

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	453
Land:	Georgien
Kilde:	Georgian Young Lawyers' Association
Titel:	An analysis of legislative restrictions on freedom of expression and media activity in Georgia, February – July, 2025
Udgivet:	1. august 2025
Optaget på baggrundsmaterialet:	17. oktober 2025



Funded by
the European Union



LAWS AGAINST SPEECH

AN ANALYSIS OF LEGISLATIVE
RESTRICTIONS ON FREEDOM OF EXPRESSION
AND MEDIA ACTIVITY IN GEORGIA

February -July, 2025



**LAWS AGAINST SPEECH:
AN ANALYSIS OF LEGISLATIVE RESTRICTIONS
ON FREEDOM OF EXPRESSION AND MEDIA
ACTIVITY IN GEORGIA**

February -July, 2025

This publication has been produced with the assistance of the European Union (EU) and the United Nations Development Programme (UNDP). Its contents are the sole responsibility of the Georgian Young Lawyers' Association and do not necessarily reflect the views of the EU and UNDP.

Persons responsible for the publication: NONA KURDOVANIDZE
TAMAR ONIANI

Authors of the report: TAMAZ KIRTAVA
IOSEB EDISHERASHVILI

Editor: KHATUNA KVIRALASHVILI

Technical Editor: IRAKLI SVANIDZE

It is prohibited to reprint, reproduce or distribute the materials of this publication for commercial purposes without prior written permission of Georgian Young Lawyers Association.

J. Kakhidze street №15, Tbilisi, Georgia
(+995 32) 295 23 53, 293 61 01
www.gyla.ge

© 2025, Georgian Young Lawyers Association

TABLE OF CONTENTS

ABBREVIATIONS	4
INTRODUCTION	5
1. VIOLATIONS CAUSED BY THE SO-CALLED FARA	7
2. PROHIBITION ON RECEIVING FOREIGN FUNDING FOR THE MEDIA OUTLETS	10
2.1. Prohibition of Foreign Funding for Broadcasters	11
2.2. Restriction of Foreign Grants	12
3. REGULATORY NORMS ON THE “FAIRNESS AND IMPARTIALITY” OF BROADCASTERS	14
4. RESTRICTIONS ON MEDIA ACTIVITY WITHIN COURTS	15
5. AMENDMENTS RELATED TO DEFAMATION	16
6. SANCTIONING INSULTS AGAINST PUBLIC OFFICIALS AND CIVIL/PUBLIC SERVANTS	18
CONCLUSION	21

ABBREVIATIONS

Convention - Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe

ECtHR - European Court of Human Rights

MIA - Ministry of Internal Affairs of Georgia

NNLE- Non-commercial, Non-entrepreneurial Legal Entity

ODIHR - Office for Democratic Institutions and Human Rights of the OSCE

SLAPP - Strategic Lawsuit Against Public Participation

The so-called FARA - Law of Georgia “Foreign Agents Registration Act”

The Venice Commission - The European Commission for Democracy through Law

INTRODUCTION

The years 2024-2025 are characterized by an escalating and grave human rights crisis in Georgia. During this period, steps taken by Georgian Dream party, to consolidate authoritarian power have involved a range of repressive and violent measures, including the violent dispersal of peaceful protests in the spring¹ and winter of 2024², the systemic and systematic torture and ill-treatment of demonstrators (Which was particularly active in November-December 2024),³ politically motivated purges within public institutions⁴ and the arbitrary use of non-proportional sanctions in response to protest-related activities.⁵

The abuse of legislative power by the Georgian Dream plays a particularly active role in the human rights crisis that has arisen. Since December 2024, legislation has been amended intensively and rapidly, disregarding international standards, reputable international assessments (for example, the Venice Commission and ODIHR conclusions) and the critical views expressed by national civil society organizations and civic movements.⁶ Through these legislative amendments, Georgian Dream creates formal-legal instruments that enable repression, abuse of power, politically motivated discrimination, and the restriction of civil society and media activities across various sectors.

One of the clear initial targets of the legislative amendments has been freedom of expression and media activity. The Law “On Transparency of Foreign Influence” (commonly referred to as the “Russian Law”) declares media outlets, including broadcasters, print, and online media—as “organizations pursuing the interests of a foreign power” if more than 20% of their total annual non-commercial income originates from a foreign power.⁷ In addition to being listed in a stigmatizing registry, the law imposes extensive reporting obligations on such organizations and provides for high administrative fines in cases of non-compliance.

¹ See the Report: GYLA, Georgia: Human Rights Amidst the Russian Law, Human Rights 60 Days Following the Revival of the Foreign Influence Transparency Bill, 2024, [15.07.2025].

² See the Report: GYLA et al., Human Rights Crisis in Georgia Following the 2024 Parliamentary Elections, 28 November 2024 – 28 February 2025, [15.07.2025].

³ *ibid.*

⁴ See the Report: GYLA, The Devastating effects of the Public Service “Reform”, 2025, [15.07.2025].

⁵ See the Report: GYLA et al., Human Rights Crisis in Georgia Following the 2024 Parliamentary Elections, 28 November 2024 – 28 February 2025, [15.07.2025].

⁶ For Example, See: The Venice Commission, Opinion No.1226/2024, CDL-PI(2025)004, [https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI\(2025\)004-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2025)004-e), [15.07.2025]; ODIHR, Opinion-Nr.: FOPA-GEO/536/2025 [TN], <https://www.osce.org/odihr/587466>, [15.07.2025].

⁷ The Law of Georgia “On Transparency of Foreign Influence” defines organisations pursuing the interests of a foreign power:

- a) a non-entrepreneurial (non-commercial) legal person that is not established by an administrative body, that is not the National Sports Federation of Georgia as provided for by the Law of Georgia on Sports, or a blood establishment as provided for by the Law of Georgia on the Quality and Safety of Human Blood and Its Components, and the source of more than 20 % of the total income of which during a calendar year is a foreign power;
- b) a broadcaster provided for by the Law of Georgia on Broadcasting, the source of more than 20 % of the total non-commercial income of which during a calendar year is a foreign power;
- c) a legal person, which alone or jointly owns print media operating in Georgia, and the source of more than 20 % of the total non-commercial income of which during a calendar year is a foreign power;
- d) a legal person, which alone or jointly owns and/or uses a domain and/or web hosting designated for digital media disseminating mass information in the official language of Georgia, and the source of more than 20 % of the total non-commercial income of which during a calendar year is a foreign power.

See: <https://matsne.gov.ge/en/document/view/6171895?publication=0>, [15.07.2025]

The law was strongly criticized by both the Venice Commission⁸ and ODIHR.⁹ Nevertheless, the law remains in force.

The Law “On the Protection of Family Values and Minors,” adopted on 17 September 2024, along with related amendments to 18 legislative acts, imposes unjustified and discriminatory restrictions on freedom of expression, including for media outlets.¹⁰ In March 2025, the Committee of Ministers of the Council of Europe called on Georgia to repeal this law.¹¹ An identical draft of constitutional law, which was initiated prior to the adoption of these legislative amendments, was also sharply criticized by the Venice Commission.¹²

Since December 2024, the process of adopting abuse legislation has become even more rapid and intense. Legislative amendments with aim of restricting freedom of expression and media activity have been actively introduced and swiftly adopted by Georgian Dream starting since February 2025. These changes include:

- The prohibition of insulting political officials and public servants;
- The prohibition on foreign funding for media outlets;
- New regulations on the so-called FARA;
- Obligations imposed on broadcasters related to “fairness and impartiality”;
- The deterioration of standards related to defamation;
- Restrictions on media activity within courts.

Specifically, the deterioration of standards related to freedom of expression has been exercised through the following legislative acts:

- Amendments to the Law of Georgia on the “Administrative Offences Code of Georgia”;
- Amendments to the Law of Georgia on “Broadcasting”;
- Adoption of a new Law “Foreign Agents Registration Act” (The so-called FARA)¹³;
- Amendments to the Law of Georgia on “Grants”;
- Amendments to the Organic Law of Georgia on “General Courts”;
- Amendments to the Law of Georgia on “Freedom of Speech and Expression.”

⁸ The Venice Commission, Opinion No. 1190/2024, CDL-PI(2024)013,

[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI\(2024\)013-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2024)013-e), [15.07.2025].

⁹ ODIHR, Opinion-Nr.: NGO-GEO/506/2024 [NR], <https://legislationline.org/sites/default/files/2024-05/30-05-2024%20Final%20ODIHR%20Urgent%20Opinion%20on%20Law%20on%20Transparency%20of%20Georgia.pdf>, [15.07.2025].

¹⁰ GYLA, The Georgian Young Lawyers’ Association responds to the legislative changes that undermine human rights, democracy, and protections against discrimination, 20.09.2024, <https://gyla.ge/en/post/saqartvelos-akhalgazrda-iuristta-asociacia-diskriminaciul-adamianis-uflebebis-da-demokratiis-tsinaagmddeg-mimartul-sakanon-mdeblo-cvlibebes-ekhmaureba>, [15.07.2025].

¹¹ The Committee of Ministers, Interim Resolution CM/ResDH(2025)31, [https://search.coe.int/cm/eng#{%22CoE-Identifier%22:\[%220900001680b499f5%22\],%22sort%22:\[%22CoEValidationDate%20Descending%22\]}](https://search.coe.int/cm/eng#{%22CoE-Identifier%22:[%220900001680b499f5%22],%22sort%22:[%22CoEValidationDate%20Descending%22]}), [15.07.2025].

¹² The Venice Commission, Opinion No. 1188/2024, CDL-AD(2024)021,

[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2024\)021-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2024)021-e), [15.07.2025].

¹³ Representatives of the Georgian Dream often point out that the aforementioned law is a translation of the Foreign Agents Registration Act (FARA), a law in force in the United States (See the Explanatory Note of the Law: <https://info.parliament.ge/#law-drafting/30320>, [15.07.2025]). This argument is used against threats and violations arising from the law is manipulative and fundamentally flawed. The issue is discussed in Chapter 1 of the Research.

This publication provides an overview of the legislative amendments related to freedom of expression and media activity that have been adopted from the beginning of 2025 until 15 July 2025, covering a period of approximately half a year. The content of each relevant legislative amendment/initiative is assessed in light of international human rights standards and obligations, as well as the prevailing legal and rights-based context in the country.

1. VIOLATIONS CAUSED BY THE SO-CALLED FARA

On 1 April 2025 the Georgian Dream Parliament adopted the Foreign Agents Registration Act (the so-called FARA).¹⁴ The new law introduces the stigmatizing term “agent of a foreign principal”, imposes obligations of registration, reporting, and labeling of disseminated informational materials, and establishes severe criminal sanctions, including imprisonment for up to 5 years for failure to comply with its provisions. The law applies not only to non-commercial and commercial legal entities but also to natural persons.

An individual may be required to register as an agent of a foreign principal if directly or through another person engages in political activity in Georgia for the benefit or in the interest of a foreign principal, and if, at the same time, acts under the direction, request, instruction, or control of a foreign principal.¹⁵

The vague and ambiguous definitions and scope provided by the law allow for excessively broad interpretation. For example:

- **Participation in Political activities** – according to the law it is defined as *“any activity carried out or to be carried out by a person with the belief or intention to influence, in any way, the Government of Georgia, any state agency or any section of the public with reference to formulating, adopting, or changing the domestic or foreign policies of Georgia, as well as any activity originating from the political or public interests, policies, or relations of a government of a foreign country or a foreign political party”*¹⁶

This definition may encompass any activity related to civic activism or participation in public debate of civil society, individuals, media or other associations. In particular, for civil society organizations and media outlets, such a broad definition may cover activities that are linked to fulfillment of their core functions. With regard to a similar definition in Russia’s so-called “foreign Agents Law,” the Venice Commission clarified that it granted the Russian authorities wide discretion.¹⁷ As a result, it was difficult for non-governmental organizations to determine which specific activities might be classified as “political” and which would not.¹⁸ Under such conditions, restrictions on freedom of association cannot be considered as “prescribed by law.”¹⁹

In judgement of the European Court of Human Rights on case of ***Ecodefence and Others v. Russia*** is highlighted how the broad definition of “political activity” allowed Russian authorities to extend its meaning to cover the ordinary work of public organizations—including

¹⁴ The Law of Georgia “Foreign Agents Registration Act”, <https://matsne.gov.ge/en/document/view/6461578?publication=0>, [15.07.2025].

¹⁵ *ibid*, Article 1.c.

¹⁶ *ibid*, Article 1.i.

¹⁷ The Venice Commission, Opinion No. 716-717/2013, CDL-AD(2014)025, [https://venice.coe.int/webforms/documents/?pdf=CDL-AD\(2014\)025-e](https://venice.coe.int/webforms/documents/?pdf=CDL-AD(2014)025-e), para 71.

¹⁸ *ibid*.

¹⁹ *ibid*.

environmental, cultural, and social initiatives. Authorities were able to qualify any activity related to the normal functioning of a democratic society as “political.”²⁰

- **Acting at the order, request, or under the direction or control of a foreign principal** – according to the order of the head of the Anti-Corruption Bureau, the term “control” may be defined as “the exercise of ownership or authority, directly or indirectly, by using voting rights, by contract, or otherwise, in a manner that allows influence over the direction or actions of a person.”²¹ The above-mentioned definition is broad and may include any contractual relationship as a basis for exercising control.
- **For the benefit of or in the interest of a foreign principal** - it is unknown how the interests of a media outlet, civil society organization, or other entity should be assessed, especially when, for example, a grant received from a foreign source is used for human rights advocacy, democratic reform, or the dissemination of information on issues of public interest in Georgia. While at first glance it may appear that the law should not apply to such cases, the Georgian Dream has consistently promoted conspiracy narratives targeting civil society, media outlet and foreign donors (see, for example, the case discussed in subsection 2.2 regarding grant projects of the British Embassy), making it likely that this provision will be interpreted in bad faith.

The examples discussed above clearly demonstrate that the law’s core terms allow for arbitrary interpretation and unforeseeable application, failing even the basic requirement of legal quality. For a restriction to be considered “prescribed by law,” the existence of a legal act is not enough. It is also important to assess the quality of the law, meaning that the law must be foreseeable and clear.²²

Such a legal framework creates a chilling effect and self-censorship environment, where organizations or individuals may refrain from engaging in discussions on issues of public importance, out of fear that such activities could be deemed “political”, or avoid relationships with foreign funding sources, for example, receiving grants or entering into contracts, due to concerns that this may be interpreted as acting under the control or in the interest of a foreign principal. As a result, the law violates the rights to freedom of association and freedom of expression, including the ability of civil society organizations, media outlets, and freelance journalists to seek funding and their freedom of expression.

Additionally, the law imposes regulations on the dissemination of information by an “agent.” If an informational material is distributed in accordance with the interests of a foreign principal, the material must clearly indicate that it is being disseminated by a foreign principal’s agent on behalf of that foreign principal.²³ Furthermore, within 48 hours of distributing such material, two copies must be submitted to the Anti-Corruption Bureau.²⁴

The freedom of expression necessarily encompasses both the right to express ideas and the right to remain silent.²⁵ By forcing persons to attach the label that they do not agree to all public communications, is infringement of a right. compelling them to express a message

²⁰ ECtHR, *Ecodefence and Others v. Russia*, 9988/13, 2022, §§ 96-100.

²¹ The Order N10 of the Head of the Anti-Corruption Bureau, 31.05.2025, Article 2, j.

²² ECtHR, *Ecodefence and Others v. Russia*, 9988/13, 2022, §90.

²³ The Law of Georgia “Foreign Agents Registration Act”, Article 4, <https://matsne.gov.ge/en/document/view/6461578?publication=0>, [15.07.2025].

²⁴ *ibid.*

²⁵ ECtHR, *Kobaliya and Others v. Russia*, 39446/16, 2024, §84.

with which they disagreed.²⁶ Given the above-discussed vagueness, it is not foreseeable which types of actions would trigger an obligation to register as an agent and, consequently, to label communications. This may lead to arbitrary use of the norms.

An extensive reporting obligation under the law, also pose additional risks. This is particularly relevant for the media. For example, during the registration process, entities are required to submit a copy of every written agreement, or, in the absence of a written contract, comprehensive information about the agreement to the Anti-Corruption Bureau.²⁷ Such a requirement could lead to the disclosure of confidential journalistic sources, especially if any form of written or oral agreement exists with a source.

According to the explanatory note of the law, its adoption was justified by the alleged inability to enforce the Law on the Transparency of Foreign Influence, necessitating a new law to fulfill the legislator's will.²⁸ Noteworthy, the Venice Commission strongly criticized the "Transparency of Foreign Influence" law, finding it incompatible with the principles of legality, necessity, and proportionality, and called on the authorities to repeal it.²⁹ These issues are relevant to the so-called FARA Law, which not only tightens liability but also serves as a tool for punishing individuals and media actors participating in public life.

The Georgian Dream frequently claims that the law is merely a translation of the law (Foreign Agents Registration Act) in force in the United States.³⁰ In fact, as the ODIHR noted, the American Act contains legal safeguards against its abuse.³¹ These safeguards are provided, among other things, by years of judicial and administrative practice, which are absent in Georgia. The law in force in the United States is mainly aimed at regulating lobbying and acting on behalf of foreign states and does not target civil society and the media.³² In contrast, in Georgia, both the rhetoric and previous actions of Georgian Dream, as well as the explanatory note to the law,³³ which explicitly connects it to "Russian Law", makes it clear that the law is intended to be used abusively. Considering the ongoing challenges with judicial independence in Georgia, such legislation is especially dangerous, as it allows the abuse and bad faith wide interpretation.

²⁶ ECtHR, *mutatis mutandis*, *Gillberg v. Sweden* [GC], 41723/06, § 86, 2012, *Kobaliya and Others v. Russia*, 39446/16, 2024, §84.

²⁷ The Law of Georgia "Foreign Agents Registration Act", Article 4.1.i <https://matsne.gov.ge/en/document/view/6461578?publication=0>, [15.07.2025].

²⁸ See the Explanatory Note: <https://info.parliament.ge/#law-drafting/30320>, [15.07.2025].

²⁹ The Venice Commission, Opinion No. 1190/2024, CDL-PI(2024)013, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI\(2024\)013-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2024)013-e), [15.07.2025].

³⁰ See the Explanatory Note: <https://info.parliament.ge/#law-drafting/30320>, [15.07.2025].

³¹ ODIHR, Georgia's foreign agents legislation raises concerns over negative impact on civil society, OSCE human rights office says, 02.04.2025, <https://www.osce.org/odihr/588667>, [15.07.2025].

³² ODIHR, Opinion-Nr.: NGO-GEO/506/2024 [NR], 38, <https://legislationline.org/sites/default/files/2024-05/30-05-2024%20Final%20ODIHR%20Urgent%20Opinion%20on%20Law%20on%20Transparency%20of%20Georgia.pdf>, [15.07.2025].

³³ See the Explanatory Note: <https://info.parliament.ge/#law-drafting/30320>, [15.07.2025].

2. PROHIBITION ON RECEIVING FOREIGN FUNDING FOR THE MEDIA OUTLETS

As a result of legislative amendments adopted in 2025, media outlets in Georgia have been effectively prohibited from receiving foreign funding. In the case of broadcasters, this prohibition is explicitly stated in Law of Georgia on “Broadcasting”.³⁴ In case of media outlets operating in the form of a non-commercial legal entity (NNLE), the restriction on foreign funding arises from amendments to Law of Georgia on “Grants”, which prohibits grant recipients from accepting foreign grants without prior government approval.³⁵

It is noteworthy that the Law of Georgia on “Transparency of Foreign Influence” (“Russian Law”), adopted in the spring of 2024, remains in force. The law designates broadcasters, print, and online media outlets that receive more than 20% of their annual non-commercial income from a foreign power as organizations “pursuing the interests of a foreign power”. It requires such organizations to register in a stigmatizing public registry and to comply with extensive reporting obligations. Violations of the law’s requirements result in heavy financial sanctions.³⁶ However, the Ministry of Justice has not yet begun active implementation of the law, including imposing administrative liability or initiating the registration process.

For media outlets not directly prohibited from receiving foreign funding, potential sources of funding may still be affected by the “Foreign Agents Registration Act”. The vague and overly broad provisions of the FARA pose the risk that, based on a bad faith interpretation, a media organization may be considered a foreign principal’s agent solely on the basis of having contractual relations with a foreign donor. (See Chapter 1 for more on the Foreign Agents Registration Act.)

The European Court of Human Rights has clarified that the ability to solicit, receive, and use funding is a fundamental aspect of freedom of association protected under Article 11 of the European Convention on Human Rights. Therefore, restrictions or prohibitions on receiving grants or other types of funding constitute an interference with the right to freedom of association.³⁷ The Court reiterates that there is a close connection between the freedoms of expression and association, as the protection of opinions and the freedom to express them are the objectives of the freedom of association.³⁸

An interference with the right to be justified, it must be “prescribed by law”, pursue one or more legitimate aims and be “necessary in a democratic society”.³⁹ If any of these criteria are not met, interference, in this case, the prohibition/restriction of foreign funding will cause a violation of fundamental rights.

The European Court of Human Rights with the Court of Justice of the European Union concur that in assessing restrictions on foreign funding for associations, a regulatory framework needs to correspond with the scenario of a sufficiently serious threat to a fundamental interest of society, which those obligations are supposed to prevent.⁴⁰ The legislation, which is based on a presumption, made on principle and applied indiscriminately, that any financial

³⁴ The Law of Georgia on “Broadcasting”, Article 66¹, <https://matsne.gov.ge/document/view/32866?publication=82>, [15.07.2025].

³⁵ The Law of Georgia on “Grants”, Article 5¹, <https://matsne.gov.ge/document/view/31510?publication=34>, [15.07.2025].

³⁶ The Law of Georgia on “Transparency of Foreign Influence”, <https://matsne.gov.ge/en/document/view/6171895?publication=0>, [15.07.2025].

³⁷ ECtHR, *Ecodefence and Others v. Russia*, 9988/13, 2022, §165.

³⁸ ECtHR, *Kobaliya and Others v. Russia*, 39446/16, 2024, §54.

³⁹ *ibid*, §68.

⁴⁰ ECtHR, *Ecodefence and Others v. Russia*, 9988/13, 2022, §166.

support are intrinsically liable to jeopardise the State's political and economic interests, is not justified.⁴¹

Accordingly, in the following subsections, the legal provisions concerning restrictions on foreign funding will be evaluated within these international standards.

2.1. Prohibition of Foreign Funding for Broadcasters

As a result of amendments to the Law on Broadcasting, the following have been prohibited:⁴²

- The receipt of direct or indirect funding from a foreign power by a broadcaster - this encompasses the receipt of monetary funds or other material assets of property value;
- The procurement of services from a broadcaster by a foreign power and/or;
- Direct or indirect financing and/or co-financing of the preparation and/or broadcasting of the program.

The law provides for certain exceptions to these prohibitions. According to these exceptions, the following are permitted:⁴³

- The placement of commercial advertisements, teleshopping, sponsorships, and product (goods/services) placements in programs by a foreign power.

The “foreign power” is defined as:⁴⁴

- A subject constituting part of the government system of a foreign state;
- A natural person who is not a citizen of Georgia;
- A legal entity that is not established under Georgian legislation;
- An organizational formation (including a foundation, association, corporation, union, or any other type of organization), or other form of association of persons that is established under the law of a foreign state and/or international law.

This prohibition applies to broadcasters, which includes television and radio broadcasting.

According to the above-discussed legal standards, it is important that any restriction serve a legitimate aim. In the initiation and adoption process of the given legislative proposal, no tangible legitimate aim or real necessity justifying such regulation was presented. The explanatory note of the draft law regarding its purpose states: *“Considering that the information disseminated by broadcasters enjoys a high degree of credibility and may significantly influence public opinion, therefore, it is necessary to restrict, at the legislative level, the receipt of funding from foreign powers by broadcasters. This will reduce the influence of foreign powers on the formation of public opinion through broadcasters”*⁴⁵

The justification provided in the explanatory note is blanket and superficial. It fails to demonstrate a link between the regulation and any legitimate aim determined by the Convention that could justify interference with a right.⁴⁶

⁴¹ *ibid.*

⁴² The Law of Georgia on “Broadcasting”, Article 66¹, <https://matsne.gov.ge/document/view/32866?publication=82>, [15.07.2025].

⁴³ *ibid.*

⁴⁴ *ibid.*

⁴⁵ See the Explanatory Note: <https://info.parliament.ge/#law-drafting/30326>, [15.07.2025].

⁴⁶ Such legitimate aims may be the interests of national security or public safety, the prevention of disorder or

However, even if, for the sake of argument, we assume that the legislature’s reasoning addresses a legitimate aim, such as national security or public safety, the restriction imposed by the law cannot be considered a measure necessary in a democratic society for achieving the aim(s).

For an interference to be assessed as necessary in a democratic society, it must correspond to a “pressing social need”.⁴⁷ Such a blanket prohibition, which, as interpreted by the European Court of Human Rights in a similar context, is based merely on a general presumption about the threats of all foreign funding,⁴⁸ without being tied to any tangible necessity or threat cannot be deemed necessary in a democratic society. This restriction deprives broadcasters of access to a significant resource that could be used to preserve editorial independence, support investigative capabilities, and ensure financial sustainability.

Therefore, the prohibition results in violations of broadcasters’ freedom of association and expression and constitutes an unjustified barrier to their operations.

2.2. Restriction of Foreign Grants

The regulations discussed in section 2.1 apply to radio and television broadcasters and do not extend to online media. Some online media outlets operate in the legal form of NNLEs and are recipients of grants. Although there is no explicit legislative prohibition on foreign funding for such media outlets, the amendments to the Law on Grants restricts access to foreign funding for these organizations.

According to the amendments to the Law on Grants, the issuance of a grant by a foreign grantor requires the consent of the Government of Georgia or an authorized person/body designated by the Government of Georgia.⁴⁹

Receiving a grant without such approval results in the imposition of a fine on the recipient, amounting to double the value of the received grant.⁵⁰

The justification for such interference fails to demonstrate any real legitimate aim that would necessitate this type of regulation in a democratic society. The explanatory note provides the following general reasoning: *“...in order to properly ensure the realization of the principles of a legal and social state within the scope of the state’s positive obligations, as well as the protection of the state’s sovereignty, including the unimpeded implementation of domestic and foreign policy supported and clearly expressed by the people (the source of authority).”*⁵¹

It is noteworthy that under the procedures for government approval of grants, the government conducts a substantive review of the submitted documentation. This entails a prior assessment, based on the submitted documents, of the grant’s purpose, volume, and the specific intended use of the funds (whether monetary or in-kind), and the determination of their compatibility with government programs, key strategic documents of the Govern-

crime, the protection of health, morals or the rights of others. See Article 10 of the European Convention on Human Rights.

⁴⁷ ECtHR, *Ecodefence and Others v. Russia*, 9988/13, 2022, §123.

⁴⁸ *ibid*, §166.

⁴⁹ The Law of Georgia on “Grants”, Article 5¹,

<https://matsne.gov.ge/document/view/31510?publication=34>, [15.07.2025].

⁵⁰ *ibid*, Article 6⁴.

⁵¹ The Explanatory Note: <https://info.parliament.ge/#law-drafting/30563>, [15.07.2025].

ment of Georgia, and the national interests of Georgia.⁵² This basically obliges the grantor and the recipient to make sure that the grant matches government programs and strategic documents in order to get approval. Such a requirement contradicts the “watchdog” role of civil society and media, which, in certain cases, may include criticism of government-defined strategies and/or priorities.

On 11 June, the British Embassy in Georgia issued a statement indicating that:⁵³

“The United Kingdom has tried, in good faith, to seek approval for several grants [...]

However, after discussion with the Georgian authorities, we have been told that the planned Government Decree establishing a procedure for grant approvals is not finalised, and therefore no mechanism or timeframe currently exists for grant approval decisions.

Due to this uncertainty, we have reluctantly had to cancel our grant plans to support the transparency and competitiveness of the upcoming municipal elections.”

The dissemination of this information was followed by unfounded attacks from Georgian Dream officials against the British Embassy, civil society organizations, and independent media. The targets of these attacks were civil society organizations: “Georgian Young Lawyers’ Association”, “Rule of Law Centre”, “Georgia’s Future Academy” and online media outlet “Tabula.” Georgian Dream officials, including the Chairperson of Georgian Dream Parliament Shalva Papuashvili, the Deputy Chairperson of Georgian Dream Parliament Nino Tsilosani, and the Georgian Dream Prime Minister Irakli Kobakhidze, made multiple statements aimed at discrediting these organizations, equating their funding with the financing of extremism.⁵⁴

The coordinated discreditation campaign directed against the funding of civil society organizations and independent media once again demonstrates that Georgian Dream intends

⁵² Resolution of Government of Georgia N 250 On the Approval of the Rules and Conditions for the Agreement with the Government of Georgia on a Grant Award by a Foreign Grantor (Donor), dated 07.07.2025, Article 10.3, <https://www.matsne.gov.ge/ka/document/view/6563350?publication=0>, [15.07.2025].

⁵³ See the post on the Facebook page of the Embassy, 11.06.2025.: <https://www.facebook.com/ukingeorgia/posts/pfbid0U6nQEYWEZiHtaGRLFndfWZdYsvx73HKUMeoQwsEZm5vcpwNTZkDRJNFqFhqwHsv7l?rldid=Is3J51gpQx-4mU1e5#>, [15.07.2025].

⁵⁴ Tabula, Papuashvili accuses British ambassador of funding extremism and interfering in elections, 11.06.2025, <https://tabula.ge/ge/news/736553-papuashvili-britanetis-elchs-ekstremizmis>, [15.07.2025]; Imedi, Nino Tsilosani: I am truly surprised by the British Embassy’s stated position that they will no longer fund the well-known destructive “NGOs”, 11.06.2025, <https://imedinews.ge/ge/politika/390016/nino-tsilosani-namdvilad-mikvirs-britanetis-saelchos-aseti-gatskhadebuli-pozitsia-imastan-dakavshirebit-rom-kvelastvis-tsnobil-destruqtsiul-enjeoebs-vegar-daapinanseben>, [15.07.2025]; Imedi, Nino Tsilosani: If the British Embassy fails to fund the Young Lawyers Association, Chergoleishvili’s Tabula, or Londa Toloraia, this will certainly not be a loss in the smooth conduct of the local government election process, 12.06.2025, <https://imedinews.ge/ge/politika/390121/nino-tsilosani-tu-britanetis-saelcho-akhalgazrda-iuristta-asotsiatsias-chergoleishvilis-tabulas-tu-londa-toloraias-ver-daapinansebs-es-namdvilad-ar-igneba-danaklisi-tvitmmartvelobis-archevnebis-protsebis-srulkopilad-chatarebashi>, [15.07.2025]; Tabula, Papuashvili to the British Embassy: Make public who you have been funding and are funding with what amount, 13.06.2025, <https://tabula.ge/en/news/736614-papuashvili-britanetis-saelchos-gaasajarovet-vis>, [15.07.2025]. Rustavi 2, Irakli Kobakhidze about the British Embassy: Like other democratic countries, external funding of political parties is prohibited in Georgia. When you fund party supplements, this is also an encouragement of extremism and will not receive support from the government, 12.06.2025, <https://rustavi2.ge/ka/news/316845>, [15.07.2025]. TV Pirveli, Irakli Zarkua - Who asks the British Embassy who to invite and who not to invite? This is nonsense, 18.06.2025, <https://1tv.ge/news/irakli-zarqu-vin-ekitkeba-britanetis-saelchos-vis-moviwvvet-da-vis-ara-es-non-sensia/>, [15.07.2025]; TV Pirveli, Shalva Papuashvili - The British Embassy does not disclose to the Georgian public how much it was funding before the 2024 elections and how much it is funding today, 19.06.2025, <https://1tv.ge/news/shalva-papuashvili-didi-britanetis-saelcho-qartuli-sazogadoebistvis-ar-asajaroebis-vis-ra-tankhit-afinansebda-2024-wlis-archevnebis-win-da-ra-tankhit-afinansebs-dghes/>, [15.07.2025].

to use this regulation as a means to restrict access to resources for media outlets deemed disloyal to the Georgian Dream.

3. REGULATORY NORMS ON THE “FAIRNESS AND IMPARTIALITY” OF BROADCASTERS

As a result of amendments adopted on 1 April 2025, Article 54 of the Law on Broadcasting introduced new vague and ambiguous norms under the concept of “fairness and impartiality.” These norms allow for arbitrary interpretation and enable substantive control over the content of broadcasters.

For example, under paragraph 4 of the mentioned article, “When covering political or other types of disputes in news and socio-political programs, the broadcaster must ensure balance within each program or across a cycle of programs. If, due to the program format, the balance is intended to be achieved across a program cycle, this must be communicated to the audience on the very first day of the program’s broadcast.” The Venice Commission, in its assessment of Hungary’s media law, raised concerns regarding whether “balance” should constitute a statutory obligation.⁵⁵ This requirement lacks clarity and imposes a complex obligation.⁵⁶

Moreover, it remains unclear how terms such as “the incorrect interpretation of differing opinions”⁵⁷ or “attacks on groups not participating in the program” are to be interpreted.⁵⁸

The obligations established by this article apply to television and radio broadcasters. Previously, such matters fell within the scope of media self-regulation. However, under the new amendments, they are now subject to the exclusive oversight of the Communications Commission. A violation of these obligations may result in a warning, fine, suspension of a license/authorization (if a warning and fine have already been imposed), or revocation (if the suspension period has expired but the violation has not been remedied).⁵⁹ It is noteworthy that the Communications Commission has repeatedly faced accusations of selective enforcement, interference in the operations of media outlets critical of the government, and imposing disproportionately high fines on them.⁶⁰ Moreover, the regulation in question is already being used against critical media.⁶¹

⁵⁵ The Venice Commission, Opinion no. 798 / 2015, CDL-AD(2015)015, para. 50, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2015\)015-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2015)015-e), [15.07.2025].

⁵⁶ *ibid.*

⁵⁷ The Law of Georgia on “Broadcasting”, Article 54.6: “When an author programme is broadcasted, the audience must be informed just before the start of the programme that it is the author programme. In an author programme, a broad range of viewpoints must be communicated to the audience, contortion of facts and incorrect interpretation of a dissenting opinion must be prevented. The host of an author programme must not use his/her status to disseminate his/her own opinion in the way that may encroach on the impartiality of the programme.”

⁵⁸ The Law of Georgia on “Broadcasting”, Article 54.9: “Invitation of only one interested party in a programme for a comprehensive study of a specific viewpoint regarding a topical issue may not be used as a means to attack groups that do not participate in the programme.”

⁵⁹ The Law of Georgia on “Broadcasting”, Articles 71-74, <https://matsne.gov.ge/en/document/view/32866?publication=81>, [15.07.2025].

⁶⁰ See the Report: GYLA et al., Human Rights Crisis in Georgia Following the 2024 Parliamentary Elections, 28 November 2024 – 28 February 2025, [15.07.2025].

⁶¹ GYLA, GYLA’s assessment of the complaints filed by the Georgian Dream against Formula and TV Pirveli with the Communications Commission, 05.06.2025, <https://gyla.ge/en/post/sachivrebi-telekompaniebiswinaagmddeg-saias-shepaseba>, [15.07.2025].

4. RESTRICTIONS ON MEDIA ACTIVITY WITHIN COURTS

On 26 June 2025, Georgian Dream adopted amendments to the Organic Law “On General Courts.”

Under the new regulation, photographing, filming, video recording, broadcasting, and audio recording within court buildings, courtrooms, and courtyards is now prohibited. These actions may only be carried out by the court itself or by a person authorized by the court.⁶²

Previously, the Public Broadcaster was authorized to freely exercise photo, film, video, and audio recording of court proceedings, except in cases where the hearing was partially or fully closed by a court ruling. The Public Broadcaster was also obliged to provide the recordings to other media outlets upon request.⁶³

Also, under the previous regulation, if the public broadcaster did not use this right, another broadcaster could do so, for which a written request was submitted to the presiding judge before the court hearing.⁶⁴

The new rules impose a blanket ban on photographing, filming, video recording, broadcasting, and audio recording within the court. In order for journalists to exercise this right in relation to any specific hearing, they must obtain permission from the High Council of Justice.⁶⁵

The principle of publicity is a fundamental component of the right to a fair trial and may only be restricted in exceptional circumstances.⁶⁶ This does not imply that the right to record or film in court is unlimited; however, it is essential that any such restriction be based on a balancing and assessment of competing interests protected under Article 6 (right to a fair trial), Article 8 (right to respect for private life), and Article 10 (freedom of expression) of the Convention.

The recent amendments to the Organic Law on General Courts do not aim to balance protected rights and interests, but instead impose a non-proportional restriction on the media’s activities and aims to obstruct coverage of cases of high public interest. This is indicated by the blanket nature of the restriction and its practical consequences:

It is particularly concerning that certain court hearings - notably, so-called first appearance hearings, are often scheduled only a few hours in advance due to short procedural deadlines. In such circumstances, media outlets may not have sufficient time to obtain a timely response from the High Council of Justice.⁶⁷ Furthermore, the law does not provide any alternative mechanism to ensure public access to court proceedings in cases where the High Council of Justice does not respond or denies permission. This bureaucratic mechanism *de facto* imposes a complete ban on photographing, filming, and audio recording of court hearings. This is further evidenced in practice, as journalists are unable to obtain authorization for photo, video, audio recordings.

⁶² The Organic Law of Georgia on “General Courts”, Article 13¹, <https://matsne.gov.ge/document/view/90676?publication=57>, [15.05.2025].

⁶³ Former Version of the Article 13¹ of the Organic Law of Georgia on General Courts <https://matsne.gov.ge/ka/document/view/90676?publication=55>, [15.05.2025].

⁶⁴ *ibid.*

⁶⁵ The Organic Law of Georgia on General Courts, Article 13¹, <https://matsne.gov.ge/document/view/90676?publication=57>, [15.05.2025].

⁶⁶ ECtHR, *Krestovskiy v. Russia*, 14040/03, 2010, §§ 24-25.

⁶⁷ GYLA, *Media Cannot Cover Cases of Persons Detained in the Context of Protests from the Courtroom*, 30.06.2025, <https://gyla.ge/post/mediis-shezgudva-sxdomebze-saia>, [15.05.2025].

5. AMENDMENTS RELATED TO DEFAMATION

On 26 June 2025 the Georgian Dream Parliament adopted amendments to the Law on Freedom of Speech and Expression concerning the adjudication of civil defamation disputes.

It is notable that criminal liability for defamation was abolished in Georgia in 2004. Currently, Georgian legislation does not exist administrative or criminal liability for defamation, which should be positively assessed.⁶⁸ Accordingly, defamation-related disputes in Georgia are only civil nature.

The Law on Freedom of Speech and Expression previously included certain guarantees and legal safeguards aimed at ensuring that civil defamation disputes were not instrumentalized to impose a non-proportional restriction on freedom of expression or/and to suppress public debate concerning public figures. The recent amendments aim to weaken or/and dismantle these protective mechanisms.

Specifically, the amendments abolished the qualified privilege for statements containing false facts.

Qualified privilege implied that a person could be partially or conditionally exempted from liability provided under the law. According to a reasoned court decision, this privilege could be revoked if it is necessary to achieve a legitimate aim.⁶⁹

Under the previous regulation, persons were granted a qualified privilege for a substantially false statement of fact if:

- a) *they had taken reasonable steps to verify the truth of the fact but were unable to avoid the error and had taken effective measures to restore the reputation of the defamed person;*
- b) *they intended to protect a legitimate public interest, and the protected value outweighed the inflicted harm;*
- c) *the statement was made with the consent of the claimant;*
- d) *the statement constituted a proportionate response to a statement made against them by the claimant;*
- e) *the statement was a fair and accurate report on an event of public concern.*

Additionally, the legislative amendments introduced the following changes:

- **The damage requirement was removed from the definition of defamation** - previously, defamation was defined as “a statement containing a substantially false fact inflicting harm on a person; a statement damaging a person’s reputation.” The new definition no longer includes the phrase “inflicting harm on a person” (the Law on Freedom of Speech and Expression, Article 1, subparagraph (e)).
- **The burden of proof in defamation cases was shifted to the defendant** - under the Article 7(6) of the former version of the law, it was stipulated that “The burden of proof for limitation of freedom of speech shall lie with the initiator of the limitation. Any reasonable doubt that cannot be confirmed under the procedure established by the law shall be resolved against the limitation of the freedom of

⁶⁸ For example, a general comment issued by the UN Human Rights Committee in 2011 calls on states to decriminalize defamation. See: General comment No.34 on Article 19: Freedoms of opinion and expression, CCPR/C/GC/34, para. 47.

⁶⁹ The Law of Georgia on “Freedom of Speech and Expression”, Article 1.v., <https://www.matsne.gov.ge/document/view/33208?publication=9>, [15.07.2025].

speech.” This provision has been removed. Furthermore, changes to Articles 13 and 14 (concerning both private and public figures) now place the burden on the defendant to prove that the statement does not contain substantially false facts. Previously, this burden rested on the claimant.

- **The guarantees of protecting journalistic source confidentiality were repealed** - Article 7(7), which stated that “It shall be inadmissible in litigation on restriction of the freedom of speech that a respondent’s denial to disclose a professional secret or its source becomes the sole grounds for making a decision against the respondent”, has been removed.

The new regulation introduces a “presumption of falsity” in defamation civil disputes. While a presumption of falsity is not a priori incompatible with freedom of expression,⁷⁰ the European Court of Human Rights defined in *Kasabova v. Bulgaria* that presumption of falsity may become unjustifiably restrictive, particularly in cases where proving the truth is difficult due to a lack of admissible evidence or the cost of obtaining such evidence.⁷¹

It is crucial to recognize that imparting information matters of public interest is one of the core functions of the media.⁷² The scope of permissible criticism of politicians⁷³ and public figures⁷⁴ is broader than the one of private individuals. The qualified privilege for false statements and the prior burden of proof provisions served to safeguard discourse on issues of public interest.

The deterioration of this standard of protection for freedom of expression is especially alarming in the context of Strategic Lawsuits Against Public Participation (SLAPPs). SLAPPs refer to groundless lawsuits initiated by politically or economically powerful individuals against engaged members of society, under the pretext of defamation, with the aim of silencing them and imposing financial burdens.⁷⁵ As SLAPPs become more prevalent in Georgia and judicial practice in such cases remains problematic,⁷⁶ the worsens of legislative safeguards renders media and civil society actors even more vulnerable to SLAPPs.

Moreover, the abolition of the provision that prohibited adverse decisions based solely on a refusal to disclose a professional secret or source undermines the content of source confidentiality. This directly contradicts Principle 4 of the Council of Europe’s Committee of Ministers Recommendation Rec(2000)7 on the right of journalists not to disclose their sources of information: “In legal proceedings against a journalist on grounds of an alleged infringement of the honour or reputation of a person, authorities should consider, for the purpose of establishing the truth or otherwise of the allegation, all evidence which is available to them under national procedural law and may not require for that purpose the disclosure of information identifying a source by the journalist.”⁷⁷

⁷⁰ ECtHR, *Kasabova v. Bulgaria*, 22385/03, 2011, §§ 59-62.

⁷¹ *ibid.*

⁷² ECtHR, *Observer and Guardian v. the United Kingdom*, 13585/88, 1991, §59.

⁷³ ECtHR, *Lopes Gomes da Silva v. Portugal*, 37698/97, 2000, §§ 30-31.

⁷⁴ ECtHR, *Drousiotis v. Cyprus*, 42315/15, 2022, §§ 51, 61.

⁷⁵ George W. Pring, *SLAPPs: Strategic Lawsuits against Public Participation*, 7 *Pace Env’tl. L. Rev.* 3 (1989), 3-4. See: GDI, *Special Report Regarding SLAPP Cases in Georgia 2023*, <https://gdi.ge/storage/files/doc/SLAPP%20Report.pdf>, [15.07.2025].

⁷⁶ See: GDI, *Special Report Regarding SLAPP Cases in Georgia, 2023*, <https://gdi.ge/storage/files/doc/SLAPP%20Report.pdf>, [15.07.2025].

⁷⁷ Appendix to Recommendation No. R (2000) 7 Principles concerning the right of journalists not to disclose their sources of information, principle 4, [https://search.coe.int/cm/#{%22CoEIdentifier%22:\[%2209000016805e2fd2%22\],%22sort%22:\[%22CoEValidationDate%20Descending%22\]}](https://search.coe.int/cm/#{%22CoEIdentifier%22:[%2209000016805e2fd2%22],%22sort%22:[%22CoEValidationDate%20Descending%22]), [15.05.2025].

6. SANCTIONING INSULTS AGAINST PUBLIC OFFICIALS AND CIVIL/PUBLIC SERVANTS

In February 2025, Article 173¹⁶ was added to the Code of Administrative Offences, which introduces administrative liability for insulting public officials, state and public servants.

Specifically, the article concerns insult against the following persons:⁷⁸

- **The public political official of Georgia** - This refers to the President of Georgia, Members of Parliament of Georgia, the Prime Minister and other members of the Government of Georgia and their deputies, members of the Supreme Representative Bodies of the Autonomous Republic of Abkhazia and the Autonomous Republic of Ajara, members of the Governments of the Autonomous Republic of Abkhazia and the Autonomous Republic of Ajara and their deputies;
- **The political official** - This refers to a state representative, a deputy state representative, an official of the municipality Sakrebulo (municipality assembly), a municipality mayor, a deputy mayor;
- **State servants and persons equated to state servants** - This includes a state representative, a deputy state representative, an official of the municipality Sakrebulo (municipality assembly), a municipality mayor, a deputy mayor; as well as heads and deputy heads of the Presidential Administration, the Government Administration, the Parliament's staff, the staff of the supreme representative bodies and Governments of the Autonomous Republics of Abkhazia and Adjara. Persons equated with state servants include heads or deputy heads of legal entities⁷⁹ under public law.
- **And/or a public servant** - This includes a qualified public officer/public officer/officer, a person employed on the basis of an agreement under public law, a person employed on the basis of an employment agreement;

This article prohibits the following actions towards the listed persons during the performance of their official duties or in relation to such duties or their professional activity:

- Verbal insult;
- Swearing;
- Persistent insults; and/or
- Other forms of offensive conduct.

The article provides for high sanctions: a fine from GEL 1,500 to 4,000 or administrative detention for up to 45 days. In case the same offence is committed again by someone already penalized under this article, the fine ranges from GEL 2,500 to 6,000 or administrative detention from 5 to 60 days (the maximum term for administrative detention). In addition, for committing an administrative offence under this article, the person shall be deprived of the right to carry weapons for up to 3 years.

⁷⁸ Law of Georgia Administrative Offences Code of Georgia, Article 173¹⁶, <https://matsne.gov.ge/document/view/28216?publication=593>, [15.07.2025], See also, Law of Georgia On Public Service, Article 3, <https://matsne.gov.ge/document/view/3031098?publication=68>, [15.07.2025].

⁷⁹ In addition to a general educational institution/school, a vocational educational institution/college or a higher educational institution, as well as legal entities under public law carrying out scientific, research, sports or religious activities and based on membership. See: Law of Georgia On Public Service, Article 3.b¹., <https://matsne.gov.ge/document/view/3031098?publication=68>, [15.07.2025].

According to the interpretation of the European Court of Human Rights, the protection of freedom of expression under Article 10 of the Convention extends also to information or ideas that offend, shock, or disturb the State or any sector of the population.⁸⁰ Naturally, this does not mean that freedom of expression is an absolute right. One of the legitimate aims for which it may be restricted is the protection of the rights of others, including the right to respect for private life as guaranteed by Article 8 of the Convention. However, even in such cases, for Article 8 of the Convention to be applicable, the attack on a person's reputation must attain a certain level of seriousness.⁸¹

According to the European Court of Human Rights, in cases of wanton denigration, where the sole purpose of the expression is to offend, the imposition of a proportional sanction may not constitute a violation of Article 10 of the Convention.⁸² Nevertheless, it is important to distinguish such denigration from offensive or provocative expressions that fall within the scope of freedom of expression, which requires careful assessment of the context in which the statement was made.⁸³

For example, in the case of **Gaspari v. Armenia (No. 2)**, the European Court of Human Rights did not consider the activist's insulting statements against a police chief, such as "hooligan, fool, brute, scum," made during a public speech, as unjustified denigration, despite their offensive, provocative, and inflammatory nature. The Court found these statements to be an emotional response to the police chief's violent actions against protestors and a form of strong criticism.⁸⁴

Also, in the case of **BON v. Croatia**, the European Court of Human Rights held that calling a public official a "real cockroach" was not sufficient grounds to justify a restriction on freedom of expression. According to the Court, the national court should have evaluated the context in which the statement was made, specially, the the statement was addressed to a public figure, made during a discussion of public interest, and represented the declarant's strong criticism and political opinion.⁸⁵

Moreover, the European Court of Human Rights does not consider politicians, police, or public institutions as groups requiring heightened protection from insults, holding up to ridicule, or defamation.⁸⁶ On the contrary, politicians and representatives of state institutions have a much higher duty of tolerance toward criticism than any other citizen.⁸⁷ This reasoning extends beyond political figures to public individuals more broadly, namely, persons who are in the public domain due to their actions or positions.⁸⁸ These principles also apply to opinions expressed on social media.⁸⁹

In the case of **Kakabadze and Others v. Georgia**, the European Court of Human Rights had reiterated that, in a democratic society, a high degree of tolerance must be shown toward critical expressions aimed at significant public officials, even when such opinions are expressed in harsh or provocative terms.⁹⁰ This reasoning of the European Court of Human

⁸⁰ ECtHR, *Handyside v. The United Kingdom*, 5493/72, 1976, §49.

⁸¹ ECtHR, *Axel Springer AG v. Germany*, 39954/08, 2012, §83.

⁸² ECtHR, *Gaspari v. Armenia (No. 2)*, 67783/13, 2023, §27.

⁸³ *ibid.*

⁸⁴ *Ibid.*, §29

⁸⁵ ECtHR, *Bon v. Croatia*, 26933/15, 2021, §37.

⁸⁶ ECtHR, *Savva Terentyev v. Russia*, 10692/09, 2018, §76.

⁸⁷ ECtHR, *Lacroix v. France*, 41519/12, 2017, §§ 44-4.9.

⁸⁸ ECtHR, *Drousiotis v. Cyprus*, 42315/15, 2022, §§ 51, 61.

⁸⁹ ECtHR, *Savva Terentyev v. Russia*, 10692/09, 2018, §79.

⁹⁰ ECtHR, *Kakabadze and Others v. Georgia*, 1484/07, 2012, §89.

Rights concerns activist Irakli Kakabadze's phrase during a demonstration in the courtyard of the Tbilisi Court of Appeals, directed at the Minister of Internal Affairs: "*Lavrentiy Beria's bastard*."⁹¹

ODIHR has criticised Article 173¹⁶ of the Code of Administrative Offences for its excessively broad and indeterminate content. According to ODIHR, references to "verbal abuse, swearing, persistent insults, and/or other offensive actions" without providing any description or definition of the meaning, nor indicating the constitutive elements of the offence appears excessively broad and subjective⁹² and could be applied and interpreted in an arbitrary manner.⁹³ ODIHR recommended that the State revise this article due to its potential chilling effect on freedom of expression, or should at a minimum, be amended to provide a more precise definition of the constitutive elements of the offences and to ensure that it only applies when the expression meets a certain threshold of severity.⁹⁴

It is noteworthy that this norm is already being applied in practice against political expression. For example, based on this provision, individuals were fined 4 000 GEL in cases where they called ruling party MPs "slaves" on social media.⁹⁵

Moreover, the court imposed 5-day administrative detention on an activist for calling an employee of the Zugdidi Municipality "focho" (in Megrelian – "fool," "idiot")⁹⁶ and "tvinge" (in Megrelian – "brainless," "simpleton")⁹⁷ in Facebook comments.⁹⁸

For comparison, in the case of *Chkhartishvili v. Georgia*, the European Court of Human Rights found the imposition of a custodial sentence (8 days of an administrative detention) to be non-proportional. In that case, the applicant had thrown beans at police officers during a protest rally with the phrase "slave gruel for the police".⁹⁹ The Court noted that the applicant was expressing his position during a peaceful protest on an issue of significant public interest, namely, the unimplemented electoral reform.¹⁰⁰ The Court also noted that the applicant's physical action, throwing beans, could not have caused harm nor was it intended to do so.¹⁰¹ Based on this background, the Court concluded that even if the interference with the right was justified, the state should have exercised particular caution when imposing custodial sanctions. In this case, the Court found that imposing detention—even for a short time—for non-violent, albeit disorderly, conduct associated with the exercise of a fundamental right was disproportionate and violated Article 11 (freedom of assembly) in light with Article 10 (freedom of expression) of the Convention.¹⁰²

⁹¹ *ibid.*

⁹² ODIHR, Opinion-Nr.: FOPA-GEO/536/2025 [TN], para 101, <https://www.osce.org/odihr/587466>, [15.07.2025].

⁹³ *ibid.*

⁹⁴ *ibid.*, para 104.

⁹⁵ Radio Liberty, Vakho Sanaia was fined 4,000 GEL for a Facebook post, 20.06.2025, <https://www.radiotavisupleba.ge/a/33449993.html>, [15.07.2025]; Radio Liberty, journalist Vika Bukia fined 4,000 GEL for status about Mariam Lashkhi, 18.06.2025, <https://www.radiotavisupleba.ge/a/33448168.html>, [15.07.2025].

⁹⁶ Megrelian-Georgian Dictionary [in 3 volumes] / Otari Kajaia; [Editorial Board: T. Gamkrelidze (Mt. Ed.) [et al.]]. - Tbilisi, Necker, 2001. - 29 cm, See: <http://www.nplg.gov.ge/gwdict/index.php?a=term&d=33&t=65354>, [15.07.2025].

⁹⁷ Megrelian-Georgian Dictionary [in 3 volumes] / Otari Kajaia; [Editorial Board: T. Gamkrelidze (Mt. Ed.) [et al.]]. - Tbilisi, Necker, 2001. - 29 cm, See: <http://www.nplg.gov.ge/gwdict/index.php?a=term&d=33&t=65354>, [15.07.2025].

⁹⁸ Publika, activist from Zugdidi was arrested for 5 days for calling a city hall employee a "focho" in a FB comment, 09.07.2025, <https://publika.ge/aqtivisti-fb-komentarshi-meriis-tanamshromlistvis-fochos-wodebis-gamo-5-dghit-daapatimes/>, [15.07.2025].

⁹⁹ ECtHR, *Chkhartishvili v. Georgia*, 31349/20, 2023.

¹⁰⁰ *ibid.*, §59.

¹⁰¹ *ibid.*

¹⁰² *ibid.*, §§ 60-62.

In light of this judgement, the use of 5-day administrative detention for a comment on social media that falls within the bounds of permissible criticism: addressed to a public offer, aimed at expressing a political position, and containing no incitement to violence or obscene content, even if expressed in harsh terms, again illustrates how the perspective of human rights, including the European Court of Human Rights' standards and interpretations, is disregarded in the interpretation and application of the law.

In view of the reasoning above and ODIHR's recommendations, it is clear that the sanctioning of such expressions and the imposition of particularly strict penalties, especially when the disputed expression is part of political discourse, directed at public figures, and, in some cases, does not even involve obscene or particularly severe forms of expression, indicates a violation of freedom of expression, suppression of political discourse, and instrumentalisation of the law against legitimate criticism.

It is noteworthy that the MIA and the courts actively use this article and its high sanctions against publicly known individuals, which may suggest an attempt to create self-censorship in society regarding strong political expression through high-profile cases.¹⁰³

CONCLUSION

Legislative amendments adopted by the Georgian Dream significantly and unjustifiably restrict freedom of expression and obstacle media activity.

- The so-called FARA contains broad and vague provisions that foster self-censorship and enable the arbitrary application of stigmatizing designations, extensive reporting obligations, and other duties and criminal sanctions, including against freedom of expression and media activities.
- Foreign funding of civil society and media outlets has become one of the primary targets of legislative amendments. Restrictions on such funding are introduced through several legal acts, including the Law on Broadcasting, which explicitly prohibits broadcasters from receiving foreign funding. For other types of media outlets, relevant limitations derive from the so-called FARA and the amendments to the Law on Grants, which make access to funding contingent upon government willingness. These regulations place media outlets critical to the government at risk and encourages them to voluntarily refuse foreign funding to avoid being labeled as "agents."
- The newly introduced and ambiguous regulation of "fairness and impartiality" under the Law on Broadcasting creates a risk of arbitrary sanctions and unjustified content control targeting critical broadcasters.
- The new rules regulating photo, video, film recording, broadcast, and audio recording within court buildings, courtrooms, and courtyards effectively prohibit such activities in practice. These provisions disregard the obligation to balance the right to a fair trial, respect for private life, and freedom of expression, and appear aimed at preventing coverage of cases of high public interest.
- Amendments concerning defamation under the Law on Freedom of Speech and Expression weaken the legal safeguards intended to protect public discourse and render the media (and other actors) more vulnerable to SLAPPs.

¹⁰³ GYLA, Prosecution of Cases for Evaluative Judgments Expressed Against Politicians Creates a Precedent for Mass Censorship, 12.07.2025, <https://www.gyla.ge/en/post/cenzuris-precendentebi-gyla>, [15.07.2025].

- The criminalization of insulting public officials and public offers constitutes an interference with freedom of expression and is incompatible with the case law of the European Court of Human Rights. The practical enforcement of Article 173¹⁶ of the Code of Administrative Offenses, coupled with the imposition of high administrative sanctions for permissible forms of expression, demonstrates an intention to create a chilling effect and to foster self-censorship.

Legislative amendments against freedom of expression form part of a broader, growing, and acute crisis of democracy and human rights, and serve as an instrument in the hands of Georgian Dream party to suppress dissent opinions and civic engagement.