

BRIEF

Georgia: The Foreign Agents Registration Act

APRIL 9, 2025

Introduction

On April 2, the President of Georgia signed the Foreign Agents Registration Act (hereinafter – the Georgian FARA). Non-governmental organizations (NGOs) have expressed [concern](#) that the Georgian FARA will be used against NGOs, independent media, and citizens who oppose the government’s policies. The Georgian parliament adopted this law without public consultations in an environment where the government has increasingly targeted independent civil society, including through the [detention and beating of peaceful protesters](#) and the [freezing bank accounts](#) of NGOs providing assistance to arrested demonstrators.

The Georgian FARA requires individuals and entities to register as “*foreign agents*” if they are acting “*at the authority, request, order, or control of a foreign principal*” to engage in a broad set of covered activities, including “*political activities*,” in the interests or on behalf of the foreign principal. Such persons are required to submit detailed reports of their activities and finances and provide two copies of any public statement to the authorities. Additionally, such persons must also mark their public statements as produced by a “*foreign agent*,” a stigmatizing term that indicates those registered are not acting independently.

Compared to the [2024 “Foreign Influence Law”](#), which only included administrative penalties for violations, the Georgian FARA introduces severe criminal penalties. For example, failure to register as a “*foreign agent*” or failure to provide the required information can result in 10,000 GEL (about US\$3,600) in criminal fines and/or a maximum five-year prison sentence. Similarly, failure to submit mandatory financial reports or violating the “*foreign agent*” labeling requirements is punishable up to a 5,000 GEL (about US\$1,800) criminal fine or imprisonment for up to six months. As justification for these harsh measures, Georgian Dream MP Irakli Kirtskhalia [claimed](#) that they “*will create preventive pressure against stateless people and destructive NGOs that have been acting as conduits for partisan ‘black money’ in the country.*”

The Georgian government [claims](#) that the Georgian FARA is needed because domestic NGOs that receive foreign funding have not registered under the 2024 Foreign Influence Law. Moreover, it justifies the new law by stating that it is a rewritten version of the US Foreign Agents Registration Act (US FARA). However, claims that Georgia is simply adopting US policy are inaccurate and deeply misleading. There are substantial differences in the rationale for adoption of the two laws, as well as how the Georgian government describes its plans for enforcement. Based on [statements](#) from parliamentarians, the Georgian government may seek to implement the Georgian FARA in a manner that is inconsistent with Georgia's key international legal obligations.

1. The US FARA has its own shortcomings

The US FARA is not a model law by any means. It is an overbroad and vague statute that was enacted around World War II to combat enemy propaganda. Its deficiencies have been highlighted by many stakeholders, both inside and outside of the US, including members of US Congress, lawyers, and NGOs. Per ICNL expert Nick Robinson's [briefer](#) on the US FARA in 2023, *"The definitions in the Foreign Agents Registration Act (FARA) are both sweeping and vague. This provides the Executive authority wide discretion for enforcement, creating dangers for civil society, and ultimately undercutting the effectiveness of the Act."* Reform of the US FARA is long overdue and experts have [questioned](#) the constitutionality of key provisions. Still, despite this need for reform, the US FARA has been enforced in a significantly more limited manner than has been proposed for its use in Georgia.

2. NGOs and Media that receive foreign funding generally do not register under the US FARA

The original purpose of the US FARA was to fight propaganda from foreign adversaries during the World War II. Later, it shifted to being used primarily as a tool to require registration of foreign government lobbyists. In February 2025, citing concerns about *"weaponization,"* US Attorney General Pamela Bondi issued a significant [memorandum](#) to further limit enforcement of the US FARA, stating that *"[r]ecourse to criminal charges under the Foreign Agents Registration Act . . . shall be limited to instances of alleged conduct similar to more traditional espionage by foreign government actors."*

As of April 2025, there were approximately [540 active registrants](#) under the US FARA. Only about 5% of those registered under US FARA are nonprofit organizations, which includes overseas branches of foreign political parties. Many US NGOs and media organizations receive foreign grants and other support. They are active in public life, advocating for public causes that the government may or may not agree with. However, such NGOs and media are not registered as *"foreign agents."*

3. Compatibility of the Georgian FARA with international law

Georgia is a party to both the International Covenant on Civil and Political Rights (ICCPR)¹ and the European Convention on Human Rights (ECHR).² All national laws must comply with Georgia's obligations under these international laws. Under Article II of the ECHR, restrictions on the freedom of association, including the right to access resources, can only be legitimate if they meet narrowly defined criteria. According to the ECHR, a permissible restriction must be:

- prescribed by law;
- necessary in a democratic society; and
- in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

In 2024, the European Court of Human Rights decided that Russia's "foreign agent" law, which the Russian government claimed was modeled on US FARA, violated the freedom of association and the privacy rights of those covered.³

The UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association has stated that receipt of foreign funding "*does not justify the imposition of additional restrictive measures, nor stigmatization measures such as requiring all associations receiving foreign funding to be labeled as "foreign agents," nor targeting, whether through audit procedures, the imposition of penalties or otherwise. Any limitations imposed must comply with the principle of legality, be undertaken for a legitimate purpose as recognized under international human rights law and be necessary and proportionate in a democratic society.*" This finding has been reaffirmed by many international and regional rights bodies.

Further, the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association recommended all states to:

"• Ensure that laws and regulations do not unfairly target or restrict the international flow of donations, either for associations to receive or to send them abroad...

• Repeal laws and regulatory measures that unduly restrict foreign funding, including, measures: ... (iii) Requiring additional burdensome and overly intrusive reporting or public disclosure obligations from civil society organizations seeking to access or use foreign funds; ... (v) Stigmatizing or delegitimizing the work of foreign-funded and other groups of civil society organizations, including compelling recipients of foreign funding to adopt negative labels such as that of "foreign agents", with the aim of suppressing the legitimate activities, such as human rights and democracy promotion, of those associations; (vi) Using overly broad and vague definitions to limit the ability of

¹ Ratified by Georgia on May 3, 1994.

² Ratified by Georgia on May 20, 1999.

³ European Court of Human Rights, Case of Kobaliya and Others v Russia, 2024, at <https://hudoc.echr.coe.int/fre#%22itemid%22:%22001-237425%22>

civil society organizations' receiving foreign funding to defend human rights or engage in matters of political concern or public debate;... (viii) Imposing unnecessary and disproportionate sanctions;

• Adopt positive measures to enable and promote cross-border giving, including ensuring legal and fiscal frameworks that enable donors – corporate and individual – to give donation charity to associations abroad and benefit from meaningful tax incentives.”⁴

The Georgian FARA’s broad and vague provisions may be used to target the activities of Georgian civil society and citizens. In order to protect an independent civil society, the Georgian government should amend its law to remedy this and ensure its enforcement is consistent with its international and European legal obligations.

⁴ Human Rights Council, Fifty-third session, June 19 - July 14, 2023, “General principles and guidelines on ensuring the right of civil society organizations to have access to resources, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule,” 2023, at <https://docs.un.org/en/A/HRC/53/38/Add.4>.