

BGI Law Brief

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Foreign Agents Registration Act

On 1 April, the Parliament whose legitimacy has not been recognized by Georgia's opposition, civil society and most of Georgia's democratic friends and allies ("**GD Parliament**") adopted the Foreign Agents Registration Act ("**Georgian FARA**"), which is purportedly based on a 1930s American law with a similar name. Unlike the American FARA, which aims to protect the nation from malign foreign influence of adverse foreign powers, Georgian FARA is a repressive law which targets independent media, civil society and Georgia's democratic friends. The explanatory note of the bill states that the 2024 Law on the Transparency of Foreign Influence (dubbed the "**Russian Law**") was not effective enough.¹ While the Russian Law provides for excessive fines, it does not envisage criminal liability. As for the Georgian FARA, it also imposes criminal liability for non-compliance. The law goes into effect on 31 May.

Foreign Grants Subjected to GD Control

On 16 April, GD Parliament amended the Law on Grants, imposing partisan (Georgian Dream – GD) control over all foreign grants. Under the amendment, grants issued by foreign donors to local recipients shall be subject to approval by the government's Anti-Corruption Bureau ("**Bureau**"). Donations, whether monetary or in-kind, which GD considers to be disguised grants, shall also fall under this amendment. The regulation does not apply to grants issued by international sports associations, federations and committees, as well as individual financial assistance issued for general education, higher education and scientific work abroad. The Bureau is authorized to carry out inspections of the recipients and request information as it may deem fit. Confidential information may be requested by the Bureau on the grounds of a court ruling. The amendment also envisages possibility for third parties to inform the Bureau about unapproved grants, as well as the obligation of government bodies to report any reasonable doubts concerning violations of the bill. Non-compliance with the new regulations shall result in significant fines. The law is effective from 16 April.

Broadcasters Subject to Increased Restrictions

On 1 April, GD Parliament adopted amendments to the Law on Broadcasting. According to the amendments, broadcasters are prohibited to receive direct or indirect

financing from a "foreign power" except for commercial advertising, teleshopping, sponsorship and product placement. The term "foreign power" means: (i) constituent entity of the government system of a foreign state; (ii) natural person, who is not a Georgian citizen; (iii) legal person, which is not established under Georgian law; or (iv) an organizational entity (including a foundation, association, corporation, union, other type of organization) or other type of association of persons that is established on the basis of the law of a foreign state and/or international law. The same regulation applies to the purchase of broadcaster services and/or direct or indirect financing and/or co-financing of program preparation and/or broadcasting. The National Communications Commission (the "**Commission**") shall be authorized to enforce the bill from 1 June.

Another set of amendments introduced further restrictions on broadcaster activities. Thus, the bill purportedly protects individual privacy from broadcasters, in fact restricting journalistic investigations. Another provision provides that broadcasting of materials filmed or recorded using covert methods is allowed only if such action is "justified". It is unclear what the Commission may consider "justified". The bill also interferes with the broadcasters' freedom of expression, as well editorial independence, prohibiting the expression by broadcasters of a position in support of or against any political party, social/religious association or other interest group in the news and sociopolitical programs. It also prohibits coverage by broadcasters of information reflecting political or other controversy, or current public policy issues in the news and sociopolitical programs based on the broadcasters' personal attitude or opinion. The rules shall apply to traditional broadcasting as well as digital media platforms and are effective from 2 April.

"Insulting" Officials Becomes Punishable

On 2 February, GD Parliament hastily adopted amendments to the Administrative Offenses Code. The amendments, aimed at suppressing public protests (such as through dramatically increased fines for violations of manifestation rules) envisage *inter alia* administrative fines for "insulting" political / government officials, as well as civil servants. First-time "offenders" may face charges in the amount of up to GEL

¹ See [Special Alert dated 29 May 2024](#) on the Russian Law.

4,000 (circa USD 1,500). Alternatively, the “offenders” may be arrested for up to 45 days. Repeat “offenders” may be fined up to GEL 6,000 (circa USD 2,200) or face 60 days jail time. The provision does not specify what exactly counts as an “insult”, but GD has stated that all political labels currently used by Georgians against GD will be covered.

GD Reinstates Treason Article in Criminal Code

On 1 April, GD Parliament amended the Criminal Code, reinstating the “Treason” provision, which was removed in 2007, due to the fact that the article was too vague, opting instead to punish specific acts against the state. The amendment adopted by GD reinstates the article against the backdrop of propaganda that the previous (pre-2012 government) intended to commit treason and hence removed the article from the law. The explanatory note of the bill fails to substantiate the legal purpose of adopting the amendment and instead, tells the story of how the previous government removed such article, enveloping the story with populist phrases such as “the country that does not criminalize treason of homeland, has no future”. The explanatory note mentions that the said provision has a “symbolic meaning”. The amendment is effective as of 2 April.

GD Reduces Visa-free Stay for Ukrainian Citizens

On 2 April, GD Government adopted amendments to Resolution N255, which regulates the issues of visa-free entry and legal stay of foreign citizens in Georgia. The Resolution was last amended on 23 April 2024, granting citizens of Ukraine the right to stay in Georgia on a visa-free bases for 3 years. Under the current amendment of the Resolution, the above term has been reduced back to 1 year. This amendment is effective as of 3 April.

Then on 17 April, GD government adopted amendments to Resolution N256, which regulates the issues of visa-free entry and legal stay in Georgia by foreign citizens holding visa/residence permit of specific countries. Under these amendments citizens of certain countries (Afghanistan, Siria, Ghana, Somali, Yemen, Pakistan, etc.) who hold multiple-entry visas/residence permits of the following countries: UAB, Bahrein, Saudi Arabia, Qatar, Kuwait and Oman may enter Georgia on a visa-free basis and legally remain for 90 days during every 180 days, provided that at the time of crossing the border into Georgia, the respective visas/residence permits do not expire for at least 1 additional year. This amendment shall enter into force on 16 May.

Law on DNA Database Adopted

On 4 March, GD Parliament adopted the Law on DNA Database. The purpose of the law is facilitation of crime

prevention, crime detection and investigation, as well as identification of missing persons, by storing genetic profiles in a DNA database. Persons indicted for a crime, as well as the convicts shall be subject to mandatory collection and profiling of biological samples. In addition, biological samples collected from corpses, crime scenes and natural persons within the scope of criminal investigation shall also be subject to profiling. The law also provides for voluntary registration in the DNA database. The respective samples shall be stored with the National Forensics Bureau, for the specific terms established by the law. The Law on DNA Database shall fully become effective on 1 June.

GD Preparing to Ban Opposition Parties

On 29 April, GD Parliament approved through the second reading the package of bills concerning prohibition of political parties by the Constitutional Court (the “Court”). The following categories of parties may be subject to prohibition: parties aiming to overthrow or forcibly change the constitutional order of Georgia, or to infringe on its independence and territorial integrity, or the parties that propagandize war or violence, stir up national, ethnic, religious, or social conflict, or the parties forming or having formed armed groups. In addition, the Court will be authorized to ban a political party whose declared goals or substance of activity (personnel or party lists submitted to the election commission) essentially repeats the goals, activity or personal/list of the party which was already banned by the Court.

According to the bills, the Court will have 9 months from receipt of a claim to rule on banning a political party. The term for ruling on banning of a party with similar goals, activity and personnel as the already banned party, during the election period, will be 14 days.

It appears that GD is preparing legal framework to ban opposition parties, labeled by GD as the “collective United National Movement”.

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