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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
OF THE COUNCIL OF EUROPE
(VENICE COMMISSION)

AMICUS CURIAE BRIEF
FOR
THE EUROPEAN COURT OF HUMAN RIGHTS
IN THE CASE OF GEORGIAN YOUNG LAWYERS' ASSOCIATION
AND OTHERS v. GEORGIA (no. 31069/24)
ON REGULATION OF FOREIGN INFLUENCE

Adopted by the Venice Commission
at its 144th Plenary Session
(Venice, 9-10 October 2025)

On the basis of comments by

Ms Veronika BÍLKOVÁ (Member, Czechia)
Ms Herdis KJERULF THORGEIRSDOTTIR (Member, Iceland)
Mr Zlatko KNEŽEVIĆ (Member, Bosnia and Herzegovina)

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I. Introduction

1. By letter of 12 August 2025, the European Court of Human Rights (ECtHR), relying on Rule 44 § 3 (a) of the Rules of Court, granted to the Venice Commission of the Council of Europe leave to intervene as a third party and to make written submissions in the case of *Georgian Young Lawyers' Association and Others against Georgia* (no. 31069/24). The ECtHR indicated that the written submissions by the Venice Commission should be confined to the factual and legal aspects of the case relevant to the Commission's own specific interest in it.

2. Ms Veronika Bílková, Ms Herdís Kjerulf Thorgeirsdottir, and Mr Zlatko Knežević acted as rapporteurs for this *amicus curiae* brief.

3. This *amicus curiae* brief was prepared in reliance on the English translation of the relevant legislative acts ([CDL-REF\(2024\)021](#) and [CDL-REF\(2025\)027](#)). The translation may not accurately reflect the original version on all points.

4. This *amicus curiae* brief was drafted on the basis of comments by the rapporteurs. The draft *amicus curiae* was adopted by the Venice Commission at its 144th Plenary Session (Venice, 9-10 October 2025).

II. The Commission's opinion on the compatibility of the Law on Transparency of Foreign Influence with European human rights standards

5. The Venice Commission has issued numerous country-specific opinions on different aspects of foreign influence and foreign funding.¹ In these opinions, the Commission has consistently stressed that restrictions targeting civil society must be narrowly framed, clearly defined, and accompanied by effective safeguards against abuse. They must not be used to stigmatise or marginalise organisations based on their funding sources or perceived political positions.

6. The Venice Commission has also issued general reports related to this topic, such as the 2014 Joint Guidelines on Freedom of Association² and the 2019 Report on funding of associations³.

7. The Commission also adopted an Opinion on the Law on Transparency of Foreign Influence ("the TFI Law").⁴ In this opinion, the Commission identified considerable shortcomings of the TFI law in relation to the requirements of lawfulness, legitimacy, and proportionality.

8. As to lawfulness, the Commission recalled that the law must be framed with sufficient clarity, precision, and foreseeability to guide regulated entities and to limit the discretion available to state

¹ Venice Commission, [CDL-AD\(2013\)023](#), Interim Opinion on the Draft Law on Civic Work Organisations of Egypt; [CDL-AD\(2013\)030](#), Joint Interim Opinion on the Draft Law amending the Law on Non-commercial Organisations and other Legislative Acts of the Kyrgyz Republic; [CDL-AD\(2014\)043](#), Opinion on the Law on non-governmental Organisations (Public Associations and Funds) as amended of the Republic of Azerbaijan; [CDL-AD\(2014\)025](#), Opinion on Federal Law n. 121-fz on non-commercial organisations ("law on foreign agents"), on Federal Laws n. 18-fz and n. 147-fz and on Federal Law n. 190-fz on making amendments to the criminal code ("law on treason") of the Russian Federation; [CDL-AD\(2016\)020](#), Russian Federation - Opinion on federal law no. 129-fz on amending certain legislative acts (Federal law on undesirable activities of foreign and international non-governmental organisations); [CDL-AD\(2017\)015](#), Hungary - Opinion on the Draft Law on the Transparency of Organisations receiving support from abroad; [CDL-AD\(2021\)027](#), Opinion on the Compatibility with international human rights standards of a series of Bills introduced to the Russian State Duma between 10 and 23 November 2020, to amend laws affecting "foreign agents"; [CDL-AD\(2023\)016](#), Joint Opinion on the draft law of Republika Srpska on the Special Registry and Publicity of the Work of Nonprofit Organizations; [CDL-AD\(2024\)001](#), Hungary - Opinion on Act LXXXVIII of 2023 on the Protection of National Sovereignty; [CDL-AD\(2024\)033](#), Kyrgyzstan - Opinion on Law No. 72 of 2 April 2024 amending the Law "On Nonprofit Organisations".

² Venice Commission and OSCE/ODIHR, [CDL-AD\(2014\)046](#), Joint Guidelines on Freedom of Association.

³ Venice Commission, [CDL-AD\(2019\)002](#), Report on Funding of Associations.

⁴ Venice Commission, [CDL-AD\(2024\)020](#), Urgent Opinion on the Law of Georgia on Transparency of Foreign Influence, paras. 52-90.

authorities. In its view, the TFI Law fails this standard, as it contains overly broad and vague definitions – particularly “foreign power” and “organisation pursuing a foreign interest” – leaving a wide array of entities uncertain as to their status and obligations. The Law grants excessive discretion to the Ministry of Justice, lacks objective criteria for monitoring, and mandates the disclosure of sensitive personal data without justification. These powers may be exercised in the absence of any clear procedural safeguards, resulting in a manifest risk of arbitrary enforcement. The absence of guidance on implementing procedures further undermines legal certainty.

9. Regarding legitimacy, the stated aim of the TFI Law is to ensure transparency on foreign influence. However, the Commission recalled that transparency alone is not recognised as a legitimate ground for restricting fundamental rights under the ECHR. Legitimate restrictions must relate to specific public interests in the area of national security, public safety, or the prevention of disorder and crime. Although transparency may pursue those aims in certain contexts, the Law does not establish any concrete link to such objectives. Accordingly, merely increasing transparency cannot justify indiscriminate restrictions of fundamental rights. Restricting the ability of civil society organisations to operate undermines democratic debate and pluralism.

10. On proportionality, the Commission was of the view that the approach of the TFI Law is markedly excessive. It subjects organisations benefiting from at least 20% foreign funding to burdensome registration, disclosure, and monitoring requirements, with no consideration of the nature or source of funds. Public disclosure obligations and the risk of harassing audits further contribute to a chilling effect, undermining the essence of the rights at stake. The regime of sanctions is severe and lacks gradual approach, threatening financial viability and public trust, especially for smaller civil society organisations. No evidence was offered that such measures are necessary or suited to address any pressing social need, and the likely consequence is to stifle pluralism and civic participation.

11. In conclusion, the Venice Commission found that the Law fails to meet the requirements of legality, it is unsupported by a clear legitimate aim and employs measures that are grossly disproportionate. Such legislative defects are incompatible with Georgia’s international obligations under the European Convention on Human Rights. The Commission recommended repealing the TFI law in its current form.

III. Adoption of further legislation relating to foreign influence

12. Between April and June 2025, the Parliament of Georgia took further legislative measures regulating foreign influence.

- *Law on Foreign Agents Registration (“GEOFARA”)*

13. On 24 February 2025, the draft Law on Foreign Agents Registration (Law no. 399, “GEOFARA”) was adopted on 1 April 2025 and entered into force on 31 May 2025. The Explanatory Report to the draft law provides that the bill was proposed because the TFI Law had failed to properly ensure the objective of transparency of foreign influence: the majority of NGOs that received large amounts of funding from foreign powers had refused to register.⁵

14. GEOFARA provides that any natural or legal person who acts under the order, request, direction, or control of a foreign principal is required to register as an “agent of a foreign principal”. Such agents acquire new obligations, including registration in a designated register, reporting and disclosure of funding and activities, labelling of materials, and detailed recordkeeping. Criminal penalties are foreseen for violations of this Law. GEOFARA provides an implementation mechanism through the Anti-Corruption Bureau.

⁵ [Explanatory Report](#) on the draft law of Georgia “Foreign Agents Registration Act”

15. After the adoption of GEOFARA, the TFI Law was not repealed, with the result that both Laws operate in parallel. Several civil society and media organisations challenged GEOFARA before the Constitutional Court.⁶ The proceedings are pending.

- *Amendment to the Criminal Code*

16. An amendment to the Criminal Code (Law No. 400) was examined and adopted together with GEOFARA and also entered into force on 31 May 2025. It introduced a criminal offence in new Article 355², entitled “*Violation of the Law of Georgia “On the Registration of Foreign Agents”*”. The provision criminalises failure to comply with specific requirements of GEOFARA as well as the general failure to fulfil or improper fulfilment of obligations under GEOFARA. The sanctions include fines and imprisonment up to five years.

- *Amendments to the Law on Grants*

17. Two sets of amendments (Laws No. 496 and 663) were adopted on 16 April and 12 June 2025 respectively, and entered into force upon publication. They ban the issuance of foreign grants in Georgia without governmental approval. Any provider of the grants, including international organisations, wishing to support Georgian NGOs must first obtain official authorisation from the state. Accepting a grant without such authorisation is prohibited and constitutes an administrative offence punishable by a fine. The amendments were challenged before the Constitutional Court.⁷

- *Amendments to the Law on Broadcasting*

18. Law No. 407, adopted on 1 April 2025, amended the Law on Broadcasting, prohibiting foreign funding for broadcasters. The amendments entered into force upon publication.

19. The Venice Commission has assessed these legislative acts in a separate Opinion, finding that they fail to meet the standards of foreseeability and proportionality.⁸

IV. Cumulative effects of the Law on TFI, GEOFARA and the Law on Grants

20. In its analysis of the legislation on foreign influence, the Venice Commission observed that such laws often overlapped with already existing legislation, imposing similar requirements of registration and financial reporting. The Commission therefore recommended that, should the existing legal framework prove to be insufficient to address any issues of “transparency”, the authorities should amend it and improve it, rather than enacting additional legislation.

21. In respect of Georgia, the Commission made such a recommendation in its Opinion on the TFI Law: “[w]hile the existing Georgian legislation already contains provisions requiring organisations concerned by the Law to register and report, including on their sources of funding, no convincing explanation has been given on why the existing obligations would be insufficient for the purpose of ensuring transparency. In case the existing provisions proved insufficient, the Georgian authorities should consider amending the existing laws in compliance with European and international standards.”⁹

⁶ Civil.ge, [GYLA Challenges FARA in Constitutional Court](https://www.constcourt.ge/ka/judicial-acts?legal=17979), 22 May 2025. The case material can be consulted at <https://www.constcourt.ge/ka/judicial-acts?legal=17979>

⁷ Civil.ge, [GYLA urges the Constitutional Court to examine in a timely manner the constitutional lawsuits filed regarding the “Law on Grants” and to suspend the operation of the disputed norms](#), 1 October 2025.

⁸ Venice Commission, [CDL-AD\(2025\)034](#), Georgia - Opinion on the Law on the Registration of Foreign Agents, the amendments to the Law on Grants and other Laws relating to “foreign influence”.

⁹ Venice Commission, [CDL-AD\(2024\)020](#), Urgent Opinion on the Law of Georgia on Transparency of Foreign Influence, para. 99.

22. The Georgian authorities, in the explanatory report of the GEOFARA law, stated that the Law on TFI had failed to meet its aim: “In May 2024, the Georgian Parliament adopted the Law of Georgia “On Transparency of Foreign Influence”, which fails to properly ensure the objective of transparency and the corresponding preventive function.”¹⁰ However, rather than amending the TFI Law or repealing it, they enacted the GEOFARA law and made further amendments to the Law on Grants.

23. The parallel operation of multiple laws imposing similar requirements exacerbates, in the Venice Commission’s opinion, the problems of lawfulness and necessity of this legislation.

24. As concerns legal certainty, the Commission has expressed the view that these laws contain overly broad and vague notions and confer excessive discretion on the authorities responsible for their implementation. As a result, individuals potentially subject to them are unable to anticipate their effects or to adjust their conduct accordingly. In practice, this may force them either to cease their activities altogether or to expose themselves to the risk of heavy sanctions, now including criminal liability. The existence of multiple pieces of legislation, all potentially applicable and triggered at the discretion of the authorities, further aggravates this uncertainty. In its Rule of Law Checklist,¹¹ the Commission stressed that foreseeability – an essential aspect of legal certainty – requires that new legislation clearly indicate whether, and which, previous provisions are repealed or amended, and that such amendments be incorporated into a consolidated, publicly accessible version of the law. The Commission considers that the regulation of conditions for receiving foreign funding and any subsequent obligations of the recipients of such funding should be set out in a single, specific piece of legislation, adopted by parliament through an inclusive and transparent process.

25. As regards necessity, the Venice Commission considers that the combined and discretionary application of the Law on TFI and the subsequent legislation on foreign influence (GEOFARA and the Law on Grants), each imposing burdensome and unpredictable obligations, risks producing even more disproportionate restrictions on the exercise of freedom of association.

26. Responsibility for monitoring and enforcement of TFI Law lies with the Ministry of Justice, while GEOFARA and the Law on Grants are implemented by the Anti-Corruption Bureau. The Ministry and Bureau have been vested with wide discretion in applying these Laws. As to the Bureau, it has extensive investigative powers, including the collection of information, questioning, and the seizure of assets, while lacking sufficient safeguards for independence and political neutrality.¹²

27. Therefore, individually, and even more so when applied together, these measures create extensive and overlapping obligations, coupled with severe liability provisions, which disproportionately burden and subject to control those engaged in democratic oversight and the advocacy of rights. Overall, in the Commission’s view, the complex legal framework created by the combination of these legislative acts should be regarded as incompatible with the principles of legal certainty and necessity in a democratic society. Their cumulative effect is coercive, stigmatising, and ultimately inconsistent with democratic pluralism.

¹⁰ [Explanatory Report](#) on the draft law of Georgia “Foreign Agents Registration Act”.

¹¹ Venice Commission, [CDL-AD\(2016\)007rev](#), Rule of Law Checklist, 18 March 2016.

¹² Venice Commission, [CDL-AD\(2023\)046](#), Georgia - Opinion on the provisions of the Law on the fight against Corruption concerning the Anti-Corruption Bureau, para. 41. GRECO: Georgia, Fifth Evaluation Round, Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies, adopted on 22 March 2024 paras. 68-69.

V. Conclusion

28. By letter of 12 August 2025, the European Court of Human Rights, relying Rule 44 § 3 (a) of the Rules of Court, granted leave to the Venice Commission to intervene as a third party and make written submissions in the case of *Georgian Young Lawyers' Association and Others against Georgia* (no. 31069/24).

29. The Venice Commission has consistently underlined that any restrictions on civil society must be narrowly tailored, precisely defined, and accompanied by effective safeguards against abuse. These restrictions must not be misused to stigmatise or marginalise organisations on the basis of their funding sources or perceived political stance.

30. The Venice Commission has also previously stressed that legislation on foreign influence often overlaps with existing legal frameworks already imposing registration and reporting requirements, and recommended that, where existing provisions of domestic legislation have proved to be insufficient to achieve a legitimate aim, the authorities should amend and improve them, rather than adopting new laws.

31. The Commission further considers that all legislation which is addressing the same issue (transparency of foreign influence) in respect of the same subjects (individuals or legal entities) should be examined through a systemic approach, in order to avoid that the test of necessity and proportionality misses to address the combined effect of simultaneously applicable laws on the same entities or individuals.

32. The wide-ranging provisions of Law on Transparency of Foreign Influence as regards the registration and reporting, applicable to a broad spectrum of civil society actors and media, are backed by monitoring and enforcement mechanisms, with non-compliance subject to administrative sanctions. This regime operates in parallel with that established under the Law on Foreign Agents Registration, which imposes even wider obligations, secured by criminal sanctions. In addition, the Law on Grants requires prior governmental approval for any foreign grant.

33. The Commission considers that these legislative acts employ vague notions and grant excessive discretion to the authorities, preventing individuals from anticipating their effects and thereby failing to meet the requirements of legal certainty. Individually, and even more so when taken together, these measures impose extensive and overlapping obligations combined with harsh liability provisions that disproportionately burden and subject to control those engaged in democratic oversight and rights advocacy.

34. Overall, in the opinion of the Venice Commission, the complex legal framework created by these legislative acts should be regarded as incompatible with the principles of legal certainty and necessity in a democratic society.