[GE] Law on transparency of foreign influence enforced

IRIS 2024-6:1/13

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Despite objections by the European institutions, including the Venice Commission, despite mass protests in the capital and a veto by the country's president, on 28 May 2024, the Georgian Parliament finally enforced the bill "On transparency of foreign influence" (the Law) which had been tabled by the ruling party "Georgian Dream" on 3 April 2024 and was strongly supported by the government (for more information, see: IRIS 2023-4:1/30 and IRIS 2024-5:1/16). The Law was rushed through (very little time separated the three readings in parliament), with no meaningful consultation process.

The stated purpose of the Law, as articulated in Article 1, is to ensure transparency regarding foreign influence. The Explanatory Note also identifies transparency as the sole purpose of the Law. Nick-named by the opposition a "Russian bill", the new law indeed follows the steps of the Kremlin policy targeting civil society organisations and the media, which are independent of the authorities.

The Law creates a new category of "organisation pursuing the interests of a foreign power". It specifically includes both broadcasters, and legal persons owning and/or using alone or jointly an internet domain or internet media of mass information in Georgia. In both cases, more than 20% of their total annual income is to be received from a foreign power. Entities meeting this definition shall register with the National Agency of Public Registry of the Ministry of Justice of Georgia, with the subsequent yearly obligation to provide a financial declaration and other related obligations. The Law also empowers the Ministry of Justice to conduct wide-ranging inspections twice a year, on the implementation of the Law; it also provides for fines in the event of non-compliance. It requires the "organisations pursuing the interests of a foreign power" to provide the Ministry of Justice with required "personal data or secret-containing information (except for state secrets provided for in the legislation of Georgia)", with no link being established between such information and the aim of the Law.

"Income" is broadly understood by the Law as referring to any financial or other material revenue. The notion of what may constitute a "foreign power" encompasses a wide range of entities, from a constituent entity of the government system of a foreign state to a natural person who is not a citizen of Georgia.

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The authorities argued that the aim of the Law is to protect democracy from disinformation spread under the influence of foreign actors and the restrictions introduced pursue the legitimate aims. The Venice Commission disagreed as "[t]he targeting, silencing and causing the de facto shutting down of foreign funded associations and media as voices critical of the government is not readily characterised as countering disinformation: such measures are, instead, likely to undermine pluralism and free speech, in a manner which is contrary to international standards and harmful to democracy ..."

საქართველოს კანონი „უცხოური გავლენის გამჭვირვალობის შესახებ"

https://parliament.ge/legislation/28355

Law of Georgia "On transparency of foreign influence" (draft), No. 07-3/433/10, tabled on 3 April 2024

Закон Грузии "О прозрачности иностранного влияния" (проект с пояснительной запиской)

https://www.kavkaz-uzel.eu/articles/399856

Law of Georgia "On transparency of foreign influence" (draft with explanatory note)

Venice Commission, CDL-PI(2024)013-e, Georgia – Urgent Opinion on the Law of Georgia on Transparency of Foreign Influence, 21 May 2024

https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2024)013-e

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