

OGP Response Policy Concern Report: Georgia
Approved by Criteria and Standards Subcommittee on 16 February 2024

I. Background:

On 13 April 2023, nine civil society organizations forming part of the Open Government Interagency Coordination Council of Georgia (heretofore referred to as "Council") submitted a Letter of Concern (heretofore referred to as "Letter to the Steering Committee of the Open Government Partnership (OGP)).¹ The Letter argued that in the last several years the “Government of Georgia has openly demonstrated profound incongruences with regard to the OGP’s fundamental documents”² such as the Open Government Declaration and Articles of Governance.³ The full Letter of Concern is attached as Annex 3.

The key areas of civil society concern laid out in the letter are as follows: 1). The narrowing space for civil society organisations, human rights activists, and critical media; 2). Infringements of fundamental freedoms, notably freedoms of association and expression, and the right to privacy; 3). Restricted access to information; 4). The undermining of judicial independence; 5). The stalling of the national OGP process and open governance reforms. The Letter of Concern also raised concerns regarding the 12 reform priorities outlined by European Commission for Georgia to obtain candidate status for EU membership and stressed the relevance of the claims presented in the letter for Georgia’s democratic reform agenda.⁴

The main part of the Letter concerns specific legislative proposals, namely the ‘Law of Transparency of Foreign Influence’ and the draft ‘Law on Registration of the Foreign Agents’ and civil society’s concern over the authorities’ “political, verbal, and institutional support” for these proposals. On 10 March 2023, following the passing of ‘Law of Transparency of Foreign Influence’ at its first parliamentary hearing, numerous member organisations suspended their membership in the Parliament's Consultative Group of the Standing Council of Open Government, noting that they

¹ The list of signatory organisations of the Letter of Concern include: Civil Society Institute, Economic Policy Research Center, Georgian Democracy Initiative, Georgian Young Lawyers’ Association, Green Alternative, Institute for Development of Freedom of Information, Partnership for Road Safety, Social Justice Center, Transparency International Georgia. The letter is attached to this report as Annex 3 and also available online at: https://www.opengovpartnership.org/wp-content/uploads/2023/04/Georgia_Letter-of-Concern_20230413.pdf, accessed on 1 November 2023.

² *Ibid.* pg. 1.

³ Open Government Partnership Articles of Governance, available at: https://www.opengovpartnership.org/wp-content/uploads/2019/06/OGP_Articles-of-Governance_2019.pdf, Open Government Declaration, available at: <https://www.opengovpartnership.org/process/joining-ogp/open-government-declaration/>, accessed on 1 November 2023.

⁴ Communication From the Commission to the European Parliament, the European Council and the Council. Commission Opinion on Georgia's Application for Membership of the European Union, COM(2022) 405 final, 17 June 2022, Brussels, available at: <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-06/Georgia%20opinion%20and%20Annex.pdf>, accessed on 1 November 2023.

“no longer see the possibility of continuing the format of cooperation with the parliamentary majority”.⁵

The Letter of Concern refers to an increase in attacks on representatives of civil society organisations, including OGP Council/Forum member CSOs, by the Government of Georgia, referring to them as “non-transparent, destructive, and provocative”. It also points to the government’s demonising statements undermining the credibility and the work of civil society organisations. In this regard, the Letter notes that there is “no room left to establish a true and equal co-creation OGP process in the country. Besides, the Government made it evident that there is no genuine political will to undertake commitments, as part of the new Action Plan, that are ambitious and go beyond the government’s current practice, as it is prescribed in the OGP Articles of Governance”.

On 7 August 2023, the Georgian government submitted its official response to the Letter of Concern. On behalf of the government of Georgia, Revaz Javelidze, the Head of Administration of the Government of Georgia clarified that the scope of the response is limited to OGP Georgia’s Action Plan process and that most issues stated in the Letter “are subject of the political discussion.” The response insists that the OGP platform in Georgia must be separated from political discourse. It states that NGOs refused to participate in OGP Georgia’s Council despite several requests from the government for them to do so, because the government did not fully agree to all their recommendations. According to the response letter, government institutions fully or partially agreed to 33 NGO recommendations out of 45.

The response cited the Covid-19 pandemic, local elections in October 2021 and preparations for the EU membership application as factors contributing to the delay in formulating the OGP Action Plan. The letter also expressed readiness of the Administration of the Government of Georgia to invite the OGP Georgia’s Council when agreed with the Council member NGOs. The full response of the government is attached as Annex 4.

On 25 September 2023 Georgian civil society submitted its Feedback to the Government of Georgia’s Formal Response to the Letter of Concern. The letter refers to the government attempt “to portray Action Plan development process as the main concern of the Letter” and underscores the primary concern of civil society: a shrinking space for non-governmental organizations and media that hinders the scope for any criticism; and restricting access to information for citizens. Civil society insists that the government’s reference to its incorporation of 33 out of 45 NGO suggested commitments is inaccurate and it provides counter evidence to these claims.

This Report was drafted as part of the OGP’s Response Policy, which was initiated by the civil society Letter of Concern. The purpose of the Response Policy is to ensure that all participating countries uphold OGP values and principles, as expressed in OGP’s foundational documents, specifically the Open Government Declaration and

⁵ Statement of Civil Society Organizations on Suspending Membership in the Consultative Group of the Parliament of Georgia, Institute For Development of Freedom of Information (IDFI), available at: https://idfi.ge/en/statement_of_civil_society_organizations_on_suspending_membership_in_the_consultative_group_of_the_parliament_of_georgia, accessed on 1 November 2023.

the Articles of Governance. According to the OGP Response Policy, the criteria for responding to a Letter of Concern are as follows:

1. Establish the veracity of the information by cross-referencing concerns with government, civil society, IRM researchers and third parties, including UN bodies, according to the nature of the issue.
2. Establish the relevance of the concern to the Open Government Declaration and OGP's Articles of Governance – i.e., is the matter being reported directly undermining fulfilment of the nation's commitment to OGP principles, thereby calling into question the process of its OGP participation.
3. Check with previous OGP data points, such as cross-referencing with the findings of the most recent IRM report on the country, including the national context section.
4. Assess whether an OGP intervention could have the desired impact in a country or is necessary to protect the credibility of OGP.

The review team's process involved reviewing OGP's Article of Governance and the Open Government Declaration, establishing the veracity of the information by reviewing civil society, government, media, and United Nations sources, as well as the response letter submitted by the Government of Georgia. The report details the findings of the review team.

II. Relevance of the Letter of Concern to the Open Government Partnership:

Georgian civil society's Letter of Concern states that "in the period of the last several years, the Government of Georgia has openly demonstrated profound incongruences with regard to the OGP's fundamental documents by reducing space for civil society organisations, human rights activists, and critical media, infringing on fundamental freedoms, notably freedom of association and expression, and the right to privacy, restricting access to information, undermining the independence judiciary, and stalling the national OGP process and hindering open governance reforms at the central government level withal".

The impact of these concerns on the OGP process in Georgia is apparent. In the wake of the government's verbal, political, and institutional support of the Law on Transparency of Foreign Influence, several civil society organisations decided to suspend their membership in the Consultative Group of the Standing Council of Open Government of the Parliament of Georgia. In addition, civil society declined invitations of the Administration of the Government of Georgia to OGP Georgia's first Council meeting.⁶

The essence of the OGP's mission and its multistakeholder structure lies in fostering cooperation with civil society. Civic participation stands as one of OGP's fundamental

⁶ According to the Feedback to the Government of Georgia's Formal Response to the Letter of Concern, invitations were sent on 22 February and 13 March 2023 respectively. On 22 February MPs registered legislative proposal "On Registration of the Foreign Agents", an even more severe version than the first draft, as it applied to natural persons and legal entities and envisaged criminal liability. In particular, non-fulfilment or improper fulfilment of the obligations stipulated in the law would be punishable by a fine or imprisonment for a term of up to 5 years.

principles, and this requires a conducive environment that upholds freedom of expression and freedom of association, as articulated in the Open Government Declaration: “We commit to 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”.⁷

In addition to the Letter’s relevance to OGP's core values and principles, the letter relates to the OGP's Articles of Governance, which outline that “all Participating Countries commit to:

- “b). Co-create an Action Plan through a multi-stakeholder process, with the engagement of citizens, civil society, private sector, and other entities;
- c). Make commitments, as part of an Action Plan, that are ambitious and go beyond a government’s current practice.”

OGP’s letter sent to the Government of Georgia on 7 February 2023 reports that the OGP Support Unit did not receive a new action plan from the Government of Georgia by the deadline of December 31, 2022. With this delay, Georgia has acted contrary to the OGP process for the 2022-2024 cycle.⁸ The OGP letter further states that Georgia thus acted contrary to the OGP process for two consecutive action plan cycles.

“Georgia has now acted contrary to the OGP process for two consecutive action plan cycles, failing to deliver an action plan in the 2021-2023 cycle as well. A copy of the letter notifying the previous occurrence is enclosed for your records. In line with OGP policy, Georgia will now be placed under review by the OGP Criteria & Standards Subcommittee (C&S). This review process involves enhanced scrutiny and support by the C&S, the OGP Support Unit and the OGP Steering Committee in order to help address the issues that have led to Georgia being placed under review.”⁹

With regards to the co-creation process, the civil society’s concerns expressed in the letter are relevant to OGP Participation and Co-Creation Standards which states that:

“Collaboration between government, civil society and other stakeholders (e.g., citizens, civil society organizations, government departments, subnational governments, parliament, academics, private sector, etc.) is at the heart of the OGP process”.¹⁰

⁷Open Government Declaration, Open Government Partnership, available at: <https://www.opengovpartnership.org/process/joining-ogp/open-government-declaration/>, accessed on 1 November 2023.

⁸ OGP Letter to the Government of Georgia, Open Government Partnership, available at: https://www.opengovpartnership.org/wp-content/uploads/2023/02/Georgia_Under-Review-Letter_20230207.pdf?fbclid=IwAR2cAgI2c_XcIDhP1oOKKtPBsbiWinC3aLWJlIm6rQb5h8Tt6CHHy6W7ZLM, accessed on 1 November 2023.

⁹ *Ibid.*

¹⁰ OGP Participation and Co-Creation Standards, Open Government Partnership, available at: <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>, accessed on 1 November 2023.

The C&S Subcommittee finds that Civil society’s arguments concerning the narrowing space for civil society organisations, human rights activists, and critical media; infringements of fundamental freedoms, notably freedoms of association and expression, and the right to privacy; restricted access to information; and the undermining of judicial independence are all relevant to OGP values and principles. The lack of response on OGP’s behalf might bear reputational risks for the credibility of the organization.

III: Establishing the Veracity of the Complaint

In its official response to the Letter of Concern, the Government of Georgia responds to a number of concerns raised by civil society with regards to: the creation of anti-corruption agency with investigative functions; the adoption of a stand-alone Law on Freedom of Information; joining the Extractive Industries Transparency Initiative (EITI); and increasing transparency of the system of issuing government grants. The government generally acknowledges the Letter’s concerns and does not seek to factually invalidate each CSO claim, but suggests the complaints are ‘political’ and divorced from OGP Georgia’s Action Plan.

1. Law On Transparency of Foreign Influence

The civil society Letter of Concern outlines that the authorities expressed political, verbal, and institutional support for the Law on Transparency of Foreign Influence.¹¹ The claims are credible as demonstrated by the coverage of a number of local and international organisations and the media.¹² Civil society's assertions concerning widespread criticism of the legislation are factually correct.¹³ The prevailing sentiment in both local and international discourse, as articulated by civil society representatives, revolves around the imminent threat of this law constraining civil society¹⁴, hindering its operations, and undermining the vital contributions it offers to the development of Georgian democracy.¹⁵

¹¹ “Analysis: Georgia ‘foreign agent’ law threatens media freedom and civil society”, International Press Institute, 8 March 2023, available at: <https://ipi.media/analysis-georgia-foreign-agent-laws-threatens-media-freedom-and-civil-society/>, accessed on 1 November 2023.

¹² “Georgia’s Government Abandons Putin-style Bill that Triggered Huge Protests”, Politico.eu, 8 March 2023, <https://www.politico.eu/article/georgia-tbilisi-government-abandons-russia-putin-style-foreign-agent-bill/>, accessed on 1 November 2023.

¹³ Statements of International actors: [Human Rights Watch](#), [Amnesty International](#), [Council of Europe Commissioner for Human Rights](#), [US Department of State](#), [The US Embassy in Georgia](#), [EU Member States \(Sweden, the Netherlands\) and Norway](#), [Latvia](#), [Lithuania](#), [Estonia](#), [EU High Representative](#), [United Nations](#), [USAID](#), [Transparency International](#), [PACE rapporteurs](#), [The US, EU and UK Ambassadors](#).
Statements of local actors: [President of Georgia](#), [the Ombudsmen of Georgia](#), [Over 400 local civil society organisations](#), [60 media outlets](#), [Business Associations](#).

¹⁴ “Georgia protests: Thousands on street for second day over 'Foreign Agent' Bill, BBC news, 8 March 2023, available at: <https://www.bbc.com/news/world-europe-64882475>, accessed on 1 November 2023.

¹⁵ “Statement of the United Nations in Georgia on the draft Law on Transparency of Foreign Influence, United Nations, 26 February 2023, available at: <https://georgia.un.org/en/220801-statement-united-nations-georgia-draft-law-transparency-foreign-influence>, accessed on 1 November 2023.

“They clearly aim to restrict critical groups and crucial media, violate Georgia’s international obligations, and would have a serious chilling effect on groups and individuals working to protect human rights, democracy, and the rule of law.”¹⁶

“We urge the Georgian authorities to take all the necessary steps to avoid measures that risk having a chilling effect on Georgian democracy and on the vibrancy and quality of development support to Georgia.”¹⁷

In this regard, civil society’s concerns regarding violations of fundamental freedoms, including freedom of expression and association¹⁸, and the right to privacy are credible in both the potential repercussions of the Law on Transparency of Foreign Influence and the concerns raised about the unlawful surveillance and wiretapping of civil society and media representatives by the State Security Services.¹⁹

According to European Commission’s Georgia 2023 Report of 8 November 2023: “the enabling environment has increasingly come under attack through hostile rhetoric by political leaders and radical groups and, intermittently, through draft legislation that would have labelled CSOs who receive foreign funding as ‘foreign agents’ and subjected them to possible penalties for non-compliance, including criminal prosecution.”²⁰

Civil society concerns regarding the government’s demonising statements and continuous attacks on civil society representatives throughout the discussion of the law on Transparency of Foreign Influence are well grounded and justified. Before the adoption of the legislation Georgian Dream Chairman Irakli Kobakhidze referred to its critics as “spies” and “church detractors”.²¹ Georgian Prime Minister Irakli Garibashvili said: “the future of our country does not belong and will no longer belong to foreign

¹⁶ “Georgia: ‘Foreign Agents’ Bill Tramples on Rights”, Human Rights Watch, 7 March 2023, available at: [https://www.hrw.org/news/2023/03/07/georgia-foreign-agents-bill-tramples-rights#:~:text=The%20bill%20ays%20that%20a,of%20a%20news%20service%2C%20or](https://www.hrw.org/news/2023/03/07/georgia-foreign-agents-bill-tramples-rights#:~:text=The%20bill%20ays%20that%20a,of%20a%20news%20service%2C%20or;);

¹⁷ “Statement of the United Nations in Georgia on the draft Law on Transparency of Foreign Influence, United Nations, 26 February 2023, available at: <https://georgia.un.org/en/220801-statement-united-nations-georgia-draft-law-transparency-foreign-influence>, accessed on 1 November 2023.

¹⁸ Draft Law of Georgia on Transparency of Foreign Influence”, An Analysis of the Draft Law’s Compliance with International Law and European Standards, International Center for Non-profit Law, February 2023, available at: <https://www.icnl.org/post/analysis/draft-law-of-georgia-on-transparency-of-foreign-influence>; 2023; “Georgia: ‘Foreign Agents’ Bill Tramples on Rights”, Human Rights Watch, 7 March 2023, available at: <https://www.hrw.org/news/2023/03/07/georgia-foreign-agents-bill-tramples-rights#:~:text=The%20bill%20ays%20that%20a,of%20a%20news%20service%2C%20or>; “Georgia: Foreign agents’ bill tramples on rights by restricting freedom of expression and association”, Amnesty International, 7 March 2023, available at: <https://www.amnesty.org/en/latest/news/2023/03/georgia-foreign-agents-bill-tramples-on-rights-restricting-freedom-of-expression-and-association/>, accessed on 1 November 2023.

¹⁹ Freedom House Report – Georgia 2022, available at: <https://freedomhouse.org/country/georgia/freedom-world/2022>, accessed on 1 November 2023.

²⁰ “Commission Staff Working Document Georgia 2023 Report Accompanying the document communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2023 Communication on Eu Enlargement, 8 November 2023, Brussels, pg. 16, Available at: https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_697%20Georgia%20report.pdf, accessed on 9 November 2023.

²¹ “Why The Georgian Government Climbed Down On The ‘Foreign Agents’ Law”, Radio Free Europe, 9 March 2023, available at: <https://www.rferl.org/a/georgia-foreign-agents-law-government-climbdown-explainer/32310813.html>, accessed on 1 November 2023.

agents or servants of foreign countries. The future of our country and our people belong to patriots,” when commenting the Law on Transparency of Foreign Influence.²²

As stated in the Letter of Concern, senior government officials and MPs still support legislation and view its lack of success primarily as a public relations setback.²³ They continue to make discrediting statements against civil society including referring to them as “destructive, extremist and anarchist forces”.²⁴ Even after revoking the legislation, MP Irakli Kobakhidze stressed that “This draft law has done its important job [...] everyone understood, that those individuals and organisations, that are engaged in various non-state activities are not the agents of a Georgia, but those of foreign influence.”²⁵

According to Freedom House report 2023 during the year, both active and former members of the ruling GD launched smear campaigns against CSOs over financial transparency, preparing the ground for the proposed law on “foreign agents”.²⁶ The report states that “continuous smear campaigns targeting nongovernmental organizations highlighted an alarming trend of distrust and political attempts at delegitimization.”²⁷

Civil society concerns regarding the use of disproportionate force against peaceful protestants on March 7-9 2023 are mostly well grounded but still under the investigation. Many reports show that riot police officers²⁸ used tear gas, water cannons and arrests to disperse a large-scale rally.²⁹ Civil society called on Special Investigative Services to ensure a full and objective investigation into the use of disproportionate force by law enforcement officers, arbitrary arrests, violence against detainees and other violations.³⁰

2. Democratic Backsliding

²² “PM: Georgia’s Future No Longer Belongs to Foreign Agents”, Civil.ge, 7 Marc, 2023, available at: <https://civil.ge/archives/529427>, accessed on 1 November 2023.

²³ “Quick Take | “Foreign Agents” Bill Down, but Ruling Party Rhetoric Not Out”, Civil.ge, 10 March 2023, available at: <https://civil.ge/archives/530692>, accessed on 1 November 2023.

²⁴ “PM Garibashvili Links Tbilisi Protests to “Destructive, Anarchist” Forces”, Civil.ge, 13 March 2023, available at: <https://civil.ge/archives/531107>, accessed on 1 November 2023.

²⁵ “Quick Take | “Foreign Agents” Bill Down, but Ruling Party Rhetoric Not Out”, Civil.ge, 10 March 2023, available at: <https://civil.ge/archives/530692>, accessed on 1 November 2023.

²⁶ Freedom House Report – Georgia 2023, available at: https://freedomhouse.org/country/georgia/nations-transit/2023#footnote2_0cfegox, accessed on 1 November 2023.

²⁷ *Ibid.*

²⁸ “Protesters and Police Clash in Georgia for Second Aay Over ‘Foreign Agents’ Law”, The Guardian, 8 March 2023, available at: <https://www.theguardian.com/world/2023/mar/08/georgia-opposition-protests-tbilisi-law-parliament>, accessed on 1 November 2023.

²⁹ “Analysis: Georgia ‘foreign agent’ law threatens media freedom and civil society”, International Press Institute, 8 March 2023, available at: <https://ipi.media/analysis-georgia-foreign-agent-laws-threatens-media-freedom-and-civil-society/>, accessed on 1 November 2023.

³⁰ “CSOs Demand Full Investigation into the Disproportionate Use of Force During Recent Protest Rallies”, Civil.ge, 12 March 2023, Available at: <https://civil.ge/archives/530946>, accessed on 1 November 2023.

The second section of the civil society Letter presents concerns regarding the erosion of democracy, specifically focusing on the independence and efficacy of state institutions. These concerns can be independently substantiated and are well-founded. At the same time, it is important to highlight that regarding the concerns on violations of fundamental freedoms and rights, investigations are ongoing on certain cases outlined in the letter. However there is compelling evidence of rights violations and civil society suggests the absence of political will to hold the perpetrators accountable.

2.1 Attacks on Journalists, Media Ownership, and Independence

In this area, the concerns raised by civil society are credible and substantiated. According to the Freedom House 2023 report, “Media freedom in Georgia worsened significantly in 2022, raising concerns among domestic and international observers as reflected in the country’s declining press freedom rankings. Journalist safety, censorship and surveillance attempts, discriminatory treatment of media outlets, and the silencing of government-critical voices were top concerns raised during the year. The arrest and sentencing of the director of the government-critical Mtavari Arkhi television on dubious charges was particularly alarming due to allegations of political interference in court proceedings and the questioned impartiality of the judiciary. The low degree of media access to public information is another alarming tendency in Georgia that hinders accountability for governing bodies and the media’s capacity to report”.³¹

The 2022 Reporters Without Borders report highlights an incident from 2021 in which more than [50 journalists endured physical and verbal assaults](#). This report details delays in investigations despite the presence of [compelling evidence](#), along with the imprisonment of [Nika Gvaramia](#), the director of a critical TV channel.

The [Reporters Without Borders](#) 2021 report reads: “Verbal and physical assaults on journalists are frequent, including by senior government officials, especially during election campaigns. A sustained and brutal assault on 50 reporters during homophobic counter-demonstrations in July 2021, in front of impassive security forces, marked an unprecedented setback. The lack of transparency and progress in the investigation of the event, as well as the three-and-a-half-year sentence for the director of an opposition TV channel, Nika Gvaramia, speak to the impunity enjoyed by those who commit crimes against journalists”.

The European Parliament's urgent resolution on "[Violations of Media Freedom and Safety of Journalists in Georgia](#)" provides additional validation for [concerns expressed](#) by civil society regarding the state of press freedom in Georgia.³² Many reports and investigations give credibility to the Letter’s concerns regarding [illegal surveillance of journalists](#), disinformation [campaigns targeting the press](#), and

³¹ Freedom House Report – Georgia 2022, available at:

<https://freedomhouse.org/country/georgia/freedom-world/2022>, accessed on 1 November 2023.

³² In June 2023 Nika Gvaramia was pardoned by the president of Georgia, Politico.eu, 23 June 2023, available at:

<https://www.politico.eu/article/jailed-georgia-journalist-nika-gvaramia-pardoned-president-salome-zourabichvili-eu-us-outcry/>, accessed on 25 September 2023.

insufficient investigations into violent incidents against journalists.³³ The concerns raised regarding the [suspension of accreditation](#) for three critical TV channels - Mtavari Arkhi, Formula, and TV Pirveli³⁴ - are substantiated by several [media coalitions](#).³⁵

2.2. Other Areas

Stalled anti-corruption reforms

Strengthening the independence of the Anti-Corruption Agency, with a specific focus on tackling high-level corruption cases, is one of the twelve reform priorities requested by the EU Commission. Civil society's Letter focuses on challenges linked to anti-corruption reform agenda in Georgia "noting with regret that Georgia does not have valid National Anti-corruption policy documents Strategy and Action Plan) since December 2020, the last time the Anti-corruption interagency coordination Council met was in 2019."³⁶

CSO's claims concerning the anti-corruption reforms is one of the issues to which the government provided a response. According to the government response, the Commission recommendation did not include any reference to investigative functions of the new bureau and that the "The Bureau enjoys a high level of independence, as it is accountable solely to the Parliament and the Inter-Agency Governmental Coordination Council for Combating Corruption that involves annual reporting to the said bodies."

Still, international concerns have been raised about limits to the government's anti-corruption reforms. Its withdrawal from the latest monitoring round of the Organization for Economic Co-operation and Development Anti-Corruption Network for Eastern Europe and Central Asia (OECD/ACN) raises questions about the government's commitment to anti-corruption reforms.³⁷ Georgia is the only member country of this body that did not endorse the forthcoming monitoring round in 2023, unlike its regional counterparts such as Ukraine, Moldova and Armenia.

On 22 June 2023, EU Commissioner Olivér Várhelyi commented on implementation of anti-corruption reforms: "Georgia still needs to ensure that the anti-corruption bureau operates independently and that the Venice Commission is consulted on the

³³ See also: Human Rights Center: Media Activities Linked to Health-Threatening Conditions, Civil.ge, 14 August 2023, available at: <https://civil.ge/archives/555719>, accessed on 26 September 2023.

³⁴ "New Accreditation Rules Threaten to Ban Media Outlets from Parliament", 8 February 2023, Available at: <https://oc-media.org/new-accreditation-rules-threaten-to-ban-media-outlets-from-parliament/>, accessed on 1 November 2023.

³⁵ "Georgian parliament suspends accreditation of 6 pro-opposition journalists", Committee to Protect Journalists, 14 April 2023, <https://cpj.org/2023/04/georgian-parliament-suspends-accreditation-of-6-pro-opposition-journalists/>

³⁶ "EU Candidacy Check, State of Implementation of 12 Priorities", Open Society Georgia Foundation, available at: <https://osgf.ge/wp-json/wi/validate/v1/file?wifile=wp-content/uploads/2023/04/web-eng-final.pdf>, accessed on 1 November 2023.

³⁷ "Georgia's withdrawal from OECD/ACN anti-corruption monitoring raises concerns", CSO Meter, available at: <https://csometer.info/updates/georgias-withdrawal-oecdacn-anti-corruption-monitoring-raises-concerns>, accessed on 1 November 2023.

draft legislation, and we would ask Georgia to reconsider its decision to withdraw from the OECD anti-corruption network.”³⁸

OGP Georgia has urged the government to conduct an “objective and politically neutral comprehensive assessment of the country’s anti-corruption needs and the effectiveness of current institutional frameworks, including the Anti-Corruption Council. Also, to revisit the persistent ask from civil society to form a new, independent anti-corruption agency.”³⁹

According to the Commission report, “further efforts need to be undertaken to tackle high-level corruption and, in particular, to address the challenge of large-scale vested interests and their influence in both the political, judicial and economic spheres. Georgia has not yet developed a new national anticorruption strategy or action plan”.⁴⁰ The report also calls on Georgia to repeal the decision of February 2023 to withdraw from the OECD anti-corruption monitoring network for Eastern Europe and Central Asia (OECD/ACN) and fully implement recommendations from the previous rounds.⁴¹

State Institutions in the Service of the Ruling Party

The independence of judiciary is a matter of concern for both local civil society and international organisations.⁴² It is among the 12 priorities outlined by the European Commission and has been recognised as a crucial requirement for advancing Georgia's democratic progress.

On 22 June 2023, Commissioner Olivér Várhelyi said: “the inclusive and effective judicial reform, including the High Council of Justice, Georgia needs to submit amendments on judicial reform to the Venice Commission for a second opinion, to adopt a broader reform of the judiciary, especially of the High Council of Justice and finally, to appoint the remaining non-judge members of the High Council of Justice”.⁴³

³⁸ “Press remarks by Neighbourhood and Enlargement Commissioner Olivér Várhelyi, following the informal General Affairs Council”, European Commission, available at: https://ec.europa.eu/commission/presscorner/detail/en/statement_23_3460, accessed on 1 November 2023.

³⁹ “Leveraging OGP Action Plans to Meet EU Membership Requirements”, Open Government Partnership, available at: <https://www.opengovpartnership.org/leveraging-ogp-action-plans-to-meet-eu-membership-requirements/>, accessed on 1 November 2023.

⁴⁰ “Commission Staff Working Document Georgia 2023 Report Accompanying the document communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2023 Communication on Eu Enlargement, 8 November 2023, Brussels, pg. 25, Available at: https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_697%20Georgia%20report.pdf, accessed on 9 November 2023.

⁴¹ *Ibid.*

⁴² Venice Commission, Georgia: Follow-up Opinion to four Previous Opinions Concerning the Organic Law on Common Courts, 10-11 March 2023, available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2023\)006-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2023)006-e), accessed on 1 November 2023.

⁴³ “Press remarks by Neighbourhood and Enlargement Commissioner Olivér Várhelyi, following the informal General Affairs Council”, European Commission, available at: https://ec.europa.eu/commission/presscorner/detail/en/statement_23_3460, accessed on 1 November 2023.

Despite four consecutive waves of reform which has contributed to overall capacity and organisation of the justice system, the strategy and action plan do not address key challenges in the justice system, in particular the need to strengthen the integrity of the highest judicial bodies. According to the European Commission report, “in June 2023 Parliament adopted amendments to the Law on Common Courts and drafted additional amendments in September 2023 implementing some of the Venice Commission’s recommendations. However, the most important recommendations of the European Commission and of the Venice Commission, as stated in its consecutive opinions (of March 2023 and October 2023), notably regarding reforming the High Council of Justice and recommendations regarding the Supreme Court, were not addressed”.⁴⁴

The concerns raised by civil society regarding independence of Judiciary and clan interests in the letter are well-founded and substantiated. In April 2023, the [U.S. State Department](#) designated four prominent Georgian judges, namely Mikheil Chinchaladze, Levan Murusidze, Irakli Shengelia, and former judge Valerian Tsertsvadze, due to their involvement in significant corruption. U.S. Ambassador Kelly Degnan elaborated on this decision in a [recorded statement](#), explaining that these judges had undermined judicial and public processes by providing benefits to or coercing other judges to rule [in favour of political allies](#) and manipulating judicial appointments for their own advantage. This eroded the rule of law and democratic processes and weakened the trust of the Georgian public in the judicial system.

While it is challenging to provide incontrovertible factual evidence demonstrating coordinated action between the Prosecution Service and the court, the cases mentioned in the Letter of Concern such as [Gvaramia](#)⁴⁵, the so-called [Cartographers' Case](#),⁴⁶ and the [Khazaradze-Japaridze](#) case, are commonly perceived as having been 'political' by local and international stakeholders. This perception is shared by Georgia's Ombudsman, whose analyses back up civil society’s concerns.⁴⁷

Civil society concerns regarding illegal control and surveillance are credible. Freedom House’s Georgia report 2022 shows that the State Security Service (SSS) has had several hundred individuals under surveillance, including journalists, civil society activists, politicians, and members of the clergy, reportedly tracking the

⁴⁴ Commission Staff Working Document Georgia 2023 Report Accompanying the document communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2023 Communication on Eu Enlargement, 8 November 2023, Brussels, pg. 20, Available at: https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_697%20Georgia%20report.pdf, accessed on 9 November 2023.

⁴⁵ See also: [The US Embassy](#), [Media Defence](#), [Civil Georgia](#), [European Parliament](#).

⁴⁶ See also: [Eurasianet](#), [Transparency International Georgia](#), [Radio Free Europe](#).

⁴⁷ “Public Defender’s Amicus Curiae Brief on Cartographers’ Case”, Public Defender (Ombudsman) of Georgia, available at: <https://www.ombudsman.ge/eng/akhali-ambebi/sakartvelos-sakhalkho-damtsvelis-sasamartlos-megobris-mosazreba-e-ts-kartografebis-sakmeze>, “Amicus Curiae Brief Relating to Mamuka Khazaradze and Badri Japaridze’s Case”, Public Defender (Ombudsman) of Georgia, available at: <https://www.ombudsman.ge/eng/sasamartlo-megobris-mosazreba/sasamartlos-megobris-mosazreba-mamuka-khazaradzisa-da-badri-jafaridzis-braldebis-sakmestan-dakavshirebit>, “According to Public Defender’s Assessment, Political Motivation is Clear in Nika Gvaramia’s Criminal Case”, available at: <https://www.ombudsman.ge/eng/akhali-ambebi/sakhalkho-damtsvelis-shefasebit-nika-gvaramias-siskhlis-samarlis-sakmeshi-politikuri-motivatsia-dasturdeba>, accessed on 1 November 2023.

personal activities and communications of their targets.⁴⁸ The SSS and the government denied wrongdoing. A group of ambassadors representing the diplomatic corps accredited to Georgia has raised “grave concerns” about reported wiretapping by the security services.⁴⁹

Additionally, Freedom House’s Georgia report 2023 reads – “leaked documents by the former deputy head of the State Security Service of Georgia (SSG) from 2018–20 revealed deeply problematic structural issues in the electoral system, including alleged misconduct by GD [Georgia Dream, the ruling party], such as misuse of state agencies (law enforcement agencies and personnel) for electoral advancement, misuse of personal and financial information to pressure or bribe the electorate, special extra-legal treatment (restoring suspended rights or freedoms) in exchange for votes, collection of compromising information on supporters of opposition parties coupled with discriminatory treatment, and misuse of the state budget for the incumbent’s electoral advancement, among other issues”.⁵⁰

3. Limited Access to Information

Access to information is also a concern to which the Georgian government provided a response, noting that “Government considers the freedom of information seriously and shows readiness to ensure further development beyond its current practice. However, we see no reason of adopting a separate piece of legislation at present, especially as there is still the room for improvement”.

Nevertheless, the Letter’s concerns surrounding access to public information are factually credible. [A 2022 report](#) on the availability of public information in Georgia by the non-governmental organization Institute for the Development of Freedom of Information (IDFI) shows that the rate of response from public institutions decreased by 24 per cent in 2022 compared to 2021, reaching 58 per cent which is ‘the lowest since 2010.’⁵¹ The Freedom House report 2023 states “the low degree of media access to public information is another alarming tendency in Georgia that hinders accountability for governing bodies and the media’s capacity to report”.⁵²

The cases highlighted in the letter regarding two journalists [Kajaia and Gelantia](#), where critically-minded reporters were denied access, are credible. Concerns regarding the availability of decrees discussed in cabinet meetings are justified. On March 17, [Transparency International Georgia](#) released a statement scrutinizing Georgia’s government for its lack of transparency in decision-making process. The watchdog revealed that the government considered 372 draft decrees at 47

⁴⁸ Freedom House Report – Georgia 2022, available at: <https://freedomhouse.org/country/georgia/freedom-world/2022>, accessed on 1 November 2023.

⁴⁹ “Ambassadors Raise ‘Grave Concerns’ Over Alleged Spying In Georgia”, 4 October 2021, Available at: <https://www.rferl.org/a/georgia-diplomacy-spying-/31492690.html>, accessed on 1 November 2023.

⁵⁰ Freedom House Report – Georgia 2023, available at: https://freedomhouse.org/country/georgia/nations-transit/2023#footnote2_0cfegox, accessed on 1 November 2023.

⁵¹ “IDFI’S 2022 Report on Access to Public Information in Georgia”, Civil.ge, 13 Marc, 2023, available at: <https://civil.ge/archives/531344>, accessed on 1 November 2023.

⁵² Freedom House report 2023Georgia, available at: https://freedomhouse.org/country/georgia/nations-transit/2023#footnote31_nm5c3dx, accessed on 1 November 2023.

meetings in 2022, but none of these decrees have been made public. The government did not respond to any of the 47 public information request letters submitted by the organization.

Conversations with representatives of civil society also highlighted recurring challenges related to access to public information. In this case, the issue is not primarily rooted in the absence of relevant legislative frameworks but rather in the commitment and willingness of state institutions to fulfil their obligations regarding public information access. Many members of civil society rely on public information for their daily work, which limits their effectiveness and poses significant hurdles to obtaining high-quality information. While the option to address such cases in court exists, it requires additional time, legal expertise, and resources, which are not always readily available to all civil society organizations within the Georgian context.

4. Stalled OGP Process in Georgia

While the Letter of Concern raises a number of issues related to the Government of Georgia's management of the OGP process in Georgia and the stalled nature of the process, this falls outside the scope of the Response Policy and is covered by OGP's Procedural Review Guidelines. In late November 2023, the OGP Support Unit has been notified by both government and civil society of the intent to resume the process and a new action plan was delivered in December 2023.

The C&S Subcommittee finds that a significant number of the concerns raised in the Letter of Concern are well grounded and verifiable through independent sources. Of these, the concerns 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.

IV: Assessing the impact of an OGP intervention

Context

Since the submission of the Letter of Concern by civil society and Government of Georgia to OGP Steering Committee a number of important developments have taken place in Georgia. On 8 September 2023, EU High Representative/Vice-President Josep Borrell visited Georgia.⁵³ He referred to the European Commission's 12 priorities that are stressed both in the Letter of Concern and Georgian government response. Many concerns raised in the Letter, including the independence of judiciary, anti-corruption, civic space, freedom of expression and media, relate closely to Commission priorities. HRVP Borrell noted that "tasks are

⁵³ HR/VP Josep Borrell | Press Conference during visit to Georgia 08/09/2023, European External Action Service (EEAS) Available at: https://www.eeas.europa.eu/eeas/hrvp-josep-borrell-press-conference-during-visit-georgia-08092023_en, accessed on 1 November 2023.

clearly mapped out with the 12 priorities that the EU have been putting forward in the European Commission's Opinion. And as of June, you delivered on three of them. The other nine priorities remain to be done."⁵⁴

On October 9, the Council of Europe Venice Commission published its follow-up opinion to previous opinions concerning the Organic Law on Common Courts. The Commission noted that "despite certain improvements introduced by the June 2023 amendments (discussed below), the recommendation of comprehensive reform of the High Court of Justice has not yet been properly addressed. It is not addressed either in the September 2023 draft amendments."⁵⁵ The Commission further invited the authorities to pursue the reform strategy without unjustified delay.

On 2 October 2023, the State Security Service of Georgia (SSSG) issued a statement alleging that three Serbian trainers, brought to Georgia as part of a program funded by the US Agency for International Development (USAID), were actively recruiting activists with the intent of orchestrating the violent overthrow of Georgia's elected government.⁵⁶ On the same day, while speaking to journalists, Shalva Papuashvili, the parliamentary chair, described the events as a "dark day in the history of American aid to Georgia" and claimed that the U.S. training was aimed at causing "the collapse of the state."

On 30 October 2023, more than 50 CSOs issued a joint statement stating that the "authorities are failing to respond to the sanctioning of judges and the former chief prosecutor". Their statement criticizes Georgian authorities for failing to follow sanctions introduced by the U.S. on Georgian judges with effective steps and for "defending the interests of those sanctioned, disregarding the legislation and trying to downplay the negative consequences caused by the sanctions."⁵⁷ The statement relates to the concerns raised in the civil society Letter regarding corruption and political interests in Georgia's judicial system.

On 2 November 2023, PEN America published a report stressing that the "government interference in and increased control over state institutions regularly raises concerns, threats to the Georgian cultural sector, an essential component of Georgian civil society, and the rights to free expression, access to information, and participation".⁵⁸

On 8 November 2023, the European Commission published its 2023 Communication on EU Enlargement Policy. The Commission recommends that the Council grant

⁵⁴ Georgia: Press remarks by High Representative/Vice-President Josep Borrell after meeting with Prime Minister Irakli Garibashvili, European External Action Service (EEAS), Available at: https://www.eeas.europa.eu/eeas/georgia-press-remarks-high-representativevice-president-josep-borrell-after-meeting-prime-minister_en.

⁵⁵ European Commission for Democracy Through Law (Venice Commission), Follow-up Opinion to Previous Opinions Concerning the Organic Law on Common Courts, Adopted by the Venice Commission at its 136th Plenary Session, Venice, 6-7 October 2023, available at: <https://shorturl.at/guGL8>, accessed on 1 November 2023.

⁵⁶ "Security Service Says USAID-funded Trainers were Plotting to Foment Unrest in Georgia", Civil.ge, 2 October 2023, available at: <https://civil.ge/archives/561665>, accessed on 1 November 2023.

⁵⁷ "NGOs: Authorities are Failing To Respond To the Sanctioning of Judges", 30 October 2023, Civil.ge, available at: <https://civil.ge/archives/566168>, accessed on 1 November 2023.

⁵⁸ Taming Culture in Georgia, PEN America, 2 November 2023, available at: <https://pen.org/report/taming-culture-in-georgia/>.

Georgia the status of a candidate country contingent on implementing nine priorities. The Commission's nine priorities include reforms related to the judiciary, anti-corruption, de-oligarchisation, human rights, freedom of assembly and association, and meaningful involvement of civil society in legislative and policymaking processes and guarantees so that they can operate freely.⁵⁹

OGP Intervention

The concerns raised in the Letter are relevant to the values and principles of OGP and the evidence points to their veracity. The OGP Steering Committee should consider a formal response to preserve OGP's credibility.

The Georgian government's response provides an opening for collaboration on a series of actions to address the raised concerns.

The OGP response should be grounded in a steadfast commitment to OGP values and principles including to the Open Government Declaration that commits to "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",⁶⁰ as well as the Participation and Co-Creation Standards which aim to ensure "that civil society has a role in shaping and overseeing governments".⁶¹

The OGP response, could reinforce recommendations made by other international organizations, including the latest recommendations issued by the European Union around:

- Improving the protection of human rights including by implementing an ambitious human rights strategy and ensuring freedom of assembly and expression.
- Launching impartial, effective and timely investigations in cases of threats against safety of vulnerable groups, media professionals and civil society activists, and bring organisers and perpetrators of violence to justice.
- Consulting and engaging with civil society, allowing for their meaningful involvement in legislative and policymaking processes and ensure they can operate freely.
- The OGP response could also reinforce the need for removing barriers to accessing public information and ensuring effective enforcement of existing regulations.

⁵⁹ "Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions", 2023 Communication on EU Enlargement Policy, 8 November 2023, available at: https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/COM_2023_690%20Communication%20on%20EU%20Enlargement%20Policy_and_Annex.pdf, accessed on 9 November 2023.

⁶⁰ Open Government Declaration, Open Government Partnership, available at: <https://www.opengovpartnership.org/process/joining-ogp/open-government-declaration/>, accessed on 1 November 2023.

⁶¹ OGP Participation and Co-Creation Standards, Open Government Partnership, Available at: <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>, accessed on 1 November 2023.

Over the next months, the C&S Subcommittee will issue a series of recommendations to support all stakeholders address the concern.

Annex 1: Establishing the Relevance of the Concern to the Open Government Declaration and the OGP Articles of Governance

The reviewers find that concerns about civil society participation in OGP process, the authorities attempt to adopt legislation restricting civic space, access to information, government surveillance of civil society and critical media, is relevant to the OGP’s Articles of Governance and Open Government Declaration commitments to support civic participation:

Letter of Concern	Relevant citation
<p>p.1. “We, the Open Government Interagency Coordination Council of Georgia (and OGP Georgia’s Forum) member civil society organizations (CSOs), are deeply concerned that the Government of Georgia over the years continues to blatantly disregard values and principles expressed in the Open Government Declaration and Articles of Governance.</p> <p>In the period of the last several years, the Government of Georgia has openly demonstrated profound incongruences with regard to the OGP’s fundamental documents by reducing space for civil society organizations, human rights activists, and critical media, infringing on fundamental freedoms, notably freedom of association and expression, and the right to privacy, restricting access to information, undermining the independence judiciary, and stalling the national OGP process and hindering open governance reforms at the central government level withal.”</p>	<p>Open Government Declaration “We commit to 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. We commit to creating mechanisms to enable greater collaboration between governments and civil society organizations and businesses.”</p> <p>OGP Articles of Governance:</p> <p>p.2. All Participating Countries undertake to do the following:</p> <p>b). Co-create an Action Plan through a multi-stakeholder process, with the engagement of citizens, civil society, private sector, and other entities;</p> <p>c). Make commitments, as part of an Action Plan, that are ambitious and go beyond a government’s current practice;</p> <p>p.4. Should an SC member, Multilateral Partner or any entity [...] which is, or has been, involved in OGP at the national or international level and in the country that is the subject of a Response Policy</p>

	<p>concern (the “Subject”), notify the SC or the SU that they believe that a Participating Country is acting in a manner that undermines OGP’s values and principles, as expressed in the Declaration, in a way that demonstrates an egregious and blatant disregard for those values and principles, the SC and C&S, with the assistance of the SU, will review the conduct that is the subject of the concern (the “Concern”) and agree on a course of action pursuant to the Response Policy.</p>
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Letter of Concern	Relevant citation
<p>The law “On Transparency of Foreign Influence”</p> <p>p. 1. “The initiation and adoption in the first reading of the Russian-inspired “Foreign Agent’s” draft law was the culmination of a series of undemocratic steps taken by the government in recent years. On February 14 and 22, 2023, respectively, draft laws “On Transparency of Foreign Influence” and “On Registration of the Foreign Agents” were initiated by the Majority members of the Parliament of Georgia. The Georgian Dream leadership promptly endorsed² both draft laws, including Prime-minister Irakli Garibashvili.</p> <p>The draft laws have been widely condemned domestically and internationally as they mirrored the foreign agent's law adopted by the Russian Federation, which has been used to stifle civil society organizations and free media, and silence voices that criticize the government”</p> <p>p.2. “Despite dropping the bill on March 10 on account of three nights of protests and international pressure, the ruling party has shown no intention of</p>	<p>OGP Articles of Governance:</p> <p>p. 36. Addendum E: Policy on Upholding the Values and Principles of OGP (the Response Policy)</p> <p>IV. Types of Issues that May Form a Relevant Concern</p> <p>1. The kinds of issues that have the potential to be sufficiently damaging to OGP values and principles to trigger a Response Policy review include, but are not limited to, the introduction of new or revised policies, practices or actions that significantly reduce any of the following: (a) Access to information for citizens and civil society; (b) The space for non-governmental organizations to work independently, voice critiques, and/or receive funding from domestic or international sources (e.g., new NGO laws); (c) Enjoyment of fundamental freedoms, notably freedom of expression, peaceful assembly, and association; and/or (d) Online or offline media freedom, or media ownership and independence.</p> <p>p. 33. 4. The aim of actions OGP takes pursuant to the Policy will be to:</p>

<p>abandoning its efforts to introduce regulations that would restrict the activities of critical voices, namely CSOs and media outlets. In a statement released on March 9th, the majority party vowed to engage with the public and provide a detailed explanation of the law, planning to commence campaigns with the purpose of clarifying the bill and stressing the importance of ensuring transparency of foreign influence, “as soon as the emotions subside”.</p> <p>.....</p> <p>The Government of Georgia’s attempts to significantly reduce the space for nongovernmental organizations to work, voice criticism, and receive funding from international sources, threaten media freedom, media ownership, and independence, and infringe on fundamental freedoms, notably freedom of association and expression, and the right to privacy are a clear demonstration of egregious and blatant noncompliance with the OGP community values”.</p>	<p>(1) Assist the Subject to overcome difficulties and help re-establish an environment more conducive to government and civil society collaboration; and (2) Safeguard the Declaration and mitigate reputational risks to OGP.</p> <p>p.54 Rapid Response Mechanism</p> <p>Criteria for submitting a Rapid Response Request</p> <p>A Rapid Response Request may be submitted when the following applies:</p> <p>a. There is a serious allegation of the violation of OGP core values by an OGP participant. This allegation is of an acute nature (involving the exposure of the violation, the passage of a rule or regulation, or a specific action that has an immediate impact in the country or local jurisdiction in question) in combination with the following:</p> <p>b. A swift response on behalf of OGP could have a material impact on the situation in question or lack thereof might place the credibility of the Partnership at risk, and/or</p> <p>c. Given its nature and urgency, the concern cannot or will not be addressed in the near term by the IRM, Procedural Review or Response Policy.</p>
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Letter of Concern	Relevant citation
<p>OGP’s national process</p> <p>p.3. “As for the OGP’s national process, the Government acted contrary to the OGP process for two consecutive cycles. Georgia does not have a valid OGP National Action Plan since December 2019 and thus did not implement a single commitment at the central government level for more than three</p>	<p>OGP Articles of Governance:</p> <p>p.3. 4. Acting Contrary to OGP Process: Procedural Review Participating Countries are expected to comply with the terms of the Declaration and to consistently and continually advance open government for the well-being of their citizens.</p>

years. Throughout these years the government failed to resume a meaningful and inclusive co-creation process that would lead to ambitious commitments.

.....

Moreover, at the beginning of 2023, the Parliament of Georgia revoked the permanent entry passes of 2 OGP council member CSOs, unilaterally breached the terms of the Memorandum of Understanding, and instructed them to vacate their offices at the parliament.

In view of the all above, especially taking into account the Prime Minister's personal attacks on OGP Council member non-governmental organizations, his involvement in a large-scale campaign aimed at suppressing the activities of the non-governmental sector and the free media, labeling and damaging their reputation – which generally serves to limit civic space – there is no room left to establish a true and equal co-creation OGP process in the country. Besides, the Government made it evident that there is no genuine political will to undertake commitments, as part of the new Action Plan, that are ambitious and go beyond the government's current practice, as it is prescribed in the OGP Articles of Governance”..

“We, Georgia's Open Government Interagency Coordination Council (and Forum) member CSOs, hereby trigger the Policy on Upholding the Values and Principles of OGP, as articulated in the Open Government Declaration (Response Policy). Therefore, we urge the Steering Committee to act under the Response Policy, Safeguard the Open Government Declaration and mitigate reputational risks to OGP, and call on the Georgian government to:

A Participating Country will be considered to have failed in these expectations and to have acted contrary to OGP process (“Contrary to Process”) if: the country's government fails to publish an Action Plan within four months of the date the plan is due to be published...

p. 21.
Addendum C: OGP Participation and Co-Creation Standards

“Civic participation is a core component of open government, and an essential element of the national OGP cycle. The OGP Articles of Governance state that ‘OGP participants commit to developing their country action plans through a multi stakeholder process, with the active engagement of citizens and civil society’.

....

“The collaboration of citizens, civil society, political and official champions and other stakeholders is essential to developing, securing and implementing lasting open government reforms.

p.22.
1.2.3 Participation and co-creation components.

“Spaces and platforms for dialogue and co-creation - An inclusive and ongoing dialogue should be facilitated using a variety of spaces and platforms appropriate to the country context”.

p.27
Spaces and platforms for dialogue and co-creation

“The multi-stakeholder forum engages civil society and other stakeholders in setting the agenda for the NAP. This may include selecting thematic priorities, identifying problems to

<p>1. Halt the public attacks and smear campaigns on civil society organizations, cease attacks on media representatives, including cases of instrumentalizing judiciary against critical media outlets (media managers, owners and/or their family members); Ensure that press freedom and the right to receive and impart information is fully realized; Thoroughly investigate and prosecute the organizers of July 2021 mass violence;</p> <p>2. Remove barriers to accessing public data to the degree that this fundamental right can be enjoyed and advances civil society in fulfilling its watchdog role;</p> <p>3. Restore the OGP co-creation process wherein a meaningful dialogue between state institutions and CSOs is secured, and commitments in action plans are ambitious in nature and beyond a government’s general practice;</p> <p>4. Uphold OGP values and principles expressed in the Open Government Declaration and Articles of Governance”..</p>	<p>resolve and/or suggesting ideas for commitments”.</p> <p>p. 33.</p> <p>4. The aim of actions OGP takes pursuant to the Policy will be to:</p> <p>(1) Assist the Subject to overcome difficulties and help re-establish an environment more conducive to government and civil society collaboration; and</p> <p>(2) Safeguard the Declaration and mitigate reputational risks to OGP.</p>
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Letter of Concern	Relevant citation
<p>p.9</p> <p>A. Stalled Anti-Corruption Reforms The current situation vis-à-vis corruption in Georgia is characterized by impressively low levels of petty corruption combined with near total impunity for high-level corruption.</p> <p>p. 10.</p> <p>Noting with deep regret, Georgian civil society sees clear signs that the government uses the State Security Service as a mechanism of total control. In August and September of 2021,</p>	<p>Open Government Declaration</p> <p>“Implement the highest standards of professional integrity throughout our administrations. [...] We commit to having robust anti-corruption policies, mechanisms and practices, ensuring transparency in the management of public finances and government purchasing, and strengthening the rule of law”..</p> <p>“We accept responsibility for seizing this moment to strengthen our commitments to promote transparency, fight corruption, empower citizens, and</p>

thousands of files were released indicating a massive illegal wiretapping and spying operation likely conducted by the State Security Service. This included information about the personal conversations and private lives of journalists, religious figures, politicians, civil activists, diplomats, and other individuals.

p.10-11.

Illegal surveillance of journalists, disinformation campaigns aimed at journalists, and inadequate investigations into violent incidents against journalists continue to be major problems in the media field. Additionally, there has been an increasing number of defamation lawsuits against critical journalists and TV channels, filed by government representatives or individuals related to them, with the intention of pressuring the media and creating a chilling effect.

p.12

According to IDFI's Access to Public Information in Georgia 2022 report:

- The response rates of public institutions decreased by 24% compared to the previous year and amounted to 58%, the lowest result since 2010;
- The rate of complete answers in 2022 is 33%, the lowest recorded result since 2010;
- The rate of providing public information on time decreased by 19% and amounted to 35%, the lowest since 2010;
- In 2022, the rate of timely disclosure of public information decreased by 19%, amounting to 35%, the lowest since 2010. The Government of Georgia does not fulfill the obligation stipulated by the Rules of Procedure of the Government of Georgia and does not publish its decrees. It must be noted

harness the power of new technologies to make government more effective and accountable” ...

Universal Declaration of Human Rights Article 12

“No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks”.

OGP Articles of Governance:

p. 16.

A. Core Eligibility Criteria:

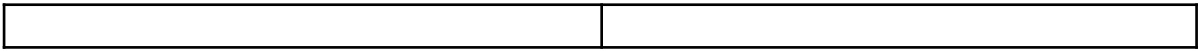
2. Access to Information. An access to information law that guarantees the public's right to information and access to government data is essential to the spirit and practice of open government.

Open Government Declaration

“Governments collect and hold information on behalf of people, and citizens have a right to seek information about governmental activities. We commit to promoting increased access to information and disclosure about governmental activities at every level of government. We commit to increasing our efforts to systematically collect and publish data on government spending and performance for essential public services and activities”

.....

“We commit to pro-actively provide high-value information, including raw data, in a timely manner, in formats that the public can easily locate, understand and use, and in formats that facilitate reuse.”



Annex 2: Establishing the Veracity of the Claims:

Annex 2: Establishing the Veracity of the Claims:

Letter of Concern	Sources	Counter-arguments
<p>“We, the Open Government Interagency Coordination Council of Georgia (and OGP Georgia’s Forum) member civil society organizations (CSOs), are deeply concerned that the Government of Georgia over the years continues to blatantly disregard values and principles expressed in the Open Government Declaration and Articles of Governance.</p> <p>In the period of the last several years, the Government of Georgia has openly demonstrated profound incongruences with regard to the OGP’s fundamental documents by reducing space for civil society organizations, human rights activists, and critical media, infringing on fundamental freedoms, notably freedom of association and expression, and the right to privacy, restricting access to information, undermining the independence judiciary, and stalling the national OGP process and hindering open governance reforms at the central government level withal.</p>	<p>European Commission, Georgia 2023 Report, Accompanying 2023 Communication on EU Enlargement policy, 8 November 2023.</p> <p>“The enabling environment has increasingly come under attack through hostile rhetoric by political leaders and radical groups and, intermittently, through draft legislation that would have labelled CSOs who receive foreign funding as ‘foreign agents’ and subjected them to possible penalties for non-compliance, including criminal prosecution”.</p> <p>Freedom House Report 2023, Georgia</p> <p>“[...] The year was characterized by an alarming level of verbal attacks, including by government officials, against civil society organizations (CSOs) and the opposition, as well as troubling cases of purported politically motivated justice. The Council of Europe’s assessment of human rights conditions in the country outlined various critical areas, including pervasive discrimination against the LGBT+ community and religious minorities,</p>	<p>Response Letter of the Government of Georgia to OGP Steering Committee, 7 August 2023.</p> <p>“Although we are concerned regarding issues that NGOs raised in their Letter of Concern to OGP, within the scope of this response, we clarified details only with regard to the OGP Georgia’s Action Plan elaboration process, since most of the issues stated in the Letter of Concern are subject of the political discussion. And, we believe that OGP platforms in Georgia must be separated from the political discourse. We are determined to continue discussing issues of building stronger, more transparent and accountable public administration and state institutions”.</p> <p>European Commission, Georgia 2023 Report, Accompanying 2023 Communication on EU Enlargement policy, 8 November 2023.</p> <p>“The involvement of civil society in decision-making processes (opinion priority 10), at first promoted by Parliament through inclusion in working groups on the 12 priorities, was tainted by the March 2023 draft law creating a registry for ‘agents of foreign influence’. The draft law, which was eventually</p>

	<p>both online and in-person; perception of or real cases of impunity for human rights violations; and the need for protections in the fields of labor and the environment”.</p> <p>“Continuous smear campaigns targeting nongovernmental organizations (NGOs) highlighted an alarming trend of distrust and political attempts at delegitimization. During the year, both active and former members of the ruling GD launched smear campaigns against CSOs over financial transparency, preparing the ground for the proposed law on “foreign agents” (see “National Democratic Governance”). The GD party leader claimed that NGO funding is used to oppose the government and plan a campaign to demand a “technical government.”</p> <p>“Media freedom in Georgia worsened significantly in 2022, raising concerns among domestic and international observers”.</p>	<p>withdrawn following large protests in Tbilisi and strong international reactions, sowed distrust among civil society for the government and triggered a boycott of consultations on key reforms. This has persisted even after the law was withdrawn, although the government and Parliament held two conferences with civil society on 25 July and 13 September to re-establish good cooperation and announced to continue coordination meetings with CSOs. The Speaker of the Parliament took up the chairmanship of the Permanent Parliamentary Council on Open Governance in September 2023”.</p> <p>Response Letter of the Government of Georgia to OGP Steering Committee, 7 August 2023.</p> <p>“Regarding other matters related to implementation of 12 priorities by the EU Commission for Georgia, as noted in the Letter of Concern, please refer to Annex #3 to this letter, explaining the progress regarding each of them”.</p> <p>“In June 2022, Georgia was given the European Perspective from the EU Commission and provided with 12 recommendations to be implemented prior to receiving the EU candidate status. One of the recommendations was to strengthen the</p>
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<p>“All these key challenges repeatedly emphasized to the government by local and international organizations are reflected in the 12 conditions defined by the European Commission as a prerequisite for Georgia to be granted EU candidate status.”</p> <p>“The Commission calls for “de-oligarchization” noting that “fighting high-level corruption and eliminating vested interests, including that of oligarchs, require further decisive actions.” Moreover, the condition with regard to judicial reform emphasizes that independence, accountability, and impartiality of the entire judicial institutional chain need to be ensured. The recent decision by the U.S. State Department to publicly designate four Georgian judges under visa restriction authorities, “due to their involvement in significant corruption” confirms the severe problems that persist within the country's judicial system.</p> <p>“We note with regret, that the government’s actions described in this letter are of the highest concern for the Georgian civil society organizations and beyond, as they are against</p>	<p>Commission Opinion on Georgia's application for membership of the European Union, 17 June 2023.</p> <p>“-Implement a transparent and effective judicial reform strategy and action plan based on a broad, inclusive and cross-party consultation process, ensuring a judiciary that is fully independent, accountable and impartial, and safeguarding the separation of powers.</p> <p>-Strengthen the independence of the Anti-Corruption Agency, in particular to address high-level corruption cases; equip the new Special Investigative Service and Personal Data Protection Service with resources commensurate to their mandates and ensure their independence.</p> <p>-Undertake stronger efforts to guarantee a free, professional, pluralistic and independent media environment, notably by ensuring that criminal procedures brought against media</p>	<p>independence of Anti-Corruption Agency and bring together all key anticorruption functions (the recommendation did not include any reference to investigative functions. It states as follows: “Strengthen the independence of its (Georgia’s) Anti-Corruption Agency bringing together all key anticorruption functions, in particular to rigorously address high-level corruption cases”)”.</p> <p>The Bureau enjoys a high level of independence, as it is accountable solely to the Parliament and the Inter-Agency Governmental Coordination Council for Combating Corruption that involves annual reporting to the said bodies.</p> <p>Candidates for the position of the Head of Bureau (for the six-year term) were selected by an independent Selection Commission, which included representatives of the Parliament, the Government, the General Prosecutor's Office of Georgia, the Supreme Court of Georgia, Office of the Public Defender and the civil society (Transparency International Georgia). The Selection Commission nominated three candidates for the Prime Minister’s consideration. On February 6, 2023, the Prime Minister appointed the Head of the Bureau from the suggested nominees. A full staffing of the Bureau is currently underway.</p>
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<p>democratic principles and would certainly represent a reputational risk to OGP. The latest and flagrant violations of the OGP values and principles articulated in the Open Government Declaration and Articles of Governance, are as follows: the government openly attacking civil society, attempting to silence critical media, and limiting fundamental freedoms, notably freedom of expression and peaceful assembly, and association.”</p>	<p>owners fulfil the highest legal standards, and by launching impartial, effective and timely investigations in cases of threats against safety of journalists and other media professionals;</p> <p>-Ensure the involvement of civil society in decision-making processes at all levels”.</p> <p>Venice Commission, GEORGIA FINAL OPINION ON THE DRAFT LAW "ON DE-OLIGARCHISATION", 9-10 June 2023. “Indeed, in Georgia as in other countries, oligarchisation is the combination of exercising political power without political mandate, influence on parliaments, governments, political parties, judiciary and law enforcement bodies; ownership or influence on the media, decisive, if not monopolistic, influence on a number of areas, such as energy, mining, oil and gas, metallurgy, real estate, etc.¹ Speaking about the problem of oligarchy, the term "captured state" has also been used”.</p> <p>Press remarks by Neighbourhood and Enlargement Commissioner Olivér Várhelyi, following the informal General Affairs Council, 22 June 2023.</p> <p>“-Implement the commitment to “de-oligarchisation” by eliminating the</p>	<p>Response Letter of the Government of Georgia to OGP Steering Committee, 7 August 2023. “Generally, we greatly appreciate the role that civil society organizations, including NGOs, play in the development of the country and, hereby, stress that there are a number of important goals ahead of us that should be</p>
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	<p>excessive influence of vested interests in economic, political, and public life; “Strengthen the independence of its Anti-Corruption Agency bringing together all key anticorruption functions, in particular to rigorously address high-level corruption cases; equip the new Special Investigative Service and Personal Data Protection Service with resources commensurate to their mandates and ensure their institutional independence;</p> <p>European Commission, Commissioner Olivér Várhelyi, 22 June 2023.</p> <p>“In the area of the de-oligarchisation, Georgia has achieved limited progress. In this area, the Venice Commission in its recent recommendation from 12th June, reiterated that the draft law should not be adopted in its current form. In this regard, I welcome the announcement made yesterday and the day before by the ruling party that this draft law will not be adopted. Now, Georgia has to focus on and adopt a law setting out a systemic approach, in line with the Venice Commission recommendations, including by reinforcing rules on competition policy and financing of political parties.”</p>	<p>addressed with the effective co-creation approach.</p> <p>[..]...issues stated in the Letter of Concern are subject of the political discussion. And, we believe that OGP platforms in Georgia must be separated from the political discourse”.</p> <p>Response Letter of the Government of Georgia to OGP Steering Committee, 7 August 2023.</p> <p>“Generally, we greatly appreciate the role that civil society organizations, including NGOs, play in the development of the country and, hereby, stress that there are a number of important goals ahead of us that should be addressed with the effective co-creation approach.</p> <p>[..]...issues stated in the Letter of Concern are subject of the political discussion. And, we believe that OGP platforms in Georgia must be separated from the political discourse”.</p>
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<p>Law on Transparency of Foreign Influence</p> <p>“The initiation and adoption in the first reading of the Russian-inspired “Foreign Agent’s” draft law was the culmination of a series of undemocratic steps taken by the government in recent years. On February 14 and 22, 2023, respectively, draft laws “On Transparency of Foreign Influence” and “On Registration of the Foreign Agents” were initiated by the Majority members¹ of the Parliament of Georgia. The Georgian Dream leadership promptly endorsed² both draft laws, including Prime-minister Irakli Garibashvili.”</p> <p>“The draft laws have been widely condemned domestically and internationally as they mirrored the foreign agent's law adopted by the Russian Federation, which has been used</p>	<p>Human Rights Watch, Georgia: ‘Foreign Agents’ Bill Tramples on Rights, 7 March 2023.</p> <p>“On February 14, a faction in the parliament formed by the members who left the ruling Georgian Dream party but remained in the parliamentary majority, proposed the On Transparency of Foreign Influence bill”.</p> <p>“On February 22, the same members of parliament registered another version of the bill, which expands the scope of “agents of foreign influence” to include individuals...</p>	<p>Response Letter of the Government of Georgia to OGP Steering Committee, 7 August 2023.</p> <p>“Although we are concerned regarding issues that NGOs raised in their Letter of Concern to OGP, within the scope of this response, we clarified details only with regard to the OGP Georgia’s Action Plan elaboration process, since most of the issues stated in the Letter of Concern are subject of the political discussion. And, we believe that OGP platforms in Georgia must be separated from the political discourse. We are determined to continue discussing issues of building stronger, more transparent and accountable public administration and state institutions”.</p>
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<p>to stifle civil society organizations and free media, and silence voices that criticize the government”.</p> <p>“Despite dropping the bill on March 10 on account of three nights of protests and international pressure, the ruling party has shown no intention of abandoning its efforts to introduce regulations that would restrict the activities of critical voices, namely CSOs and media outlets. In a statement released on March 9th, the majority party vowed to engage with the public and provide a detailed explanation of the law, planning to commence campaigns with the purpose of clarifying the bill and stressing the importance of ensuring transparency of foreign influence, “as soon as the emotions subside.”</p>	<p>“On February 27, the parliamentary bureau decided to send both bills to the relevant committees for consideration. The ruling Georgian Dream party expressed public support for the bills”</p> <p>Voice of America, “Parliament in Georgia Gives Initial Approval to 'Foreign Agents' Law”, 7 March 2023.</p> <p>“Speaking in Berlin Georgian Prime Minister Garibashvili announced his support for the law, saying the proposed provisions on foreign agents met "European and global standards.”</p> <p>Politico.eu, “Georgian parliament kills Russian-style bill that sparked mass protests”, 10 March 2023.</p> <p>“Georgia’s parliament on Friday formally voted down the controversial Russian-style bill on foreign agents after several days of massive street protests in Tbilisi.</p> <p>The bill [...] was widely seen as an attempt to silence government critics and impose Russian-style control”</p> <p>European Commission, Georgia 2023 Report, Accompanying 2023</p>	
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<p>“On March 12, 2023 in a lengthy televised interview at Imedi TV Prime Minister Garibashvili delivered the messages. He amplified that rhetoric and laid out plans for further crack down on those who went out to protest against the draft law. During the interview, PM Garibashvili [follow the link for an extended interview with subtitles] personally attacked Georgian civil society, including OGP Council/Forum member CSOs, calling them non-transparent, destructive, and provocative. Moreover, he has also made bizarre allegations that the objective of the petition signatory CSOs, along with political groups, was the destabilization of the country by opening the second front and “helping Ukraine.” Garibashvili also censured the European Parliament for purportedly “dictating to Georgia.” As a result of this remark, he was subsequently subjected to reproach from both international partners and the opposition”.</p> <p>“Openly expressing support for the Russian-style law is not only contrary to the will of the Georgian people and the country's European and Euro-Atlantic aspirations, which include the fulfillment of the 12 EU candidacy recommendations, but it also constitutes a flagrant disregard for the principles enshrined in the Open Government Declaration and Articles of Governance”.</p>	<p>Communication on EU Enlargement policy, 8 November 2023.</p> <p>“The draft law, which was eventually withdrawn following large protests in Tbilisi and strong international reactions, sowed distrust among civil society for the government and triggered a boycott of consultations on key reforms.”</p> <p>CIVICUS, Georgia, Danger Averted, for Now: Civil Society Sees off Restrictive Law – But Expects More Attacks, 17 March, 2023</p> <p>“The government hasn’t said the law was a bad idea, merely that it failed to explain properly to the public why it was needed, and withdrew it to reduce confrontation.”</p> <p>“This raise concerns the bill could come back in some revised form, or other restrictions on civil society could be introduced.</p> <p>Civil.ge, “Quick Take “Foreign Agents” Bill Down, but Ruling Party Rhetoric Not Out”, 10 March 2023.</p> <p>“The ruling party shows no intention to change the strategic course. Its leaders are considering the defeat in the streets mostly a public relations failure and attempt to focus on winning the “hearts-and-minds” battle in</p>	<p>Response Letter of the Government of Georgia to OGP Steering Committee, 7 August 2023.</p> <p>“Following creation of the OGP Georgia’s governance structure, AoG announced the call for initiatives for a new OGP Georgia’s Action Plan in spring 2021. Although NGOs submitted their ideas in summer 2021, several major circumstances hindered the new action plan’s elaboration process, including the COVID-19 pandemic, local elections in October 2021 and, later, preparation of the European Union (EU) membership application in Spring-Summer 2022”.</p> <p>“Considering Georgia's experience in OGP, the Government remains fully committed to the fundamental values of open government and stands ready to continue meaningful cooperation with all interested stakeholders with the aim to take the Georgia’s open government agenda further”.</p> <p>European Commission, Georgia 2023 Report, Accompanying 2023 Communication on EU Enlargement policy, 8 November 2023.</p> <p>“There is some level of involvement of CSOs in policy dialogue. Parliament invited CSOs to participate in the working groups on the 12 priorities, during the reporting period, and</p>
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<p>“The Government of Georgia’s attempts to significantly reduce the space for nongovernmental organizations to work, voice criticism, and receive funding from international sources, threaten media freedom, media ownership, and independence, and infringe on fundamental freedoms, notably freedom of association and expression, and the right to privacy are a clear demonstration of egregious and blatant noncompliance with the OGP community values”.</p>	<p>the new round of public relations confrontation”.</p> <p>Civil.ge, “Criticism Mounts Over Georgian PM’s Repeat “War Conspiracy” Claims”, 13 March 2023.</p> <p>“The Prime Minister of Georgia, Irakli Garibashvili, has faced criticism from international partners of Georgia after accusing MEPs and Ukraine of attempting to drag Georgia into the war.</p> <p>Garibashvili claimed that during recent protests in Georgia, several MEPs and Ukrainian officials made statements implying a wish to involve Georgia in the war and make it fight alongside Ukraine. He urged the Georgian people to be vigilant and cautious to prevent any provocations.”</p> <p>Radio Free Europe, “Why the Georgian Government Climbed Down On The 'Foreign Agents' Law”, 9 March 2023.</p> <p>“Even before the bill landed in parliament, Georgian Dream Chairman Irakli Kobakhidze doubled down after one lawmaker's characterization of the bill's fiercest critics as "spies" and "church detractors," a transparent effort to mobilize supporters of the reactionary and politically powerful Georgian Orthodox Church”.</p>	<p>particularly in the first months of 2023. At the same time, certain CSOs have been increasingly excluded from policy consultation and some have withdrawn from consultation forums. Following the proposal and subsequent withdraw of the ‘foreign agents’ law, not all member organisations of the Consultative Group of the Permanent Parliamentary Council of Open Governance, which had suspended their membership in March 2023, returned. In September 2023 the Speaker of the Parliament took up the chairmanship of the Permanent Parliamentary Council on Open Governance. A dedicated mechanism for public online consultations or contributions for draft laws or policy documents is currently lacking. Draft legislation is available online.”</p> <p>Response Letter of the Government of Georgia to OGP Steering Committee, 7 August 2023.</p> <p>In June 2022, Georgia was given the European Perspective from the EU Commission and provided with 12 recommendations to be implemented prior to receiving the EU candidate status. One of the recommendations was to strengthen the independence of Anti-Corruption Agency and bring together all key anticorruption functions (the recommendation did not include any reference to investigative functions. It states</p>
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	<p>Civil.ge, “PM Garibashvili Links Tbilisi Protests to “Destructive, Anarchist” Forces”, 10 March 2023.</p> <p>“In an interview with Imedi TV on March 12, Georgian Prime Minister Irakli Garibashvili linked the March 7-9 protests in Tbilisi against the Russian-style “foreign agents” law to “destructive, anarchist and extremist forces” and said their purpose was to maintain “chaos and destabilization” in the country. The Prime Minister also spoke about EU membership, the European Parliament’s resolution on ex-President Mikheil Saakashvili, the war in Ukraine and attempts to open a “second front” in Georgia”.</p> <p>Civil.ge, “PM: Georgia’s Future No Longer Belongs to Foreign Agents”, 7 March 2023.</p> <p>“The future of our country does not belong and will no longer belong to foreign agents or servants of foreign countries. The future of our country and our people belongs to patriots,” Georgian Prime Minister Irakli Garibashvili, who is visiting Germany to attend the ITB Berlin 2023 tourism fair, told reporters on March 7 while commenting on the Russian-inspired law on “foreign agents.”</p> <p>Amnesty International, “Georgia: Foreign agents’ bill tramples on rights by restricting</p>	<p>as follows: “Strengthen the independence of its (Georgia’s) Anti-Corruption Agency bringing together all key anticorruption functions, in particular to rigorously address high-level corruption cases”).</p> <p>It is important to note here that the Parliament of Georgia (the “Parliament”), as the major implementer of the 12 recommendations, took the ownership on implementing this recommendation.</p> <p>As for the actual process, the Legal Affairs Committee of the Parliament created a working group on August 4, 2022, to prepare a concept and relevant legislative changes for consolidating anticorruption functions. All interested parties, including opposition party members, NGOs and academia were invited to participate in the work of this working group. As a result, based on the legislative changes of November 30, 2022 adopted by the Parliament, the Anti-Corruption Bureau (the “Bureau”) was established”</p>
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<p>OGP National Process</p> <p>“As for the OGP’s national process, the Government acted contrary to the OGP process for two consecutive cycles. Georgia</p>	<p>freedom of expression and association”, 7 March 2023.</p> <p>“The proposed draft bills trample on the rights of freedom of expression and association, and run counter to Georgia’s human rights obligations and therefore should never be adopted”.</p> <p>Human Rights Watch, Georgia: ‘Foreign Agents’ Bill Tramples on Rights, 7 March 2023</p> <p>“The ‘foreign agent’ bills seek to marginalize and discredit independent, foreign-funded groups and media that serve the wider public interest in Georgia”.</p> <p>BBC news, Georgia protests: Thousands on Street for Second day Over 'Foreign Agent' bill”, 8 March 2023.</p> <p>“Thousands of protesters have taken to the streets of Georgia's capital for the second day after parliament backed a draft law which critics say limits press freedom and civil liberties”.</p>	<p>Response Letter of the Government of Georgia to OGP Steering Committee, 7 August 2023.</p> <p>“Although we are concerned regarding issues that NGOs raised in their Letter of Concern to OGP, within the scope of this response, we clarified details only with regard to the OGP Georgia’s Action Plan elaboration process, since most of the issues stated in the Letter of Concern are subject of the political discussion. And, we believe that OGP platforms in Georgia must be separated from the political discourse. We are determined to continue discussing issues of building stronger, more transparent and accountable public administration and state institutions”.</p>
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<p>does not have a valid OGP National Action Plan since December 2019 and thus did not implement a single commitment at the central government level for more than three years. Throughout these years the government failed to resume a meaningful and inclusive co-creation process that would lead to ambitious commitments”.</p> <p>“In view of the all above, especially taking into account the Prime Minister’s personal attacks on OGP Council member non-governmental organizations, his involvement in a large-scale campaign aimed at suppressing the activities of the non-governmental sector and the free media, labeling and damaging their reputation – which generally serves to limit civic space – there is no room left to establish a true and equal co-creation OGP process in the country. Besides, the Government made it evident that there is no genuine political will to undertake commitments, as part of the new Action Plan, that are ambitious and go beyond the government’s current practice, as it is prescribed in the OGP Articles of Governance”.</p>	<p>OGP Letter to the Government of Georgia, 7 February 2023</p> <p>“OGP Support Unit did not receive a new action plan from the government of Georgia by the deadline of December 31, 2022. Therefore, Georgia has acted contrary to the OGP process for the 2022-2024 cycle”</p> <p>“Georgia has now acted contrary to the OGP process for two consecutive action plan cycles, failing to deliver an action plan in the 2021-2023 cycle as well. A copy of the letter notifying the previous occurrence is enclosed for your records. In line with OGP policy, Georgia will now be placed under review by the OGP Criteria & Standards Subcommittee (C&S). This review process involves enhanced scrutiny and support by the C&S, the OGP Support Unit and the OGP Steering Committee in order to help address the issues that have led to Georgia being placed under review”.</p>	
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<p>Stalled Anti-corruption Reforms</p> <p>“The current situation vis-à-vis corruption in Georgia is characterized by impressively low levels of petty corruption combined with near total impunity for high-level corruption.</p> <p>The European Parliament resolution adopted in November 2018 stated that high-level, elite corruption remains a serious issue in Georgia and called on the government to ensure that “the Anti-Corruption Agency is independent, free of any political interference and separated from the State Security Service.” Moreover, EU Parliament pointed out that an independent judiciary and a solid track record of investigations into high-level corruption cases are required to curb corruption. In the 2020 resolution, the EU directly called on the government to strengthen the rule of law, continue judicial reform, and fight against corruption and state capture. In the 2022 resolution, the EU parliament “expresses concern about continued state capture and the stagnation of the fight against corruption.”</p> <p>Despite the fact that according to Transparency International’s Corruption Perception Index (CPI) 2022 Georgia ranks 41 among 180 countries and leads the region with 56 points, this is due to previous gains in eliminating low-level bribery. The CPI Analysis argues that “the nature, scope and increasing</p>	<p>European Commission, Georgia 2023 Report, Accompanying 2023 Communication on EU Enlargement policy, 8 November 2023.</p> <p>“Parliament passed legislation establishing an Anti-corruption Bureau to oversee and coordinate Georgia’s anti-corruption policy and draw up recommendations. The Bureau was granted powers to monitor asset declarations and party financing and to adopt recommendations on whistle-blower protection. The Prime Minister appointed the head of the Bureau for a term of six years.</p> <p>“Georgia withdrew from the OECD anti-corruption network. The EU has requested Georgia to repeal the decision of February 2023 to withdraw from the OECD anti-corruption monitoring network for Eastern Europe and Central Asia (OECD/CAN) and fully implement recommendation from the previous rounds.</p> <p>“Public communication and accountability on alleged high-level corruption cases also need to be strengthened. Allegations of high-level corruption cases need appropriate follow up. The GRECO recommendations on preventing</p>	
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<p>number of alleged high-level corruption cases point to an alarming conclusion that high-level corruption in Georgia is taking the form of kleptocracy, where officials systematically use political power to appropriate the country's wealth and undermine all critical voices, including political opposition, media, and civil society.”</p> <p>According to the public opinion poll by the International Republican Institute (IRI) published in 2021, 44% of respondents thought that there had been a backslide with regard to combating corruption, while only 8% thought that there had been progress in this direction.</p> <p>The 5th Pilot Monitoring Report of the OECD's Anti-Corruption Network for Eastern Europe and Central Asia (ACN), revealed all the key problems that exist in the country in the fight against corruption, including the enforcement of conflict-of-interest legislation, protection of whistleblowers, investigation of corruption offenses, problems in judicial and prosecutorial systems. For that reason, the government of Georgia first tried to hinder the adoption and public disclosure of the OECD/ACN's 5th pilot Monitoring Report and now is the only country from the region not yet commenced the 2023 monitoring process.</p>	<p>corruption in respect of judges are yet to be fully implemented (out of four recommendations in this area, three have been partially implemented and one has not)”. “In 2022 a total of seven high-level officials were prosecuted and six officials were convicted for corruption. Overall, prosecutions and convictions on corruption cases have increased compared to 2021: 36% increase in prosecutions and 73.5% increase in convictions”. “Georgia should also review the legislation on the Anti-Corruption Bureau, the Special Investigation Service and the Personal Data Protection Service addressing upcoming Venice Commission recommendations.”</p>	<p>Response Letter of the Government of Georgia to OGP Steering Committee, 7 August 2023. “Although we are concerned regarding issues that NGOs raised in their Letter of Concern to OGP, within the scope of this response, we clarified details only with regard to the OGP Georgia's Action Plan elaboration process, since most of the issues stated in the Letter of Concern are subject of the political discussion. And, we believe that OGP platforms in Georgia must be separated from the political discourse. We are determined to continue discussing issues of building stronger, more transparent and accountable public administration and state institutions”.</p>
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<p>Noting with regret that Georgia does not have valid National Anti-corruption policy documents (Strategy and Action Plan) since December 2020, the last time the Anti-corruption interagency coordination Council met was in 2019”.</p> <p>Judicial Reform</p> <p>Notwithstanding several waves of judiciary reform, the court administration remains in the hands of a small group of influential judges, who use their authority to advance their personal as well as political interests of the ruling party.</p> <p>The fact that the allegations of corruption in the judiciary were actually true is confirmed by the U.S. State Department’s recent decision on designating four high-ranking Georgian judges (Mikheil Chinchaladze, Levan Murusidze, Irakli Shengelia, and former judge Valerian Tsertsvadze) “due to their involvement in significant corruption.” “Their actions undercut judicial and public processes by offering benefits to or coercing judges to decide cases in favor of political allies and manipulating judicial appointments to their benefit. Their corruption undermined the rule of law and democratic processes, damaging</p>	<p>European Commission, Georgia 2023 Report, Accompanying 2023 Communication on EU Enlargement policy, 8 November 2023.</p> <p>“Four consecutive waves of reform prior to 2022 have improved the legal framework related to the functioning of the judiciary and the overall capacity and organisation of the justice system. Parliament adopted a judicial reform strategy and action plan. However, the strategy and action plan do not address key challenges in the justice system, in particular the need to strengthen the integrity of the highest judicial bodies. Some legislative changes were adopted, including on accessibility of court decisions, the quality of reasoning for judicial appointments and on increasing the professional experience requirement to 10 years for the selection of Supreme Court nominees.”</p>	<p>Response Letter of the Government of Georgia to OGP Steering Committee, 7 August 2023.</p> <p>“Although we are concerned regarding issues that NGOs raised in their Letter of Concern to OGP, within the scope of this response, we clarified details only with regard to the OGP Georgia’s Action Plan elaboration process, since most of the issues stated in the Letter of Concern are subject of the political discussion. And, we believe that OGP platforms in Georgia must be separated from the political discourse. We are determined to continue discussing issues of building stronger, more transparent and accountable public administration and state institutions”.</p> <p>European Commission, Georgia 2023 Report, Accompanying 2023 Communication on EU Enlargement policy, 8 November 2023.</p> <p>An opposition TV Director was released from prison following a presidential pardon.</p>
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<p>the Georgian public’s faith in the independence of one of the most important democratic institutions,” – explained U.S. Ambassador Kelly Degnan in a recorded statement.</p> <p>Noting with deep regret that the judicial appointment decisions in Georgia are not made solely on the basis of merit or objective criteria, neither does the process contain legal and procedural safeguards to prevent undue influences.</p> <p>“Venice Commission’s latest opinion states that the draft legislative initiative delivered by the Parliament of Georgia aiming at the fulfillment of the EU recommendation, is of limited scope and does not provide for a holistic reform of the judiciary, including the High Council of Justice. The Commission reiterates that persistent and widespread allegations of corporatism and vested interests made against the Council undermine public trust in the judiciary and must be taken seriously by the authorities. The document states that corporatism, which promotes the interests of one group of judges to the detriment of other judges, is impermissible.</p> <p>Public trust in the justice system will be damaged if the Council is perceived as a body acting based on self- interest and</p>	<p>The Guardian, “US Puts Sanctions on Four Georgian Judges Over ‘Significant Corruption”, 12 April, 2023.</p> <p>“The US secretary of state, Antony Blinken, has accused the men – who have chaired courts and sat on the Georgia’s high council of justice, which oversees the judiciary – of “significant corruption”. They deny the accusations.</p> <p>[..] Blinken said in a statement that the four men put on the US sanctions list – Mikheil Chinchaladze, Levan Murusidze, Irakli Shengelia, and Valerian Tsertsvadze – had abused their positions by undermining the public’s faith in Georgia’s judicial system, although he did not make mention of Saakashvili’s case”</p> <p>European Commission, Georgia 2023 Report, Accompanying 2023 Communication on EU Enlargement policy, 8 November 2023.</p> <p>“In June 2023 Parliament adopted amendments to the Law on Common Courts and drafted additional amendments in September 2023 implementing some of the Venice Commission’s recommendations. However, the most important recommendations of the European Commission and of the Venice Commission as</p>	<p>Response Letter of the Government of Georgia to OGP Steering Committee, 7 August 2023.</p> <p>“Although we are concerned regarding issues that NGOs raised in their Letter of Concern to OGP, within the scope of this response, we clarified details only with regard to the OGP Georgia’s Action Plan elaboration process, since most of the issues stated in the Letter of Concern are subject of the political discussion. And, we believe that OGP platforms in Georgia must be separated from the political discourse. We are determined to continue discussing issues of building stronger, more transparent and accountable public administration and state institutions”.</p>
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<p>cronyism. Furthermore, as concluded by the Venice Commission, the adoption of amendments on December 21, 2021 “was done with excessive haste, lacked transparency as to its motives and aims and was conducted without inclusive and effective consultations,” and “the combined effect of a rushed adoption of the 2021 Amendments and their introduction of an increase in the powers of the HCoJ to second/transfer judges without their consent, and the new and vague grounds for disciplinary misconduct and the suspension of a judge’s salary in the case of a disciplinary investigation – may in the specific context of Georgia create a chilling effect on judges’ freedom of expression and internal judicial independence.”</p>	<p>stated in its consecutive opinions (of March 2023 and October 2023), notably regarding reforming High Council of Justice and recommendations regarding the Supreme Court were not addressed.”</p> <p>Press remarks by Neighbourhood and Enlargement Commissioner Olivér Várhelyi, following the informal General Affairs Council, 22 June 2023.</p> <p>“On Step 3, the inclusive and effective judicial reform, including the High Council of Justice, Georgia needs to submit amendments on judicial reform to the Venice Commission for a second opinion, to adopt a broader reform of the judiciary, especially of the High Council of Justice and finally, to appoint the remaining non-judge members of the High Council of Justice.”</p> <p>Commission Opinion on Georgia's application for membership of the European Union, 17 June, 2023.</p> <p>“Four successive waves of reform have improved the legal framework regarding the functioning of the judiciary and the capacity and organisation of the Georgian justice system. However, progress on justice reforms and their implementation has now stalled and some backward steps have been taken. Public perception of the independence of the</p>	<p>Response Letter of the Government of Georgia to OGP Steering Committee, 7 August 2023.</p> <p>“Although we are concerned regarding issues that NGOs raised in their Letter of Concern to OGP, within the scope of this response, we clarified details only with regard to the OGP Georgia’s Action Plan elaboration process, since most of the issues stated in the Letter of Concern are subject of the political discussion. And, we believe that OGP platforms in Georgia must be separated from the political discourse. We are determined to continue discussing issues of building stronger, more transparent and accountable public administration and state institutions”.</p> <p>Response Letter of the Government of Georgia to OGP Steering Committee, 7 August 2023.</p> <p>“Although we are concerned regarding issues that NGOs raised in their Letter of Concern to OGP, within the scope of this response, we clarified details only with regard to the OGP Georgia’s Action Plan elaboration process, since most of the issues stated in the Letter of</p>
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	<p>judiciary has deteriorated. Georgia has not yet adopted a strategic framework for justice reform post-2020”.</p> <p>“Concerns were expressed over the process of recent appointment of two judge members of the High Council of Justice. The published decisions of the High Council of Justice should add explanations of their reasoning”.</p> <p>Venice Commission, Follow-up Opinion, 6-7 October 2023.</p> <p>“Despite certain improvements introduced by the June 2023 amendments, the recommendation of comprehensive reform of the HCoJ has not yet been properly addressed. It is not addressed either in the September 2023 draft amendments. The authorities informed the Commission once again that the discussed amendments were only certain first steps in the global strategy of judicial reform and that further amendments would necessarily follow. The Commission invites the authorities to pursue this strategy without unjustified delay”.</p> <p>“It appears that the recent election of lay members was made in a polarised political context, where parts of the opposition boycotted the voting in parliament. The actual pluralism in the HCoJ following the election of three lay members has been questioned by claims that they may be linked to the group of</p>	<p>Concern are subject of the political discussion. And, we believe that OGP platforms in Georgia must be separated from the political discourse. We are determined to continue discussing issues of building stronger, more transparent and accountable public administration and state institutions”.</p> <p>Response Letter of the Government of Georgia to OGP Steering Committee, 7 August 2023.</p> <p>“Although we are concerned regarding issues that NGOs raised in their Letter of Concern to OGP, within the scope of this response, we clarified details only with regard to the OGP Georgia’s Action Plan elaboration process, since most of the issues stated in the Letter of Concern are subject of the political discussion. And, we believe that OGP platforms in Georgia must be separated from the political discourse. We are determined to continue discussing issues of building stronger, more transparent and accountable public administration and state institutions”.</p>
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<p>Illegal surveillance</p> <p>“Noting with deep regret, Georgian civil society sees clear signs that the government uses the State Security Service as a mechanism of total control. In August and September of 2021, thousands of files were released indicating a massive illegal wiretapping and spying operation likely conducted by the State Security Service. This included information about the personal</p>	<p>judges that allegedly controls the judicial members of the HCoJ.⁸ In addition, the legality of the nomination of one newly elected lay member was questioned on the grounds that the relevant organisation had not been entitled under the law to nominate the candidate.”</p> <p>Freedom House Report 2022- Georgia</p> <p>“In August, the State Security Service (SSS) was revealed to have surveilled several</p>	<p>Response Letter of the Government of Georgia to OGP Steering Committee, 7 August 2023.</p> <p>“The General Administrative Code of Georgia and Government Decree N219 on Proactive Disclosure of Public Information provide for regulations with regard to disclosure of public information. The Government acknowledges the need for further improving existing practice and legislation and, hence, agreed with NGOs’ recommendation to launch the second wave of the reform on proactive publication of public information in the frames of new OGP Georgia Action Plan – the latter was among 45 recommendations submitted by NGOs.</p> <p>Particularly, the Government plans to renew Government Decree N219 currently in force and expanded the list of public information to be proactively accessible, which, in turn, will enhance access to information. Further, the Government considered the initiative to elaborate the Open Data Act, directly contributing to advancing the access to information practice.</p>
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<p>conversations and private lives of journalists, religious figures, politicians, civil activists, diplomats, and other individuals.”</p> <p>....</p> <p>“Moreover, a former high-ranking official of the State Security Service, who acted as a whistle-blower, disclosed information regarding large-scale illegal voter mobilization schemes allegedly orchestrated by the ruling party, with involvement from the State Security Service, Ministry of Justice, and Ministry of Internal Affairs. Although investigations have been launched into the matter, the state officials responsible for the alleged crimes have not yet been held accountable.”</p> <p>Attack on media</p> <p>In recent years, press freedom in Georgia has suffered considerable setbacks.</p>	<p>hundred individuals, including journalists, activists, politicians, and members of the clergy, reportedly tracking the personal activities and communications of their targets. The SSS and the government denied wrongdoing.”</p> <p>Freedom House Report 2023- Georgia</p> <p>“leaked documents by the former deputy head of the State Security Service of Georgia (SSG) from 2018–20 revealed deeply problematic structural issues in the electoral system, including alleged misconduct by GD, such as misuse of state agencies (law enforcement agencies and personnel) for electoral advancement, misuse of personal and financial information to pressure or bribe the electorate, special extra-legal treatment (restoring suspended rights or freedoms) in exchange for votes, collection of compromising information on supporters of opposition parties coupled with discriminatory treatment, and misuse of the state budget for the incumbent’s electoral advancement, among other issues”.</p> <p>European Commission, Georgia 2023 Report, Accompanying 2023 Communication on EU Enlargement policy, 8 November 2023.</p>	<p>In February 2023, the Government adopted the PAR Strategy 2026 and its Action Plan for 2023-2024. In frames of the latter, AoG took commitment for capacity building in state institutions at all levels (central and municipal) regarding the freedom of information regulations. With support of the EU Technical Assistance Program, AoG has completed trainings in all 63 municipalities of Georgia. Considering all the above, the Government considers the freedom of information seriously and shows readiness to ensure further development beyond its current practice. However, we see no reason of adopting a separate piece of legislation at present, especially as there is still the room for improvement.”</p>
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<p>This decline became especially visible in July 2021, when more than 50 media workers (along with civic activists) were subject to large-scale pre-organized violence while covering anti-Pride protests in Georgia’s capital, Tbilisi. Despite credible evidence, none of the organizers of the mass violence had been arrested and law enforcement officials lacked the will to hold the organizers accountable. The Public Defender has expressed concern about the ineffectiveness of the investigation into the July 5th case and has referred various factors to support this assessment. Both the Committee of Ministers of the Council of Europe and the European Parliament have urged state agencies to conduct a thorough and effective investigation into the events of July 5. In particular, a resolution passed on June 09, 2022 emphasized that impunity for the perpetrators of such acts cannot be tolerated under any circumstances, as they are in breach of both Georgia's national legislation and its international obligations.</p> <p>The imprisonment of the director of the popular TV channel Mtavari Arkhi, Nika Gvaramia, in May 2022, was another sign of this decline. Gvaramia was sentenced to three-and-a-half years in prison for corruption in what was widely considered a politically motivated trial both on the local and international level.⁵ There are ongoing</p>	<p>“The investigation that started in September 2021 into the eavesdropping and illicit surveillance of politicians, journalists, civil society activists and the diplomatic community, including tapes of private life and correspondence, has not been concluded. The repeated calls, including by the Public Defender, to improve accountability and effective institutional oversight are yet to be addressed.”</p> <p>Reporters Without Borders 2021, Georgia</p> <p>“Verbal and physical assaults on journalists are frequent, including by senior government officials, especially during election campaigns. A sustained and brutal assault on 50 reporters during homophobic counter-demonstrations in July 2021, in front of impassive security forces, marked an unprecedented setback. The lack of transparency and progress in the investigation of the event, as well as the three and a half year sentence for the director of an opposition TV channel, Nika Gvaramia, speak to the impunity enjoyed by those who commit crimes against journalists.”</p> <p>Freedom House Report 2023</p>	
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<p>lawsuits against the owners (or their family members) of other critical TV channels Formula and TV Pirveli.</p> <p>In a 2022 resolution the European Parliament expressed its concern over “the significant deterioration of the media situation and the safety of journalists in Georgia in recent years,” and condemned “the increasing number of cases of intimidation, threats and violence against and the persecution of journalists, including an increasing number of criminal investigations into media workers and owners.”</p> <p>“The European Parliament called on the Georgian government to ensure media freedom, which should entail editorial independence, transparent media ownership, and pluralistic, impartial, and non-discriminatory coverage of political views in programming by private and, in particular, public broadcasters, especially during electoral campaigns; also, to guarantee unhindered access to information that is supposed to be publicly available and to ensure the safety, protection, and empowerment of journalists and other media professionals. EU Condemned the sentencing of Nika Gvaramia, the director of the main pro-opposition TV channel Mtavari, on 16 May 2022, which has highlighted the persistent mistrust in Georgia’s judiciary system. EU</p>	<p>“Independent Media rating declined from 3.50 to 3.25 due to a multiyear trend of worsening harassment and violence against journalists, exemplified by the arrest and sentencing of the director of two government-critical TV stations, as well as an increasingly polarized and politicized media environment that has undermined editorial independence.”</p> <p>“Media freedom in Georgia worsened significantly in 2022, raising concerns among domestic and international observers as reflected in the country’s declining press freedom rankings. Journalist safety, censorship and surveillance attempts, discriminatory treatment of media outlets, and the silencing of government-critical voices were top concerns raised during the year. The arrest and sentencing of the director of the government-critical Mtavari Arkhi television on dubious charges was particularly alarming due to allegations of political interference in court proceedings and the questioned impartiality of the judiciary. The low degree of media access to public information is another alarming tendency in Georgia that hinders accountability for governing bodies and the media’s capacity to report”.</p>	
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<p>Parliament reiterated its call on the Georgian authorities to refrain from interfering in media freedom or pursuing politically motivated judicial cases against media owners or representatives.”</p>	<p>European Parliament, Violations of media freedom and the safety of journalists in Georgia, 9 June 2022.</p> <p>“The European Parliament adopted on 9 June 2022 a resolution on "Violations of media freedom and the safety of journalists in Georgia" tabled by the EPP, S&D, Renew, Greens/EFA and ECR groups.</p> <p>The Members deplored the significant deterioration of the media situation in Georgia, including cases of intimidation, threats and violence, and politically motivated criminal investigations into media workers and owners, singling out the sentencing of Mtavari Arkhi channel Director Nika Gvaramia”.</p> <p>European Commission, Georgia 2023 Report, Accompanying 2023 Communication on EU Enlargement policy, 8 November 2023.</p> <p>“Continued public attacks and discrediting rhetoric against journalists and media professionals by high-level public officials and politicians, from both government and opposition, as well as from violent far-right groups, have created a somewhat hostile environment, posing a threat to media freedom and pluralism. Delays by public institutions and officials in responding to (or failure to respond to) requests for information,</p>	
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<p>“The parliament suspended the accreditation of three journalists and camera operators from three critical TV channels – Mtavari Arkhi, Formula, and TV Pirveli. A letter by the Parliament’s office reads that they had violated the new accreditation rules, which state that a journalist must stop an interview if an MP, staff member, or guest objects. Journalists from TV Pirveli and Mtavari Arkhi had their accreditation suspended after they attempted to get Georgian Dream MP Eliso Bolkbadze to comment on the US sanctions against four Georgian judges.</p> <p>As for Formula TV, a journalist tried to get a comment from a lawmaker about Shalva Ramishvili, founder and presenter of pro-government PostTV, who has been accused of sexual harassment by several women. The Media Advocacy Coalition noted that such a decision “is dangerous for journalists and can be used as a mechanism to limit critical questions for the media or to put pressure on editorial policy.”</p>	<p>especially from critical and independent media, raise concern.</p> <p>“The organisers of the violence on 5 July 2021 remain at large. 60 individuals (including 48 journalists and one cameraman) and one legal entity – ‘Tbilisi Pride’ – are recognised as victims. The Prosecution Service prosecuted 31 individuals for participating in the violence; proceedings against 14 defendants were concluded. As for the organisers of the violence, investigations are officially still ongoing. No prosecution took place during the reporting period. Georgia needs to urgently follow-up on these cases and ensure the perpetrators and instigators of the violence are brought to justice.</p> <p>In November 2022, the Tbilisi Court of Appeals ruled to uphold Mtavari Arkhi TV director sentence of 3 years and 6 months in prison, finding him guilty on two counts under Article 220 of the Criminal Code, abuse of power. The Public Defender found the judgement and reasoning of the court to be unfounded and unsubstantiated in terms of conviction as well as sentencing. In June 2023, the Supreme Court reaffirmed the above-mentioned judgement by upholding prison sentence and ruling that the filed cassation appeals were inadmissible.</p>	
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<p>According to the Public Defender, the rule on the accreditation of journalists in the Parliament is problematic as it does not specify the issue of appealing the decision; in contrast, the decision to suspend the accreditation of journalists does not specify the time limits and procedure for appealing it, which is a necessary requirement of the legislation. Public Defender calls for changing the rule so that it “does not cause unjustified interference in the activities of media representatives.”</p>	<p>On 22 June, President Zourabichvili used her discretionary right and signed the decree on pardoning the Mtavari Arkhi TV director, who was released from prison on the same day. Several court proceedings and investigations against opposition media owners took place. Recent libel and defamation lawsuits and verdicts have a problematic effect on critical media reporting. In addition, there is a number of ongoing cases against journalists, including those dismissed from Rustavi 2.”</p> <p>Committee to protect Journalists, “Georgian parliament suspends accreditation of 6 pro-opposition journalists”, 14 April 2023.</p> <p>“Between April 3 and April 6, Georgia’s parliament suspended for one month the accreditations of three reporters and three camera operators from pro-opposition broadcasters Formula TV, Mtavari Arkhi, and TV Pirveli, citing new regulations prohibiting journalists from interviewing members of parliament without consent”. Speaker of Parliament Shalva Papuashvili rejected claims that the suspensions were related to the journalists’ critical questions, attributing the ban to their “harassment” of parliament members.</p> <p>“Georgia’s parliament should withdraw the unwarranted accreditation suspensions of six pro-opposition journalists and rework its</p>	
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<p>Access to public information</p> <p>“On April 3, 2023, the Public Defender's report reviewed the current environment in terms of freedom of information in the country. According to the report, the main obstacle to the proper realization of the right to access public information is the existing outdated legislation, which cannot meet the needs at this stage.”</p> <p>According to IDFI's Access to Public Information in Georgia 2022 report:</p> <ul style="list-style-type: none"> • The response rates of public institutions decreased by 24% compared to the previous year and amounted to 58%, the lowest result since 2010; 	<p>accreditation regulations, which appear all too open to abuse,” said Carlos Martínez de la Serna, CPJ’s program director, in New York. “If Georgian authorities are serious about reducing political and media polarization, they should work with all journalists to devise acceptable and sustainable regulatory frameworks.”</p> <p>OC Media, “Georgian Parliament suspends accreditation of opposition journalists, 7 April 2023.</p> <p>“The Georgian Parliament has revoked the accreditation of three reporters and two camera operators from TV channels Mtavari, Pirveli, and Formula after they tried to get comments about ongoing scandals from parliamentary majority members. The channels are leading opposition-leaning media groups that regularly cover Georgian politics and offer weekly investigative reports.”</p> <p>Civil.ge, “Parliament Suspends Accreditation of Journalists from Three Government-Critical TV Channels”, 7 April 2022.</p> <p>“Parliament has suspended the accreditation of three journalists and three cameramen from three government-critical TV channels –</p>	
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<ul style="list-style-type: none"> • The rate of complete answers in 2022 is 33%, <i>the lowest recorded result since 2010;</i> • The rate of providing public information on time decreased by 19% and amounted to 35%, <i>the lowest since 2010;</i> • In 2022, the rate of timely disclosure of public information decreased by 19%, amounting to 35%, <i>the lowest since 2010.</i> <p>The Government of Georgia does not fulfill the obligation stipulated by the Rules of Procedure of the Government of Georgia and does not publish its decrees. It must be noted that IDFI opened a case against the government for 2 years about the accessibility of decrees, but the main hearing of the case has not been scheduled so far.</p> <p>In 2022, the Government of Georgia discussed the 372 draft decrees at 47 cabinet meetings. None of these decrees are public. It has been impossible to obtain these documents through the FOI requests as well – the Government Administration did not respond to any of TI Georgia’s FOI requests (47 letters) in 2022.</p>	<p>Mtavari Arkhi, Formula and TV Pirveli – for a period of three months.</p> <p>According to a letter sent to them by the Parliament’s office reads that they had violated Paragraph 2 of Article 15 of the new accreditation rules, which states that a journalist must stop an interview if an MP, staff member or guest objects.”</p> <p>“In response to the Parliament’s decision to suspend the accreditation of three TV channels, the Georgian Charter of Journalistic Ethics noted that the decision to suspend accreditation makes it impossible to determine what investigation was conducted into the matter and what standard the Head of the Parliament’s Office used to make the decision. The suspicion is that it is linked to the content of a particular media product.”</p> <p>“The Public Defender’s Office said that the rule on the accreditation of journalists in the Parliament is “problematic” because it “does not specify the issue of appealing the decision, while the decision to suspend the accreditation of journalists does not specify the time limits and procedure for appealing it, which is a necessary requirement of the legislation”.</p>	
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	<p>Freedom House Report 2023</p> <p>“The low degree of media access to public information is another alarming tendency in Georgia that hinders accountability for governing bodies and the media’s capacity to report.”</p> <p>“The nongovernmental sector was successful not only in participating in significant decisions at the state level, such as public defender selection, but also in affecting government practices such as access to public information.”</p> <p>European Commission, Georgia 2023 Report, Accompanying 2023 Communication on EU Enlargement policy, 8 November 2023.</p> <p>Access to public information is ensured by the legal framework. Its enforcement is mixed across various government institutions. The long-awaited review of the overall framework needs to be carried out to enhance the administrative capacity for effective enforcement. Publication of information – including publishing monitoring and activity reports – is uneven and needs to be significantly improved. The legal framework to</p>	
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	<p>effectively guarantee citizens' rights to access to public information should be reviewed.</p> <p>“Review the legal framework to effectively guarantee citizens' right to access to public information.”</p> <p>Civil.ge, “IDFI’S 2022 Report on Access to Public Information in Georgia”, 14 March 2023.</p> <p>“According to the 2022 report on the availability of public information in Georgia by the non-governmental organization “Institute for the Development of Freedom of Information” (IDFI), the rate of responses received from public institutions in the previous year decreased by 24% compared to 2021, and it reached 58%, which is “the lowest since 2010.”</p>	
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