



GEORGIAN  
YOUNG  
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ASSOCIATION



# **GYLA's assessment** of the "political associations of citizens" along with the initiated amendments to the Organic Law of Georgia



**GYLA'S ASSESSMENT  
OF THE "POLITICAL ASSOCIATIONS OF CITIZENS"  
ALONG WITH THE INITIATED AMENDMENTS  
TO THE ORGANIC LAW OF GEORGIA**

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## INTRODUCTION

On January 29, 2026, the Georgian Dream faction initiated amendments to the Law on Grants and its accompanying draft laws.<sup>1</sup> The package of legislative amendments, including changes to the Organic Law on **Political associations of Citizens**, envisages substantial modifications.<sup>2</sup> The draft law introduces a number of terminological and substantive changes, as a result of which the **State Audit Office** is granted expanded powers of substantive and financial control over the activities of individuals and unions. At the same time, the amendments unjustifiably and discriminatorily prohibit citizens from becoming members of a political party and grossly restrict the freedom of political parties protected by the Constitution of Georgia.<sup>3</sup>

### (1) THE VAGUENESS OF THE DEFINITION OF “ENTITY WITH A DECLARED PARTY-POLITICAL PURPOSE” AND ITS PUNITIVE EFFECT

According to the amendments, the term **“with a declared electoral purpose”** used in the organic law will be replaced with the term **“with a declared party-political purpose.”**

This change, even formally,<sup>4</sup> significantly expands the relevant legislative definition. According to the current wording, a declared electoral goal is present when a person has the intention to come to power through participation in elections.<sup>5</sup> Such a statement must be made publicly and aimed at forming public opinion.<sup>6</sup> Thus, the “electoral goal” used in the current wording is a relatively narrow concept and is directly related to participation in elections,<sup>7</sup> while the new wording contains a broader and vaguer formulation, according to which: **“A person with a declared party-political goal is considered a subject that is not registered as a political party, but which, in terms of the content of its activities and public actions, including participation in the formation and implementation of the political will of citizens, is essentially similar to a political party.”**

Therefore, if certain restrictions established for political parties under the current version apply only to those persons who have declared electoral goals and use ap-

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<sup>1</sup> See the legislative package: <https://info.parliament.ge/#law-drafting/31737>, updated: 06.02.2026.

<sup>2</sup> In addition, accompanying amendments are included in the Criminal Code, the Administrative Procedure Code, the Code of Administrative Offenses, and the Law on the State Audit Office.

<sup>3</sup> Constitution of Georgia, Article 23.

<sup>4</sup> The Anti-Corruption Bureau was unfairly interpreting the existing definition broadly. The agency declared entities as “entities with declared electoral objectives,” even though they had not made a public statement about participating in the elections.

<sup>5</sup> Article 71 of the Organic Law of Georgia “On Political Associations of Citizens”.

<sup>6</sup> Ibid

<sup>7</sup> According to the principle of normative certainty, the law must be so clear that a citizen can predict the consequences of his or her behavior in advance.

propriate financial or other material resources to achieve them, after the adoption of the amendments, these restrictions will apply to persons falling under the new definition.

“Formation of the political will of citizens” is such a broad and indefinite formulation that it turns organized activity around practically any social or professional issue into political activity. Political will is a broad concept and is not limited to party preference or candidate support. In a modern democratic society, virtually all areas of public policy (such as taxes, healthcare, education, environmental protection, and social security) are the object of the political will of citizens. Even in human rights law, beyond imperative norms (*jus cogens*) and issues directly regulated by the constitution, the state has a margin of appreciation in relation to a number of aspects.

For example, the Constitution does not specify in detail what type and scope of healthcare services should be funded by the state. Accordingly, when state funding of certain medical services is not yet regulated by applicable regulations, and patients, their family members, or supporters demand a change in policy and the provision of adequate funding, under the new definition there is a real risk that these people will be classified as “subjects with declared party-political goals.” This means that the norm creates a threat of substantive control over freedom of expression, since a state body is granted the authority to assess the content of the activities of an individual or organization, even though no specific, objective, or limited criteria are provided for this.

This ambiguity is not just a theoretical threat. This is evidenced by the normative content that was given to the still-valid norm by the practice of the common courts and which the Georgian Young Lawyers Association appealed to the Constitutional Court on October 20, 2025.<sup>8</sup> Specifically, the Anti-Corruption Bureau and the court considered the Media Development Fund to be a “subject with a declared electoral goal” solely because the organization publicly criticized the government on social media for initiating restrictive legislation and violating the rights of journalists. The terminological change proposed by the legislative initiative not only fails to eliminate the shortcomings identified in the lawsuit, but also worsens the existing risks. While the current version formally linked the granting of status to the “electoral” context, the new formulation — “party-political goal” — further expands the space for arbitrary interpretation of the norm.

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<sup>8</sup> “Georgian Young Lawyers Association” and A(A)IJ “Media Development Fund” against the Parliament of Georgia, Constitutional Claim No. 1904, October 20, 2025, available at: <https://constcourt.ge/ka/judicial-acts?legal=18542>, updated: 17.02.2026.

**The State Audit Office will be granted the authority to equate political parties and impose heavy financial restrictions on any active organization or individual, regardless of whether they wish to participate in the elections.<sup>9</sup>**

In addition, as a result of the amendments, the receipt of prohibited donations by an entity with a “party-political purpose”, as well as the failure to submit a declaration or to correct any deficiencies in it, is defined as a criminal offense.<sup>10</sup>

The decision of the State Audit Office on granting a person the status of a “declared party-political entity” shall enter into force immediately and its appeal shall not suspend its effect.<sup>11</sup>

## **(2) PROHIBITION OF INDIVIDUALS FROM MEMBERSHIP IN A POLITICAL PARTY ON SPECIFIC GROUNDS**

According to another repressive amendment envisaged by the draft law, it is inadmissible for a person who, on the basis of an employment contract concluded with an organization representing the interests of a foreign power,<sup>12</sup> has received income in full or in part from a political party, to be a member of such a party. Such a person is prohibited from being a member of a political party for 8 years from the calendar year in which they last received income from this organization. In addition, it is noteworthy that the presented regulation, from a practical point of view, not only prohibits the subjects envisaged in the content of the norm from party activity, but also, in fact, deprives them of the opportunity to exercise their passive right to vote. Specifically, all 150 members of the Parliament of Georgia will be elected in a single multi-mandate electoral district on the basis of a proportional electoral system, i.e., by party list. In addition, according to Article 130, Paragraph 4, Subparagraph “b” of the Election Code of Georgia, a candidate for membership in the Parliament of

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<sup>9</sup> Draft Organic Law of Georgia on Amendments to the Organic Law of Georgia “On Political Unions of Citizens”, paragraphs 1 and 2 of Article 1, available at: <https://info.parliament.ge/#law-drafting/31743>, updated: 06.02.2026.

<sup>10</sup> Ibid, paragraph 6

<sup>11</sup> Ibid

<sup>12</sup> According to the draft law, a “non-profit (non-commercial) legal entity that is not established by an administrative body and that receives more than 20 percent of its total income for the calendar year from a foreign power is considered an “organization representing the interests of a foreign power,” with the exception of national sports federations and criminal institutions. A similar criterion applies to broadcasters provided for in the Law on Broadcasting, as well as to legal entities that, individually or jointly with others, own a printed medium of mass information or own and/or use an Internet domain and/or Internet hosting intended for the dissemination of information in the state language, provided that the source of more than 20 percent of their total non-commercial income during the year is a foreign power. In turn, a “foreign power” is considered to be any entity that is part of the government system of a foreign state: an individual who is not a citizen of Georgia; A legal entity that is not established under the laws of Georgia; as well as an organizational entity (including a foundation, association, corporation or union) that is established on the basis of a foreign state or international law.

Georgia will not be registered for election if the candidate included in the party list is not a member of that party.

**The Constitution of Georgia imposes restrictions on political party membership for adult citizens of the country only for persons whose professions require strict party-political neutrality<sup>13</sup> and only for the period during which they serve in these positions.** Thus, the Constitution clearly establishes the criteria by which a person may be restricted from party membership in the course of performing such activities. More specifically, according to Article 23, paragraph 2 of the Constitution: “A person who is appointed as a judge, or is enrolled in the defense forces or a body responsible for protecting state or public security, shall cease to be a member of a political party.” It is precisely the list of persons in this latter category that is specified in Article 10, paragraph 2 of the Organic Law “On Political Associations of Citizens”.<sup>14</sup>

**The proposed amendments introduce a new criterion for restricting rights into the Organic Law of Georgia, which substantially expands the rule explicitly defined by the Constitution (Article 23, paragraphs 1 and 2) by an act hierarchically lower than the Constitution.** At the same time, the content of the Basic Law is clear, as it imposes restrictions on certain categories of public servants and persons in bodies responsible for protecting public security **only during the term of their professional activity**. For example, a judge who completes his judicial career is entitled to immediately become a party member. However, with the new criterion introduced contrary to constitutional logic, this restriction is imposed on the persons contemplated in it precisely **after the end of their activity** in the so-called “organization representing the interests of a foreign power.”

Article 11 of the European Convention on Human Rights, as well as Article 22 of the International Covenant on Civil and Political Rights, protect freedom of association, including the right of an individual to be a member of a political party. Although these rights are not absolute and may be subject to certain restrictions, these are permissible only in cases of extreme necessity and under strictly defined conditions, which, in the present case, are not respected.

According to international law, restrictions on an individual’s freedom of association must be based on the citizen’s individual conduct and a specific threat, rather than on their legal, professional, or social affiliation. The importance of this principle was clearly highlighted in the judgment of the European Court of Human Rights in *Kobalia and Others v. Russia*, where the Court explained that restrictions on access

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<sup>13</sup> Fundamental Rights, Commentary, Besik Loladze, Ana Pirtskhalashvili, 2023 (1531).

<sup>14</sup> a) an employee of the Prosecutor’s Office of Georgia (except for a person employed under an employment contract); b) an employee of the Ministry of Internal Affairs of Georgia; c) an employee of the Investigation Service of the Ministry of Finance of Georgia, etc.

to elective office, public service, or teaching violate the Convention if applied without a proper assessment of an individual's conduct.<sup>15</sup> **In contrast, the proposed regulation is blanket and follows an inherently discriminatory logic of collective responsibility,<sup>16</sup> as it automatically equates employment with a foreign-funded organization with consequences allegedly detrimental to national sovereignty.<sup>17</sup>**

The aforementioned amendment is part of the repressive policy of Georgian Dream, which restricts civil activity and the activities of the political opposition through the use of violent legislation and other mechanisms. It is noteworthy that in October 2025, Georgian Dream urgently considered and adopted a legislative package that provided for the prohibition of party activities (including the establishment of a party and holding the position of party leader), holding state-political and political positions, as well as the right to participate in elections for persons associated with a political party banned by the Constitutional Court of Georgia.<sup>18</sup> At the end of the same month, the deputies of Georgian Dream applied to the Constitutional Court of Georgia requesting the ban of opposition political parties.<sup>19</sup>

According to the amendments, the State Audit Office is authorized to monitor the financial activities of not only the party, but also its ordinary members.<sup>20</sup> The agency is authorized to request information on the finances of individuals, as well as "special categories of personal data" and materials containing secrets (except for state secrets).

In addition, the receipt of "any foreign funds" by the party will lead to criminal liability for the head. It is noteworthy that, according to the current wording, only administrative liability is provided for such violations. The transition from administrative fines to criminal liability strengthens the repressive mechanism. Moreover, such wording contains the threat of provocation, since the transfer of funds to the party's account by a third party may become the basis for the arrest of the leader.

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<sup>15</sup> Kobaliya and Others v. Russia, § 115.

<sup>16</sup> Liability does not arise from a specific wrongful act or from individual intent. It arises from the collective status that is expressed in being in an employment relationship with an organization.

<sup>17</sup> In the case of Ždanoka v. Latvia (2006, Grand Chamber), the European Court of Human Rights noted that a ban on political activity can only be justified by specific, identifiable acts and not by the logic of "collective guilt".

<sup>18</sup> "The initiative of the "Georgian Dream" to ban individuals from political activities is incompatible with the Constitution of Georgia", GYLA official website, October 15, 2025, available at: <https://gyla.ge/post/GYLA-politikuri-saqmianobis-akrdzalvis-shesaxeb>, updated: 04.02.2026.

<sup>19</sup> The lawsuit demands the banning of the political associations of citizens - National Movement, "Coalition for Change, Gvaramia, Melia, Girchi, It's Time" and "Strong Georgia - Lelo, for the People, for Freedom".

<sup>20</sup> Draft Organic Law of Georgia on Amendments to the Organic Law of Georgia "On Political Unions of Citizens", Article 1, Paragraph 7, available at: <https://info.parliament.ge/#law-drafting/31743>, updated: 06.02.2026.

**The current wording clearly states that restrictions provided by law cannot be used against freedom of expression, civil activity, and pre-election agitation. This provision is an important guarantee that limits the authority of the state and prevents the spread of legal restrictions to the civic engagement of individuals. It is alarming that the new wording removes civil activity from the text as a protected good.**

In a democratic state, civil activity is a form of non-institutional participation of citizens in public and political processes, which includes the right to expression, association, peaceful assembly, and public oversight. Legal recognition of civil activity as a protected good acquires particular importance in an environment where political power is concentrated and formal political institutions cannot ensure full representation of public interests.

Moreover, such vague and strict regulations have a “chilling effect” not only on those to whom the law directly applies, but also on the entire civil society. In such a situation, people avoid being active in advance so as not to accidentally fall under the vague definition of “a person with a party-political goal” and be subject to repressive sanctions.

## **SUMMARY**

With the rhetoric of protecting the country’s sovereignty and appealing to hypothetical threats emanating from Western states or associations of states, the ruling power is gradually expanding the legal mechanisms for restricting and controlling the political freedoms of society. Such an approach is not limited to temporary measures taken in response to specific, actually confirmed risks identified by state security services. In fact, a de facto permanent state of emergency–like regime is being formed, which is not formally declared, although in essence it functions according to the logic of emergency law. Under such conditions, the fundamental freedoms of citizens, including the right to hold and express political, social, or cultural views different from those of the ruling party, are restricted preventively, without assessing the real threat. As a result, citizens are treated by the state not as autonomous subjects with rights, but as a means of achieving hypothetical goals and containing foreign influences, which leads to the total restriction of freedoms, the erosion of political pluralism, and the weakening of the democratic order.