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

GEORGIA

AMENDMENTS OF 16 OCTOBER 2025 TO
THE ORGANIC LAW
“ON THE CONSTITUTIONAL COURT OF GEORGIA”,
THE ORGANIC LAW
“ON POLITICAL ASSOCIATIONS OF CITIZENS”,
THE ELECTORAL CODE
AND
THE CRIMINAL CODE,
AND
EXPLANATORY NOTES*

(*) Unofficial translation

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I. **Amendments of 16 October 2025 to the Organic Law “On the Constitutional Court of Georgia”**

Organic Law of Georgia

**On Amendments to the Organic Law of Georgia
“On the Constitutional Court of Georgia”**

Article 1. The following amendments shall be made to the Organic Law of Georgia “On the Constitutional Court of Georgia” (Parliamentary Gazette, No. 001, 27.02.1996, p. 8):

1. **Article 23(3)** shall be revised to read as follows:

“3. Granting a constitutional claim lodged on the issue provided for in subparagraph (c) of paragraph 1 of Article 19 of this Law shall result in the prohibition of the relevant political party and the occurrence of the following ancillary consequences:

- a) revocation of the registration of the relevant political party;
- b) a ban on the relevant associated person of the political party from establishing a political party, being a member of a political party, being a member of a political party body, holding a party position within a political party, exercising passive electoral rights in general elections, acquiring the powers of a member of an elected body or an elected official in general elections, holding a state-political position, holding a political position, and holding the position of the head of a constitutional body of Georgia, provided that the claimant requested such a ban and the request was granted;
- c) the emergence of grounds for termination of the mandate of a Member of the Parliament of Georgia elected upon nomination by the relevant political party, provided that the claimant requested that such Member of Parliament be subject to termination of mandate and the request was granted;
- d) termination of the mandate of a member of another representative body elected upon nomination by the relevant political party, provided that the claimant requested this and the request was granted;
- e) removal of a person from the party list submitted by the relevant political party in general elections, provided that the claimant requested this and the request was granted.”

2. **Article 27³** shall be supplemented with **paragraph 1¹** as follows:

“1¹. If the claimant/author of a constitutional submission is a group of Members of the Parliament of Georgia, the procedure for certification of the representative’s power of attorney provided for in subparagraph (b) of paragraph 1 of this Article shall not apply to them. A group of Members of the Parliament of Georgia shall issue such power of attorney without notarisation, in written form, either in material form or through an electronic document management system. The said power of attorney shall be attached to the claim/constitutional submission or submitted to the Constitutional Court before the commencement of oral hearings of the case.”

3. Article 31¹:

a) **paragraph 1** shall be revised to read as follows:

“1. A constitutional claim shall be drawn up in accordance with the relevant claim application form approved by the Constitutional Court, if such a form has been approved. The constitutional claim shall be signed by the claimant. The constitutional claim shall indicate:

- a) the name of the Constitutional Court;
- b) the names and addresses of the claimant and the respondent;
- c) the title of the disputed legal act, the name of the adopting/issuing authority, and the date of its adoption/issuance;
- d) the provisions of the Constitution of Georgia which, in the claimant's opinion, the disputed legal act does not comply with or violates, or which were violated in the adoption/issuance, signing, publication or entry into force of a legislative act of Georgia or a resolution of the Parliament of Georgia;
- e) evidence which, in the claimant's opinion, substantiates the constitutional claim;
- f) the substance of the request;
- g) the provisions of the Constitution of Georgia and of this Law which grant the claimant the right to lodge a constitutional claim;
- h) a list of documents attached to the constitutional claim, as well as a list and addresses of persons whom, in the claimant's opinion, the Constitutional Court should summon;
- i) a request for consideration of the case without an oral hearing, if the claimant so requests.”

b) **subparagraph (c) of paragraph 3** shall be revised to read as follows:

“c) the name, identification number, and date of registration of the political party whose establishment and/or activities the claimant disputes as to constitutionality;”

c) **subparagraph (a) of paragraph 4** shall be revised to read as follows:

“a) the registration certificate of the political party, or other document(s) confirming registration, whose establishment and/or activities the claimant disputes as to constitutionality;”

d) **paragraph 5** shall be revised to read as follows:

“5. A constitutional submission lodged on the issue provided for in subparagraph (f) or (h) of paragraph 1 of Article 19 of this Law shall be signed by the authors of the constitutional submission. The constitutional submission shall indicate:

- a) the name of the Constitutional Court;

- b) the names and addresses of the authors of the constitutional submission;
- c) the title of the disputed international treaty, the name of the signatory, and the date of signature, if the constitutional submission concerns the issue provided for in subparagraph (f) of paragraph 1 of Article 19 of this Law, or the name of the official, if it concerns the issue provided for in subparagraph (h) of the same paragraph;
- d) the provisions of the Constitution of Georgia which, in the opinion of the authors of the constitutional submission, the disputed international treaty does not comply with or violates;
- e) the provisions of the Constitution of Georgia which, in the opinion of the authors of the constitutional submission, are violated by the official, and/or the article(s) of the Criminal Code of Georgia which, in the opinion of the authors, the official has committed, as well as a description of the act which, in their opinion, constitutes grounds for impeachment;
- f) evidence which, in the opinion of the authors, substantiates the constitutional submission;
- g) the substance of the request;
- h) the provisions of the Constitution of Georgia and of this Law which grant the authors the right to lodge the constitutional submission;
- i) a list of documents attached to the constitutional submission, as well as a list and addresses of persons whom, in the opinion of the authors, the Constitutional Court should summon.”

e) **paragraph 7** shall be revised to read as follows:

“**7.** A constitutional claim lodged on the issue provided for in subparagraph (i) of paragraph 1 of Article 19 of this Law shall be signed by the claimants. The constitutional claim shall indicate:

- a) the name of the Constitutional Court;
- b) the names and addresses of the claimants and respondents;
- c) the title of the disputed legal act, the name of the adopting/issuing authority, and the date of its adoption/issuance;
- d) the provisions of the Constitutional Law of Georgia “On the Autonomous Republic of Adjara” which, in the claimants’ opinion, the disputed legal act does not comply with or violates;
- e) evidence which, in the claimants’ opinion, substantiates the constitutional claim;
- f) the substance of the request;
- g) the provisions of the Constitution of Georgia and of this Law which grant the claimant the right to lodge a constitutional claim;
- h) a list of documents attached to the constitutional claim, as well as a list and addresses of persons whom, in the claimants’ opinion, the Constitutional Court should summon;
- i) a request for consideration of the case without an oral hearing, if the claimants so request.”

4. **Article 35** shall be supplemented with paragraphs **3 and 4** as follows:

“**3.** A claimant provided for in this Article may, in a constitutional claim, indicate a request as defined in paragraph 3 of Article 23 of this Law.

4. During consideration of a constitutional claim provided for in this Article, the natural person defined in paragraph 3 of Article 23 of this Law shall have the right to submit his or her opinion to the Constitutional Court.”

5. **Article 43(1⁵)** shall be supplemented with **subparagraph (e¹)** as follows:

“**e¹**) the ruling of the Constitutional Court on declaring unconstitutional the establishment and/or activities of a political party and prohibiting it, as well as the formulation of the content of the consequences provided for in paragraph 3 of Article 23 of this Law (including the first names, surnames and personal identification numbers of all persons, or other information suitable for clear identification of all persons, in respect of whom the ban provided for in subparagraph (b) of the same paragraph has been applied);”

Article 2. This Law shall enter into force upon publication.

President of Georgia

Mikheil Kavelashvili

Tbilisi,

16 October 2025

No. 988-IVთბ-XIთვ

II. Explanatory note

to the draft organic law of Georgia On Amendments to the Organic Law of Georgia on the Constitutional Court of Georgia

a) General information about the draft organic law:

a.a) Reason for the draft organic law:

a.a.a) The problem that the draft organic law seeks to address:

As the Constitutional Court of Georgia has explained, elections are an essential requirement of democracy. However, it cannot be overlooked that it is possible to threaten democratic governance itself and fundamental constitutional principles by abusing democratic processes.¹ The principle of a democratic state includes a limitation that democratic methods must not be used to disregard the very idea of a democratic state. Consequently, legislation must provide safeguards to prevent the use of formal democratic processes posing a threat to the fundamental principles of a democratic state.²

This interpretation by the Constitutional Court of Georgia is based on the concept of a militant (defensive) democracy, which is also shared by the European Court of Human Rights. As the European Court of Human Rights has explained, 'democracy must have the capacity and the ability to protect itself'.³

It is precisely from the concept of a defensive democracy that the Constitutional Court of Georgia derives the right to vote protected under Article 24 of the Constitution of Georgia is not an absolute right and may be restricted in accordance with the principle of proportionality, provided that the essence of the right is not violated.

As the Constitutional Court of Georgia has explained, the grounds for restricting the passive electoral right protected by Article 24 of the Constitution of Georgia are provided for in the Constitution itself. The Constitution of Georgia excludes certain violent actors from political processes and the system of governance. Specifically, in accordance with Article 23, paragraph 3 of the Constitution of Georgia, the creation and activity of any public or political association is prohibited if its purpose is to overthrow or violently change the constitutional order of Georgia, to undermine the country's independence, to violate its territorial integrity, to engage in propaganda of war or violence, or to incite national, regional, religious or social hatred. Accordingly, as interpreted by the Constitutional Court of Georgia, a person or a political organisation may be prohibited from exercising the passive electoral right, if their purpose is to overthrow the constitutional order or to carry out any illegal acts referred to in paragraph 3 of Article 23 of the Constitution of Georgia.⁴

¹ See the decision of the Constitutional Court of Georgia in the case: "*Kakha Kukava, citizen of Georgia, against the Parliament of Georgia*", II-37; <https://constcourt.ge/ka/judicial-acts?legal=571>

² See the decision of the Constitutional Court of Georgia in the case: "*Nodar Mumladze v. the Parliament of Georgia*", II-57; <https://constcourt.ge/ka/judicial-acts?legal=1013>

³ See the judgment of the European Court of Human Rights in the case of *Zdanoka v. Latvia*, §100: <https://hudoc.echr.coe.int/?i=001-72794>

⁴ See the decision of the Constitutional Court of Georgia in the case: "*Citizen of Georgia Kakha Kukava v. the Parliament of Georgia*", II-37; <https://constcourt.ge/ka/judicial-acts?legal=571>

The European Court of Human Rights, for its part, also considers restrictions on the passive right to vote, protected by Article 3 of the First Protocol to the Convention, to be justified and necessary on the aforementioned grounds.⁵

The purpose of the present draft organic law taking into account the Constitution of Georgia, the above-mentioned interpretation of the Constitutional Court of Georgia, and established practice, is to reflect in the Organic Law of Georgia on the Constitutional Court of Georgia the procedural matters related to the prohibition of a political party and the restriction of an individual's passive electoral right.

It also provides for the restriction of the right guaranteed by Article 25 of the Constitution of Georgia (the right to hold public office).

a.a.b) The necessity of adopting an organic law to resolve the existing problem:

The issue referred to in sub-paragraph 'a.a.a', by its very nature, requires legislative change/amendment.

a.b) Expected outcomes of the draft organic law:

The adoption of the draft organic law will resolve the issue referred to in sub-paragraph 'a.a.a'.

a.c) Main substance of the draft organic law:

The proposed Organic Law provides that:

- an entity (subject) entitled to file a constitutional complaint regarding the prohibition of a political party may request that the person who is linked with the political party referred to in Article 23(3) of the Constitution of Georgia be prohibited from founding a political party, being a member of a political party, holding the position of head or member of a body provided for in Articles 16-19 of the Organic Law of Georgia on Political Associations of Citizens, holding a state-political or political office, or holding the position of head of a body provided for by the Constitution of Georgia;
- If the constitutional complaint is upheld, the person concerned shall be prohibited from founding a political party, being a member of a political party, holding the position of head or member of a body provided for in Articles 16-19 of the Organic Law of Georgia on Political Associations of Citizens, holding a state-political or political office, or holding the position of head of a body provided for by the Constitution of Georgia;
- In the event of a constitutional complaint being upheld, the Constitutional Court of Georgia must indicate in the dispositive part of its decision the relevant details of the person who has been prohibited from founding a political party, being a member of a political party, holding the position of head or member of a body provided for in Articles 16-19 of the Organic Law of Georgia on Political Associations of Citizens, holding a state-political or political office, or holding the position of head of a body provided for by the Constitution of Georgia.

⁵ See the decisions of the European Court of Human Rights in the following cases: *Zdanoka v. Latvia*; *Refah Partisi (The Welfare Party) and Others v. Turkey*: <https://hudoc.echr.coe.int/?i=001-72794>
<https://hudoc.echr.coe.int/eng?i=001-60936>

d) Link between the draft organic law and the Government Programme and the relevant action plan in the respective field, if any (in the case of a draft law initiated by the Government of Georgia):

The draft organic law has not been initiated by the Government of Georgia.

a.e) The principle for selecting the entry into force date of the draft organic law, and, in the case of granting retroactive effect to the law, the relevant justification for this:

The organic draft law provides for entry into force immediately upon its publication, as, given its purpose and substance, it is expedient to establish such a timeframe for its entry into force. The draft law does not provide for the law to have retrospective effect.

a.f) Reasons for the expedited consideration of the draft organic law and the corresponding justification (if the initiator requests the expedited consideration of the draft law):

Given the purpose and substance of the draft organic law, it is appropriate that it be considered under the expedited procedure.

b) Assessment of the organic law draft's financial impact in the medium term (the year of the draft's entry into force and the following 3 years):

b.a) Source of financing for the necessary expenses related to the adoption of the draft organic law:

The draft organic law does not affect the expenditure side of the budget of the state, the autonomous republic and/or the municipality.

b.b) Impact of the organic law project on the revenue side of the State, the Autonomous Republic's republican and/or municipal budgets:

The draft organic law does not affect the revenue section of the state, the republican budget of an autonomous republic, or the municipal budget.

b.c) Impact of the organic bill on the expenditure side of the State, the Autonomous Republic's regional or/and municipal budgets:

The draft organic law does not affect the expenditure part of the state, the autonomous republic's or/and the municipal budget.

b.d) New financial obligations of the State, by specifying the direct financial obligations (domestic or external) to be assumed by the State or a body within its system as a result of the draft organic law:

The draft organic law does not provide for the State to incur new financial obligations.

b.e) The expected financial consequences of the draft organic law for those persons to whom it applies, specifying the nature and direction of the impact on the natural and legal persons expected to be directly affected by the actions defined in the draft organic law:

The adoption of the draft organic law will have a financial implications for those persons who will be unable to hold the positions provided for by the draft law.

b.f) The amount of the tax, fee or other charge (financial contribution) established by the organic bill in the relevant budget and the principle for determining the amount:

An organic bill does not establish a tax, fee or other type of charge (financial contribution).

B¹) Assessment of the organic law bill's impact on the legal status of the child:

The organic law does not affect the legal status of the child.

B²) Assessment of the Bill's expected impact on the equality of women and men:

The Bill does not have an impact on the equality of women and men.

c) Compliance of the draft organic law with international legal standards:

c.a) Consistency of the draft organic law with EU law:

The draft organic law does not conflict with EU law.

c.b) The draft law's conformity with obligations associated with Georgia's membership in international organisations:

The draft organic law does not conflict with the obligations associated with Georgia's membership in international organisations.

c.c) Compliance of the draft Organic Law to Georgia's bilateral and multilateral treaties and agreements, as well as, where applicable, the specific article and/or provision of any treaty/agreement related to the preparation of the draft law:

The draft organic law does not conflict with the bilateral and multilateral treaties and agreements of Georgia. The preparation of the draft law is not related to any such treaty/agreement.

c.d) Where applicable, the European Union legal act with which approximation is required under the Association Agreement between, on the one hand, Georgia, and, on the other hand, the European Union and the European Atomic Energy Community and their Member States, or under other bilateral or multilateral agreements concluded between Georgia and the European Union:

There are none.

d) Consultations held during the preparation of the draft organic law:

d.a) State, Non-governmental and/or International organisation/institution, expert, working group which participated in the preparation of the draft organic law, if any:

None exists.

d.b) Assessment of the draft law by the organisation/institution, working group, or expert involved in its preparation, if any:

None.

d.d) Experience of other countries implementing laws similar to the organic law, a review of the experience that was, for example, used in the preparation of the draft law, should such a review be prepared:

Such a review has not been prepared.

e) Author of the draft organic law: Archil Gorduzela, Tornike Cheishvili, Aleksandre Tabatadze, Davit Matikashvili, Rati Ionatamishvili, Aludža Ghudushauri, Tengiz Shormanashvili, Guram Macharashvili, Akaki Aladshvili.

v) Initiator of the draft organic law: Archil Gorduladze, Tornike Chheishvili, Aleksandre Tabatadze, Davit Matikashvili, Rati Ionatamishvili, Aludza Ghudushauri, Tengiz Shormanashvili, Guram Macharashvili, Akaki Aladashvili.

III. Amendments of 16 October 2025 to the Organic law on Political Associations of Citizens

Organic Law of Georgia

**On Amendments to the Organic Law of Georgia
“On Political Associations of Citizens”**

Article 1. The following amendments shall be introduced into the Organic Law of Georgia “*On Political Associations of Citizens*” (Parliamentary Gazette No. 45, 21 November 1997, p. 76):

1. The Law shall be supplemented with **Article 21¹** of the following wording:

Article 21¹

It shall be inadmissible to establish 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. 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.

2. Paragraph 1 of **Article 26** shall be supplemented with subparagraph “**a¹**” of the following wording:

a¹) from 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

Article 2. This Law shall enter into force upon its publication.

**President of Georgia
Mikheil Kavelashvili**

IV. Explanatory note

to the draft organic law of Georgia On Amendments to the Organic Law of Georgia on Political Associations of Citizens

a) General information about the draft organic law:

a.a) Reason for the draft organic law:

a.a.a) The problem which the draft organic law seeks to address:

According to the interpretation of the Constitutional Court of Georgia, elections are an essential requirement of democracy, however, it cannot be overlooked that, by abusing democratic processes, it is possible to threaten democratic governance itself and fundamental constitutional principles.¹ The principle of a democratic state includes the limitation that democratic methods must not be used to disregard the very idea of a democratic state. Consequently, legislation must provide safeguards to prevent the use of formal use of democratic processes does not pose a threat to the foundational principles of a democratic state.²

This interpretation by the Constitutional Court of Georgia is based on the concept of a militant (defensive) democracy, which, in turn, is also shared by the European Court of Human Rights. As the European Court of Human Rights has explained, 'democracy must have the ability and capacity to defend itself'.³

It is precisely from the concept of a militant (defensive) democracy that the Constitutional Court is not absolute and may be restricted in compliance with the principle of proportionality, in such a way as not to violate the essence of the right protected by the said article.

As the Constitutional Court of Georgia has explained, the grounds for restricting the passive electoral right protected by Article 24 of the Constitution of Georgia are provided for in the Constitution itself. The Constitution of Georgia itself excludes certain violent actors from the political processes and the system of governance. Specifically, in accordance with Article 23, paragraph 3 of the Constitution of Georgia, the creation and operation of any public or political association whose purpose is the overthrow or violently change the constitutional order of Georgia, undermine the country's independence or territorial integrity, or which engages in propaganda of war or violence, or incites national, regional, religious or social hatred. Accordingly, as interpreted by the Constitutional Court of Georgia, a person or a political organisation may be prohibited from exercising the passive electoral right, whose purpose is to overthrow the constitutional order or carry out any of the illegal acts listed in paragraph 3 of Article 23 of the Constitution of Georgia.⁴

¹ See the decision of the Constitutional Court of Georgia in the case: "*Kakha Kukava, citizen of Georgia, against the Parliament of Georgia*", II-37; <https://constcourt.ge/ka/judicial-acts?legal=571>

² See the decision of the Constitutional Court of Georgia in the case: "*Nodar Mumladze v. the Parliament of Georgia*", II-57; <https://constcourt.ge/ka/judicial-acts?legal=1013>

³ See the judgment of the European Court of Human Rights in the case of *Zdanoka v. Latvia*, §100: <https://hudoc.echr.coe.int/?i=001-72794>

⁴ See the decision of the Constitutional Court of Georgia in the case: "*Kakha Kukava, a citizen of Georgia, against the Parliament of Georgia*", II-37; <https://constcourt.ge/ka/judicial-acts?legal=571>

The European Court of Human Rights, for its part, also considers restriction of the passive electoral right, protected by Article 3 of the First Protocol to the Convention, to be justified and necessary on the aforementioned grounds.⁵

The purpose of the present organic draft law is, taking into account the Constitution of Georgia, the above-mentioned interpretation of the Constitutional Court of Georgia and established practice, to reflect in the Election Code of Georgia the procedural matters related to the prohibition of a political party and the restriction of an individual's passive electoral right.

a.a.b) Necessity of adopting the organic law to address the existing problem:

The matter referred to in sub-paragraph 'a.a.a', by its very nature, requires a legislative amendments.

a.b) Expected outcomes of the draft organic law:

The adoption of the draft organic law will regulate the matter referred to in sub-paragraph 'a.a.a'.

a.c) Main substance of the draft organic law:

The proposed Organic Law establishes that:

- It is forbidden for a person who, by a decision of the Constitutional Court of Georgia, has been prohibited from founding a political party to be a founder of a party, to be a member of a political party, to hold the position of a head or a member of a body provided for in Articles 16-19 of the Organic Law of Georgia on Political Unions of Citizens, to hold a state-political or political office, or to hold the position of head of a body provided for by the Constitution of Georgia;
- A party shall be refused registration if, in accordance with its statutes or other documents submitted for registration, it is established that the founder of the political party, a member of the political party, the head of a body provided for in Articles 16-19 of this Law, or a member of such body is a person who, by a decision of the Constitutional Court of Georgia, has been prohibited from founding a political party, from being a member of a political party, from holding the position of head or member of a body provided for in Articles 16–19 of the Organic Law of Georgia “On Political Unions of Citizens,” from holding a state-political or political office, or from holding the position of head of a body provided for by the Constitution of Georgia;
- Financing of a political party is prohibited for any person who, by a decision of the Constitutional Court of Georgia, has been prohibited from founding a political party, or from being a member of a political party, from holding the position of head or member of a body provided for in Articles 16–19 of the Organic Law of Georgia “On Political Unions of Citizens,” from holding a state-political or political office, or from holding the position of head of a body provided for by the Constitution of Georgia.

⁵ See the decisions of the European Court of Human Rights in the following cases: *Zdanoka v. Latvia*; *Refah Partisi (The Welfare Party) and Others v. Turkey*: <https://hudoc.echr.coe.int/?i=001-72794>
<https://hudoc.echr.coe.int/eng?i=001-60936>

a.d) Link between the draft organic law and the Government Programme and the relevant action plan in the relevant field, if any (in the case of an organic draft law initiated by the Government of Georgia):

The draft organic law is not initiated by the Government of Georgia.

a.e) The principle for selecting the date of entry into force of the organic draft law, and, in the case of granting retroactive effect to the law, the relevant justification for this:

The organic draft law provides for the organic law to enter into force immediately upon its publication, as, given its purpose and substance, it is expedient to establish such a timeframe for its entry into force. The draft law does not provide for the law to have retroactive effect.

a.f) Reasons for the expedited consideration of the draft organic law and the corresponding justification (if the initiator requests the expedited consideration of the draft law):

Given the purpose and substance of the draft organic law, it is expedient that it be considered on an expedited basis.

b) Assessment of the financial impact of the draft organic law in the medium term (the year of the draft's entry into force and the following 3 years):

b.a) Source of funding for the necessary expenses associated with the adoption of the draft organic law:

The organic law does not affect the expenditure side of the budget of the state, an autonomous republic, and/or a municipality budget expenditure.

b.b) Impact of the draft organic law on the revenue part of the state, autonomous republic, or/and municipal budget:

The draft organic law does not affect the revenue section of the state, the autonomous republic, and/or the municipal budget.

b.c) Impact of the organic bill on the expenditure side of the State, Autonomous Republic, or Municipal budget:

The draft organic law does not affect the expenditure part of the state, the autonomous republic's or/and the municipal budget.

b.d) New financial obligations of the State, by specifying the direct financial obligations (domestic or external) to be assumed by the State or a body within its system as a result of the organic bill:

The draft organic law does not provide for the state to incur new financial obligations.

b.e) The expected financial consequences of the draft organic law for those persons to whom it applies, specifying the nature and direction of the impact on the natural and legal persons expected to be directly affected by the actions defined in the organic draft law:

The draft law prohibits relevant persons from financing a political party. Consequently, political parties cannot receive funding from these persons.

b.f) The amount of the tax, fee or other charge (financial contribution) established by the organic draft law in the relevant budget and the principle for determining the amount:

The organic draft law does not establish a tax, fee or other type of charge (financial contribution).

b¹) Assessment of the organic draft law's impact on the legal status of the child:

The organic draft law does not affect the legal status of the child.

b²) Assessment of the expected impact of the organic draft law on the equality of women and men:

The organic draft law has no impact on the situation of equality between women and men.

c) Compliance of the draft organic law to international legal standards:

c.a) Compliance of the draft organic law with EU law:

The draft organic law does not conflict with EU law.

c.b) The organic draft law's compatibility with obligations arising from Georgia's membership in international organisations:

The draft organic law does not conflict with the obligations associated with Georgia's membership in international organisations.

c.c) Compliance of the organic draft law with Georgia's bilateral and multilateral treaties and agreements, as well as, where applicable, the relevant article and/or part of a treaty/agreement related to the preparation of the draft law:

The draft organic law does not conflict with the bilateral and multilateral treaties and agreements of Georgia. The preparation of the draft law is not related to any such a treaty/agreement.

g.d) Where applicable, the European Union legal act with which approximation is required under the Association Agreement between, on the one hand, Georgia and, on the other hand, the European Union and the European Atomic Energy Community and their Member States, or under other bilateral or multilateral agreements concluded by Georgia and the European Union:

None.

d) Consultations held during the preparation of the draft organic law:

d.a) State, non-governmental and/or International organisation/institution, expert, working group which participated in the preparation of the draft organic law, if any:

None.

d.b) Assessment of the draft law by the organisation/institution, working group, or expert, that participated in its preparation, if any:

None.

d.c) Experience of other countries implementing similar laws to the organic law, a review of the experience that was, for example, used during the preparation of the draft law, should such a review be prepared:

Such a review has not been prepared.

e) Author of the draft organic law: Archil Gorduzala, Tornike Chheishvili, Aleksandre Tabatadze, Davit Matikashvili, Rati Ionatamishvili, Aludza Ghudushauri, Tengiz Shormanashvili, Guram Macharashvili, Akaki Aladashvili.

v) Initiator of the draft organic law: Archil Gorduladze, Tornike Chheishvili, Aleksandre Tabatadze, Davit Matikashvili, Rati Ionatamishvili, Aludza Ghudushauri, Tengiz Shormanashvili, Guram Macharashvili, Akaki Aladashvili.

V. Amendments of 16 October 2025 to the Electoral Code

Organic Law of Georgia

On Amendments to the Organic Law of Georgia “The Election Code of Georgia”

Article 1. The following amendments shall be made to the Organic Law of Georgia “**The Election Code of Georgia**” (Legislative Herald of Georgia (www.matsne.gov.ge), 10 January 2012, registration code: 010190020.04.001.016032):

1. Paragraph 4 of Article 117 shall be supplemented with subparagraph **(b¹)** of the following wording:

“(b¹) the party list includes a person in respect of whom the Constitutional Court of Georgia has adopted a decision as provided for in subparagraph **(b)** of paragraph 3 of Article 23 of the Organic Law of Georgia ‘On the Constitutional Court of Georgia’;”

2. The Law shall be supplemented with Article **120¹** of the following wording:

“Article 120¹. Removal of a Person from a Party List

A person in respect of whom the Constitutional Court of Georgia has adopted a decision as provided for in subparagraph **(e)** of paragraph 3 of Article 23 of the Organic Law of Georgia ‘On the Constitutional Court of Georgia’ shall be removed from the relevant party list.”

3. Paragraph 9 of Article 141 shall be supplemented with subparagraph **(a²)** of the following wording:

“(a²) if, in respect of this person, the Constitutional Court of Georgia has adopted a decision as provided for in subparagraph **(b)** of paragraph 3 of Article 23 of the Organic Law of Georgia ‘On the Constitutional Court of Georgia’;”

4. Article 143 shall be supplemented with paragraph **4¹** of the following wording:

“**4¹**. A person may not be included in a party list if, in respect of that person, the Constitutional Court of Georgia has adopted a decision as provided for in subparagraph **(b)** of paragraph 3 of Article 23 of the Organic Law of Georgia ‘On the Constitutional Court of Georgia’.”

5. Paragraph 6 of Article 145 shall be supplemented with subparagraph **(b¹)** of the following wording:

“(b¹) if a person included in a party list or a candidate for membership of a municipal council nominated by an electoral subject is a person in respect of whom the Constitutional Court of Georgia has adopted a decision as provided for in subparagraph **(b)** of paragraph 3 of Article 23 of the Organic Law of Georgia ‘On the Constitutional Court of Georgia’;”

6. The Law shall be supplemented with Article **146²** of the following wording:

“Article 146². Removal of a Person from a Party List

A person in respect of whom the Constitutional Court of Georgia has adopted a decision as provided for in subparagraph **(e)** of paragraph 3 of Article 23 of the Organic Law of Georgia ‘On the Constitutional Court of Georgia’ shall be removed from the relevant party list.”

7. The Law shall be supplemented with Article **159²** of the following wording:

“Article 159². Removal of a Person from a Party List

A person in respect of whom the Constitutional Court of Georgia has adopted a decision as provided for in subparagraph **(e)** of paragraph 3 of Article 23 of the Organic Law of Georgia ‘On the Constitutional Court of Georgia’ shall be removed from the relevant party list.”

8. Paragraph 10 of Article 167 shall be supplemented with subparagraph **(f)** of the following wording:

“(f) the mayoral candidate is a person in respect of whom the Constitutional Court of Georgia has adopted a decision as provided for in subparagraph **(b)** of paragraph 3 of Article 23 of the Organic Law of Georgia ‘On the Constitutional Court of Georgia’.”

Article 2. This Law shall enter into force upon publication.

President of Georgia

Mikheil Kavelashvili

Tbilisi,

16 October 2025

No. 990-IVთბ-XIთვ

VI. Explanatory note

to the draft organic law of Georgia On the Amendments to the Organic Law of Georgia 'Election Code of Georgia'

a) General information on the draft organic law:

a.a) Reason for the draft organic law:

a.a.a) The problem which the draft organic law seeks to address:

As the Constitutional Court of Georgia has explained, elections are an essential requirement of democracy. However, it cannot be overlooked that by abusing democratic processes, it is possible to threaten democratic governance itself and fundamental constitutional principles.¹ The principle of a democratic state includes the limitation that democratic methods must not be used to disregard the very idea of a democratic state. Consequently, legislation must provide safeguards to prevent the use of formal democratic processes posing a threat to the fundamental principles of a democratic state.²

This interpretation by the Georgian Constitutional Court is based on the concept of a militant (defensive) democracy, which is also shared by the European Court of Human Rights. As the European Court of Human Rights has explained, 'democracy must have the ability and capacity to defend itself'.³

It is precisely from the concept of a defensive democracy that the Constitutional Court of Georgia derives its interpretation that the passive electoral right protected under Article 24 of the Constitution of Georgia (the right to vote) is not absolute and may be subject to limitations in accordance with the principle of proportionality, provided that the essence of the right protected by the said Article is not violated.

According to the Constitutional Court of Georgia, the grounds for restricting the passive electoral right, protected by Article 24 of the Constitution of Georgia, are provided for in the Constitution itself. The Constitution of Georgia excludes certain violent actors from political processes and the system of governance. Specifically, in accordance with Article 23(3) of the Constitution of Georgia, the creation and activity of any public or political association is prohibited if its purpose is to overthrow or violently change the constitutional order of Georgia, undermine the country's independence, violate its territorial integrity, engage in propaganda of war or violence, or incite national, regional, religious or social hatred. Accordingly, as interpreted by the Constitutional Court of Georgia, a person or a political organisation may be prohibited from exercising the passive electoral right, if their purpose is to overthrow the constitutional order or to carry out any illegal acts referred to in paragraph 3 of Article 23 of the Constitution of Georgia.⁴

¹ See the decision of the Constitutional Court of Georgia in the case: "*Kakha Kukava, a citizen of Georgia, v. the Parliament of Georgia*", II-37; <https://constcourt.ge/ka/judicial-acts?legal=571>

² See the decision of the Constitutional Court of Georgia in the case: "*Nodar Mumladze v. the Parliament of Georgia*", II-57; <https://constcourt.ge/ka/judicial-acts?legal=1013>

³ See the judgment of the European Court of Human Rights in the case of *Zdanoka v. Latvia*, §100: <https://hudoc.echr.coe.int/?i=001-72794>

⁴ See the decision of the Constitutional Court of Georgia in the case: "*Kakha Kukava, a citizen of Georgia, against the Parliament of Georgia*", II-37; <https://constcourt.ge/ka/judicial-acts?legal=571>

The European Court of Human Rights, for its part, also considers restriction of the passive electoral right protected under Article 3 of the First Protocol to the Convention to be justified and necessary on the aforementioned grounds.⁵

The purpose of the present organic draft law, taking into account the Constitution of Georgia, the above-mentioned interpretation of the Constitutional Court of Georgia, and established practice, is to reflect in the Election Code of Georgia the procedural matters related to the prohibition of a political party and the restriction of an individual's passive electoral right.

a.a.b) The necessity of adopting an organic law to resolve the existing problem:

The issue referred to in sub-paragraph 'a.a.a', by its very nature, requires a legislative amendment.

a.b) Expected results of the draft organic law:

The adoption of the draft organic law will regulate the issue referred to in sub-paragraph 'a.a.a'.

a.c) Main substance of the draft organic law:

The proposed Organic Law provides that:

- The position provided for by the draft law may not be held by a person who, by a decision of the Constitutional Court of Georgia, has been prohibited from founding a political party, from being a member of a political party, from holding the position of head or member of a body provided for in Articles 16–19 of the Organic Law of Georgia “On Political Unions of Citizens,” from holding a state-political or political office, or from holding the position of head of a body provided for by the Constitution of Georgia ;

It is forbidden to include a person in a party list or to nominate them as a candidate for an elected office, a person who, by a decision of the Constitutional Court of Georgia, has been prohibited from founding a political party, from being a member of a political party, from holding the position of head or member of a body provided for in Articles 16–19 of the Organic Law of Georgia “On Political Unions of Citizens,” from holding a state-political or political office, or from holding the position of head of a body provided for by the Constitution of Georgia.

a.d) Link between the draft organic law and the Government Programme and the relevant action plan in the respective field, if any (in the case of a draft law initiated by the Government of Georgia):

The draft organic law is not initiated by the Government of Georgia.

⁵ See the decisions of the European Court of Human Rights in the following cases: *Zdanoka v. Latvia*; *Refah Partisi (The Welfare Party) and Others v. Turkey*: <https://hudoc.echr.coe.int/?i=001-72794>
<https://hudoc.echr.coe.int/eng?i=001-60936>

a.e) The principle for selecting the entry into force date of the draft organic law, and, in the case of granting retroactive effect to the law, the relevant justification for this:

The organic draft law provides for entry into force immediately upon its publication, as, given its purpose and substance, it is expedient to establish such a timeframe for its entry into force. The draft law does not provide for the law to have retrospective effect.

a.f) Reasons for the expedited consideration of the draft organic law and the corresponding justification (if the initiator requests the expedited consideration of the draft law):

Given the purpose and substance of the draft organic law, it is appropriate that it be considered under the expedited procedure.

b) Assessment of the organic law draft's financial impact in the medium term (the year of the draft's entry into force and the following 3 years):

b.a) Source of financing for the necessary expenses related to the adoption of the organic draft law:

The draft organic law does not affect the expenditure side of the budget of the state, the autonomous republic and/or the municipality.

b.b) Impact of the organic law project on the revenue side of the State, the Autonomous Republic's republican and/or municipal budget:

The draft organic law does not affect the revenue section of the budget of the state, autonomous republic, or the municipality.

b.c) Impact of the organic bill on the expenditure side of the State, the Autonomous Republic's or/and the municipal budget:

The draft organic law does not affect the expenditure part of the state, the autonomous republic's or/and the municipal budget.

b.d) New financial obligations of the State, by specifying the direct financial obligations (domestic or external) to be assumed by the State or a body within its system as a result of the organic bill:

The draft organic law does not provide for the state to incur new financial obligations.

b.e) The expected financial consequences of the draft organic law for those persons to whom it applies, specifying the nature and direction of the impact the natural and legal persons expected to be directly affected by the actions provided for in the organic draft law:

The adoption of the draft organic law will have a financial impact on those persons who are unable to hold the positions provided for by the draft organic law.

b.f) The amount of the tax, fee or other charge (financial contribution) established by the Organic draft law in the relevant budget and the principle for determining the amount:

The organic law does not establish a tax, fee or other type of charge (financial contribution).

b¹) Assessment of the organic law draft's impact on the legal status of the child:

The draft organic law does not affect the legal status of the child.

b²) Assessment of the Bill's expected impact on the equality of women and men:

The draft organic law does not have an impact on the equality of women and men.

c) Compliance of the draft organic law with international legal standards:

c.a) Compliance of the draft organic law with EU law:

The draft organic law does not conflict with EU law.

c.b) The draft organic law in relation to obligations associated with Georgia's membership in international organisations:

The draft organic law does not conflict with the obligations associated with Georgia's membership in international organisations.

c.c) Compliance of the organic draft law with Georgia's bilateral and multilateral treaties and agreements, as well as, where applicable, the relevant article and/or part of a treaty/agreement related to the preparation of the draft law :

The draft organic law does not conflict with the bilateral and multilateral treaties and agreements of Georgia. The preparation of the draft law is not related to any such treaty/agreement.

c.d) Where applicable, the European Union legal act with which approximation is required under the "Association Agreement between, on the one hand, Georgia and, on the other hand, the European Union and the European Atomic Energy Community and their Member States," or under other bilateral or multilateral agreements concluded between Georgia and the European Union:

None.

d) Consultations held during the preparation of the draft organic law:

d.a) State, non-governmental and/or International organisation/institution, expert, working group which participated in the preparation of the draft organic law, if any:

None.

d.b) Assessment of the draft law by organisation/institution, working group, or expert that participated in its preparation, if any:

None.

d.c) Experience of other countries implementing laws similar to the draft organic law, a review of the experience that was, for example, used during the preparation of the draft law, should such a review be prepared:

Such a review has not been prepared.

e) Author of the draft organic law: Archil Gorduzala, Tornike Chheishvili, Aleksandre Tabatadze, Davit Matikashvili, Rati Ionatamishvili, Aludza Ghudusauri, Tengiz Shormanashvili, Guram Macharashvili, Akaki Aladashvili.

f) Initiator of the draft organic law: Archil Gorduladze, Tornike Chheishvili, Aleksandre Tabatadze, Davit Matikashvili, Rati Ionatamishvili, Aludza Ghudushauri, Tengiz Shormanashvili, Guram Macharashvili, Akaki Aladashvili.

VII. Amendments of 16 October 2025 to the Criminal Code

Note 2 is added to Article 381 of the Georgian Criminal Code:¹ *“2. A fine shall be imposed on a political party that will fail to comply with the decision of the Constitutional Court of Georgia provided for by Article 23(3)(b) of the Organic Law of Georgia on the Constitutional Court of Georgia, or will hinder its compliance.”*

¹ Article 381 reads:

Article 381 – Failure to execute or interference with the execution of a judgment or other court decisions

1. Failure to execute or interference with the execution of a final judgment or other court decision, – shall be punished by a fine or community service from one hundred and eighty to two hundred and forty hours or by imprisonment for up to two years.

2. The same act committed by a representative of authority or a government servant, – shall be punished by a fine or community service from two hundred and forty to three hundred and sixty hours or by imprisonment for a term of two to four years, with deprivation of the right to hold an office or to carry out activities for up to three years.

Note:

1. An offence against the judicial authority provided for by this Section shall also include an offence against the International Criminal Court.

VIII. Explanatory note**On the draft law of Georgia
On Amendments to the Criminal Code of Georgia****a) General information about the draft law:****a.a) Reason for the Bill adoption:****a.a.a) The problem the draft law seeks to address:**

The current Criminal Code of Georgia does not provide for the possibility of holding a political party liable, which fails to comply with a decision of the Constitutional Court of Georgia, by which a relevant person has been prohibited from founding/establishing a political party, holding a leadership positions in a political party, being a member of a political party, holding the position of head or member of a body provided for in Articles 16–19 of the Organic Law of Georgia “On Political Unions of Citizens”, holding state-political or political office, or holding a leadership position in a body provided for by the Constitution of Georgia.

The proposed draft law provides for the criminal liability of the aforementioned conduct.

a.a.b) The necessity of adopting the law to address the existing problem:

The issue referred to in sub-paragraph 'a.a.a', given its nature, requires legislative changes/amendments.

a.b. Expected results of the draft law:

The adoption of the draft law will regulate the issue referred to in sub-paragraph 'a.a.a'.

a.c) Main substance of the draft law:

The proposed draft law provides that a fine shall be imposed on a political party that fails to comply with a decision of the Constitutional Court of Georgia by which the relevant person was prohibited from founding a political party, holding a leadership position in a political party, being a member of a political party, holding the position of head or member of a body provided for in Articles 16–19 of the Organic Law of Georgia “On Political Unions of Citizens”, holding state-political or political office, or holding a leadership position in a body provided for by the Constitution of Georgia.

a.d) The link between the draft law and the Government Programme and the relevant action plan in the relevant field, if any (in the case of a draft law being initiated by the Government of Georgia):

The draft law has not been initiated by the Government of Georgia.

a.e) The principle for selecting the date of entry into force of the draft law, and, in the case of granting retroactive effect to the law, the relevant justification for this:

The draft law provides for the law to enter into force upon its publication, as, given its purpose and substance, it is expedient to establish such a timeframe for its entry into force. The draft law does not provide for granting retroactive effect to the law.

a.f) Reasons for the consideration of the draft law under the expedited procedure and the relevant justification (if the initiator of the draft law requests the expedited procedure):

Given the purpose and nature of the draft law, it is expedient to consider it under the expedited procedure.

b) Assessment of the financial impact of the draft law in the medium term (the year entry into force and the following 3 years):

b.a) Source of funding for the necessary expenses associated with the adoption of the draft law:

The draft law does not affect the expenditure side of the state budget, the budget of the autonomous republic or/and the municipal budgets.

b.b) The impact of the draft law on the revenue side of the State budget, the budget of the autonomous republic and/or municipal budgets:

The draft law will have a positive impact on the revenue side of the state budget. Specifically, the amount paid as a fine by a political party will be transferred to the state budget. The amount of the fine will depend on the decision adopted by the common courts.

b.c) Impact of the draft law on the expenditure side of the state, the budget of the autonomous republic and/or municipal budgets:

The draft law does not affect the expenditure part of the state, the budget of the autonomous republic and/or a municipal budget.

b.d) New financial obligations of the State, indicating direct financial obligations (domestic or external) to be assumed by the State or an agency within its system as a result of the draft law:

The draft law does not provide for the State to incur new financial obligations.

b.e) The expected financial implications of the draft law for the persons to whom it applies, indicating the nature and direction of the impact on the natural and legal persons expected to be directly affected by the actions provided for in the draft law:

The draft law will have financial consequences for political parties which will be liable to pay a fine in accordance with a decision of the courts.

b.f) The amount of the tax, fee or other charge (financial contribution) established by the draft law to the relevant budget and the principle for determining the amount:

The amount of the fine provided for in the draft law is determined by the decision of the common court. In determining the amount of the fine, the common court shall be guided by Article 1076 of the Criminal Code of Georgia.

b¹) Assessment of the impact of the draft law on the legal status of the child:

The draft law does not affect the legal status of the child.

b²) Assessment of the expected impact of the draft law on the state of equality between women and men:

The draft law has no impact on the state of equality between women and men.

c) Compliance of the draft law with international legal standards:

c.a) Compliance of the draft law with EU law:

The draft law does not contradict EU law.

c.b) Compliance of the draft law with obligations arising from Georgia's membership in international organisations:

The draft law does not contradict the obligations associated with Georgia's membership in international organisations.

c.c) Compliance of the draft law with Georgia's bilateral and multilateral treaties and agreements, as well as, where applicable, in the event of the existence of a treaty/agreement to which the preparation of the draft law is related, its corresponding article and/or part:

The draft law does not contradict the bilateral and multilateral treaties and agreements of Georgia. The preparation of the draft law is not related to any such treaty/agreement.

c.d) Where applicable, the relevant act of the European Union with which approximation is required under the Association Agreement between, on the one hand, Georgia and, on the other hand, the European Union and the European Atomic Energy Community and their Member States, or under other bilateral or multilateral agreements concluded between Georgia and the European Union:

There are none.

d) Consultations held during the preparation of the draft law:

d.a) State, non-governmental or/and International organisation/institution, expert, working group that participated in the drafting of the draft law, if any:

None.

d.b) Assessment of the draft law by the organisation/institution, working group, or expert that participated in its drafting, if any:

None.

d) Experience of other countries implementing laws similar to the draft law, including a review of such experience used as an example during the preparation of the draft law, if such a review was prepared:

Such a review was not prepared.

e) Authors of the draft law: Archil Gordezashvili, Tornike Cheishvili, Aleksandre Tabatadze, Davit Matikashvili, Rati Ionatamishvili, Aludza Ghudushauri, Tengiz Shormanashvili, Guram Macharashvili, Akaki Aladashvili.

f) Initiator of the bill: Archil Gorgodze, Tornike Cheishvili, Aleksandre Tabatadze, Davit Matikashvili, Rati Ionatamishvili, Aludza Ghudushauri, Tengiz Shormanashvili, Guram Macharashvili, Akaki Aladashvili.