total income received during a calendar year derives from a foreign power;*
- (b) a broadcaster provided for by the Law of Georgia 'On Broadcasting', more than 20% of whose total non-commercial income received during a calendar year derives from a foreign power;*
- (c) a legal person which, individually or jointly with another, owns a print mass-media outlet operating in Georgia, and more than 20% of whose total non-commercial income received during a calendar year derives from a foreign power;*
- (d) a legal person which, individually or jointly with another, owns and/or uses an internet domain and/or internet hosting intended for an internet outlet disseminating mass information in the State language of Georgia, and more than 20% of whose total non-commercial income received during a calendar year derives from a foreign power.” (Article 10(4)).*

42. The notion of what may constitute a “foreign power” encompasses a wide range of entities:

- “(a) a constituent entity of the system of government of a foreign state;*
- (b) a natural person who is not a citizen of Georgia;*
- (c) a legal person which has not been established under the legislation of Georgia;*
- (d) an organisation (including a foundation, an association, a corporation, a union or an organisation of any other kind), or any other form of association of persons, established under the law of a foreign State and/or under international law”*
(Article 10(5)).

43. Following the 4 March 2026 amendments, “[t]he receipt by a party of any foreign funds shall entail the imposition of liability on the leading official of that party under the procedure established by the Criminal Code of Georgia.” (Article 26(7)). Moreover, “the restrictions established for a party by this Chapter [concerning donations and expenses] shall apply to a person who has a declared party-political aim of his or her own and who uses relevant financial and other material resources in order to achieve that aim” (Article 26¹, (a)). The said restrictions apply from the moment the State Audit Office decides to grant a person the status of a person (entity) with a party-political aim. An appeal against this decision has no suspensive effect. The State Audit Office will monitor the financial activities of the person in question (Article 26¹(7)).

⁴⁸ Venice Commission - [CDL-AD\(2024\)020](#), Urgent Opinion on the Law of Georgia on Transparency of Foreign Influence, § 48. See also § 8, above.

3. Amendments to the Criminal Code of Georgia

44. Criminal liability is engaged by virtue of the accompanying amendments to the Criminal Code by a person with a declared party-political aim when conditions for accepting donations or submitting the relevant declaration are not respected.

45. New Article 316¹ introduces the “extremism against the constitutional system of Georgia” in cases of “[r]egular public calls by citizens of Georgia or a stateless person with a status in Georgia for massive violations of the legislation of Georgia, massive disobedience to the governmental bodies of Georgia” or similar acts described in Article 316¹, if they intend “for the establishment of perception of illegitimacy of the constitutional system or constitutional bodies of Georgia and damages the interests of Georgia, or intends for the establishment of such perception and poses a real threat to the interests of Georgia, shall be punished by a fine, community service for a term of 400 to 600 hours, or by imprisonment for a term of up to three years.

46. The 2026 amendments to the Criminal Code concerning the “violation of the Law on Grants, or illegal co-operation with a foreign organisation or alien” introduce criminal liability in cases of “direct or indirect acceptance of a foreign grant” or its use without the appropriate consent”, and its use “for the performance of an act related to a political issue concerning Georgia with the purpose different from the one specified in the appropriate document without the consent provided for by the” Law on Grants, “or its use by a legal person of another state without the prior consent defined by the same Law”, or the “provision or acceptance of a technical assistance” without the prior consent required under the Law on Grants (Article 319¹(1), (2) and (3)). Such conduct “shall be punished by a fine, community service for a term of 300 to 500 hours or by imprisonment for a term of up to six years”.

47. The amendments also criminalise the receipt or use of foreign funding through fictitious or sham transactions designed to circumvent the Law on Grants (Article 319¹ § 4) and the direct or indirect transfer of money, securities, property or other benefits to foreign natural or legal persons in exchange for carrying out activities relating to political matters concerning Georgia (Article 319¹ §5).

48. The acceptance of foreign funds by a political party registered in Georgia from a non-Georgian citizen or a legal person registered outside Georgia, and/or another association of persons, or an entity within the government system of another state as a donation of any kind is also criminalised (Article 319²) and “shall be punished [as the offence described in the former paragraph] by a fine, community service for a term of 300 to 500 hours, or imprisonment for up to six years”.

49. The amendments establish a comprehensive system of criminal liability designed to enforce the restrictions introduced by the Law on Grants or the Organic Law on Political Association of citizens.

4. Amendments to the Administrative Procedure Code

50. The 4 March 2026 amendment to the Administrative Procedure Code expands the supervisory functions of the State Audit Office by allowing it to request the questioning before a magistrate judge of any natural person who may possess information relevant to the monitoring of the financial activities of political parties, party members, electoral subjects or persons with declared party-political aims, or to the exercise other powers of the State Audit Office under the Law on Grants, the GEOFARA and the Law on the Fight Against Corruption.

C. Assessment of legality, legitimacy and necessity/proportionality

51. The Venice Commission recalls the direct relationship established by the case-law of the European Court of Human Rights between democracy, pluralism and the freedom of association. Indeed, the way in which national legislation enshrines this freedom and its practical application by the authorities reveals the state of democracy in the country concerned.⁴⁹ Given that the implementation of the principle of pluralism is impossible without an association being able to express freely its ideas and opinions, the Court has also recognised that the protection of opinions and the freedom of expression within the meaning of Article 10 of the Convention is one of the objectives of the freedom of association.⁵⁰

52. Article 11 of the Convention safeguards associations and individuals against unjustified State interference which commonly involves, for a refusal of registration or dissolution of the association but may also take forms hampering an association from carrying out its activities as through restrictions on financing.⁵¹ An interference with the right to freedom of association is justified only if it satisfies the requirements of paragraph 2 of Article 11 of the Convention, that is, it is “prescribed by law”, pursues one or more legitimate aims and is “necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. Under Article 10 § 2 of the Convention, the exercise of the right to freedom of expression “may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”⁵² The following assessment will be carried out under Article 11 of the Convention, taking into account, as stated in the previous paragraph, that the freedom of expression is one of the objectives of the freedom of association and that, as a contribution to pluralism, extra-institutional actors may be regarded as a way to improve the functioning of the democratic system.⁵³

53. Regarding the rights guaranteed by Article 3 of Protocol No. 1 to the ECHR, they are not absolute either, the restrictions imposed should not curtail the right in question to such an extent as to impair its very essence and deprive it of its effectiveness; they should meet the requirements of lawfulness, they should pursue a legitimate aim; and the means employed should not be disproportionate. Regarding the requirement of the pursuit of a legitimate aim, it must be noted that Article 3 of Protocol No. 1 to the ECHR does not contain a list of “legitimate aims” capable of justifying restrictions on the exercise of the rights it guarantees. To be legitimate, the aim pursued by the restriction must be compatible with the principle of the Rule of Law and the general objectives of the Convention.⁵⁴

1. Legality

54. The expression “prescribed by law” in the case-law of the Court requires firstly that the impugned measure should have a basis in domestic law. It also refers to the quality of the law in question, requiring that it be accessible to the persons concerned and foreseeable as to its effects. A law is “foreseeable” if it is formulated with sufficient precision to enable the individual – if need be with appropriate advice – to regulate his conduct.⁵⁵ For domestic law to meet

⁴⁹ ECtHR, *Gorzeliak and Others v. Poland* [GC], 17.02.2004, § 88.

⁵⁰ ECtHR, *Zhechev v. Bulgaria*, 21.06.2007, § 36.

⁵¹ ECtHR, *Ecodefence and Others v. Russia*, 14.06.2022, §§ 81 and 87.

⁵² Similar limitation clauses are included in Articles 19 and 22 of the ICCPR.

⁵³ Venice Commission - Report on funding of associations, § 38, [CDL-AD\(2019\)002](#)

⁵⁴ Among many others, ECtHR, *Ždanoka v. Latvia* [GC], Application no. 58278/00, 16 March 2006, para. 115.

⁵⁵ ECtHR, *N.F. v. Italy*, 2.08.2001, §§ 26 and 29.

these requirements, it must afford a measure of legal protection against arbitrary interferences by public authorities with the rights guaranteed by the Convention. The law must indicate with sufficient clarity the scope of any such discretion and the manner of its exercise.⁵⁶ Indeed, a norm cannot be regarded as a “law” unless it is formulated in such a manner as to enable the citizen to foresee, to a degree that is reasonable in the circumstances, that certain conduct would lead to specific legal consequences or sanctions (see *Öztürk v. Turkey* [GC], 28.09.1999, § 54).⁵⁷

55. For domestic law to meet the qualitative requirements, it must afford a measure of legal protection against arbitrary interferences by public authorities with the rights guaranteed by the Convention. In matters affecting fundamental rights it would be contrary to the rule of law, one of the basic principles of a democratic society enshrined in the Convention, for legal discretion granted to the executive to be expressed in terms of an unfettered power. Consequently, the law must indicate with sufficient clarity the scope of any such discretion and the manner of its exercise (*Navalnyy v. Russia* [GC], 15.11.2018, § 115). This is particularly important where non-compliance with the examined legislation may result in criminal liability.

56. The 4 March 2026 amendments to the Law on Grants substantially broaden the definition of a “grant”, extending its scope far beyond financial donations to encompass virtually any monetary or in-kind support from foreign organisations or individuals, or a state, including technical assistance, the sharing of expertise and knowledge, services or other forms of cooperation whether or not payment is involved and other forms of support that are used, or may be used, to influence public authorities, State institutions or any part of society, or that relate to the domestic or foreign policy of Georgia or to the political or public interests of a foreign State or political party.

57. Such broad and open-ended formulations do not enable those concerned to determine with reasonable certainty whether ordinary professional cooperation, academic exchanges, training programmes, research projects or policy dialogue fall within the scope of the legislation. The concept of activities relating to political matters is framed in particularly broad terms. Rather than being confined to lobbying or participation in electoral politics, it is capable of encompassing a wide spectrum of purely civil society activities, including public advocacy, legal assistance, election observation, policy research and participation in public debate. Influencing public policy is one of the quintessential functions of civil society organisations, advocacy groups and other associations operating within a democratic policy. Whether restrictions on foreign-funded activities may be justified in a particular context requires a context-specific assessment. Several interlocutors underlined during the online meetings with the Venice Commission that the Law on Grants had even been retroactively applied to grants awarded before the new requirements entered into force.

58. The Organic Law on Political Associations of Citizens raises similar concerns. The concepts of an “organisation representing the interests of a foreign power” and a “person with a declared party-political aim” are undetermined to the extent that the concepts of “representing”, “interests of a foreign power” and “party-political aim” are themselves not clearly defined. The Commission observes the broad terms used by the law in this respect insofar as the person in question “shall be deemed to be an entity which is not registered as a party but which, by the substance of its activities and by its public conduct [...] “essentially” resembles a party, although the Organic Law completely lacks indication about the “essential” elements of the concept of a “party-political aim” to be examined in order to decide on its resemblance to a political party. As was underlined during the online meetings, the previous concept of a person with a “declared electoral goal” was replaced by the broader concept of a

⁵⁶ ECtHR, *Maestri v. Italy* [GC], 17.02.2004, § 30.

⁵⁷ Guide on Article 11 of the European Convention on Human Rights, Freedom of assembly and association, Registry of the European Court of Human Rights, §§ 154 et seq.

person pursuing a “party-political goal”, which could encompass individuals or organisations engaged in activities promoting democracy, good governance, human rights, or other public-policy issues, even where they did not intend to participate in elections or seek political office. Indeed, the Commission considers that NGOs should be free to undertake research, education and advocacy on issues of public debate and such “political” activities are an inherent part of ordinary activities, even the *raison d’être*, of NGOs.⁵⁸ As the U.N. Human Rights Committee has stated, the existence and operation of a plurality of associations, including those which peacefully promote ideas not necessarily favourably received by the government or the majority of the population, is a cornerstone of a democratic society.⁵⁹ According to Principle 6 of the Venice Commission/OSCE/ODIHR Guidelines on Freedom of Association, “associations shall have the right to freedom of expression and opinion through their objectives and activities (...) They shall have the right to participate in matters of political and public debate, regardless of whether the position taken is in accord with government policy or advocates a change in the law.”⁶⁰ They are entitled to promote changes to the law or to the constitutional order so long as they do so by employing peaceful means in the exercise of their freedom of expression.⁶¹ Therefore, an association should not be prohibited, dissolved or otherwise penalised simply because it peacefully promotes a change in the law or constitutional order.⁶² Unduly restrictive laws⁶³ and practices may produce a chilling effect on the exercise of rights and have an adverse effect on the freedom of association and democracy itself.⁶⁴ The Venice Commission considers that expressions of support for or opposition to, a political party could potentially be characterised as a party-political aim, creating additional registration and reporting obligations and possible criminal liability. Some of the Venice Commission interlocutors in the online meetings described the amendments as part of a systematic pattern of legislative and institutional pressure against civil society, independent institutions, and critical voices, aimed at restricting political opposition, civil society, and freedom of expression. In this regard, it is interesting to note that in its Resolution on the functioning of democratic institutions in Georgia,⁶⁵ PACE has expressed deep concern about “the continued relentless crackdown on freedom of expression and freedom of assembly, including through repressive legislation and the abuse of politically motivated legal proceedings against civil society, independent media, opposition forces and individual protesters”, urging the State to put an end to it.⁶⁶

59. The amendments also confer broad discretionary powers on the executive. The requirement of prior Government approval for foreign grants is not accompanied by objective and sufficiently precise statutory criteria governing the granting or refusal of consent.

60. The accompanying amendments to the Criminal Code, attach criminal liability to breaches of obligations defined through these broad concepts: criminal liability may arise not only from the receipt or use of foreign grants without governmental approval, but also from conduct involving undetermined “political matters concerning Georgia”, the activities of foreign legal entities, or transactions characterised as intended to circumvent the grant’s regime. Interlocutors raised particular concerns about the introduction of a broadly worded concept of

⁵⁸ ECtHR, *Gorzelik and others v. Poland*, 17.02.2004, §§ 91 *et seq.*

⁵⁹ Human Rights Committee, *Mikhailovskaya and Volchek v. Belarus*, CCPR/C/111/D/1993/2010 (July 2014), para. 7.3; *Lee v. Republic of Korea*, CCPR/C/84/D/1119/2002 (July 2005), § 7.2.

⁶⁰ Venice Commission - Joint Guidelines on Freedom of Association, [CDL-AD\(2014\)046](#), p. 18.

⁶¹ *Ibid.*, para. 89.

⁶² *Ibid.*, para. 90.

⁶³ For instance, because of vagueness of definitions provided in the legislation such as “political activity”. In its Opinion [CDL-AD\(2014\)025](#) on federal law n. 121-fz on non-commercial organisations (“law on foreign agents”), the Venice Commission considered that the definition of “political activities” needs to be carefully *reformulated* – and consistently applied – so as not to target human rights defenders and NCOs advocating, by lawful means and within the limits of the national legislation, peaceful changes of governmental policy.

⁶⁴ Venice Commission, Report on Funding of Associations, [CDL-AD\(2019\)002](#), § 102.

⁶⁵ Resolution 2664(2026)1, 3 June 2026, § 6.

⁶⁶ Resolution 2664(2026)1, 3 June 2026, § 8.

“extremism” in the new Article 316¹ of the Criminal Code, which could be used against persons criticising the Government, in any way whatsoever, being criminally responsible for the “establishment” of a “perception” of “illegitimacy” of the constitutional system or constitutional bodies of Georgia and damages the interests of Georgia, “or intends for the establishment of such perception and poses a real threat to the interests of Georgia”. As stated in paragraph 6, above, the reference in this part of the analysis to this only provision of the amendments of 4 March 2026 to the Criminal Code should not be interpreted as an endorsement of the other amendments to which the same reasoning can be applied. The principle of legal certainty requires criminal offences to be formulated with particular precision so that individuals may foresee, to a reasonable degree, the legal consequences of their conduct. As the ECtHR has repeatedly held, *“many laws are inevitably couched in terms which, to a greater or lesser extent, are vague and whose interpretation and application are questions of practice”*.⁶⁷ At the same time, legal acts must be formulated in such a way as to enable citizens to regulate their conduct (requirement of foreseeability). This requirement is difficult to reconcile with the broad and indeterminate concepts employed throughout the legislative package and in particular with the lack of indication of the constitutive elements of the intention for the “establishment” of “perception” of “illegitimacy” of the constitutional system of Georgia or the “interests of Georgia”.⁶⁸

61. The cumulative effect of these provisions undermines legal certainty. Organisations, donors, political actors and civil society representatives cannot reasonably predict whether particular funding arrangements, technical assistance, training programmes, advocacy activities or employment relationships will fall within the scope of the legislation, whether Government approval will be granted, or whether non-compliance may give rise to administrative or criminal liability. The Venice Commission was informed of cancellation of grants by international stakeholders following the introduction of the approval requirement because of the procedural uncertainty surrounding its application. Across the amendments to the Law on Grants, the Organic Law on Political Associations of Citizens and the Criminal Code, the legislation relies on broad and open-ended legal concepts that fail to define with sufficient precision the persons, activities and funding arrangements falling within their scope. The cumulative effect of these provisions creates uncertainty both for those subject to the legislation and for those responsible for its enforcement.

62. The Venice Commission has consistently emphasised that legislation regulating foreign funding, political participation and civil society must be drafted with sufficient precision and accompanied by adequate safeguards to prevent arbitrary interference with the exercise of fundamental rights. The broad definitions, extensive executive discretion, absence of objective statutory criteria and reliance on criminal sanctions throughout the legislative package raise serious concerns as to whether the requirement that restrictions on fundamental rights be prescribed by law is satisfied.

2. Legitimacy

63. Under the European Convention on Human Rights, the requirement of a narrow interpretation of the exceptions to the rights to freedom of association and expression applies also to the legitimate aims enumerated in paragraph 2 of Articles 11⁶⁹ and 10 (see paragraph 52., above). The burden rests on the State to demonstrate that the interference genuinely pursues one or more of these legitimate aims and is not directed at restricting the exercise of fundamental rights as such.

⁶⁷ ECtHR, *Sunday Times v. United Kingdom*, 26.04.1979, § 49.

⁶⁸ See, in this regard, [CDL-AD\(2022\)027](#) Republic of Moldova - *Amicus curiae* Brief on the clarity of provisions on combating extremist activities.

⁶⁹ ECtHR, *Sidiropoulos and Others v. Greece*, 10.07.1998, § 38.

64. According to the Explanatory notes accompanying the legislative package, the principal objectives of the amendments are to protect Georgia's sovereignty, democratic governance and the independence of the political process from foreign influence and external interference. The explanatory notes further state that political parties should be composed of persons who are not driven by an external interest which takes precedence over Georgian statehood and that foreign funding creates a real danger that political processes and decisions may come under foreign influence.

65. The protection of national sovereignty, democratic institutions and the integrity of the political process may, in principle, constitute legitimate public interests capable of justifying certain restrictions on Convention rights to ensure transparency in sensitive domains when receiving substantial foreign funding. However, whether a particular measure is proportionate to a legitimate aim cannot be presumed merely because it is invoked by the legislature. Blanket rules far exceed what is typically warranted for these legitimate needs, and there is no evidential basis for the existence of any "pressing need" for such a sweeping restriction.⁷⁰ The question, therefore, is whether the measures adopted genuinely pursue one or more of the legitimate aims recognised by the Convention and whether the resulting interferences with the freedoms guaranteed by the Convention satisfy the requirements of necessity and proportionality in a democratic society.

3. Necessity/Proportionality

66. In the Court's case-law, an interference with Convention rights guaranteed in Articles 11 and 10 must not only be prescribed by law and pursue a legitimate aim but also be necessary in a democratic society. The notion of necessity includes two conditions: a) any interference must correspond to a "pressing social need", and b) the interference must be proportionate to the legitimate aim pursued. The term "necessary" does not have the flexibility of such expressions as "useful" or "desirable". Exceptions to the rights to freedom of association and expression are to be construed strictly and only convincing and compelling reasons can justify restrictions on those freedoms.⁷¹ Moreover, the reasons relied upon by the national authorities must be relevant and sufficient, and the interference must not exceed what is necessary to achieve the legitimate objective.

67. The legislative package adopted in March and April 2026 directly affects the exercise of the freedoms of association and expression and political participation and, in certain respects, the right to respect for private life. These rights lie at the heart of a democratic society. The necessity and proportionality of the legislative package cannot therefore be assessed in isolation but must be considered against the background of the successive legislative measures adopted since 2024 affecting civil society organisations, political participation, independent media and foreign-funded activities.

68. The amendments to the Law on Grants subject a broad range of activities to prior governmental control. The definition of a grant extends far beyond financial contributions (paragraph 35). However, neither the law nor the explanatory note provide any justification of any risk or threat that makes prior government consent necessary for the approval of grants, thus introducing a far-reaching form of state control over civil society organisations insofar as foreign grants as such seem to be considered as violating Georgian sovereignty. Neither do they explain what risk assessment was undertaken for the adoption of the legislative measures or what harm had been caused to national interest of Georgia prior to the existence of the restrictive grants' system. Moreover, the grants' system is not counterbalanced by the

⁷⁰ Venice Commission - [CDL-AD\(2025\)034](#), Opinion on the Law on the Registration of Foreign Agents, the amendments to the Law on Grants and other Laws relating to "foreign influence", § 91.

⁷¹ Guide on Article 11 of the European Convention on Human Rights, Freedom of assembly and association, Registry of the European Court of Human Rights, §§ 165-166.

availability of sufficient domestic funding alternatives and, as stated in the 2025 Venice Commission Opinion,⁷² in order 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.⁷³ Recent news indicate that the State Grant Management Agency would close before the end of the present year insofar as Georgian Dream Prime Minister Irakli Kobakhidze declared on 17 September 2026 that “[a]n NGO is an artificial phenomenon that was invented artificially for the purpose of foreign political intervention,” arguing that “the ‘only purpose’ of NGOs could be ‘for one state to intervene in another state.’”⁷⁴ If the closure of the State Grant Management Agency is confirmed, the prospect of having a choice of funding sources would become even more remote.

69. The Venice Commission considers that the assessment on the necessity/proportionality and conclusions reached in its 2025 opinion⁷⁵ on the amendments to the Law on Grants adopted 16 April and 12 June 2025 are fully applicable to the 4 March 2026 legislative package. All the more so, the additional restrictions introduced by the 2026 amendments on the use of foreign financial resources and the more severe sanctions, entailing criminal liability, including imprisonment for a term up to six years, produce an even greater chilling effect.

70. According to the Explanatory Report, the 4 March 2026 amendments to the Organic Law on Political Associations of Citizens aim to protect political parties from foreign influence and external interference, and to ensure their members are not driven by external interests that take precedence over, or lie beyond the bounds of, Georgian statehood.

71. These amendments form part of the legislative campaign aimed at limiting access to foreign funding that could be seen as influencing domestic political processes. The Venice Commission, recalls, as in its 2025 opinion, that restrictions or prohibitions on foreign funding of political parties may be justified, given their central role in governance and policymaking, where foreign interference can directly affect national sovereignty.⁷⁶ The amendments assessed in that 2025 opinion therefore fell within the permissible margin of discretion of the national authorities.

72. Beyond this observation, however, the 4 March amendments introduce new concerns: a person who is or has been employed by an “organisation representing the interests of a foreign power” is prohibited from membership of a political party for a period of eight years, as stated in new Article 10(3). The Venice Commission has recognised that, in specific historical situations, where democracy had to defend itself, restrictions on the eligibility for election of party members may be permissible, provided that they comply with strict proportionality requirements. These include notably, an individual assessment of the conduct of the party member and due procedural safeguards in the assessment process,⁷⁷ as well as strict proportionality between the conduct in question and the nature and severity of the sanction, in line with the case-law of the ECtHR.⁷⁸ The Venice Commission considers it important to note that the provision under assessment does not concern a candidate’s eligibility for election but the more fundamental restriction to become a member of a party for eight years. The amendment at stake imposes therefore a particular harsh measure on persons having worked

⁷² [CDL-AD\(2025\)034](#), § 92.

⁷³ ECtHR, *Ecodefence and Others v. Russia*, 14.06.2022, § 169.

⁷⁴ <https://civil.ge/archives/751660>; <https://www.interpressnews.ge/en/article/149600-government-to-close-grant-management-agency>.

⁷⁵ [CDL-AD\(2025\)034](#), §§ 93-99.

⁷⁶ Venice Commission, Report on Funding of Associations, [CDL-AD\(2019\)002](#), § 41.

⁷⁷ See, *inter alia*, Venice Commission and ODIHR, [CDL-AD\(2023\)025](#), Ukraine - Joint opinion on the draft law amending certain legislative acts of Ukraine which restrict the participation in the state power of persons associated with political parties whose activities are prohibited by law, §§ 56f.; Venice Commission and ODIHR, [CDL-AD\(2023\)031](#), Republic of Moldova: Joint Opinion on amendments to the Electoral Code and other related laws concerning ineligibility of persons connected to political parties declared unconstitutional, §§ 59f.

⁷⁸ See ECtHR, [Sadak and Others v. Turkey \(no. 2\)](#), 11.06.2002, § 39.

“with an organisation pursuing the interests of a foreign power” restricting his or her rights to political participation. The Venice Commission has indicated that disqualification should only be provided in connection with certain types of offences or with particularly long sentences.⁷⁹ It would appear appropriate that the law also adjust the duration of the measure to the sentence imposed and thus, by the same token, to the gravity of the offence.⁸⁰ The exclusion from political life constitutes a particularly severe interference with fundamental political rights, in particular because the restriction applies irrespective of whether the individual has engaged in any unlawful conduct, acted under the direction of a foreign power or exercised any improper influence. The Explanatory note does not provide an explanation of the actual need for such measure.

73. At the same time, the broad concept of a “person declaring party-political aims”, as per decision of the State Audit Office (Article 26¹ § 7) considerably expands the scope of State supervision over political activity. These measures are likely to produce a deterrent effect extending well beyond those directly affected by the legislation and could, as it was stated in the online meetings, result in the absence of a whole generation from the political sphere. They discourage participation in political life, create powerful disincentives for individuals to engage with civil society organisations and are capable of fundamentally altering the conditions under which political participation takes place.

74. Lastly, as in the Law on grants, the amendments also introduce, for the stated purpose of protecting State sovereignty, democratic governance and the independence of the political process, criminal liability for the leading official of a political party (or of an entity with a declared party-political aim) in the event of the receipt of foreign funding. The Venice Commission is of the view that criminal law should be the *ultima ratio*, to be employed only where less intrusive measures are insufficient, and that due process must be guaranteed. The cumulative effect of these interferences with the rights to freedom of association and expression may chill the exercise of political rights and progressively reduce the participation of civil society in public affairs.

75. The amendments to the Criminal Code mark a significant escalation by introducing criminal liability, including imprisonment for up to six years for the receipt or use of a foreign grant without prior governmental approval and for related conduct. The use of criminal law to enforce compliance with an extensive prior authorisation regime, itself framed through broad statutory concepts, substantially increases the severity of the interference with Convention rights.

76. The amendments further expand the supervisory and investigative powers of the State Audit Office. The Office is empowered to monitor the financial activities of political associations of citizens (political parties), members of political parties, electoral subjects and persons with a declared electoral party-political purpose, and implement other appropriate activities provided for by the legislation in this area. In addition the amendments to the Administrative Procedure Code authorise the questioning before a magistrate judge of persons who “may have information” necessary for the State Audit Office to monitor the financial activities of a political party, a member of a political party, electoral subject or a person with a declared party and political goal or to exercise other powers of the State”.⁸¹ The formulation is vague and leaves almost unlimited discretion to the *State Audit Office*. To ensure compliance with international standards, additional safeguards (clearer limits on repeated questioning, and more robust oversight of investigative measures) should be available to ensure protection

⁷⁹ Venice Commission - [Amicus curiae brief for the European Court of Human Rights in the case of Berlusconi v. Italy on the minimum procedural guarantees which a state must provide in the framework of a procedure of disqualification from holding an elective office](#), CDL-AD(2017)025.

⁸⁰ See *mutatis mutandis*, ECtHR, *Scoppola v. Italy* (No. 3), [GC], 22.05.2012, § 106.

⁸¹ Article 21¹¹⁰(1) of the Administrative Procedural Code of Georgia and Article 6 Organic Law on State Audit Office.

against abuse.⁸² Taken together, these measures transform a system of administrative regulation into one backed by extensive investigative powers and the threat of criminal prosecution.

77. Overall,⁸³ The Venice Commission finds that the very far-reaching, cumulative, permanent measures introduced by the amendments to the Law on Grants, the Organic Law on Political Associations of Citizens, the Criminal Code and the examined related legislation, together with the existing legal framework analysed in previous opinions on Georgia,⁸⁴ cannot be regarded as compatible with the principles of legal certainty and proportionality in a democratic society. Their cumulative effect⁸⁵ is coercive, stigmatising, and ultimately threatens democratic pluralism.

IV. Conclusion

78. At the request of the Chairperson of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe, Ms Elvira Kovács, the Venice Commission assessed the amendments to the Law on Grants, to the Organic Law on Political Association of Citizens and to the Criminal Code, as well as to related legislation, as adopted by the Georgian Parliament on 4 March 2026.

79. In its 2025 Opinion, the Venice Commission concluded that the legislative framework risked undermining the rule of law, civic space and democratic freedoms and recommended the repeal of the restrictive legislative acts together with improvements to the existing legal framework. It further emphasised that any future legislation in this field should be developed through a systemic and inclusive legislative process.

80. The 4 March 2026 legislative amendments significantly expand the restrictive legal framework governing civil society, political participation and foreign funding in Georgia. Rather than addressing the concerns identified in previous opinions, they further strengthen governmental control, broaden the scope of the restrictions and reinforce the legislative framework through extensive monitoring powers and criminal sanctions. Faced with prior governmental control, extensive monitoring powers and the prospect of investigation, criminal prosecution and imprisonment, individuals and organisations may reasonably refrain from engaging in lawful activities protected by the Convention. The exercise of freedoms of association and expression as well as the right to political participation is thereby likely to be curtailed, not only through direct prohibitions, but more importantly through the creation of a legal environment in which the risks associated with civic engagement become too great to assume.

81. The Venice Commission is of the view that in their current form the restrictions imposed on individuals raise serious concerns under international human rights standards. The Commission recommends strongly reconsidering the use of criminal-law sanctions in the framework of the procedures and breaches of obligations under the Law on grants, as well as for conduct involving the broad concept of "political matters concerning Georgia", the activities of foreign legal entities, or transactions characterised as intended to circumvent the grant's

⁸² Opinion on the Law on the Registration of Foreign Agents, the amendments to the Law on Grants and other Laws relating to "foreign influence" [CDL-AD\(2025\)034](#), § 33.

⁸³ See also [Read the Commissioner's full Memorandum on Georgia following his visit to the country](#) - Council of Europe Commissioner for Human Rights

⁸⁴ In particular, [CDL-AD\(2024\)020](#), Urgent Opinion on the Law of Georgia on Transparency of Foreign Influence and [CDL-AD\(2025\)034](#), Opinion on the Law on the Registration of Foreign Agents, the amendments to the Law on Grants and other Laws relating to "foreign influence".

⁸⁵ Also in the light of the Venice Commission Opinion on the amendments of 16 October 2025 to the Organic Law on Political Associations of Citizens, Article 381 of the Criminal Code and related legislation (legal consequences for persons associated with prohibited political parties). [CDL-AD\(2026\)027](#).

regime. Such conduct should be dealt with by purely administrative means, accompanied by robust procedural safeguards. If the authorities nevertheless decide to maintain their approach involving criminal sanctions, it should be ensured, as a minimum, that criminal liability remains limited to situations where it is strictly necessary and proportionate, and that both the conduct attracting such sanctions and the applicable sanctions are precisely defined.

82. The regulatory framework lacks legal certainty and foreseeability. Key concepts such as the notions of “grant”, activities “relating to political matters”, “organisation representing the interests of a foreign power” and a “person with a declared party-political aim”, “establishing a perception of illegitimacy” or “harming the interests of the state”, are formulated in overly broad and imprecise terms, creating uncertainty as to the persons subject to the restrictions and conferring excessive discretion on the authorities. These concepts need to be clarified and narrowly defined. The Venice Commission further considers that in the future the process of adopting legislation in Georgia must take an appropriately inclusive approach so as to ensure its legitimacy and broad acceptability. The law-making process should be conducted in a context of deliberation, the expedited procedures being the exception, involving and permitting the expression of the opinions of all relevant actors.

83. In light of these conclusions, the Venice Commission is of the strong view that the legislation under examination does not pursue the aim of protecting and strengthening the sovereignty of Georgia and political parties from foreign influence and external interference. It rather imposes disproportionate and unnecessary restrictions on the fundamental rights and political freedoms of the Georgian citizens, concerning in particular freedom of association and expression and preventing the formation and survival of a political opposition – especially when considering the cumulative and systemic impact of the 4 March 2026 legislative framework as a whole, including recent amendments assessed in the Venice Commission Opinion on the amendments of 16 October 2025 to the Organic law on political associations of citizens and related laws.⁸⁶ This legislation is contrary to international standards on pluralism and democracy. Rather than protecting the sovereignty of Georgia, the constitutional system and political parties from foreign influence and external interference, the legislation at stake risks undermining them profoundly.

84. The Venice Commission regrets that the Georgian authorities have not wished to engage with it in the preparation of this opinion but remains open to dialogue.

85. The Venice Commission remains at the disposal of the Parliamentary Assembly for further assistance in this matter.

⁸⁶ [CDL-AD\(2026\)027](#)