



Policy Brief:

Inter-state application against Georgia in the European Court of Human Rights

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The Norwegian Helsinki Committee (NHC) and allied civil society organisations urge Member States of the Council of Europe to lodge an inter-State application against Georgia with the European Court of Human Rights (ECtHR). Such an application may, under the current circumstances, prompt the Government to change its policies and amend legislation to ensure compliance with the European Convention on Human Rights (ECHR).

An inter-State application to the ECtHR will protect civil society organisations currently facing an existential risk. It could trigger Rule 39 interim measures suspending the implementation of the repressive May 2024 Foreign Agent Law and the April 2025 Foreign Agent Registration Act (FARA). While the former law stigmatises organisations receiving foreign funding as “organisations pursuing the interests of a foreign power”, FARA criminalises non-compliance and enables surveillance. A third law, the April 2025 Amendments to the Law on Grants, requires donors to seek governmental approval before funding local partners. Fines for non-compliance can be double the value of the grant.

The implementation of these laws, along with several other measures aimed at undermining the effectiveness of civil society organisations, risks weakening and potentially eradicating the country's once-vibrant civil society. These measures include administrative proceedings and the freezing of bank accounts. The government has also taken control of the courts, including the Constitutional Court, to ban opposition political parties.

Media freedom has declined sharply since 2024. Georgia's press freedom ranking fell to 135th out of 180 countries in 2026. The government and the Georgian Dream ruling party are exerting greater influence over media content through laws, regulations, and pressure.

Any Party to the Convention may refer to the ECtHR any alleged breaches of the European Convention on Human Rights by another Party under Article 33. Unlike in individual applications, the requirement to exhaust domestic remedies does not apply to inter-State cases that concern ‘allegations of administrative practices’ (*Ukraine and the Netherlands v. Russia*, Judgment of 9 July 2025, § 576).

In such a complaint, it is possible to refer to patterns of violations, thereby presenting a full picture of the human rights situation in the country. In practice, the ECtHR treats inter-State applications as a priority and holds hearings, thereby giving the case visibility. Civil society organisations may also act as third parties to maximise the impact of the proceedings.

The OSCE Moscow Mechanism [report](#) of 24 February 2026 may be used as factual evidence in proceedings before the Court. The report portrays Georgia as a country undergoing rapid democratic backsliding, characterised by increasing repression of dissent, weakened institutions, and serious human rights concerns. According to the report, there is a pattern of violence and other abuses against protesters, opposition leaders and journalists. In some instances, the violence has arguably reached the threshold of torture. There is near-complete impunity for those responsible for these abuses.

Authorities have gradually curtailed freedoms of expression, assembly and association by introducing legislation targeting civil society, the political opposition, independent media and the LGBT+ community. There were also concerns about the right to a fair trial for those facing criminalisation for dissent.

The application should aim to protect Georgia's embattled civil society against existential legal and policy threats.

- Such action aligns with the North European Member States' leadership in defending European democratic values and with their historical role in upholding the rule of law, democracy and human rights. Countries in this region could take the lead in lodging the application, including as many Member States as possible in the action.
- An ECtHR judgment will have a unique authoritative status, making it costly for the Georgian government not to comply.

Political context

The application should be lodged in the context of the situation in Georgia from 2022 to the present. During that period, Georgia's once-vibrant civil society has come under sustained, coordinated attack. The regime, de facto led by oligarch Bidzina Ivanishvili – sanctioned by the United States for undermining Georgia's democratic and Euro-Atlantic future – has openly declared the destruction of civil society its goal. Key regime figures have been sanctioned by the US, UK and the Baltic states and blacklisted by several EU member states.

The legislative crackdown includes:

- May 2024: Enactment of the "Foreign Agent" law, which stigmatises CSOs receiving foreign funding as "organisations pursuing the interests of a foreign power."
- April 2025: Passage of the Foreign Agent Registration Act (FARA), which criminalises non-compliance and enables surveillance.
- April 2025: Amendments to the Law on Grants, which require donors to seek governmental approval before funding local partners. No timelines or legal safeguards are specified. Fines for non-compliance are double the value of the grant.

These laws are modelled on Russia's and Azerbaijan's laws to obliterate independent civil society. The Venice Commission and OSCE/ODIHR have condemned them as clear violations of Articles 10 and 11 of the European Convention on Human Rights.

The Anti-Corruption Bureau has initiated numerous administrative proceedings against Georgian CSOs, significantly undermining their effectiveness. At the end of August 2025, the bank accounts of seven Georgian CSOs were frozen as part of a criminal investigation, effectively halting their operations.

Georgian Dream has hijacked Georgia's judiciary, and domestic remedies are neither available nor effective. For instance, in October 2025, Georgian authorities filed a petition with the Constitutional Court to ban three major opposition parties. Before filing, they amended the legislation in an expedited 4-day process to ensure the parties were banned. After the banning of the political parties, all party members might be prohibited from political activities for life.

The Constitutional Court rejected the petition to suspend the 'Law on Transparency of Foreign Influence' before the court's final decision. It also rejected appeals by President Zurabishvili and more than 30 former opposition MPs challenging the constitutionality of the 26 October 2024 Parliamentary Elections.

On 1 December 2025, a BBC documentary, *When Water Burns*, presented evidence that water cannon used during protests in Georgia in November-December 2024 sprayed water mixed with bromobenzyl cyanide. This World War I-era tear gas, also known as 'camite', is a harmful, toxic chemical that can cause burns, vomiting, shortness of breath and other serious, long-lasting injuries. This was followed by the prosecution of witnesses, journalists and experts who took part in the BBC investigation.

Georgian Dream has hijacked Georgia's judiciary, and domestic remedies are neither available nor effective. While individual applications to the ECtHR must exhaust domestic remedies, inter-State applications face no such restriction and can act preventively.

Furthermore, an inter-state application could:

- Trigger Rule 39 interim measures to suspend the application of the Foreign Agent and Grant laws while the Court considers the case
- Provide a protective legal umbrella for CSOs currently facing existential risk
- Signal strong international resistance to authoritarian rule and to the weaponisation of law to silence dissent

Legal Framework

While the European Commission referred Hungary's democratic backsliding under the Orbán regime to the European Court of Justice, this route is not available in Georgia's case, as Georgia remains outside the EU legal framework.

However, the Council of Europe offers an alternative route to address democratic backsliding in Georgia. In the 1970s, Denmark, Norway, Sweden, and the Netherlands successfully brought an inter-state case against Greece for systemic human rights violations under the military junta. That landmark case helped delegitimise the regime and protect democratic actors. There are also several other examples of inter-state complaints that have yielded results.

The legal points below summarise the legal framework for inter-state complaints under the European Convention on Human Rights.

Jurisdiction and Admissibility

1. The European Court of Human Rights' (the Court) jurisdiction over inter-State applications derives from Article 33 of the European Convention on Human Rights (the Convention).
2. Under the Convention's core principles, the majority of applications to the Court are submitted by individuals, groups of people, or civil society organisations. However, States may also file applications against one another, known as 'inter-State applications' or 'inter-State complaints'.
3. Under Article 33 of the Convention, any Contracting State may bring a complaint alleging violations of the Convention by another State, irrespective of whether it is directly affected by the alleged violation.
4. There have been over 30 inter-State cases since the European Convention entered into force in 1953. Countries such as France, Denmark, Norway, the Netherlands, and Sweden have been applicants in similar cases.
5. According to the case law on inter-State applications, several important characteristics are associated with them.
6. First, Article 33 emphasises two basic categories of inter-State applications. The first comprises cases that raise general issues to protect the public order of Europe. The second comprises cases in which one State complains of violations committed by another State against any identified or identifiable person, non-governmental organisation, or group of individuals (*Slovenia v. Croatia*).
7. Second, an applicant State need not show that it has a specific interest to bring a case. Article 33 of the Convention is grounded in core human rights principles and aims to maintain peace, human rights, and the rule of law in Europe. This is also in line with Article 26 of the Vienna Convention on the Law of Treaties, which provides that treaties must be performed in good faith ('pacta sunt servanda'), a principle that applies to the Convention (*Georgia v. Russia* (ii) Dissenting opinion).
8. The Convention allows any Contracting State to require the observance of those obligations without having to justify an interest, for example, by showing that a measure it complains of has prejudiced one of its own nationals. The applicant Contracting Party may complain about general issues, such as systemic problems, shortcomings, and administrative practices, in another Contracting Party (*Cyprus v. Turkey*). This is because inter-State applications are based on the idea of a collective guarantee. All States share

responsibility for ensuring that human rights are respected (*Ireland v. the United Kingdom and Cyprus v. Turkey*).

9. Norway, together with other states, can lodge such an application with the primary goal of vindicating the public order of Europe within the framework of collective responsibility under the Convention.
10. Moreover, the question of whether the applicant State recognises the respondent State's government is immaterial in such cases. In any event, recognition of an applicant Government by a respondent Government is not a precondition for the institution of proceedings (*Loizidou v. Turkey* (preliminary objections)).
11. States thus can lodge a complaint without having to recognise the Georgian Dream government.
12. It is also sufficient that violations are alleged, as no proof of breach is required for a complaint under Article 33. This follows from both the English text (“alleged breach”) and the French wording (“qu'elle croira pouvoir être imputée”), which indicate that, in principle, an allegation of such a breach is sufficient under this provision (*France, Norway, Denmark, Sweden, Netherlands v. Turkey*).
13. There are numerous reports issued by local and international institutions documenting several violations of the Convention in Georgia. These include resolutions from the Council of Europe, assessments by the Venice Commission, and findings of the OSCE Moscow Mechanism.
14. Available information is sufficient to substantiate allegations of violations of several fundamental rights under the Convention.
15. Finally, an inter-state application, if submitted as part of collective responsibility, is subject to different requirements regarding the exhaustion of local remedies. According to the case law, the Convention's provisions on the exhaustion of domestic remedies do not apply to applications under Article 33, the object of which is to determine the compatibility of legislative measures with the Convention (*France, Norway, Denmark, Sweden, Netherlands v. Turkey*).
16. More specifically, the rule does not apply when the applicant State complains of a practice as such, to prevent its continuation or recurrence, without asking the Court to give a decision on each of the cases put forward as proof or illustrations of that practice.
17. The rule on exhaustion of local remedies under Article 35(1) thus does not apply to categories of inter-State applications in which the applicant State complains of an administrative practice. In these cases, the applicant asks the Court to determine whether the practice is compatible with the provisions of the Convention to prevent its continuation or recurrence, but does not ask the Court to give a decision on each of the cases put forward as proof or illustrations of that practice (*Ireland v. the United Kingdom and Georgia v. Russia (II)*).
18. It is possible to submit an inter-state application to determine the compatibility of administrative practices to prevent the repetition of such practices and the continuation of ongoing violations, without having to comply with the strict requirements of Article 35(1).
19. Based on the aforementioned analysis, Member States can submit an inter-state complaint against Georgia.

Human rights violated

Norway should challenge the following administrative practices (the list is not exhaustive): lack of free and fair elections; lack of an effective legal remedy; the existence of political prisoners; the state-driven dismantling of the independent media and civil society; discrimination against sexual minorities; the imposition of unnecessarily strict restrictions on foreign funding of CSOs; the banning of opposition political parties; the banning of out-of-country voting; the excessive use of force against the civilian population; persecution and arbitrary detentions; mistreatment of detained persons; the use of prohibited chemical agents against the civilian population.

Under the Convention, these practices constitute violations of:

- Article 3 (Torture or inhuman treatment).
- Article 5 (Right to liberty and security).
- Article 6 (Right to fair trial).
- Article 8 (Right to respect for private and family life).
- Article 10 (Freedom of expression).
- Article 11 (Freedom of assembly and association).
- Article 14 (Prohibition of discrimination).
- Article 3 of Protocol 1 (Right to free elections).

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