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## GEORGIA: Government's "real purpose" not to ensure public transparency "but to exert control"

By Felix Corley, Forum 18 (<https://www.forum18.org>)

*Despite massive protests, the ruling party's Law on Transparency of Foreign Influence (called by many Georgians including President Salome Zourabichvili the "Russian Law") came into force on 3 June. All civil society organisations (including most religious organisations) receiving more than a fifth of income from abroad must by September enter a range of information on a public register as an "organisation serving the interests of a foreign power". Pastor Zaal Tkeshelashvili of the unregistered Evangelical Church likens the new Law to "the State installing surveillance cameras in every corner to control the religious or private lives of believers".*

Legal experts have expressed concern about the effect the new Law on Transparency of Foreign Influence, called by many Georgians including President Salome Zourabichvili the "Russian Law" and also known as the Foreign Agent Law, is likely to have on a range of civil society organisations. Those that receive more than a fifth of their income from abroad will be required within the next three months to enter a range of information on a public register as an "organisation serving the interests of a foreign power".

Relevant organisations that fail to register and provide information demanded can be given heavy fines (see below).

The Law allows the government to seek intrusive information not only on the organisations and their staff, but on the personal lives – including the religious views – of individuals. Many aspects of the law remain vague, allowing officials to interpret the Law arbitrarily (see below).

Many registered religious organisations are set to fall under the scope of the new Law. Officials at the Justice Ministry's Legal Drafting Department refused to say whether only religious communities registered as non-commercial organisations will be under the scope of the Law or whether the 57 religious communities registered as legal entities of public law will also be affected. "We know this information but we are not allowed to tell you," the official told Forum 18 (see below).

Zaza Vashakmadze, head of the State Agency for Religious Issues (SARI), would not talk to Forum 18 by phone on 10 June and asked for questions in writing. Forum 18 asked him in writing:

- which category of religious organisation would fall under provisions of the Law and why the state needs detailed information on all their funding;
- why the new Law gives the Justice Ministry the power to ask for intrusive information about individuals, including about their attitude to religion, in violation of international human rights commitments;
- why the 2023 Defence Code gave the state the power to collect information on the attitude to religion of men on the conscription reserve (those between the ages of 18 and 60), whether this information is already being collected and, if so, what is being done with it.

SARI head Vashakmadze did not reply (see below).

Other organisations set to be affected by the new Law include: religious charities; non-governmental organisations that work on religion-related issues (including freedom of religion or belief); and the independent media, which have often given coverage to freedom of religion or belief cases (see below).

Human rights defenders fear the new Law will lead to stigmatisation of organisations and religious communities that have to register as "serving the interests of a foreign power". They are also concerned at state officials' powers to seek intrusive information on individuals, including on their attitude to religion, in violation of international human rights commitments (see below).

Pastor Zaal Tkeshelashvili of the unregistered Evangelical Church of Georgia likens the new Law to "the State installing

surveillance cameras in every corner to control the religious or private lives of believers" (see below).

Despite vocal opposition on the streets, on 28 May Parliament overrode the presidential veto on the Law. As President Salome Zurbishvili refused to sign it, parliament speaker Shalva Papuashvili signed it into law. It came into force on publication on 3 June (see below).

Maka Peradze, Head of the Human Rights Secretariat in the Government Administration, refused to say if she had read the text of the new Law. She declined to answer any questions on the way the Law is likely to affect religious communities and organisations working on religious-related issues. "We are not working on any aspect of the new Law. So it is beyond my competence to talk about it," she told Forum 18 (see below).

"The initiation and adoption process of this Law suggests that the government's real purpose is not to ensure public 'transparency' of the finances of private organisations, including religious organisations, but to exert control," Archil Metreveli, a law professor and Head of the Institute for Religious Freedom at the University of Georgia, told Forum 18 (see below).

"The adoption of this Law will have an expressly negative impact on human rights in Georgia, including the freedom of religion or belief," Professor Metreveli observes. "This effect will be both direct and indirect, and it will be devastating" (see below).

"It is our belief that the law was specifically designed as an instrument to target 'others' and religious minorities should consider it a threat to their fundamental rights and liberties," Giorgi Meladze, a law professor at Ilia State University, told Forum 18 (see below).

Professor Meladze is particularly worried about the impact on smaller religious communities. "The speed at which the government rushed to adopt the Law never gave enough space for wider public discussion and consultation with stakeholders, including religious minority groups," he told Forum 18. "One can even argue that religious minorities were kept on the margins throughout the process" (see below).

"The visibility of religious groups is at a historical low due to consistent suppression coming from state or state funded private entities," Professor Meladze adds. "With very little visibility in public debate, religious minorities risk losing their rights without this being noticed" (see below).

#### Similarity to Russia's Foreign Agents Law

Critics have noted the similarity of the new Law (called by many Georgians including President Salome Zourabichvili (<https://www.rferl.org/a/foreign-agent-tbilisi-kobakhidze-zurabishvili/32952788.html>) the "Russian Law") to the Foreign Agents Law adopted in Russia in July 2012, with its scope widened in numerous subsequent amendments (<https://www.hrw.org/world-report/2024/country-chapters/russia>).

The Council of Europe's Venice Commission called on Russia on 6 July 2021 (CDL-AD(2021)027 ([https://venice.coe.int/webforms/documents/?pdf=CDL-AD\(2021\)027-e](https://venice.coe.int/webforms/documents/?pdf=CDL-AD(2021)027-e))) to "abandon the special regime of registration, reporting, and public disclosure requirements for associations, media outlets and individuals receiving 'foreign support', including the related administrative and criminal sanctions".

Russia has used increasingly strict legislation on "foreign agents" (a term which has connotations of spying) and "undesirable organisations" to curtail, complicate, or prohibit the activities of organisations which promote human rights and monitor their violation, including that of freedom of religion and belief. This "indirectly affects the people human rights defenders stand up for", Aleksandr Verkhovsky of the SOVA Center for Information and Analysis (branded a "foreign agent") told Forum 18 on 14 December 2021 ([https://forum18.org/archive.php?article\\_id=2707](https://forum18.org/archive.php?article_id=2707)). The Justice Ministry and prosecutors was at that time seeking through the courts to close down the Memorial Human Rights Centre (also branded a "foreign agent"), partly for its monitoring of criminal prosecutions of Jehovah's Witnesses.

Following a media campaign, a complaint from the Veterans of Russia organisation, a Prosecutor General's Office demand, a Moscow Justice Department inspection and court suit - the same pattern that led to the 2021 forced closure of Memorial - on 27 April 2023 a Judge ordered the liquidation of the SOVA Center for Information and Analysis ([https://forum18.org/archive.php?article\\_id=2828](https://forum18.org/archive.php?article_id=2828)), Russia's leading organisation monitoring freedom of religion or belief violations. After the decision entered into legal force four months later, Verkhovsky noted the "obvious and extreme selectivity" of the Justice Department's claims against human rights groups ([https://forum18.org/archive.php?article\\_id=2853](https://forum18.org/archive.php?article_id=2853)) "but not to hundreds of others".

#### Adoption despite protests

Georgia's Law on Transparency of Foreign Influence was the initiative of the ruling Georgian Dream Party, which has ruled since 2012. Its informal leader is the businessman Bidzina Ivanishvili.

Parliament considered a similar draft in March 2023

(<https://www.hrw.org/news/2023/03/07/georgia-foreign-agents-bill-tramples-rights>), but due to the nationwide protest the draft Law was never approved. Ivanishvili affirmed then that Parliament would never consider adopting a similar law in the future. "The promise was broken, and not for the first time," Giorgi Meladze, a law professor at Ilia State University, told Forum 18.

On 3 April 2024, the ruling Georgian Dream Party announced that the Law on Transparency of Foreign Influence would be reintroduced to Parliament. It was submitted on 8 April, endorsed by Parliament's Legal Committee on 15 April and adopted in the first reading on 17 April. It was approved in the second reading on 1 May and the third reading on 14 May.

The draft Law was then sent to President Zurabishvili for her to sign into law. However, she refused to do so and on 18 May sent it back to Parliament with her specific criticisms.

Despite vocal opposition on the streets, on 28 May Parliament overrode the presidential veto on the Law. As President Zurabishvili again refused to sign it, parliament speaker Shalva Papuashvili signed it into law. It was published in the legislative gazette on 3 June and came into force immediately.

Professor Meladze complains of the government's haste in adopting the Law. "The speed at which the government rushed to adopt the Law never gave enough space for wider public discussion and consultation with stakeholders, including religious minority groups," he told Forum 18. "One can even argue that religious minorities were kept on the margins throughout the process." Even the media "mistakenly" focused only on secular groups when discussing the Law.

The adoption process was accompanied by widespread protests against the new Law from local non-governmental organisations, including human rights groups. International human rights bodies also criticised the Law throughout the adoption process.

On 2 May, the United Nations High Commissioner for Human Rights, Volker Türk, urged the Georgian authorities to withdraw the Law

(<https://www.ohchr.org/en/statements-and-speeches/2024/05/turk-concerned-reports-disproportionate-use-force-against-georgia>) which, he said, "poses serious threats to the rights to freedom of expression and association".

The Venice Commission issued an Urgent Opinion on the Law on 21 May (CDL-PI(2024)013

([https://venice.coe.int/webforms/documents/?pdf=CDL-PI\(2024\)013-e](https://venice.coe.int/webforms/documents/?pdf=CDL-PI(2024)013-e)) criticising both numerous provisions of the Law and the hasty way it was adopted. It noted that the third reading adopting the Law came within five weeks of its submission to parliament.

The Venice Commission regretted that "this Law, which is human-rights sensitive but is also highly controversial in Georgian society, as is demonstrated by the massive reactions in the country, was adopted in a procedure which left no space for genuine discussion and meaningful consultation, in open disregard for the concerns of large parts of the Georgian people".

The Organisation for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (ODIHR) also issued an Urgent Opinion (<https://www.osce.org/files/f/documents/b/d/569922.pdf>) on 30 May, just after Parliament had overridden President Zurabishvili's veto. This echoed many of the earlier concerns about the content of the Law and its hasty adoption.

The OSCE ODIHR noted that "the Law does not pursue a legitimate objective as reflected in international human rights instruments, nor attests to a particular necessity, and unduly impacts the right to association and right to privacy, among others".

"A toxic mix for human rights protection"

The Venice Commission's Urgent Opinion warned of the serious impact of the new Law on Transparency of Foreign Influence. "Being designated as an entity pursuing the interests of a foreign power under the Law has serious implications as it undermines both the financial stability and credibility of the organisations targeted as well as their operations," it noted.

"The combined impact of burdensome registration and reporting requirements (including disclosure of financial information), which limit access to funding options for stigmatised associations, along with severe administrative fines they may incur, constant surveillance, will with no doubt complicate and threaten the effective operation and existence of the organisations concerned," the Venice Commission added. "The persistent and stigmatising obstacles concentrated in the hands of the state create a chilling effect."

"To fully grasp the effects of the Law, one needs to also consider the legal culture in the country and the wider framework," Professor Meladze of Ilia State University notes. "And here a few characteristics are key: a formalistic application of law, wide discretion of the executive, spontaneous and anonymous authorship of the precedent and the discriminatory attitude of policy-making institutions. Adding to this, the ambiguous legal regulation surely creates a toxic mix for human rights protection."

Professor Meladze argues that Georgia's religious minorities have achieved basic rights and legal security only when they are visible. He fears the stripping of their "legal security" through the Law could lead to threats to their physical security.

Bishop Rusudan Gotsiridze of the Evangelical Baptist Church noted the rising threats as the Law was going through Parliament.

"Control and pressure started even before the adoption of the Law," she told Forum 18 from Tbilisi. "Unknown people from abroad were calling me on 12 May, also to another bishop, Father Malkhaz [Songulashvili], and Father Ilia from our church. Then I found out that these 'unknown people from different countries' were calling dozens of people around me and even swearing at them."

Many human rights defenders and those who protested against the new Law report similar threatening phone calls, allegedly from foreign phone numbers.

Bishop Gotsiridze says she knows the State is listening in on her. "I know we could easily be targets of the government now this law is enacted."

"I cannot share your concerns", parliament speaker tells Council of Europe

Maka Peradze, Head of the Human Rights Secretariat in the Government Administration, refused to say if she had read the text of the new Law on Transparency of Foreign Influence. "I don't know why I should answer this question," she told Forum 18 from Tbilisi on 10 June.

Peradze declined to answer any questions on the way the Law is likely to affect religious communities and organisations working on religious-related issues. "We are not working on any aspect of the new Law. So it is beyond my competence to talk about it."

Parliament speaker Shalva Papuashvili, who eventually signed the Law, defended the then draft Law on 16 April (<https://www.coe.int/en/web/commissioner/-/georgia-concerns-about-the-compatibility-of-the-draft-law-on-transparency-of-foreign-influence-with-the-rights-to-freedom-of-association-and-expression>) in response to written concerns from the Council of Europe's Commissioner for Human Rights, Michael O'Flaherty.

"The unfortunate reality in Georgia is that certain non-profit organisations continue to evade transparency requirements and covertly influence political, economic and security processes," Papuashvili claimed.

"I cannot share your concerns about [non-profit organisations] being subject to additional cumbersome reporting requirements, as the requirements by the draft law are virtually minimal and non-cumbersome," Papuashvili wrote. "These requirements, together with the introduction of fines only, in case of violations of the law, demonstrate that the state's interference will be proportionate and minimal to the legitimate aim."

Who will have to register?

Under the new Law on Transparency of Foreign Influence, any legally-registered non-governmental organisation that receives more than a fifth of its income from foreign individuals or organisations within any calendar year will be required to enter a range of information on a public register as an "organisation serving the interests of a foreign power". The information to be made public includes application documents, statements made by the organisations, the charter or other founding documents, and undefined "latest information."

The Law will apply to non-governmental civil society organisations which have legal status, including those that work on human rights as well as those working on religious-related issues, such as freedom of religion or belief and religious tolerance.

The Law will apply to media organisations, some of which have covered freedom of religion or belief problems, especially those faced by smaller religious communities.

The Law will also apply to registered charities, including those established by religious organisations, such as the Catholic charity, Caritas Georgia.

Many religious communities also fall under the scope of the Law, although it is not clear how many of them this will be.

Officials at the Justice Ministry's Legal Drafting Department refused to say whether only religious communities registered as non-commercial organisations will be under the scope of the Law or whether the 57 religious communities registered as legal entities of public law will also be affected. "We know this information but we are not allowed to tell you," the official, who did not give her name, told Forum 18 from Tbilisi on 11 June.

Zaza Vashakmadze, head of the State Agency for Religious Issues (SARI) ([https://www.forum18.org/archive.php?article\\_id=2613](https://www.forum18.org/archive.php?article_id=2613)), would not talk to Forum 18 by phone on 10 June and asked for questions in writing.

Forum 18 asked Vashakmadze in writing on the afternoon of 10 June which category of religious organisation would fall under provisions of the Law and why the state needs detailed information on all their funding. He did not respond by the end of the working day in Tbilisi of 11 June.

"The only religious association that can be confidently said to be exempt from this Law is the Orthodox Church of Georgia," Professor Metreveli insists. "This is despite the potential concerns about its political connections with the Russian Orthodox Church, which is virtually equivalent to the influence of the Russian State."

Religious communities can gain legal status in two ways: either as non-commercial legal entities (giving them the same legal status as any non-governmental organisation) or as legal entities under public law (LEPL).

In a 28 May letter, the National Agency of the Public Registry informed the Tbilisi-based Tolerance and Diversity Institute (<https://tdi.ge/>) that 57 religious organisations are registered as Legal Entities of Public Law. It said the government does not have records on how many religious organisations are registered as non-commercial legal entities, as they are registered alongside other non-commercial legal entities.

Among religious communities registered as legal persons under public law are the Georgian Orthodox Church, Roman Catholic Church, Armenian Apostolic Church, Jewish community, Muslim Board and Jehovah's Witnesses. The most recent to achieve this status was the Seventh-day Adventist Church in April 2022. Officials have refused others this status, including – in May 2022 – the Episcopal Congregation in Tbilisi, which is part of the Convocation of Episcopal Churches in Europe of the Episcopal Church of the USA.

The Law seems to apply to religious organisations registered as non-commercial legal entities, as it does not exclude them from its scope (Article 2). "However, the distinction between religious organisations registered as legal persons under public law (LEPL) and non-commercial legal entities is unclear," Professor Metreveli notes.

According to the Civil Code, the Law on Legal Entities under Public Law shall not apply to a religious organisation registered as a LEPL. However, their rights are determined by provisions that govern legal entities of private law. Therefore, despite their name, LEPL religious organisations are essentially private legal entities. "Consequently, with a deliberate interpretation of the legislation, it is possible that the Law could be applied to them," Professor Metreveli observes.

#### Application deadline looming

The Law on Transparency of Foreign Influence requires the Justice Ministry and the Ministry's National Agency of the Public Registry to create the register of "organisations serving the interests of a foreign power" within 60 days of the Law's official publication on 3 June.

On the 60th day after the publication of the law, any organisation that receives more than a fifth of its income from abroad will have up to one month to submit a written statement to the Justice Ministry requesting that it be registered as an "organisation serving the interests of a foreign power".

The organisation should be given access to the relevant website within two days. Within 10 working days of being given such access, the organisation must fill out an electronic application. The application must contain the organisation's details (including address and website), as well as details of monetary or asset-based income received in the previous year, with explanations of the source, amount and purpose.

#### Intrusive information must be submitted

The National Agency of the Public Registry has 30 working days to investigate and study an organisation's application to determine whether it is "correctly and fully completed" and register the applicant as an "organisation serving the interests of a foreign power". That information is publicly available.

During their study of the application, the Justice Ministry's authorised representative has the authority to search for special categories of information about individuals connected with the organisation. These include their political views, ethnicity and religious beliefs.

Individuals must immediately provide any related information requested by the Ministry representative. Any individual failing to do so can be fined 5,000 Lari (about three months' average wage). The Law specifies no limit to the number of times per month a person may be fined.

Forcing individuals to reveal their attitude to religion violates international human rights commitments. The United Nations Human Rights Committee's General Comment 22 (<https://undocs.org/CCPR/C/21/Rev.1/Add.4>) on the International Covenant on Civil and Political Rights Article 18 ("Freedom of thought, conscience and religion") states that "no one can be compelled to reveal his thoughts or adherence to a religion or belief".

The requirement to submit such personal information on individuals – including their views on religion – represents "a direct threat and gross interference" with freedom of religion or belief, Professor Metreveli notes.

"The state does not have the right to interfere with individuals' freedom of conscience by inquiring about their religious beliefs or forcing them to manifest such beliefs. There is no legitimate state interest that justifies overcoming this prohibition." Professor Metreveli points to numerous decisions by the European Court of Human Rights in Strasbourg upholding the right not to be forced to reveal views on religion.

"It is important to consider the broader context," Professor Metreveli adds. He points to Article 97 of the 2023 Defence Code, which gives the state the authority to collect and process information about a person's religion and their status in the priesthood for accounting purposes in the mobilisation reserve. "Both of these legal provisions represent unacceptable interference in the internal dimension of freedom of religion or belief (Forum Internum)."

Pastor Zaal Tkeshelashvili of the unregistered Evangelical Church of Georgia likens the new Law to "the State installing surveillance cameras in every corner to control the religious or private lives of believers." He is also concerned about stigmatisation of people who are members of communities other than the Georgian Orthodox Church.

"Government propaganda tries to convince society that only the dominant religious institution's well-being and having a common faith are the guarantor of the development and future of our country," Pastor Tkeshelashvili told Forum 18. "A big part of society shares this narrative. Therefore, disclosure of the personal data of religious community members may cause further stigmatisation in their places of work and beyond."

Forum 18 asked Zaza Vashakmadze, head of the State Agency for Religious Issues (SARI) ([https://www.forum18.org/archive.php?article\\_id=2613](https://www.forum18.org/archive.php?article_id=2613)), why the new Law gives the Justice Ministry the power to ask for intrusive information about individuals, including about their attitude to religion, in violation of international human rights commitments.

Forum 18 also asked SARI head Vashakmadze why the 2023 Defence Code gave the state the power to collect information (<http://www.tdi.ge/en/news/1095-government-adopted-discriminatory-and-unconstitutional-defense-legislation>) on the attitude to religion of men on the conscription reserve (those between the ages of 18 and 60), whether this information is already being collected and, if so, what is being done with it. He did not reply by the end of the working day in Tbilisi of 11 June.

#### Punishments for breaking new Law

A relevant organisation that fails to register when the new Law requires it to is liable to be fined 25,000 Lari (about 15 months' average wage). It will also be entered into the registry anyway. If the organisation then fails to upload its financial declaration, it can be fined another 10,000 Lari (about six months' average wage).

The state authority will check on the organisation a month later and, if it finds further non-compliance, the organisation can be fined another 20,000 Lari (about one year's average wage). The organisation can then be fined 20,000 Lari each month thereafter for non-compliance.

Failure to submit information on individuals demanded by officials can also lead to fines (see above).

The Justice Ministry has the power to initiate an investigation into any organisation it suspects of failing to register. The public can also denounce such organisations to the Justice Ministry for it to investigate.

#### International isolation

A "significant part" of the aim of the new Law on Transparency of Foreign Influence "is its intent of international isolation for Georgia", Professor Metreveli argues. The Law is likely to reduce organisations' contact and support from abroad. This will affect religious communities also.

"None of the religious organisations are purely national organisations," Professor Metreveli points out. "They maintain close ties with international centres or coalitions. Based on the experience gained during my earlier work in the State Agency for Religious Issues, the authorities perceive these international connections as challenges to national security. The risk is that the State will attempt to sever these international ties through further amendments to this law."

Professor Metreveli stresses that establishing and maintaining communications with international centres is a right guaranteed by the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Bishop Mark Edington is head of the Convocation of Episcopal Churches in Europe of the Episcopal Church of the USA, and oversees the Episcopal Congregation in Tbilisi which has existed since 2018. He expressed his concern even while the Law was still in parliament. "Under Georgia's new law, they will now be branded as instruments of a 'foreign agent' - the Episcopal Church - because they receive funding from us to build their congregation," he wrote in The Hill on 16 May (<https://thehill.com/opinion/international/4668156-why-the-republic-of-georgia-just-branded-me-a-foreign-agent>). "And as their

Bishop, I am that foreign agent."

#### Violating presumption of innocence

Professor Metreveli expresses concern that the new Law on Transparency of Foreign Influence "effectively violates the presumption of innocence for citizens and private organisations by unfairly imposing the burden of proof on them". He adds: "The government explicitly declares that 'pursuing the interests of a foreign power' is subversive to the State and society."

The law does not define what "interests of a foreign power" actually means. "This puts organisations in a position where they must either accept this accusation or prove their innocence for an uncommitted 'crime', that does not even constitute a crime under current legislation," Professor Metreveli notes.

#### Violating autonomy of religious organisations

Professor Metreveli warns of the Law's "threats to the autonomy of religious organisations", particularly over donations. "The functioning of religious organisations through donations is not only a practical necessity but also a right protected by freedom of religion. This right includes the ability to solicit and receive voluntary financial and other contributions from individuals and institutions. Therefore, any violation of this right constitutes direct interference with freedom of religion."

Citing decisions of the European Court of Human Rights, Professor Metreveli notes that "economic, financial, or fiscal measures taken against a religious organisation can sometimes constitute an interference with the exercise of rights" to freedom of religion or belief. "This is particularly the case when such measures create a real and serious obstacle to the exercise of those rights, especially if they have the effect of cutting off the vital resources of a religious organisation or hindering its religious activities."

Professor Metreveli is also concerned for individuals who donate to religious communities. "Making a donation to a religious association is often associated with its membership," he told Forum 18. "Therefore, government interference through control and supervision, as aimed by the adopted Law, poses a significant risk to the individual aspect of the freedom of religion for members of these organisations. This is a sphere where state interference is particularly prohibited."

#### Defending the right to freedom of religion or belief more difficult?

Human rights organisations have worked to defend freedom of religion or belief for all, but the new Law puts that in jeopardy. Smaller religious communities face discrimination in law and practice ([https://www.forum18.org/archive.php?article\\_id=2613](https://www.forum18.org/archive.php?article_id=2613)), physical attacks which often go unpunished, denial of building permits for places of worship, and obstruction to regaining historical places of worship.

Professor Metreveli believes the effect of the Law on human rights and media organisations will harm rights to freedom of religion or belief. "The decline or suspension of their activities will negatively affect the status of religious (and all other) minorities," he told Forum 18. "Their coverage, which is crucial for strengthening a tolerant environment and protecting minority rights, will weaken or disappear altogether."

Bishop Rusudan Gotsiridze of the Evangelical Baptist Church is concerned over the potential disappearance of those able to support human rights. "I don't want to imagine a situation when human rights organisations won't be able to protect our rights," she told Forum 18. "Now, if anyone infringes on my rights and targets me, I know whom to call. I know whom to call if I need a lawyer's help. If human rights organisations don't exist, it means that everyone will be silenced and those who won't be silenced may eventually end up in prison. It is a very terrifying prospect."

Pastor Tkeshelashvili of the Evangelical Church of Georgia fears that without the support of human rights organisations, smaller religious communities will not be in a position to protect their rights. "If, after the adoption of this Law, human rights organisations are not able to function, we will face the rise of extremism, fanaticism and violence, with religious communities left unprotected," he told Forum 18. "We will go back to darkness, which we left behind after a long fight and paying a high price."

Pastor Tkeshelashvili recalls the 1990s when, he said, it was very difficult to find a human rights organisation or lawyer to support his community.

#### Jeopardising charitable work?

Professor Metreveli warns of the stigmatising impact on charities established by religious communities of being billed as an "organisation serving the interests of a foreign power". "It is doubtful that any donor or local religious association would accept this offensive status and continue their charitable and social activities as normal," he told Forum 18.

"This law is not about transparency. We have charity and social activities, for instance we have a home for elderly people, and all our funds that we have received from donors are transparent," Bishop Gotsiridze of the Evangelical Baptist Church notes. "If the

government wants transparency, it is already required by our legislation."

Caritas Georgia, a local charity which was founded by the Catholic Church in 1994, has already expressed concern about the new Law. Anahit Mkhoyan, its director, warned on 16 May while the Law was still in Parliament, that it "risks jeopardizing the provision of services to the beneficiaries who need them the most".

Caritas Georgia – which supports children without parental care or living on the streets, vulnerable pensioners, people with disabilities, victims of domestic violence and others – depends on foreign support for two-thirds of its income.

Mkhoyan warned of the increased administrative burdens of complying with the new reporting and disclosure requirements. "This could divert resources and attention away from providing essential services to vulnerable populations." She particularly highlighted the complexity of requirements under the new Law.

"There may be concerns about the privacy and confidentiality of individuals receiving services from charitable organizations," she pointed out, "particularly if detailed information about beneficiaries and their needs is subject to disclosure requirements."

Mkhoyan also warned that the new Law "may contribute to the stigmatization of charitable organizations that receive foreign funding, potentially leading to public suspicion or distrust". It could also make foreign donors "hesitant to continue supporting charitable organizations in the face of heightened scrutiny and disclosure requirements".

Mkhoyan recognises that "transparency and accountability are important principles for charitable organizations", but points out that Caritas Georgia already supplies the government with financial reporting and publishes annual audited reports on its website.

Forum 18 asked Mkhoyan if Caritas Georgia will register in line with the new Law. "We have to. We have no choice," she told Forum 18 from Tbilisi on 10 June. "We'll have to pay enormous fines if we don't. We cannot afford not to."

Mkhoyan said the authorities have not yet approached Caritas Georgia about complying with the new Law. "I think they will approach organisations only if they don't register."

Who will refuse to register?

Some civil society organisations have already stated that they will refuse to register under the Law on Transparency of Foreign Influence. A large number of non-governmental organisations stated on 25 April (<https://tdi.ge/en/statement/statement-non-governmental-and-media-organizations>) that they had agreed to "Suspend cooperation with the government until the government drops the bill" and pledged that they "Will never register in any defaming registers".

Among the organisations signing the pledge was the Tbilisi-based Tolerance and Diversity Institute (<https://tdi.ge/>). It describes its work as "promoting religious freedom and equality, working on prevention of religious/ethnic/racial discrimination in Georgia".

"The 'Russian law' will not work in our country! It will remain to be an unrecognized document to which none of us will obey!" a joint statement (<https://tdi.ge/en/statement/statement-we-will-not-obey-russian-law>) read out to demonstrators in front of parliament in Tbilisi on the evening of 28 May stated.

Professor Metreveli believes that more will follow. "It is expected that both international donors and their Georgian beneficiaries will rightfully refuse to register under this status, leading to extreme delays or the complete suspension of their activities," he told Forum 18.

Forum 18 is aware of at least one non-governmental organisation that considered refusing to register but ultimately and reluctantly decided that refusing to do so might lead to serious consequences for its work.

Will Law be amended to widen scope?

Some human rights defenders remain concerned that the government will seek to amend the Law on Transparency of Foreign Influence to widen its scope still further.

"With the proper propaganda, the government will likely attempt to introduce amendments to the Law in the future that could ban the activities of organisations on various grounds," Professor Metreveli told Forum 18. "This expectation is not merely speculative. Similar developments have occurred in Russia."

- Mariam Gavtadze and Eka Chitanava of the Tolerance and Diversity Institute (<https://tdi.ge/>) contributed to this article

(END)



More reports on freedom of thought, conscience and belief in Georgia (<https://www.forum18.org/archive.php?country=24>)

For background information, see Forum 18's Georgia freedom of religion or belief survey ([https://www.forum18.org/archive.php?article\\_id=2613](https://www.forum18.org/archive.php?article_id=2613))

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments ([https://www.forum18.org/archive.php?article\\_id=1351](https://www.forum18.org/archive.php?article_id=1351))

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