

Motion

# Protecting civil society and civic spaces in Georgia

signed by: Young European Federalists (JEF Europe)

co-signed by: Belarusian National Youth Council (RADA), Consiliul Național al Tineretului din Moldova (CNTM), Erasmus Student Network (ESN), European Democrat Students (EDS), European Free Alliance Youth (EFAy), European Liberal Youth (LYMEC), Federation of Young European Greens (FYEG), International Federation of Liberal Youth (IFLRY), National Youth Council of Ukraine (NYCU), Young European Socialists (YES), Youth for Exchange and Understanding (YEU), and Youth of the European People's Party (YEPP)

## Introduction

In March 2023, the Government of Georgia initiated work on a legislative proposal on “foreign agents” that would have forced civil society organisations (CSOs) to be registered as being under foreign influence should they be receiving funding from sources outside of the country. The legislation, which was clearly aimed at restricting the work of these organisations, led to massive protests that forced the government to withdraw the bill from consideration.

Over the past few weeks, the situation has worsened due to the country’s government’s decision to push forward the legislative proposal again. On April 15th, the government introduced an identical law into parliament. This bill, named “Law on Transparency of Foreign Influence”, establishes that organisations, particularly NGOs and media outlets, receiving over 20% of their funding from sources outside the country must to be registered as “organisations pursuing the interests of a foreign power”. This legislation will impose hefty fines and additional administrative hurdles to the work of the targeted organisations and clearly aims at marginalising voices critical of the government and LGBT rights groups, increasing their vulnerability and reducing their access to support and representation, as stated by the promoters of the bill themselves.

The bill mirrors similar legislation introduced in Russia in 2012, the so-called “Foreign agent law”, which has severely harmed civil society in the country and made the operation of many NGOs untenable. This has prompted opponents to dub the Georgian government’s bill the “Russian law”. As Human Rights Watch noted, the bill is incompatible with the European Convention on Human Rights and the International Covenant on Civil and Political Rights.<sup>1</sup> All these developments pose a serious threat to the free and safe participation of Georgia’s citizens in the democratic life of their country via civil society and their access to independent information, given that to many CSOs - including youth organisations and organisations working with young people -

and media outlets foreign funding is a vital source of income that ensures their independent functioning.

This new attempt at introducing the legislation has been met by massive demonstrations, happening daily in Tbilisi since April 15th. The demonstrations have been marked by the prominence of pro-EU accession messages and the massive presence of European flags. This comes as a demonstration of the Georgian people’s, particularly young people’s, strong desire to become part of the European Union and how this is seen as a hope for democracy in the country. Since April 30th, these demonstrations have been violently repressed by police forces,<sup>2</sup> which has resulted in injuries and the detention of multiple innocent citizens, journalists, and opposition figures. These police actions have been happening in parallel to other forms of harassment and sanctioning against citizens and students who are joining protests and strikes. The Council of Europe,<sup>3</sup> the European Union, and the United Nations<sup>4</sup> have condemned the violence against protesters and have also urged the Georgian government to withdraw the bill from consideration.

The EU in particular has been an important ally on both occasions, swiftly issuing statements against the negative impact on civic freedoms if such law passes and only granting Georgia candidate status after the government withdrew the bill the first time. However, it is worth noting that this second attempt comes while the European Union is discussing a directive on the transparency of interest representation on behalf of third countries, also known as “Foreign Agents Law”. Although substantially different in its overall essence, in its current status, this file would also undermine the enabling environment for civil society across Europe by imposing additional administrative requirements for civil society organisations receiving foreign funding and introducing a public registry of these organisations, opening the door to smear campaigns against civic actors. This showcases a certain hypocrisy on the side of the European Union in dealing with such legislation externally. Due to the normative power of the EU, this directive could pose a threat

1 <https://www.hrw.org/news/2024/05/09/georgia-foreign-influence-bill-threatens-rights>

2 <https://www.amnesty.org/en/latest/news/2024/05/georgia-dark-day-as-parliament-bulldozes-adoption-of-repressive-foreign-influence-bill/>

3 <https://www.coe.int/en/web/portal/-/georgia-withdraws-draft-law-on-foreign-agents>

4 <https://www.ohchr.org/en/statements/2023/04/un-rights-experts-urge-georgia-withdraw-foreign-agents-bill>

to democracies across the EU neighbourhood, as visible in Georgia, where the government felt empowered to advance the narrative that such laws can be legitimate.

In spite of popular and international opposition, the government-dominated parliament finally passed the bill into law on May 14th. This development greatly endangers civic spaces in the country and jeopardises its observance of essential values such as the Rule of Law, Democracy, and Human Rights. While this law is based on Russian legislation, its approval follows a worrying trend as similar laws have already been proposed or adopted in other European countries such as Azerbaijan, Hungary or Slovakia. The Georgian situation, in spite of its novelty, has already inspired other countries to follow suit, and the Government of Türkiye has already announced similar legislation, helping the trend of repressive legislation targeting civil society grow.

The fact that a government is acting this way in a country that initiated negotiations for EU membership merely 6 months ago does nothing but underscore how fragile Democracy and the Rule of Law are in our societies and how civic spaces must be protected tirelessly every day, everywhere.

## Calls for action

Therefore, the European Youth Forum:

- Deplores the process of democratic backsliding going on in Georgia;
- Condemns the Government of Georgia's attempts at gravely damaging civic spaces and free democratic participation of citizens as well as at suppressing democratic voices;
- Expresses its full support to the Georgian people's protests against their government's attempts to undermine civil society;
- Welcomes the promise by the President of Georgia to veto the law and expects her to do it as soon as possible;
- Demands the Georgian Parliament to either immediately repeal the law or to abstain from contesting a possible veto of the law by the President;
- Calls on the Council of the EU to send a clear message by imposing sanctions (such as asset freezing and travel bans) on the decision makers responsible for the drafting and adoption of this law, for their role in this legislative attempt against Georgian civil society, until the law is repealed;
- Further calls on imposing sanctions on state security service high officials responsible for the repression and attacks on peaceful demonstrators;
- Urges the European Commission to strengthen the monitoring of the situation of the Rule of Law and civil rights in Georgia in the framework of its negotiations for EU accession to ensure that a fully democratic Georgia can soon become an EU Member State;
- Further urges the European Union and its Member States to support civil society in Georgia and its enlargement process, as expressed by a large part of the Georgian population;
- Further calls upon the European Parliament and the Council to reject the proposal for a directive on the transparency of interest representation on behalf of third countries;
- Expects the European Commission to send a clear message to the Government of Georgia that these kinds of actions and the spirit behind them are profoundly incompatible with EU values and membership;
- Highlights the importance of solidarity from global democratic institutions in supporting Georgian civil society, drawing on successful international efforts that have reversed similar legislative attempts in other countries;
- Calls on the Council of Europe to act on this clear case of democratic backsliding, which directly goes against the core values of the organisation;
- Commits to actively supporting the young people and youth civil society in Georgia and their right to be represented at national and international levels through a vibrant Georgian youth council.



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