

Draft Proposal: Recommendations for Stage One Actions by the OGP Criteria and Standard Subcommittee

5 April 2024

As outlined in the [Review Report](#) adopted by the Criteria & Standards (C&S) Subcommittee on 16 February 2024, [the concerns raised by Georgian civil society](#) are relevant to the values and principles of OGP and the evidence points to their veracity. In line with the Response Policy, the C&S Subcommittee is to develop recommendations for “stage one actions”, which may include diplomatic outreach, offering technical assistance, seeking support from relevant multilateral partners, and, jointly with the subject government, developing a work plan with regular check-ins and a timeline to address issues highlighted in the concern.

Of the concerns raised in the Letter of Concern, those around the Law on Transparency of Foreign Influence, attacks on journalists and media independence, and limited freedom of information are of direct relevance to OGP’s Response Policy. Although the Law on Transparency of Foreign Influence was at first withdrawn, it has since been reintroduced as of April 2024 and additional concerns on the introduction of [other legislation that may curb fundamental freedoms](#), and broader issues raised in the concern, such as the erosion of democracy, including the independence and efficacy of state institutions, as well as violations of fundamental rights and freedoms, remain pertinent.

These concerns are at the core of OGP values outlined in the Open Government Declaration, which include “protecting the ability of not-for-profit and civil society organizations to operate in ways consistent with our commitment to freedom of expression, association, and opinion”. An environment conducive to civic participation necessitates the preservation of freedoms such as expression, association, opinion, and privacy. Engaging in verbal or physical attacks, or introducing legislation that threaten these freedoms, the safety, or otherwise hinder the ability of CSOs and journalists to operate, contradicts the principles of open government, erodes trust in governmental bodies among citizens, and jeopardizes the safety of these individuals and their vital societal contributions.

In light of these concerns and in alignment with OGP’s Response Policy, the C&S Subcommittee invites the Government of Georgia, in collaboration with the

Subcommittee and Support Unit, to develop a work plan aimed at addressing the issues raised in the concern, including:

- The withdrawal of current or proposed legislation that discriminates, stigmatizes, or hinders the freedom of expression and association of civil society organizations, media representatives and vulnerable groups.
- Safeguard freedoms of expression and assembly, the space for civil society and their ability to operate without physical and verbal attacks.

In developing the workplan, the Government of Georgia can consider the following recommendations issued by third parties, that are relevant to the concerns raised, and grounded on the values of the [Open Government Declaration](#) that all OGP members commit to uphold:

- Improve the protection of human rights including by [adopting and beginning to] implement an ambitious human rights strategy and ensuring freedom of assembly and expression [\[European Commission\]](#).
- [Moving forward], launch impartial, effective and timely investigations in cases of threats against the safety of vulnerable groups, media professionals and civil society activists, and bring organizers and perpetrators of violence to justice [\[European Commission\]](#).
- Consult and engage with civil society, allowing for their meaningful involvement in legislative and policymaking processes and ensure they can operate freely [\[European Commission\]](#). Note: this should focus on ensuring that a do-no-harm-principle is upheld in legislative and policymaking processes in so far as these directly or indirectly impact the exercise of the freedoms of assembly and expression.
- Ensure enforcement of the existing framework for access to public information and review the overall legal framework [derived from the European Commission, [page 19 of this report](#)]. Note: this includes ensuring that all relevant regulations are effectively enforced in practice, with special regards to the Rules of Procedure of the Government of Georgia and the General Administrative Code.
- Cease all stigmatization of human rights defenders and delegitimization of their work through public statements [Official Georgia Visit Report of the United Nations Special Rapporteur on Human Rights Defenders, [page 16 of this report](#)].

Such a work plan should be developed in the next 30 calendar days from the date this proposal is approved by the C&S Subcommittee, and include clear milestones and a timeline for their implementation over the next six months.