

Request for the Activation of the Rapid Response Mechanism From the Civil Society Members of the Open Government Georgia's Forum

Submitted on November 1, 2018

We, the undersigned non-governmental organizations, are writing to call your attention to grave concerns about the state of degrading democratic environment in Georgia and call for your swift response in regards to the acute violation of core OGP values and the blatant attacks on the civil society space. We would like to notify you, that we, being members of the National Coordination Mechanism - Open Government Georgia's Forum since it was formed are officially withdrawing our membership, temporarily for now, until we see signs of improvement.

Hereby, we would like to request to launch the OGP Rapid Response Mechanism. This document is structured as outlined in the OGP Rapid Response Mechanism policy document approved by the OGP Steering Committee on September 14, 2018.

a. A description of the persons or entities filing the request

1. **Transparency International Georgia:** TI Georgia is a national chapter of Transparency International (TI), the only international non-governmental organization devoted to combating corruption. It brings together civil society, business, and governments in a powerful global coalition. TI, through its International Secretariat and more than 90 independent national chapters around the world, works to stem both the supply and demand of corruption at the local, national and international levels.
2. **Institute for Development of Freedom of Information:** IDFI is as a watchdog/think-tank organization, combining monitoring and analytical skills with evidence based advocacy, strategic litigation, awareness raising and consulting activities as well as growing international impact. Since 2009 IDFI has been conducting high-quality, independent research and, based on this research, provides innovative, practical recommendations that strengthen democracy in Georgia and neighboring countries and foster economy and social welfare. IDFI is known internationally as an organization specialized in promoting open and democratic governance.
3. **Georgian Young Lawyers Association:** GYLA is watchdog/think tank type organization mainly focused on human rights. Organization's activities cover five strategic fields: legal aid, strategic litigation, good governance, human rights and legal education. GYLA has 25 years of experience of human rights activism, research, strategic litigation (on local and international levels),

awareness and advocacy campaigns, monitoring of elections and various governmental projects (including reforms in law enforcing and security apparatus).

4. **Open Society Foundation:** The OSF supports growth of independent media, protection of human rights, respect for the rule of law, development of the health sector and social integration of ethnic minorities and marginalized groups.
5. **The Economic Policy Research Center (EPRC):** EPRC founded in 2002 is a leading economic think tank in Georgia, striving to improve prosperity through rigorous economic policymaking, advancement of security and Euro-Atlantic Integration and by promoting public engagement through education. EPRC's researchers and their analytical outputs serve as reliable sources of information on the state of Georgia's economy for the national community of practitioners, various international organizations, students and the academia.
6. **Civil Society Institute:** Civil Society Institute (CSI) is one of the leading NGOs in Georgia, known for high performance and wide scope of activities. Established in 1996 CSI facilitates the formation and development of civil society and a democratic state by promoting democratic values and the rule of law, educating social actors and increasing their civic activism and creating an enabling environment for civil society organizations.
7. **The Partnership for Road Safety:** Georgia's leading road safety organisation. It strives to make Georgia's roads safe for all road users and to drastically reduce Georgia's high number of traffic injuries and casualties. Its mission is to mobilize the joint efforts of the state, private and NGO sectors in order to reduce traffic accidents, to advocate and inform the society and media about road safety issues of importance, to promote road safety culture and to support youth road safety education. Through numerous projects, the organization has built a network of supporting government institutions, NGOs, media, private sector organizations and high-profile individuals.

b. Information regarding the filer's activities or involvement in OGP at the local, national or international level

All of the organizations filing in this Rapid Response Request are CS members of the Open Government Georgia's Forum and have been actively involved in the Open Government Partnership since its introduction in 2012. The filing organizations are also members and active contributors in the parliamentary and sub-national tracks of OGP in Georgia.

The Executive Director of IDFI, Giorgi Kldiashvili, is currently a CS Steering Committee Member and former CS co-chair of the OGP Forum in Georgia. The Deputy Executive Director of Transparency International Georgia, Giorgi Oniani, is incumbent CS co-chair of the Forum.

c. A description, or explanation, of the practices, or conduct, giving rise to the request and how they violate OGP values

We would like to bring to your immediate attention the recent outbreak of open and unprovoked waves of attacks against local NGOs in Georgia. An important consideration is that this aggressive rhetoric has intensified in response to a [joint statement](#) made by major Georgian NGOs on October 1, 2018. The civil society criticism was mainly focused on the problems of high-level corruption, informal governance, and effective state capture by the leading elite.

Though not exhaustive, the following list of documented instances of attacks against the CSOs (most of them members of the Forum) is very alarming and indicative of a coordinated attempt to discredit the civil society space:

- [October 2, 2018](#): Irakli Kobakhidze, the Chairman of the Parliament of Georgia, accuses the leadership of the major non-governmental organizations of having “biased political views” and labels them “a political union” that wouldn’t even get 1% in the elections
- [October 3, 2018](#): The Minister of Justice, Tea Tsulukiani, makes a public statement that the major non-governmental organizations have political ambitions and that the Ministry of Justice is ready to register them as political parties
- [October 8, 2018](#): Irakli Kobakhidze, the Chairman of the Parliament of Georgia, refers to NGOs as politically motivated and ‘accomplices of fascism’
- [October 9, 2018](#): The Mayor of Tbilisi, Kakha Kaladze, makes a slanderous statement alluding that some of the NGOs in Georgia are in the service of the opposition party
- [October 22, 2018](#): The Minister of Justice, in response to a question about the state of democracy asked during a Q&A session at the Anti-Corruption Conference, refuses to answer the question and instead opts to attack and slander the head of Transparency International Georgia
- [October 23, 2018](#): Bidzina Ivanishvili, chairman of the ruling party, refers to the representatives of non-governmental organizations as ‘active members of the [opposition party] National Movement’

Our overriding and foremost concern is that most of these attacks are facilitated and encouraged by high-level officials, including but not limited to several members of the ruling party, Chairperson of the

Parliament of Georgia and the Minister of Justice. Unfortunately, the Minister of Justice who at the same time represents Government of Georgia at the OGP Steering Committee and is our counterpart at the OGP process has also chosen to use the OGP venue at IACC, on October 22 to voice unsubstantiated accusations and again attack the civil society space in Georgia. It is also very concerning that this aggressive discourse was adopted by regular Members of the Parliament and that a number of untraceable pages appeared on various social networks that employed the same slanderous and belligerent rhetoric against the civil society space.

To our greatest disappointment, the Minister of Justice's aggressive and mendacious style of communication and the government representatives' coordinated attack on the active civil society organizations diminishes a possibility of constructive cooperation between the government and the civil society – an imperative component of democratic reforms in the country. Such behavior is fundamentally incompatible with the OGP spirit of co-creation and principle of supporting and enabling civic participation.

It is to be noted that the government's aggressive rhetoric against civil society has faced a major backlash at the international level, with many human rights organizations [calling](#) on the Government of Georgia to put an end to such attacks and refrain from organising smear campaigns against defenders and other civil society activists and firmly condemning such campaigns where organised by non-state actors. Below is a non-exhaustive list of support expressed to us that further attests the scope of orchestrated attacks against the civil society space in Georgia:

- [George Kent](#) (Deputy Assistant Secretary of State for Eastern Europe and the Caucasus, US Department of States): "Politicians should not be attacking members of Civil Society, calling them Fascists and I said this to their [Georgian Dream's] politician who has done it several times."
- [David J. Kramer](#) (Senior Director for Human Rights and Human Freedoms at the McCain Institute, former United States Assistant Secretary of State for Democracy, Human Rights, and Labor): "The Government of Georgia should stop its attacks on Transparency International Georgia and on the civil society space. these attacks and the labelling of 'fascism', as well as threats against specific individuals, harms the democracy of Georgia and its reputation as a country with strong civil society."
- [Laima Andrikiėnė](#) (the head of the delegation from the European Parliament): "We welcome the high level of engagement by the independent civil society organizations, especially those observing the electoral process. We note with great concern that some of them have been targeted by intense verbal attacks despite or maybe because of the quality of their work. Georgia, a country which aspires to join the European Union can not have its highest office holders calling citizen observer organizations accomplices of fascism. Words have meaning and Georgian

citizens deserve more than such language. A thriving democracy needs a vibrant and independent civil society which must be heard, trusted, protected and supported in its important work. This is what the European Union is committed to and this is what we will keep doing in the years ahead.”

- [International Election Observation Mission](#): “During the pre-election period, citizen observer groups faced intense verbal attacks on their work and representatives by high ranking members of the ruling party and senior public officials”
- [Transparency International](#): “Transparency International is alarmed by recent indications of increased state capture in Georgia and verbal attacks on civil society by prominent members of government... Following the revelations, and a call by the leading civil society organizations for the Georgian authorities to launch an investigation into the allegations, in an apparent attempt to divert attention, the Executive Secretary of Georgian Dream and chairperson of the Georgian Parliament, Irakli Kobakhidze, labelled the leaders of the civil society organizations, including TI Georgia, “supporters of Fascism.”
- [Oya Ozarslan](#) (Board Member of Transparency International): “It is in the middle of Europe and civil society can be easily attacked by a government in international conference! This is on its own an indication that civil society space is shrinking around the world. It cannot be accepted”.

We believe that open government is a process that requires ongoing and sustained commitment, and we have always demonstrated that we are ready to act in good faith and uphold these principles. We also acknowledged the importance and impact of public consultations and always participated in them with the government in good faith. Nevertheless, the Government of Georgia has also failed to acknowledge the civil society as a partner in co-creation in process of adoption of the 2018-2019 OGP National Action Plan (NAP). Ambitious commitments that all NGOs agreed to were ignored. As a result, none of the NGOs supported the Government’s final proposed version of the NAP, as it lacked substance and included only minor, unambitious commitments. Moreover, the 2018-2019 OGP NAP did not get the civil society endorsement, unlike it has been falsely reported on by the Government of Georgia. Though, the civil society participants aimed at being fully constructive and remained engaged to the very end, our most important proposal on which there was a consensus among the civil society organizations, on establishing a high-level anti-corruption institution, or at least to start a feasibility study with the aim of finding best institutional solution to responding to the high-level corruption challenge in the country - has not been taken into account.

To our greatest regret, in spite of our best combined efforts, the government is showing no signs of retracing from their current aggressive course and is instead opting to further step up its smear campaign. In light of these aggravating circumstances and the government’s failure to uphold OGP core values, the

high government officials (among them the Minister of Justice of Georgia) with their aggressive rhetoric and attacks on civic space have left no choice for us to call upon immediate action to be rendered against the Government of Georgia through the Rapid Response Mechanism, including exploring the possibility of temporary termination of its membership in the Partnership.

d. The source(s) of all information submitted in support of the request, including copies of relevant documents, audio or video recordings.

- 1) Statement by Tea Tsulukiani, June 10, 2018,
https://www.youtube.com/watch?v=ilz3grDgY0Y&feature=youtu.be&fbclid=IwAR3p6Q_I8-2tdFQyYYbiCIFYfFajif08KhSEgKu5lxeKIP8ltYDhEZ4auoo
- 2) Statement by Irakli Kobakhidze, October 2, 2018, available in English at
<https://www.interpressnews.ge/en/politicss/98292-irakli-kobakhidze-calls-ngo-sector-a-political-union-of-certain-citizens.html?ar=A&rund=1538637222>
- 3) Statement by Tea Tsulukiani, October 3, 2018, available in English at
<https://1tv.ge/en/news/tea-tsulukiani-behavior-12-ngos-casts-shade-civil-society/>
- 4) Statement by Irakli Kobakhidze, October 8, 2018, available in English at
<https://1tv.ge/en/news/irakli-kobakhidze-who-covers-up-to-fascism-is-an-accomplice-of-fascism/>
- 5) Statement by Kakha Kaladze, October 9, 2018, available in Georgian at
<https://www.interpressnews.ge/ka/article/515596-kaxa-kalaze-arasamtavroboebi-ziritadad-shekmnilia-nacmozraobis-mier-isini-an-xiblishi-arian-an-valshi-ar-unda-gagvikvirdes-mati-sichume-amazrzen-gancxadebaze/>
- 6) TI Georgia Statement:
<https://www.transparency.ge/en/post/state-obliged-create-safe-environment-civil-society>
- 7) Statement by Tea Tsulukiani, October 22, 2018, available in English at
<https://www.facebook.com/TransparencyInternationalGeorgia/videos/191375408422176/>

- 8) Statement by Bidzina Ivanishvili, October 23, 2018, available in English at <https://www.transparency.ge/en/post/governments-coordinated-attack-civil-society-harms-democracy-georgia>
- 9) Statement by David J. Kramer, available in English at <https://frontnews.eu/news/en/39617/David-Kramer-Georgian-government-needs-to-stop-attacks-on-the-society>
- 10) Statement by Laima Andrikiienė, available in English at <https://www.youtube.com/watch?v=ojZJIHUt6w&feature=youtu.be&fbclid=IwAR2bAmlp1ayWhloV3YaWs6XJQmgbTjZd3xbIzU5IAsyXla4SZDECL8IWvEs>
- 11) Statement by ODIHR, available in English at https://www.facebook.com/flx/warn/?u=https%3A%2F%2Fwww.osce.org%2Fodihr%2Felections%2Fgeorgia%2F401369%3Fdownload%3Dtrue%26fbclid%3DIwAR1YlpTlq4DwFvjpXUyVAdgilwq8sIYdnez6yKDEIJ2xHEL307NJVQSntLo&h=AT0H_gKw7AMpC7SO895D3Z3vVM6U63RrlvoNFqHcmccEY1pWaHWJGLDv3gG7ilhLP208sCqx_kjaniWQYU6txJDz8P2jIkylrxUabjQkEyw2Tr2qDg_emCYh4jcQUkjBiyplbw
- 12) Statement by Patricia Moreira, available in English at https://twitter.com/moreiratricia/status/1054989140524187648?s=12&fbclid=IwAR2bllpH_KvGZ4I2t8T9VhQaFFsU2yYQyMBSWLq6linsf0_Ss5gGB9GAof4
- 13) Statement by Delia Ferreira, available in English at <https://twitter.com/deliaferreira/status/1054837661473652739?s=12&fbclid=IwAR2hTFc5LmXT9xu3Lv3BI1MGkQWsBgAJVCRnBuYhD6sW3JH-7yjC1lxNN3k>
- 14) Statement by George Kent, available in English at <https://www.facebook.com/TransparencyInternationalGeorgia/videos/319925525461859/>
- 15) Statement by Oya Ozarslan, available in English at <https://twitter.com/OyaOzarslan/status/1055420187468619776>

This document has been signed and submitted by the following non-governmental organizations:

1. Transparency International Georgia
2. Institute for Development of Freedom of Information
3. Georgian Young Lawyers Association
4. Open Society Foundation
5. The Economic Policy Research Center (EPRC)
6. Civil Society Institute
7. The Partnership for Road Safety