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Battered but resilient

Georgian civil society in the context of the law on
“Transparency of Foreign Influence”: an EaP CSF survey

October 2024





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I. Executive Summary

On 28 May 2024, the Georgian Parliament adopted the Law on Transparency of Foreign Funding, despite widespread opposition from local civil society, donor community, EU and international partners, and a significant portion of the Georgian population.

Over the period of July to September 2024, the Eastern Partnership Civil Society Forum conducted a consultation on the needs, challenges and expectations of Georgian civil society in the context of the implementation of the law and ahead of the legislative elections scheduled to take place on 26 October.

With 28 multiple-choice, open-ended questions, the survey addressed a) the general situation of civil society within the last 12 months, b) the immediate impact of the law, c) the specific needs for financial, legal and advocacy support, d) the outlook after October 2024. The survey was filled out by 53 representatives of Georgian civil society organisations from a diverse range of backgrounds.

The survey findings show a multi-layered picture of challenges faced by Georgian civil society organizations in the context of the adopted law and its implementation period ahead of parliamentary elections. These insights reflect a sector increasingly under pressure.

Nearly all respondents (94%) confirmed that they receive more than 20% of their funding from international donors and feel that the foreign agent law will strongly impact their organisation due to its overarching stigmatising effect, disproportionate sanctioning implementation mechanism, and burdensome administrative and monitoring reporting requirements.

When assessing the impact of the law on their organisations, 70% of respondents feel strongly impacted. Specifically, since the introduction and adoption of the law, civil society organisations and their staff have been subject to several actions such as online threat and harassment, increased scrutiny by authorities, increased administrative burdens, negative media reports against the organisation and staff, and offline threats and harassment (verbal threats, physical threats, display of posters, phone calls addressed to them or relatives). Nevertheless, despite heightened pressure, most respondents do not consider registering in the database of the Ministry of Justice as ‘an implementing organisation of foreign power interests’ even if the ruling party remains in power after the legislative elections scheduled to take place on 26 October 2024.

In terms of support for civil society, 75% of the respondents called for financial support, including funding for covering fees associated with non-compliance with the law. 62% expressed the need for more legal assistance, including pro

bono legal assistance by local lawyers, and 57% for advocacy support, including policy dialogue with EU and international stakeholders.

II. Introduction

On 28 May 2024, the infamous Law on Transparency of Foreign Influence, known as the ‘foreign agent’ law, was adopted by parliamentary majority of the Georgian Dream ruling party. The law was reintroduced by the Georgian Dream party a year after large-scale protests forced the party to abandon its first attempt to pass the law and in a striking defiance of peaceful protests attended by hundreds of thousands of people and dozens of international reactions highlighting the detrimental impact of this bill on Georgia’s democracy and EU accession process.

Enacted on 1 August 2024, the law requires all those who receive at least 20% of their funding from international sources – individuals, civil society organisations and media outlets – to register as ‘organisations carrying out the interests of a foreign power’ with the Ministry of Justice. Evasion of registration or submission of an incomplete declaration can lead to recurrent fines up to 25,000 GEL (the equivalent of 8,500 EUR). Furthermore, the status carries a discriminatory and stigmatising effect and may lead to self-censorship. With its vague and broad formulations that leave room for interpretation at the discretion of the implementing authorities, the bill has been widely criticised for triggering restrictions on the work of activists and independent voices within civil society organisations and curtailing civil society’s ability to hold those in power accountable. Moreover, the alarm bells were rung regarding the harm instilled on Georgia’s path towards European integration.

With the deadline for registering ‘organisations pursuing the interests of a foreign power’ (that ended on 2 September 2024 and led to the registration of around 500 organisations out of approximately 30,000 organisations active in the country), the Ministry of Justice now has the right to forcefully register organisations, begin fining them, and start ‘monitoring’ their finances and internal communications and documents. Hence, Georgian civil society is faced with a crucial dilemma: whether to continue operating at great personal costs or discontinue its operations. Such decisions have far-reaching implications, which the Eastern Partnership Civil Society Forum has researched through a survey on the needs, challenges faced by Georgian civil society and expectations going forward. This report presents the main findings.

Data collection and overview of respondents

Survey scope and respondents

Timeframe: The 28-question long multiple-choice survey was conducted from 30 July to 2 September 2024.

Number of respondents: A total of 53 civil society organisations (CSOs)

Organisational diversity: Respondents came from a broad range of thematic sectors and backgrounds, including:

- Environmental organisations
- Human rights organisations
- Youth organisations
- Women's rights organisations
- Media organisations
- Organisations representing persons with disabilities
- Election observation organisations,
- and others.

Anonymity: The survey ensured that all responses remained anonymous to protect participants's safety.

Geographical focus

- 43% of the respondents operate at the national level
- 40% work at the regional (multiple regions within Georgia) and local level
- 12% operate at the international level
- 5% focus on the EU level

Funding Sources

- 94% of respondents rely on international grants, indicating a high dependence on external funding.
- 28% receive funding from local CSOs.
- 23% generate income from their own economic activities.

Key concerns stemming from the overview of respondents in terms of geographical focus, organisational diversity and funding sources:

- Heavy reliance on international funding makes CSOs highly vulnerable to the foreign agent law.
- Regardless of size, sector, or location, the law is expected to significantly impact organisations' activities, reputation, and funding access in the long term.

III. Impact of the Foreign Agent Law on Georgian Civil Society

The introduction and adoption of the foreign agent law have resulted in a broad spectrum of consequences for Georgian CSOs, as reflected in the survey responses visualised below. The law’s impact goes far beyond the anticipated financial and administrative costs, as it introduces an environment of increased hostility and operational challenges. Respondents reported facing multiple, simultaneous forms of pressure, ranging from harassment and threats to surveillance and intensified administrative demands.

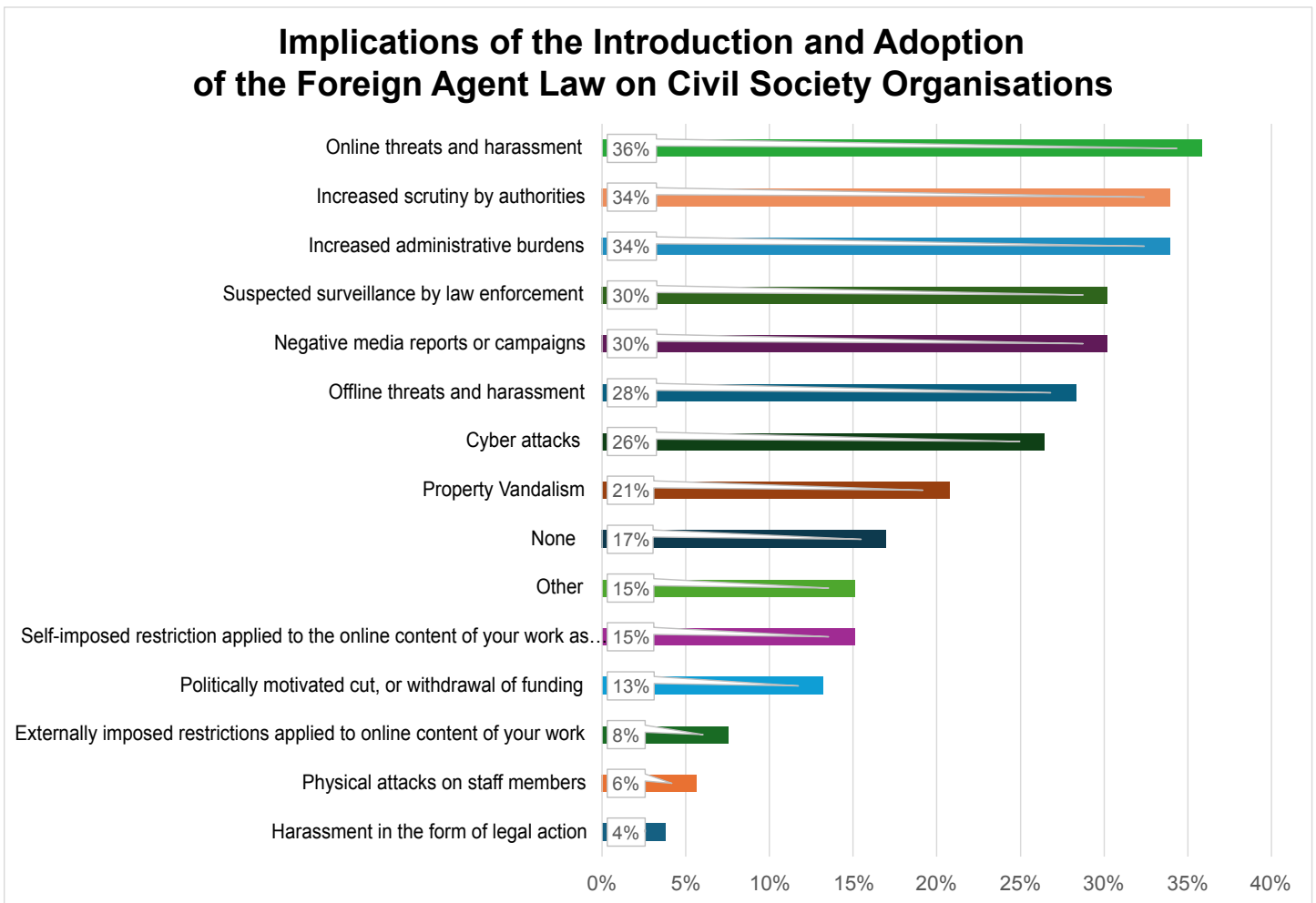


Figure 1: Spectrum of implications of the law on civil society [scale 0-100%; 53 respondents participated in the consultation]

1. Harassment and threats – online and offline

One of the most concerning findings is the prevalence of online and offline threats and harassment, with 64% of respondents indicating they had been subject to one or both forms of intimidation.

37% of respondents reported being subjected to online harassment, including smear campaigns, trolling, and unauthorized use of staff names and images. This tactic serves to delegitimize organisations in the public eye and intimidate their employees. On the other hand, 28% of respondents experienced offline harassment, which took the form of verbal threats, physical intimidation, and targeted harassment through posters or phone calls addressed to themselves or their family members. These offline attacks demonstrate that the effects of the law are not confined to the digital space but manifest in the daily reality of CSOs, their staff and their families, parents and children alike, raising concerns about personal safety and security for CSO workers.

“There has been a case of physical attack on the Chairman of the organisation and another staff member on the street on the way back from a rally against the law. Both individuals got minor injuries (broken tooth, black eye). Also, there is regular psychological pressure on the staff members, including offensive phone calls from Georgian and foreign numbers, leaving various garbage/strange objects by the office entrance and burnt church candles on the office front door that leaves the impression of a kind of spell done on the office.”

[Anonymous CSO respondent from Georgia, EaP CSF survey]

2. Negative media campaigns and cyberattacks

The law has also enabled hostile media and cyber tactics against CSOs. 30% of respondents reported being the subject of negative media campaigns, which aim to tarnish the reputation of organisations and erode public trust in their activities. Such campaigns can further isolate CSOs, making it more difficult for them to engage with local communities, secure support and funding. In parallel, 26% of respondents experienced cyberattacks. These attacks could lead to breaches of sensitive information or loss of critical personal and organisational data, which would further jeopardize the work of these organisations.

3. Vandalism and physical intimidation

While cyberattacks and media defamation affect the digital and reputational aspects of CSO operations, some organisations have also encountered direct

physical hostility. 10% of respondents reported incidents of vandalism targeting their offices or property. This underscores the concrete threat to the safety of CSOs. Such acts of vandalism could ultimately deter organisations from maintaining a physical presence in the office or in the field and continuing their work.

4. Increased administrative burdens and scrutiny

In addition to direct threats, the foreign agent law has imposed substantial administrative and bureaucratic challenges on CSOs. 34% of respondents mentioned a significant rise in administrative burdens, related to grant, project and activity management in the current circumstances created by the law.

These additional obligations lead to draining financial and human resources and divert attention from the organisations' core mission and objective and push them into "survival mode".

Moreover, 34% of respondents indicated they are facing increased scrutiny by authorities. This suggests more frequent audits, fiscal investigations, or other forms of oversight. Such level of increased scrutiny not only hinders operational efficiency but also creates a chilling effect, discouraging open criticism or accountability efforts regarding government policies.

5. Suspected surveillance

Lastly, 30% of respondents suspect that they are under surveillance by law enforcement. This development is particularly troubling as it indicates the erosion of privacy protection mechanisms in Georgia. The fear of surveillance leads to a climate of fear and self-censorship that stifles activism.

With organisations facing a mounting level of threats and burdens from the introduction and adoption of the foreign agent law, respondents noted a range of impacts on both their and their colleagues' well-being. Notably, 38% of respondents indicated that since the re-introduction of the law, they suffered from psychological effects such as burnout, depression, anxiety, feelings of vulnerability. 25% of respondents discontinued or reduced their professional activity to cope with the effects of the law in their professional and personal lives.

"...the impact of the law is particularly damaging due to the regulations that entail forced registration. This requirement is not just a bureaucratic hurdle but poses a severe threat to our reputation. Being labelled as an organization representing foreign interests directly undermines our objectivity and independence, which are the cornerstones of our

credibility. Observers must be perceived as impartial and unbiased to maintain public trust, and this label jeopardizes that essential perception. In summary, the introduction and adoption of the law have placed our organization under significant strain, affecting our ability to operate safely, collaborate with policymakers, and maintain our reputation for impartiality and independence in election observation. The repercussions are profound and threaten our core mission of promoting democratic processes in Georgia.”

[Anonymous CSO respondent from Georgia working on elections observation, EaP CSF survey]

6. Other forms of pressure

In addition to the direct impacts of the foreign agent law, 15% of respondents indicated experiencing various “other” forms of pressure that further hinder their operations. These pressures include self-imposed restrictions on activities (for example, avoiding meeting beneficiaries in public), the cancellation of grants and projects, and the return of funds due to uncertainties surrounding their ability to execute planned initiatives.

“We have terminated some grant agreements as we are not sure we will be able to implement some projects as planned in lead-up to the elections. Because of the lingering uncertainty, we are not able to plan our work and fundraise for activities to be implemented in 2025.”

[Anonymous CSO respondent from Georgia working on elections observation, EaP CSF survey]

This sentiment reflects a broader trend among civil society organizations, where the climate of uncertainty created by the law not only disrupts current projects but also undermines future planning and sustainability.

In light of these challenges, it has become imperative for the international donor community to mobilise short-term resources to address the immediate needs of the CSOs and their staff. In the long-run and in the context of the implementation of the law post-legislative elections (26 October 2024), a comprehensive and coordinated donor strategy would be needed to bolster the resilience of CSOs, enabling them to continue to operate in spite of the adverse effects of the law.

IV. Immediate actions and reactions

75% of respondents have indicated that their organisations do not plan to register in the database of the Ministry of Justice as ‘an implementing organisation of foreign power interests’, while another 19% remain still unsure of their course of action. Many express similar reservations about registering if the ruling Georgian Dream party remains in power after the October 2024 elections, although almost double would consider the option of registering compared to the pre-election period.

A clear pattern emerges: the majority of organizations are firmly opposed to registration both before and after the elections, although the percentage expressing uncertainty grows in the post-election scenario. The high percentage of organizations indicating they will not register suggests a strong commitment to maintaining their autonomy, independence and reputation even in the face of clear financial repercussions.

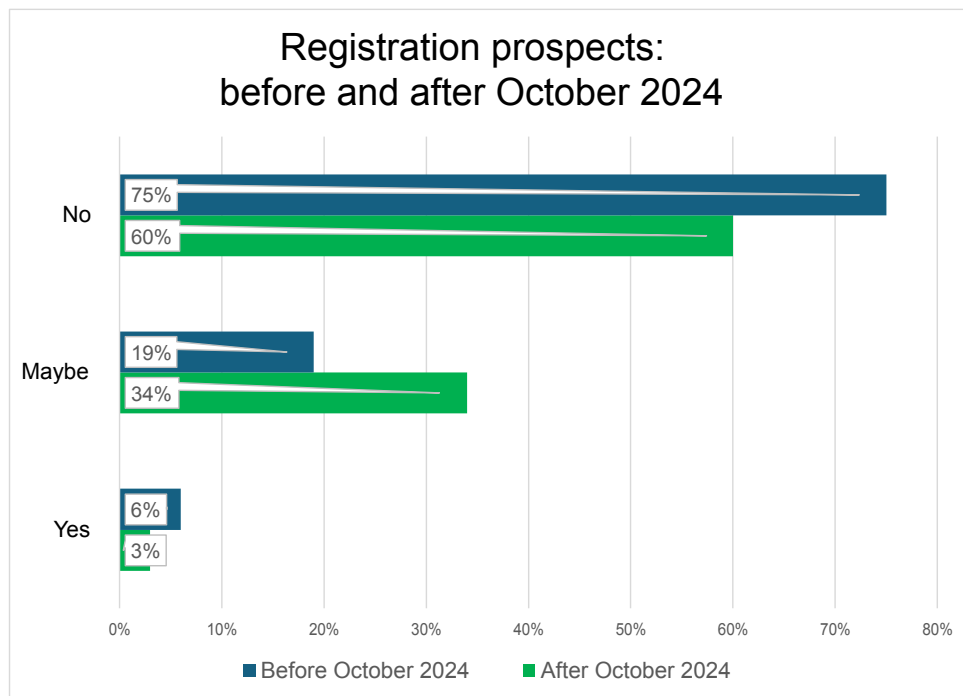


Figure 2: Registration prospects: before and after 26 October 2024; [scale 0-100%; 53 respondents participated in the consultation]

When looking at the potential for legal action against the Georgian authorities, the survey reveals that half of the respondents (51%) either do not plan to pursue any legal action or are hesitating to do so. The other half (49%) took or are eager to take legal action in the future. Among those considering taking legal action against the Georgian authorities, 34% are looking to address their complaints to the Georgian Constitutional Court. 37% also look at the possibility

of filing a complaint with the European Court of Human Rights. Reflecting a lack of confidence in the politicised domestic legal system, many seem to put their hopes into the international mechanisms for redress.

When it comes to their access to justice, respondents reflected on a series of challenges that impede their access, including lack of financial and human resources, lack of capacity and leverage to pursue such a complex legal endeavour. To address this challenge and to avoid fragmentation of efforts and resources, CSOs must stay united and put resources together to be able to withstand the legal challenge ahead.

V. Needs of the Georgian civil society: financial, legal and advocacy support

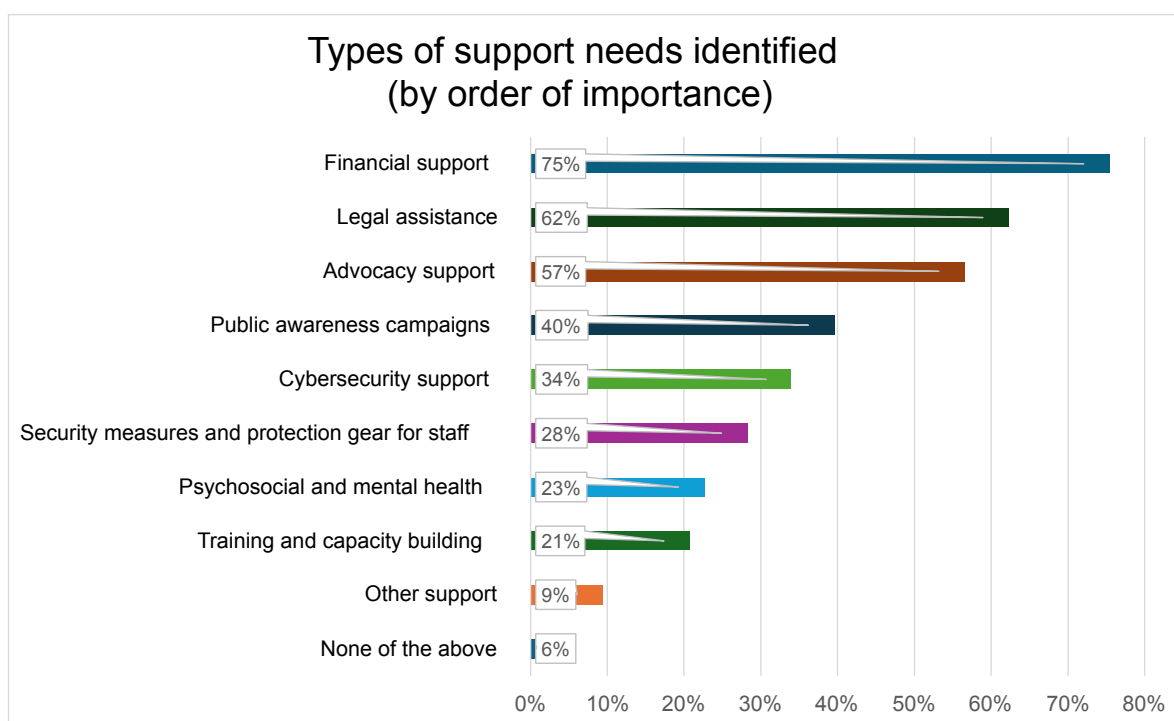


Figure 3: types of support needs identified by order of importance; [scale 0-100%; 53 respondents participated in the consultation]

1. Financial support

The survey researched the specific needs of Georgian civil society organisations to continue operating effectively under law, looking at the areas of financial, legal and advocacy support. Figure 3 highlights that 75% of respondents identified financial support as their most pressing need. This overwhelming emphasis on financial assistance underscores the precarious funding landscape in which many CSOs find themselves, especially as reliance on international donations

becomes increasingly fraught due to the law’s implications.

Figure 4 below depicts the wide range of financial support that civil society organisations need to continue operating under the foreign agent law. Most importantly, this includes funding for covering fees associated with non-compliance with the law, 64% of respondents; flexible core grants to cover immediate office expenses including rent, bills and pre-financing salaries, 57% of respondents, as well as flexible travel grants to organise meetings and projects activities outside of Georgia, 30% of respondents. Only 6% indicated that they do not have any emerging financial needs stemming from the law.

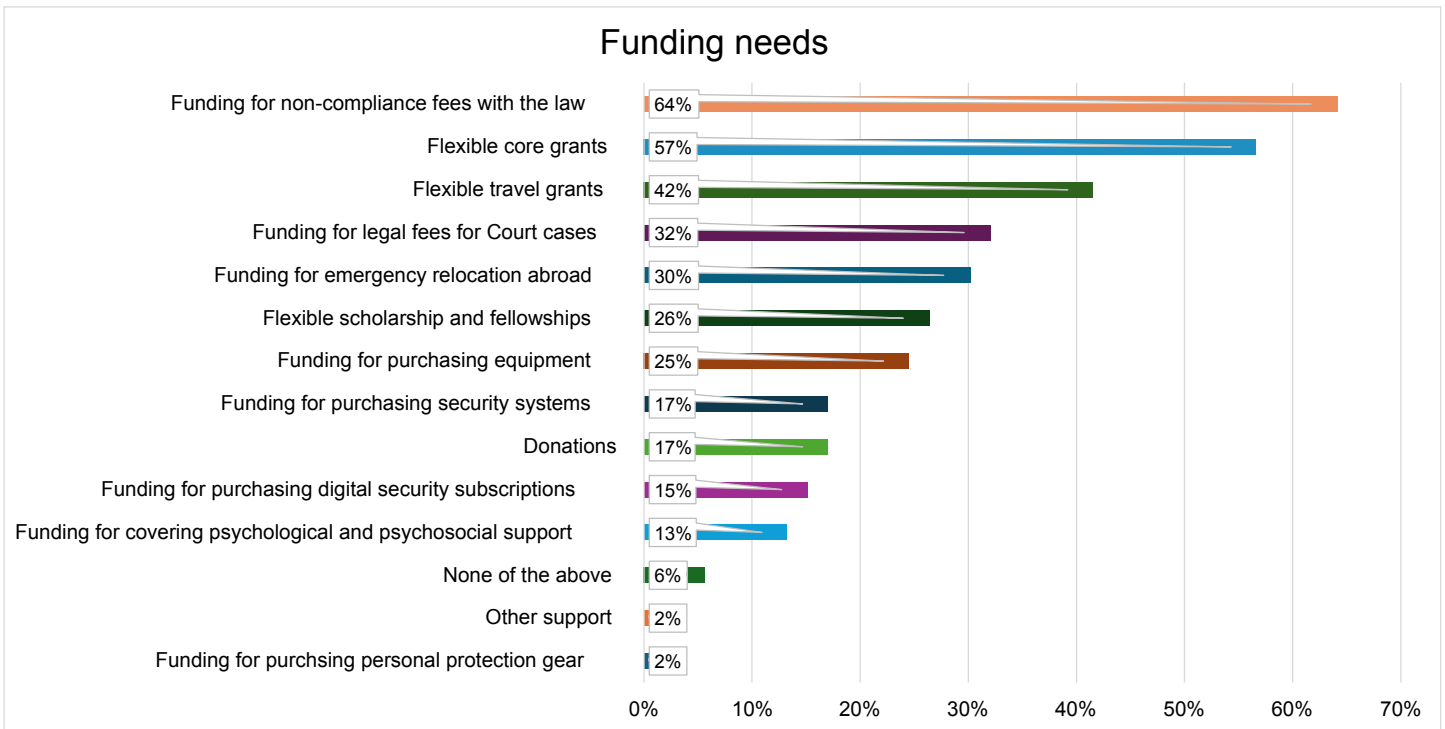


Figure 4: Types of financial support needs;
[scale 0-100%; 53 respondents participated in the consultation]

Reflecting on their need for financial support, one respondent summarised their needs using the following categorisation:

“Increased donor flexibility and flexible funding conditions: [Donors need to] adapt funding conditions to accommodate the new operational realities we face. This includes allowing a more flexible use of funds, extending project deadlines, and reducing administrative burdens to allow us to focus on our core activities amidst these heightened pressures.”

[Anonymous CSO respondent from Georgia, EaP CSF survey]

Other respondents added the need for emergency funding, organisational support grants, and investment in capacity building programmes.

Recommendations

To donors

- **Flexible funding:** Adapt grant requirements and ensure flexibility for Georgian CSOs to meet their operational costs, cover legal fees (stemming from non-compliance with the law), or reacting to emergencies arising from the new legislative pressures.
- **Rapid response mechanisms:** Set up mechanisms to be able to allocate funds for urgent needs like non-compliance penalties, staff relocation, or physical and online security needs.

2. Legal assistance

Following financial needs, 62% of respondents indicated a demand for legal assistance (see Figure 3). This shows that organisations become more and more aware of the legal implications of the law on their operations, and activities, as well as the legal challenges ahead of them in the context of increased administrative and fiscal obligations.

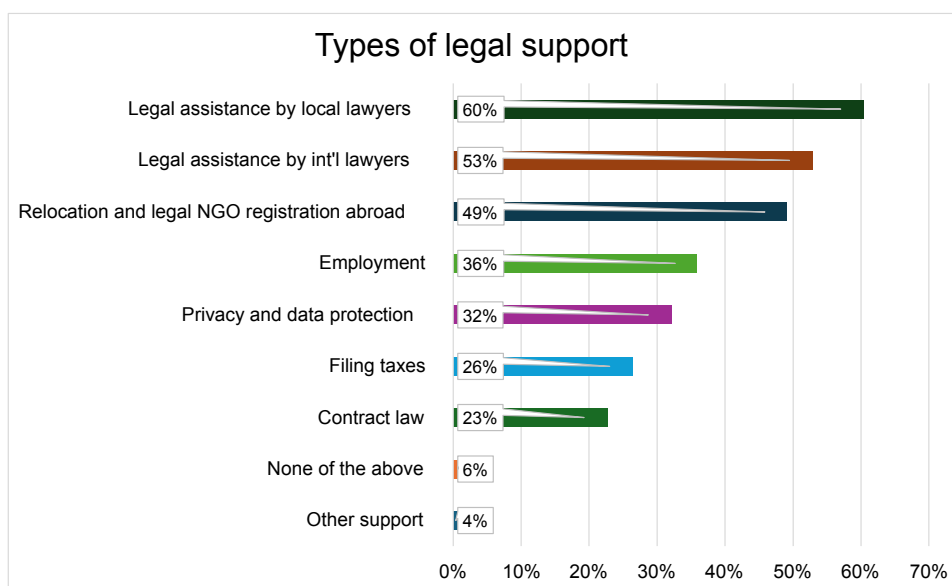


Figure 5: Types of legal support;
[scale 0-100% with; 53 respondents participated in the consultation]

Figure 5 displays the range of legal support needs that Georgian civil society requires already. The data reveals several key areas where urgent support is needed, including pro-bono legal assistance by local lawyers (60% of the

respondents). This suggests that CSOs may lack the additional financial resources to hire legal counsel when facing immediate challenges stemming from the law that may pertain with administrative, contract, fiscal and labour law, among others. 53% of the respondents indicated that they would also be in need of international pro-bono support. This can be corroborated with the fact that 37% aim at taking legal action against the Georgian authorities at the European Court of Human Rights. The international lawyers' familiarity with the EU and international law is perceived as being instrumental in defending the rights of the civil society

Regarding legal support, one respondent made clear that, in their view, it would be important to

“Establish a fund to provide legal assistance to CSOs facing legal challenges due to the new law. This should include covering legal fees and offering expert legal consultation to navigate the complex regulatory environment.”

[Anonymous CSO respondent from Georgia, EaP CSF survey]

Recommendations

To legal aid providers

- **Offer pro-bono legal support to Georgian CSOs:** Organise free online sessions for Georgian CSOs seeking legal advice in the context of the “foreign agent” law on various law matters (including administrative, labour, contracts law, etc.); offer technical support to Georgian CSOs to file complaints with the national Constitutional Court and the European Court of Human Rights, to compile evidence and prepare defence strategies.
- **Partner up with international legal firms:** establish a network of Georgian and international lawyers willing to support Georgian CSOs with legal advice, technical support and representation in local and international courts.
- **Monitor the implementation of the law at all times:** together with Georgian CSOs, legal aid providers monitor the implementation of the law, collect evidence, track court cases and decisions, and document any new emerging patterns of repression.

3. Advocacy support

57% of respondents expressed the need for a more targeted advocacy support.

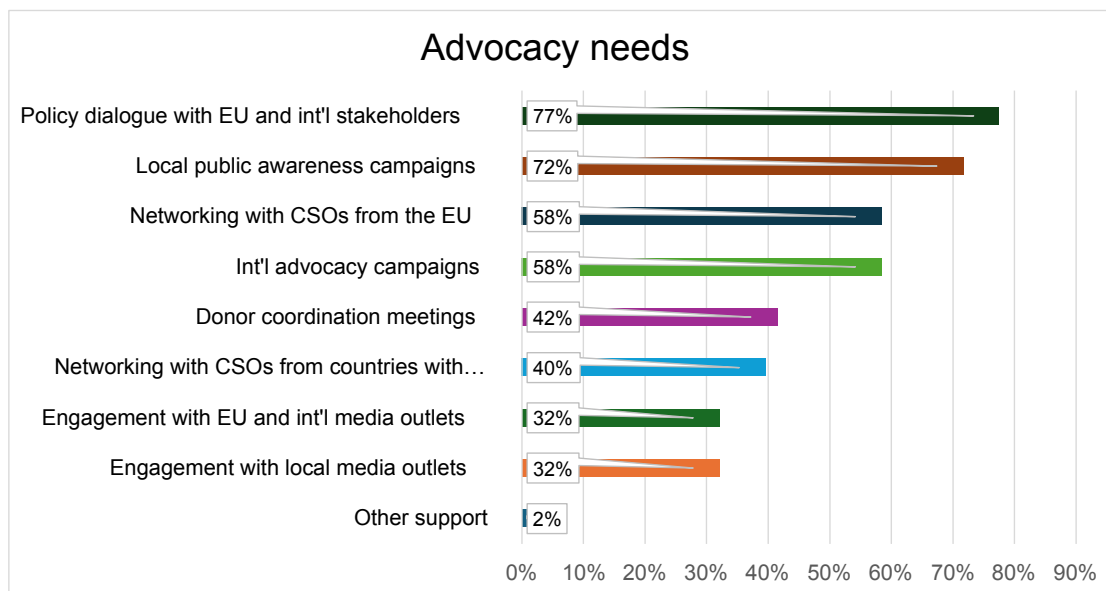


Figure 6: Types of advocacy needs;
[scale 0-100%; 53 respondents participated in the consultation]

Figure 6 maps out the types of support Georgian civil society organisations need to better address the impact of the foreign agent law. Most importantly, this includes policy dialogue with EU and international stakeholders, 77% of respondents, local public awareness campaigns, 72% of respondents, international advocacy campaigns, 58% of respondents, and networking with CSOs from the EU, 40% of respondents.

Regarding advocacy support, respondents noted the importance of,

“Fund(ing) public awareness campaigns that highlight the importance of civil society in democratic governance and human rights. Raising awareness among the general population can build broader support for the work of CSOs.”

“Support(ing) civil activism as much as possible! Do not restrain from supporting young people affiliated with opposition parties, support first time voters campaign, support international media campaign.”

[Anonymous CSO respondent from Georgia, EaP CSF survey]

Recommendations

To international civil society organisations:

- Partner up with Georgian CSOs to create high-visibility awareness campaigns about the implications of the law for the Georgian CSO ecosystem and the state of democracy in the country.
- Lobby EU and international stakeholders to continue to raise the incompatibility of the law with EU and international standards in all bilateral meetings with Georgian authorities.
- Facilitate exchange programmes between EU and international organisations and Georgian CSOs to create stronger collaborations and knowledge-sharing.
- Provide capacity building in areas identified by Georgian CSOs as critical, namely digital security, risk management, strategic planning.

The survey indicates that the emerging needs of CSOs are simultaneous and inter-connected. They reflect the rapidly evolving reality in which civil society is forced to operate.

VI. Post-26 October outlook

The EaP CSF survey also looked at the medium to long-term impact of the foreign agent law by inquiring into respondents' projections for the future. Respondents were asked which forms of pressure they expect to intensify before the legislative elections (26 October, see figure 7 below).

A significant 70% of respondents highlighted that they expect administrative burdens to increase. This finding shows that CSOs anticipate a rapid implementation of the law that comes with a well-known administrative and bureaucratic weight.

64% of respondents foresee a rise in scrutiny by government authorities. This can also be connected to the fact that if the current ruling party stays in power, the forms of harassment and intimidation we have witnessed between April and July 2024 will most likely intensify.

49% of respondents also anticipate negative media reports or campaigns targeting their organisations or staff, continuing the worrisome trend of the first part of the year.

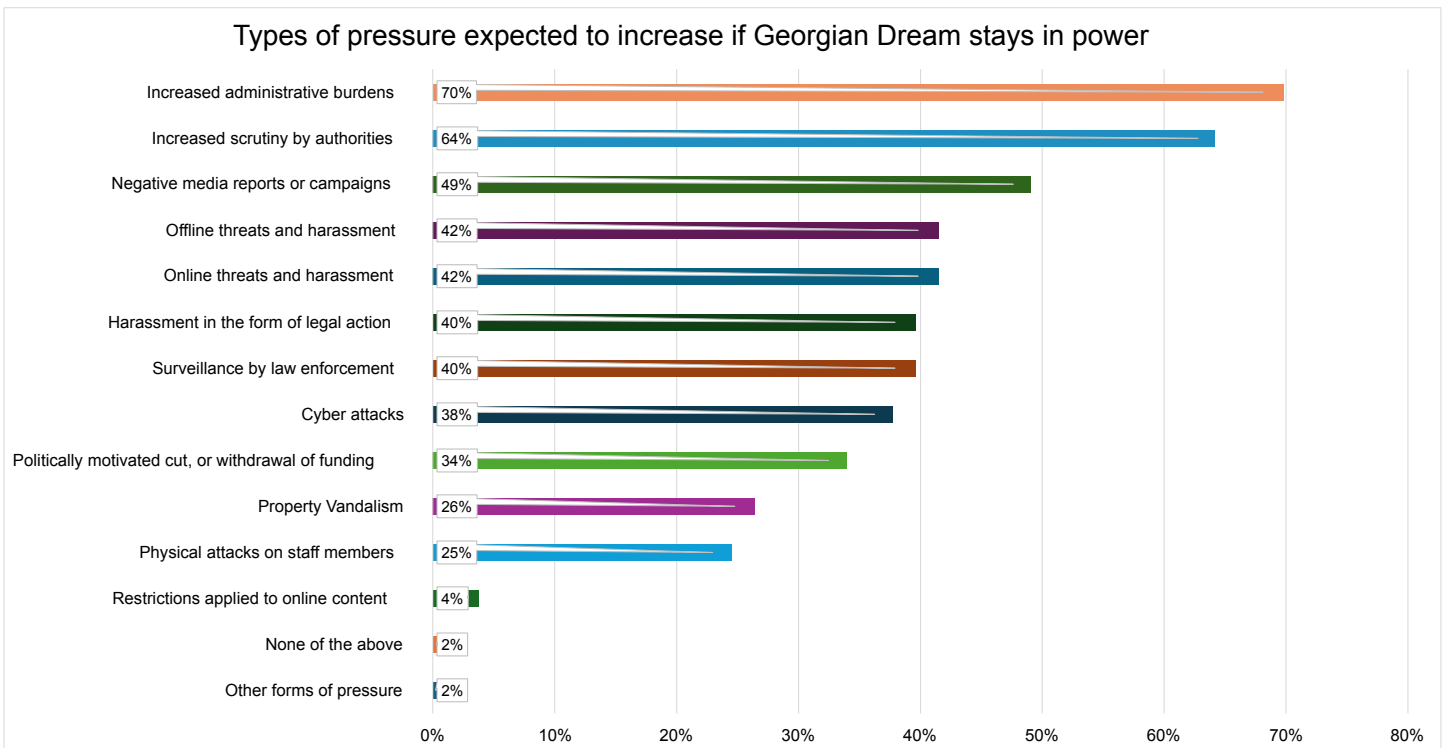


Figure 7: expected types of pressure after October 2026 if Georgian Dream stays in power; [scale 0-100%; 53 respondents participated in the consultation]

The survey further looked into contingency plans for the scenario when the Georgian Dream ruling party stays in power after October 2024. The findings reveal a lack of consensus among respondents regarding their contingency strategies: 38% reported having no contingency plan, 30% indicated that they do not yet have a plan but are considering developing one, and 25% are actively in the process of formulating a contingency plan. This distribution underscores an ongoing pressing need for support and guidance for Georgian CSOs as they navigate the uncertain landscape created by the foreign agent law.

The survey also indicated that a significant number of respondents (50%) are contemplating legal registration abroad as a means of ensuring their operational viability, or in short, their survival. However, 37% of those interested in relocating stated that they would proceed with this option only after the elections, contingent upon the continued leadership of the Georgian Dream. Moreover, when asked about which countries those willing to relocate would consider Estonia, Poland, Germany and Sweden were widely mentioned. They were mostly selected because of their friendly NGO legal requirements for registration and operation in the country, visa-free regime, and availability of funding opportunities. However, even in these countries, obstacles remain. For example, respondents indicated the difficulty of opening bank accounts in Estonia, despite having established their e-residency in the country.

Last, but not least, the survey also sought to gauge the sentiment among respondents regarding the future of Georgian civil society post-election. The results reveal a mixed outlook: 53% of respondents expressed feelings of pessimism, categorizing themselves as either very or somewhat pessimistic, while 44% reported being either very or somewhat optimistic. This split in sentiment illustrates a profound ambivalence within the civil society sector, indicating that while some organisations retain hope for positive change, a significant portion grapples with the fear of further repression, stigmatisation and marginalisation.

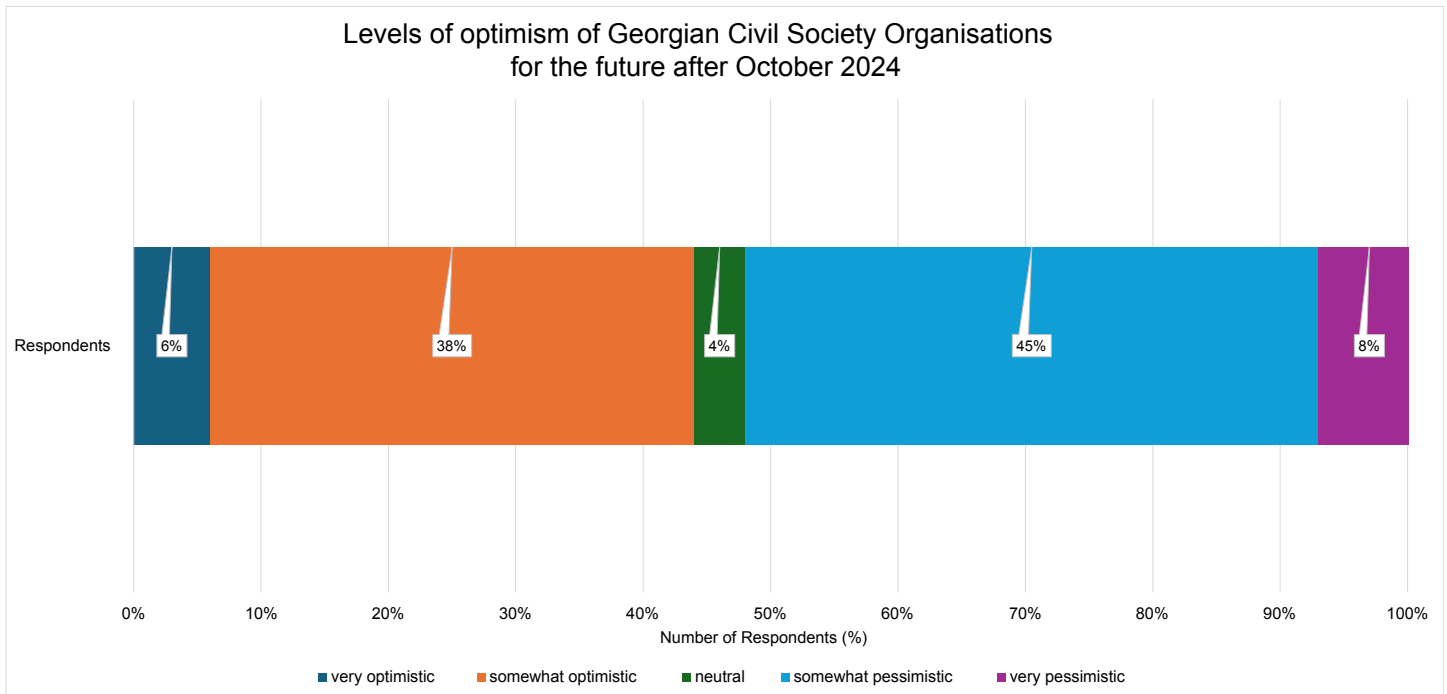


Figure 8: Sentiments regarding post-October outlook for Georgia; [scale 0-100%; 53 respondents participated in the consultation]

VII. Conclusion

Georgian civil society remains under significant strain due to the recently enacted Law on Transparency of Foreign Influence. Although in this pre-electoral times the authorities have not yet initiated the implementation of the law, many organisation feel the pressure of the uncertainty and remain somewhat pessimistic about the future.

With 94% of responding organizations dependent on international funding, the law’s consequences have already impacted 70% of surveyed CSOs in various ways. Since the reintroduction of the law, CSOs have faced increased harassment, scrutiny, and reputational damage. Despite this, the majority of respondents

(75%) have committed to resisting registration under the law, signaling a strong desire to maintain their independence and credibility.

To address some of these ongoing challenges, several key recommendations emerge from the survey findings:

- **Financial support:** Donors should prioritize flexible funding mechanisms to help CSOs cover at least initial non-compliance penalties and new operational costs stemming from the law. This may include emergency funds for non-compliance, travel grants for international advocacy, and core funding to assist with emerging needs.
- **Legal assistance:** A coordinated legal support system, including pro-bono counsel services from local and international lawyers, should be established to help CSOs navigate domestic legal challenges triggered by the law and take legal action against the authorities at national and international levels, including the European Court of Human Rights.
- **Cross-border financial services:** international and EU banks should be informed about the situation of Georgian CSO, particularly in countries such as Estonia, Germany, Poland and Sweden; with EU and governmental support, banks should facilitate an emergency procedure for opening accounts that will help relocated Georgian CSOs operate smoothly in their new jurisdictions.
- **Advocacy campaigns:** International stakeholders should accelerate their advocacy efforts at the EU and international levels, highlighting the essential role of Georgian CSOs in promoting democracy, human rights and EU values, both prior and after the elections of 26 October.
- **Capacity building:** Immediate investment should be made in capacity-building programs focused on cybersecurity, digital security, risk management and strategic communications to help Georgian organisations adapt to the new reality of Georgia.

In conclusion, while the law poses a serious threat, strategic international support and donor coordination efforts can empower Georgian CSOs to continue their work.





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