

# Briefing Note on **Freedom of Expression** in Georgia: Key Developments Since Spring 2024 Submitted to the OSCE Human Dimension Mechanism (February, 2026)





**Briefing Note on Freedom of Expression in Georgia:  
Key Developments Since Spring 2024**

*Submitted to the OSCE Moscow Mechanism*

Georgian Young Lawyers' Association

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## I. Introduction

This document has been prepared by Georgian Young Lawyers' Association (GYLA) to provide information to the OSCE Moscow Mechanism on the state of freedom of expression in Georgia since 2024.

Since spring 2024, the human rights situation in Georgia has rapidly deteriorated across multiple areas, including freedom of expression, freedom of assembly and association, the prohibition of torture and ill-treatment, and the misuse of criminal and administrative justice mechanisms. **While this document primarily addresses developments related to freedom of expression, the accompanying submissions examine other areas of concern.** Accordingly, this document must be read against the backdrop of this overall deterioration of the human rights environment. Among other significant challenges, this period was marked by measures targeting freedom of expression, including legislative amendments, administrative sanctions and anti-speech rhetoric by the. **Key legislative innovations against freedom of speech include restrictions on foreign funding for media, new FARA-type regulations, expanded fairness and impartiality duties for broadcasters, weakened defamation standards, and limits on media activity in courts.**

Taken individually and collectively, these laws have a devastating impact on human rights, as reflected in the “Russian law” case submitted to the European Court of Human Rights, *Georgian Young Lawyers' Association and Others v. Georgia* (31069/24),<sup>1</sup> and in the written positions of third-party stakeholders, including the Council of Europe Commissioner for Human Rights<sup>2</sup> and the Venice Commission.<sup>3</sup>

This document draws on broader research, monitoring reports, and source materials, which are referenced throughout the text. Relevant GYLA reports are also submitted to the OSCE Moscow Mechanism alongside this submission.

## II. Prohibition of foreign funding for the media outlets

As a result of the 2025 legislative amendments, Georgian media outlets are effectively barred from receiving foreign funding: for broadcasters, the prohibition is explicitly set out in the Law on Broadcasting,<sup>4</sup> while for media operating as a non-commercial legal entity it follows from amendments to the Law on Grants,<sup>5</sup> which ban the acceptance of foreign grants without prior governmental approval. The 2024 Law on “Transparency of Foreign Influence” (“Russian Law”) also remains in force,<sup>6</sup> labeling media receiving over 20% of their annual non-commercial income from a foreign power as organizations “pursuing the interests of a foreign power” and subjecting them to stigmatizing registration and burdensome reporting. Even where direct prohibitions do not apply, potential funding sources may still be restricted by the broad and vague provisions of the Foreign Agents Registration

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<sup>1</sup> *Georgian Young Lawyers' Association and Others v. Georgia* App no: (31069/24) [https://hudoc.echr.coe.int/#/%22itemid%22:\[%22001-242877%22%22\]](https://hudoc.echr.coe.int/#/%22itemid%22:[%22001-242877%22%22]) [09.02.26].

<sup>2</sup> Third party intervention by the Commissioner for Human Rights of the Council of Europe under Article 36, paragraph 3, of the European Convention on Human Rights Application no. 31069/24 *Georgian Young Lawyers' Association and Others v. Georgia*, CommHR(2025)52, see: <https://www.coe.int/en/web/commissioner/-/commissioner-o-flaherty-intervenes-in-ecthr-case-on-georgia-s-foreign-influence-law> [09.02.26].

<sup>3</sup> Venice Commission, CDL-AD(2025)035, 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 the Law of Georgia on Transparency of Foreign Influence.

<sup>4</sup> The Law of Georgia on “Broadcasting”, Article 66<sup>1</sup>.

<sup>5</sup> The Law of Georgia on “Grants”, Article 5<sup>1</sup>.

<sup>6</sup> The Law of Georgia on “Transparency of Foreign Influence”.

Act, which could, in bad faith, classify a media outlet as a foreign principal's agent based solely on contractual relations with a foreign donor.

Amendments to the Law on Broadcasting prohibit broadcasters from receiving direct or indirect funding from a "foreign power," including monetary or material support, the procurement of services by a foreign power, and the direct or indirect financing or co-financing of program production or broadcasting, subject only to limited exceptions allowing commercial advertising, teleshopping, sponsorship, and product placement by foreign actors.<sup>7</sup> The term "foreign power" is broadly defined to include foreign state bodies, non-citizens, foreign-registered legal entities, and organizations established under foreign or international law, and the restrictions apply to all television and radio broadcasters.<sup>8</sup> However, in light of applicable international standards, such restrictions must pursue a legitimate aim, yet the legislative process offered no substantiated justification: the explanatory note merely asserts that restricting foreign funding is necessary to prevent foreign influence on public opinion due to broadcasters' credibility.<sup>9</sup> This reasoning is blanket, superficial, and insufficient to establish a Convention-compatible legitimate aim capable of justifying interference with fundamental rights.

Even assuming that the legislature aimed to protect national security or public safety, the prohibition still cannot be regarded as "necessary in a democratic society." To satisfy this standard, an interference must meet a "pressing social need".<sup>10</sup> A blanket ban premised on a general presumption that all foreign funding is inherently threatening, an approach the European Court of Human Rights has rejected in comparable cases<sup>11</sup>, cannot meet this threshold. The restriction lacks any demonstrated link to a concrete risk and deprives broadcasters of resources essential for editorial independence, investigative work, and financial viability. Consequently, the measure unjustifiably interferes with broadcasters' freedoms of association and expression and imposes a disproportionate barrier to their functioning.

### III. Regulatory Norms on the "Fairness And Impartiality" Of Broadcasters

As of 1 April 2025, Article 54 of the Law on Broadcasting introduced vague and ambiguous norms under the concept of "fairness and impartiality," granting authorities broad discretion to interpret and control the content of broadcasters. Paragraph 4, for example, requires that political or socio-political programs ensure balance either within each individual program or across a cycle of programs, with broadcasters obliged to notify audiences if balance is achieved over multiple programs. The Venice Commission has expressed concerns in similar contexts, noting that requiring "balance" as a statutory obligation is unclear, overly complex, and potentially burdensome for media outlets.<sup>12</sup> Further terms in the article, such as "incorrect interpretation of differing opinions"<sup>13</sup> or "attacks on groups not participating in the program,"<sup>14</sup> are undefined, leaving broadcasters uncertain about what constitutes compliance. Previously, these editorial standards were subject to self-regulation within the media sector, but under the amendments, they fall under the exclusive oversight of the Communications

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<sup>7</sup> The Law of Georgia on "Broadcasting", Article 66<sup>1</sup>.

<sup>8</sup> Ibid.

<sup>9</sup> See the Explanatory Note: <https://info.parliament.ge/#law-drafting/30326> [09.02.26]

<sup>10</sup> ECtHR, *Ecodefence and Others v. Russia*, 9988/13, 2022, §123.

<sup>11</sup> *ibid.*, §166.

<sup>12</sup> The Venice Commission, Opinion no. 798 / 2015, CDL-AD(2015)015, para. 50, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2015\)015-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2015)015-e) [09.02.26]

<sup>13</sup> The Law of Georgia on "Broadcasting", Article 54.6: "When an author programme is broadcasted, the audience must be informed just before the start of the programme that it is the author programme. In an author programme, a broad range of viewpoints must be communicated to the audience, contortion of facts and incorrect interpretation of a dissenting opinion must be prevented. The host of an author programme must not use his/her status to disseminate his/her own opinion in the way that may encroach on the impartiality of the programme."

<sup>14</sup> The Law of Georgia on "Broadcasting", Article 54.9: "Invitation of only one interested party in a programme for a comprehensive study of a specific viewpoint regarding a topical issue may not be used as a means to attack groups that do not participate in the programme".

Commission. Violations may result in a graduated series of sanctions, including warnings, fines, license suspension, or revocation, creating significant pressure on broadcasters. The Commission has faced repeated accusations of selective enforcement and disproportionate penalties,<sup>15</sup> particularly targeting media outlets critical of the government. Evidence already shows that these regulations are being applied in a punitive manner against such critical media, raising serious concerns about freedom of expression and editorial independence.<sup>16</sup>

#### **IV. Restriction on Media Activity in Courts**

On 26 June 2025 Parliament adopted amendments to the Organic Law “On General Courts” imposing a blanket ban on photographing, filming, video recording, broadcasting, and audio recording within court buildings, courtrooms, and courtyards, which may now only be conducted by the court or a court-authorized person.<sup>17</sup> Previously, the Public Broadcaster was permitted to record court proceedings, except where hearings were partially or fully closed, and could provide recordings to other media; other broadcasters could also record with prior written notice to the presiding judge. Under the new rules, journalists must obtain permission from the High Council of Justice for each hearing, creating a bureaucratic mechanism that effectively prevents timely coverage, particularly for hearings scheduled on short notice, such as first appearances.<sup>18</sup> The principle of publicity is a core component of the right to a fair trial under Article 6 ECHR and must be balanced against other rights, including Article 8 (private life) and Article 10 (freedom of expression).<sup>19</sup> The amendments, however, impose a disproportionate restriction on media activity, failing to balance competing rights and obstructing coverage of cases of high public interest. In practice, journalists face significant difficulty obtaining authorization, and the law provides no alternative mechanism to ensure public access when permission is denied or delayed, effectively resulting in a near-total ban on recording court proceedings.<sup>20</sup>

#### **V. Amendments concerning Defamation legislation**

On 26 June 2025, the Parliament adopted amendments to the Law on Freedom of Speech and Expression affecting the adjudication of civil defamation disputes. Notably, the amendments abolished the qualified privilege for statements containing false facts, which had previously provided conditional protection where a person had taken reasonable steps to verify the truth, acted to restore the reputation of the defamed party, protected a legitimate public interest outweighing the harm caused, acted with the claimant’s consent, responded proportionately to prior statements, or accurately reported events of public concern. By removing this privilege, the amendments increase the risk that civil defamation proceedings may be misused to intimidate journalists, critics, and public commentators, undermining robust public debate and the protection of freedom of expression.<sup>21</sup>

The 2025 amendments further weakened protections in civil defamation disputes by removing key safeguards for freedom of expression. The definition of defamation no longer requires proof of harm, eliminating the prior requirement that a statement must “inflict harm on a person” to qualify as

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<sup>15</sup> See the Report: GYLA et al., Human Rights Crisis in Georgia Following the 2024 Parliamentary Elections, 28 November 2024 – 28 February 2025. 2025.

<sup>16</sup> GYLA, GYLA’s assessment of the complaints filed by the Georgian Dream against Formula and TV Pirveli with the Communications Commission, 05.06.2025, <https://gyla.ge/en/post/sachivrebi-telekompaniebiswinaagmdeg-saias-shepaseba>, [09.02.26].

<sup>17</sup> The Organic Law of Georgia on “General Courts”, Article 13<sup>1</sup>

<sup>18</sup> Ibid.

<sup>19</sup> ECtHR, *Krestovskiy v. Russia*, 14040/03, 2010, §§ 24-25.

<sup>20</sup> GYLA, Media Cannot Cover Cases of Persons Detained in the Context of Protests from the Courtroom, 30.06.2025, <https://gyla.ge/post/mediis-shezgudva-sxdomebze-saia>, [09.02.26].

<sup>21</sup> GYLA, GYLA’s assessment of the repressive amendments to the Law on Freedom of Speech and Expression, 01.07.25. <https://gyla.ge/en/post/saia-gamoxatvistavisuplebis-shesaxeb-kanonshi-cvlilebebi> [09.02.26].

defamatory (Article 1(e)). The burden of proof has shifted to the defendant: under Articles 13 and 14, defendants must now prove that their statements do not contain substantially false facts, whereas previously the claimant bore this burden. Protections for journalistic source confidentiality have also been repealed, removing Article 7(7), which had prevented courts from drawing adverse inferences solely from a journalist's refusal to disclose sources.<sup>22</sup>

Additionally, the law introduces a “presumption of falsity” in civil disputes. While not inherently incompatible with freedom of expression, the European Court of Human Rights has held that such presumptions can be unduly restrictive, particularly when proving truth is difficult due to evidentiary or financial limitations.<sup>23</sup> Reporting on matters of public interest is a core function of the media,<sup>24</sup> and the scope for criticizing politicians<sup>25</sup> and public figures<sup>26</sup> is broader than for private individuals. Safeguards such as the qualified privilege for false statements and the prior burden of proof provisions were essential to protect open discourse on issues of public concern.

These changes undermine the ability of media and individuals to report on matters of public interest, curtail permissible criticism of politicians and public figures, and remove safeguards, such as qualified privilege and prior burden of proof, that previously protected robust public debate.

## **VI. Sanctioning Profane Speech Against Public Officials And Civil/Public Servants**

In February 2025, Article 173<sup>16</sup> was added to the Code of Administrative Offences,<sup>27</sup> introducing administrative liability for insulting public officials, political officials, state servants, and persons equated with them during the performance of their official duties or in relation to their professional activity. The provision covers a wide range of officials, including the President, members of Parliament, the Government and its deputies, municipal mayors, deputies, and heads of public law entities. It prohibits verbal insults, swearing, persistent insults, and other offensive conduct, with penalties ranging from fines of GEL 1,500–4,000 or administrative detention up to 45 days, and increased sanctions for repeat offences (fines of GEL 2,500–6,000 or detention up to 60 days). Additionally, offenders may be deprived of the right to carry weapons for up to three years. This law establishes strict limitations on speech directed at officials and carries disproportionately high sanctions for administrative violations.

ODIHR has criticised Article 173<sup>16</sup> of the Code of Administrative Offences for its excessively broad and indeterminate content. According to ODIHR, references to “verbal abuse, swearing, persistent insults, and/or other offensive actions” without providing any description or definition of the meaning, nor indicating the constitutive elements of the offence appears excessively broad and subjective and could be applied and interpreted in an arbitrary manner.<sup>28</sup> ODIHR recommended that the State revise this article due to its potential chilling effect on freedom of expression, or should at a minimum, be amended to provide a more precise definition of the constitutive elements of the offences and to ensure that it only applies when the expression meets a certain threshold of severity.<sup>29</sup>

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<sup>22</sup> Ibid.

<sup>23</sup> ECtHR, *Kasabova v. Bulgaria*, 22385/03, 2011, §§ 59-62.

<sup>24</sup> ECtHR, *Observer and Guardian v. the United Kingdom*, 13585/88, 1991, §59.

<sup>25</sup> ECtHR, *Lopes Gomes da Silva v. Portugal*, 37698/97, 2000, §§ 30-31.

<sup>26</sup> ECtHR, *Drousiotis v. Cyprus*, 42315/15, 2022, §§ 51, 61.

<sup>27</sup> Law of Georgia Administrative Offences Code of Georgia, Article 173<sup>16</sup>

<sup>28</sup> ODIHR, Opinion-Nr.: FOPA-GEO/536/2025 [TN], para 101, <https://www.osce.org/odihr/587466> [09.02.26].

<sup>29</sup> Ibid

This norm is already being applied in practice to restrict political expression. For instance, individuals were fined GEL 4,000 for calling ruling party MPs “slaves” on social media.<sup>30</sup> Additionally, a court imposed a five-day administrative detention on an activist for referring to a Zugdidi Municipality employee as “focho” (“fool” or “idiot”) and “tvinge” (“brainless” or “simpleton”) in Facebook comments.<sup>31</sup>

For comparison, in a case against Georgia the European Court of Human Rights found an eight-day administrative detention to be disproportionate.<sup>32</sup> The applicant had thrown beans at police during a protest while saying “slave gruel for the police” to express his position on unimplemented electoral reforms.<sup>33</sup> The Court noted that the act was non-violent, caused no harm, and was intended as political expression. It concluded that even if interference with rights was justified, custodial sanctions should be applied with particular caution, and in this case, detention violated Article 11 (freedom of assembly) in conjunction with Article 10 (freedom of expression) of the Convention.<sup>34</sup>

In light of this judgment, imposing a five-day administrative detention for a social media comment that constitutes permissible political criticism, directed at a public official, expressing a political position, and containing no incitement to violence or obscene content, demonstrates a disregard for human rights standards, including the interpretations and guidance of the European Court of Human Rights. It is noteworthy that the MIA and the courts actively use this article and its high sanctions against publicly known individuals, which may suggest an attempt to create self-censorship in society regarding strong political expression through high-profile cases.<sup>35</sup>

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<sup>30</sup> Radio Liberty, Vakho Sanaia was fined 4,000 GEL for a Facebook post, 20.06.2025, <https://www.radiotavisupleba.ge/a/33449993.html>, [09.02.26]; Radio Liberty, journalist Vika Bukia fined 4,000 GEL for status about Mariam Lashkhi, 18.06.2025, <https://www.radiotavisupleba.ge/a/33448168.html>, [09.02.26]

<sup>31</sup> Publika, activist from Zugdidi was arrested for 5 days for calling a city hall employee a “focho” in a FB comment, 09.07.2025, <https://publika.ge/aqativisti-fb-komentarshi-meriis-tanamshromlistvis-fochos-wodebis-gamo-5-dghit-daapatimes/>, [09.02.26]

<sup>32</sup> ECtHR, Chkhartishvili v. Georgia, 31349/20, 2023.

<sup>33</sup> Ibid, §59.

<sup>34</sup> Ibid, §§ 60-62.

<sup>35</sup> GYLA, Prosecution of Cases for Evaluative Judgments Expressed Against Politicians Creates a Precedent for Mass Censorship, 12.07.2025, <https://www.gyla.ge/en/post/cenzuris-precendentebi-gyla> [09.02.26]

## List of Relevant Publications by GYLA

- GYLA, Laws Against Speech, An Analysis Of Legislative Restrictions On Freedom Of Expression And Media Activity In Georgia Laws Against Speech February -July, 2025; [https://admin.gyla.ge/uploads\\_script/publications/pdf/LAWS%20AGAINST%20SPEECH.pdf](https://admin.gyla.ge/uploads_script/publications/pdf/LAWS%20AGAINST%20SPEECH.pdf) [05.02.26]